

# DALLAS CITY COUNCIL

## AGENDA

**Mayor Jim Fairchild Presiding**

**Monday, June 2, 2008, 7:30 PM**

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

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. Public participation is encouraged. If you desire to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item, or sign in on the provided card. If you wish to address the Council on any item not on the agenda, you may respond as the Mayor calls for questions and/or comments from the audience.

### **1. ROLL CALL**

---

### **2. APPROVAL OF MINUTES**

- 2.1. Approval of minutes of the May 19, 2008, Council meeting. (Page 3)
- 

### **3. REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

- 3.1. Report of May 27, 2008 Administrative Committee Meeting (Kevin Marshall, Chair). (Page 7)
- 
- 3.2. Report of May 27, 2008 Public Safety Committee Meeting (David Shein, Chair). (Page 22)
- 

### **4. QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE**

---

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

- 5.1. City Manager's Reports
- a. Employee Recognition (Kevin Sailor)

---

  - b. Discussion concerning the Citizen Survey results and proposed workshop (Page 41)

---

  - c. Planning Commission member appointments (Page 42)

---

  - d. Discussion concerning appointments/reappointments to Dallas Economic Development Commission. (Page 48)

---

e. Discussion concerning appointments/reappointments to Library Board. (Page 49)

---

f. Department reports for April [Community Development (including Aquatic Center and Library), Fire and Ambulance, Police and Public Works.] (Page 59)

---

g. Discussion regarding June Building and Grounds / Public Works Committee meeting

---

h. Other

---

## **6. COMMUNICATIONS AND PETITIONS**

6.1 Approval of Polk County's 2007 Opportunity to Recycle Report (Page 77)

---

## **7. PUBLIC HEARINGS**

7.1. Public hearing on the 2008-2009 City of Dallas Budget and use of State Revenue Sharing Funds. (Page 79)

---

7.2. Public hearing on proposed bond issues. (Page 82)

---

## **8. RESOLUTIONS**

8.1 Resolution No. 3154: A Resolution authorizing the transfer of budgetary funds. (Page 123)

---

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

9.1. Ordinance No. 1687: An Ordinance changing the zoning designation of a parcel of real property owned by Raymond Baker and Daniel Carver from Residential Agricultural to Residential Medium Density. (Page 125)

---

## **10. SECOND READING OF ORDINANCE**

10.1. Ordinance No. 1686: An Ordinance repealing Sections 4.000 through 4.298 of the Dallas City Code, relating to Public Sewers, Private Sewage Disposal, Building Sewers and Connections, and Pretreatment; and adopting new provisions in lieu thereof. (Page 131)

---

## **11. OTHER BUSINESS**

---

## **12. ADJOURNMENT**

Note: Following the Council meeting, there will be an Executive Session to evaluate the City Manager as authorized in ORS 192.660(2)(i).

There will be a Dallas Community Development Commission Urban Renewal Agency meeting following the Council meeting.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

The Dallas City Council met in regular session on Monday, May 19, 2008, at 7:30 p.m. in the Council Chambers of City Hall with Mayor Fairchild presiding.

**1. ROLL CALL**

Council members present were: Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Voves, and Councilor LaVonne Wilson. Member excused: Councilor David Shein.

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City Manager Kim Marr, Community Development Director Jason Locke, Finance Director Marcia Baragary, Fire Chief Bill Hahn, Police Chief Jim Harper, Public Works Director Fred Braun, and Recording Secretary Emily Gagner.

**2. APPROVAL OF MINUTES**

Hearing no corrections, Mayor Fairchild declared the minutes of the May 5, 2008 Council meeting approved as presented.

**3. REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

Councilor Dalton mentioned the Saturday Cleanup addressed the traffic island at the corner of Hankel Street and Main Street. They also mowed the lawn at the abandoned Shell station at Washington and Main Streets.

**4. QUESTIONS OR COMMENTS FROM THE AUDIENCE**

Candy Thommen, President of Dallas Senior Center, stated she is upset with what Mr. Scatterday said at the last Council meeting. She noted that if the Senior Center facility was as nice as the Aquatic Center, they would have far more users. Ms Thommen indicated that she sent the letter out in support of the Community Activities Coordinator and stated she was disappointed that the Council just passed the pile of letters around and did not read them.

Mayor Fairchild stated the Council would move next to item 7 on the agenda, the public hearing.

**7. PUBLIC HEARINGS**

**7.1 A PUBLIC HEARING ON THE RECOMMENDATION FOR APPROVAL OF A ZONE CHANGE ON A 15.7 ACRE PORTION AT 1130 WEST ELLENDALE AVENUE UPON THE REQUEST OF RAYMOND BAKER AND DANIEL CARVER, OWNERS OF RECORD**

Mayor asked for any declarations of ex parte contacts or conflicts of interest. There were none.

Community Development Director Jason Locke presented the staff report, noting the recommendation from the Planning Commission was for approval of the zone change from Residential Agriculture (RA) to Residential Medium Density (RMD) with two conditions. This zone change reflects what is shown in the Comprehensive Plan, and Mr. Locke explained that the Council adopted the change to the Comprehensive Plan in February of this year.

Mayor Fairchild asked for questions from the Council. Councilor Kevin Marshall asked if there was a time frame planned for the rest of the development. Mr. Locke explained that depends on the current market situation. Councilor Dave Voves asked if there will be another access in and out of the development other than the extension of Wyatt Street built with the first phase. Mr. Locke explained there will eventually be a connection to James Howe Road and also other east-west connectivity. City Attorney Lane Shetterly reminded the Council that this is not a development application, so these issues are not applicable; the Council is only looking at the zone change in the southeast quadrant, which is already in the Comprehensive Plan.

Mayor Fairchild called for the applicant's presentation. Ray Baker, owner, explained he and

1 Dan Carver bought this property fourteen years ago, and they have been waiting patiently to  
2 develop it. Mr. Baker noted they worked with the City to make improvements on West Ellendale  
3 Avenue, both on their property and offsite.  
4

5 Mayor Fairchild asked for comments in favor of the application. There were none. Mayor  
6 Fairchild asked for comments in opposition of the application. There were none. Mayor  
7 Fairchild asked for persons with comments or questions. Mary Samerrote and George Samerrote  
8 asked if condominiums may be built on the development. City Attorney Shetterly noted that is  
9 allowed in the RMD zone. Ms Samerrote commented that the street plan looks like it will cause  
10 a bottleneck. Mayor Fairchild explained the developers will need to do a traffic study before the  
11 development proceeds, but that is the step after the zone change is accepted. Dr. Samerrote  
12 asked if the developer will need to do an environmental impact statement. Mr. Wyatt advised  
13 that a wetland determination has already been completed and was submitted with the initial  
14 development proposal. Ms Samerrote asked if the developer intended to build a barrier such as a  
15 fence or wall between their property and the residential neighbors to the east. Mr. Wyatt  
16 explained that is outside the parameters of the zone change application. City Attorney Shetterly  
17 added that a barrier would be addressed with the actual development phase of the project.  
18

19 Ray Baker, applicant, stated they have considered condominiums in a portion of the RMD zone.  
20 At this point, they don't know what exactly will be done, but they fully anticipate five acres of  
21 apartments right next to West Ellendale Avenue.  
22

23 Mayor Fairchild closed the public hearing at 8:03 p.m.  
24

25 Mayor Fairchild asked the Council if there was any discussion on the zone change. Council  
26 President Woods moved to have staff prepare an Ordinance for a zone change from Residential  
27 Agriculture to Residential Medium Density as presented. The motion was duly seconded and  
28 CARRIED UNANIMOUSLY with Council President Ken Woods, Jr., Councilor Brian Dalton,  
29 Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes  
30 Scroggin, Councilor David Voves, and Councilor LaVonne Wilson voting YES.

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

### 32 33 5.1 a) CITY MANAGER'S SIX-MONTH PERFORMANCE REVIEW

34  
35 Mr. Wyatt indicated the performance review packet is the same that was used previously. He  
36 noted that following the June 2 Council meeting, they will meet in Executive Session to discuss  
37 the evaluations.  
38

### 39 5.1 b) CITY/SCHOOL WORKSHOP

40  
41 Mr. Wyatt stated he has been speaking with Superintendent Christy Perry regarding school  
42 priorities, facilities, partnerships, growth areas, properties they are looking at, and  
43 Comprehensive Plan amendments. Mr. Wyatt indicated that when the City addresses the  
44 Comprehensive Plan, there is a school resource element required, so this would be a good  
45 opportunity to look at this. He added it is a good time to talk about projects the School District  
46 has pending, such as the November bond measure for school facilities. Mr. Wyatt stated the  
47 School Board is available Thursday night, May 29, for a joint meeting at the District Office. The  
48 Council agreed that the meeting would be held at 7:30 p.m. on May 29.  
49

### 50 5.1 c) REPORT ON MAY 13, 2008, PLANNING COMMISSION MEETING

51  
52 Mr. Wyatt indicated there were two items on the agenda. The first was an application to allow a  
53 duplex at 472 SE Hankel Street. The motion was approved with two conditions. The second  
54 item was to partition two lots into three in the heavy industrial zone. That motion was approved  
55 with six conditions. Mr. Wyatt stated the Planning Commission also reviewed the  
56 Transportation System Plan.  
57

### 58 5.1 d) BILLS OF THE CITY FOR THE MONTH OF APRIL

59

1 There were no questions about the bills for the month of April.

2  
3 5.1 e) OTHER

4  
5 **6.0 COMMUNICATIONS AND PETITIONS**

6  
7 **6.1 ALLIED WASTE SERVICES REQUEST FOR INCREASE IN GARBAGE AND**  
8 **COLLECTION RATES**

9  
10 Mr. Wyatt introduced Chuck Lerwick with Allied Waste Services of Dallas. He explained it has  
11 been three years since the Council approved a rate increase, noting this increase is requested at  
12 12.6% for residential customers, but overall is a 7.6% increase. He added we are working with a  
13 1982 franchise agreement, and the City will be looking at updating that soon. Mr. Wyatt  
14 indicated the rate increase is needed due to the high cost of petroleum products and  
15 transportation issues.

16  
17 Mr. Lerwick explained that with this increase, Allied Waste Services will be adding two new  
18 programs; commingled recycling and yard debris. Councilor Lamb commented that he  
19 understood there would be no curbside glass recycling. Mr. Lerwick confirmed that glass would  
20 not be accepted in the commingled recycling at this time, but they would still accept it at the  
21 Depot on West Ellendale. Councilor Lawson asked if there would be some type of labeling so  
22 customers would know which week is yard debris pickup and which is recycling. Mr. Lerwick  
23 indicated they will be doing mailings, including a calendar stating which week each can will be  
24 picked up. Councilor Dalton asked about commercial businesses in the downtown area leaving  
25 trash bags on the ground next to their trash carts. Mr. Lerwick indicated he works with the Code  
26 Enforcement Officer to inform him of those violations. In response to a question, Mr. Lerwick  
27 indicated they will always have a spring cleanup day in April.

28  
29 Kevin Marshall moved to have the City Attorney draft a resolution authorizing the increase for  
30 Dallas Allied Waste Services. City Attorney Shetterly stated that the request was for a June 1  
31 effective date, but the next Council meeting isn't until June 2. Mr. Lerwick stated their billings  
32 are completed by the first of the month, so they really need that effective date. Councilor  
33 Lavonne Wilson asked if the Council could vote on the resolution at their meeting with the  
34 School District on May 29. City Attorney Shetterly stated that would be acceptable as long as it  
35 was appropriately posted. The Council agreed to hold a business meeting on May 29 to take  
36 action on the Resolution. The motion was duly seconded and CARRIED UNANIMOUSLY with  
37 Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor Warren Lamb, Councilor  
38 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Voves,  
39 and Councilor LaVonne Wilson voting YES.

40  
41 **6.2 OLCC APPLICATION FOR A NEW ESTABLISHMENT AT 628 SE JEFFERSON**  
42 **STREET**

43  
44 Mr. Wyatt reviewed the OLCC application for a new establishment at 628 SE Jefferson Street.  
45 The Police Chief has reviewed the application for the Dusty Spur Pizza Co. and has no concerns.  
46 Mr. Wyatt indicated he recommends approval. Councilor Lamb moved to approve the OLCC  
47 application for a new establishment at 628 SE Jefferson Street. The motion was duly seconded  
48 and CARRIED UNANIMOUSLY with Council President Ken Woods, Jr., Councilor Brian  
49 Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall,  
50 Councilor Wes Scroggin, Councilor David Voves, and Councilor LaVonne Wilson voting YES.

51  
52 **6.3 POLK COUNTY USE OF DEADLY PHYSICAL FORCE RESPONSE PLAN**

53  
54 Mr. Wyatt stated this plan was created in response to requirements from Senate Bill 111 and was  
55 developed in accordance to established requirements. Polk County is asking for all cities in Polk  
56 County to approve the plan and have each City Manager sign the document and return it. Police  
57 Chief Jim Harper reviewed the history of Senate Bill 111, which looks at how to investigate and  
58 deal with the use of deadly physical force by police officers. The Polk County plan addresses the  
59 protocol covering investigations and who does what after an incident. It ensures the officer  
60 involved in the shooting is given opportunities for counseling, and given a proper amount of time

1 to return to service. Chief Harper noted this matches the City's policy, which requires that we  
2 incorporate the County's plan. In response to a question, Chief Harper explained this only  
3 covers people who die due to the use of deadly physical force, not someone who dies of natural  
4 or self-inflicted causes. Councilor Lawson moved to approve the Polk County Use of Deadly  
5 Physical Force Response Plan. The motion was duly seconded and CARRIED  
6 UNANIMOUSLY with Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor  
7 Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin,  
8 Councilor David Voves, and Councilor LaVonne Wilson voting YES.

9  
10 **8. RESOLUTIONS**

11  
12 **8.1 Resolution No. 3152**

13  
14 A Resolution establishing a schedule of rates and fees to be paid by persons using the Dallas  
15 Aquatic Center and repealing Resolution No. 2996.

16  
17 Mr. Wyatt reviewed the discussion from the last Council meeting.

18  
19 A roll call vote was taken and the Mayor declared Resolution No. 3152 to have PASSED BY A  
20 UNANIMOUS VOTE with Council President Ken Woods, Jr., Councilor Brian Dalton,  
21 Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes  
22 Scroggin, Councilor David Voves, and Councilor LaVonne Wilson voting YES.

23  
24 **9. FIRST READING OF ORDINANCE**

25  
26 **9.1 Ordinance No. 1686**

27  
28 An Ordinance repealing Sections 4.000 through 4.298 of the Dallas City Code, relating to Public  
29 Sewers, Private Sewage Disposal, Building Sewers and Connections, and Pretreatment; and  
30 adopting new provision in lieu thereof.

31  
32 The Mayor declared Ordinance No. 1686 to have passed its first reading.

33  
34 **10. SECOND READING OF ORDINANCE**

35 **11. OTHER BUSINESS**

36 Mayor Fairchild explained there would be a Budget Committee and an Urban Renewal Budget  
37 Committee meeting following the Council meeting.

38 There being no further business, the meeting adjourned at 8:41 p.m.

39 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

40  
41 \_\_\_\_\_  
42 Mayor

43 ATTEST:

44 \_\_\_\_\_  
45 City Manager

## POST MEETING AGENDA

### ADMINISTRATIVE COMMITTEE

Monday, May 27, 2008

4:00 p.m.

Kevin Marshall, Chair

Brian Dalton

David Shein

LaVonne Wilson

Ken Woods, Jr.

1. Report and recommendation on agreement with general employees for 2008-09 Cost of Living increase

Review cost of living adjustment of 3.8%.

---

2. Community Garden

Recommend directing staff to continue to work with Grace Baptist Church to develop a community garden at 1855 E Ellendale Avenue, including a well.

---

3. Dallas High School Sign
- 

4. City Electric Vehicle

Recommend further consideration and Council support for the purchase/lease of an electric vehicle for the parks department.

---

5. Assistant City Manager's Report
- 

6. Finance Director's Report
- 

7. Other
- 

8. Adjourn

Members Present: Chair Kevin Marshall, Brian Dalton, David Shein, LaVonne Wilson, and Ken Woods, Jr.

Also Present: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City Manager Kim Marr, Finance Director Marcia Baragary, and Recording Secretary Emily Gagner.

Chair Kevin Marshall called the meeting to order at 4:33 p.m.

**Report and recommendation on agreement with general employees for 2008-2009 cost of living increase**

City Manager Jerry Wyatt reviewed his recommendation for a cost of living adjustment for employees of 3.8% based on the Consumer Price Index. He explained that he met with employees and presented the different plan options to them. Mr. Wyatt indicated the employees decided to go with the I-C plan and the Copay plan. Finance Director Marcia Baragary stated the biggest difference between the two plans is that the copay plan has a \$20 copay for any doctor visit, regardless of whether the deductible is met or not. Mr. Wyatt pointed out the collective bargaining unit is remaining with the V-C/I-C plan options for the present.

Councilor David Shein moved to recommend the Council approve the cost of living adjustment as submitted. Councilor Brian Dalton noted this is quite a benefit to employees and stated he would like to see the employee's pay slips include these benefits, including PERS, so they could see the total of their benefit package. Ms Baragary stated she would look into whether our new payroll system could do that. The motion was duly seconded and carried unanimously.

**Community Garden**

Mr. Wyatt stated that last year the community garden, spearheaded by Sue Lamb and the Marion/Polk Food Share, used City-owned property north of Miller Avenue. He indicated that area is dead and that Grace Baptist Church has been working with the Marion/Polk Food Share to offer their site on Ellendale Avenue. Mr. Wyatt advised that Grace Baptist Church has approached the City about using city water for the garden or digging a well. City staff has talked with the Water Master and determined that a well would be feasible. There would be no impact to the City by a well, and staff would confirm that no cross connection occurs.

Councilor Dalton moved to direct staff to continue to work with Grace Baptist Church to develop a community garden at 1855 E Ellendale Avenue, including a well. The motion was duly seconded and carried unanimously.

**Dallas High School Sign**

Mr. Wyatt explained that this proposal went to subcommittee and he has been working with Christy Perry and Grant Boustead. He noted neither of them are comfortable with the appearance of the sign and are not sold on the location. He stated staff will continue to work with them on the location, adding any sign they do will be considered an offsite sign when they post event notices. There was discussion that the current proposal is too modern and the advertising detracts from the appearance.

**City Electric Vehicle**

1 Mr. Wyatt stated that we have an opportunity with the current park truck needing replacement, something  
2 that was budgeted in the 2008/09 budget, to consider purchasing an electric vehicle for the replacement.  
3 The vehicle would fit within the fleet, would work on the trail system, and perform all the functions re-  
4 quired, including delivering small equipment. Mr. Wyatt pointed out there would be considerable fuel  
5 and maintenance cost savings and these operate for one-tenth the cost of a gas vehicle.

6 Councilor Dalton moved to recommend further consideration and Council support for the purchase/lease  
7 of an electric vehicle for the parks department. In response to questions, Mr. Wyatt stated he will check  
8 with other municipalities to see if there are any concerns, such as tipping. The motion was duly seconded  
9 and carried unanimously.

#### 10 **Assistant City Manager's Report**

11 Assistant City Manager Kim Marr discussed her report.

#### 12 **Finance Director's Report**

13 Ms Baragary reviewed her report. There was discussion about the transient lodging tax and the status of  
14 the Visitor's Center's 501(c)(3) application. City Attorney Lane Shetterly stated we can change the or-  
15 dinance as needed, but will need to work with the Visitor's Center to make sure they won't have to pay  
16 taxes on the money we give them.

#### 17 **Other**

18 There was no other business and the meeting was adjourned at 5:01 p.m.

**MEETING AGENDA**

**ADMINISTRATIVE COMMITTEE**

Monday, May 27, 2008

4:00 p.m.

Kevin Marshall, Chair  
Brian Dalton  
David Shein  
LaVonne Wilson  
Ken Woods, Jr.

1. Report and recommendation on agreement with general employees for 2008-09 Cost of Living increase
- 

2. Community Garden
- 

3. Dallas High School Sign
- 

4. City Electric Vehicle
- 

5. Assistant City Manager's Report
- 

6. Finance Director's Report
- 

7. Other
- 

8. Adjourn

# DALLAS ADMINISTRATIVE COMMITTEE

## REPORT

**TO: MAYOR JIM FAIRCHILD AND ADMINISTRATIVE COMMITTEE MEMBERS**

<i>City of Dallas</i>	<b>Agenda Item No.</b>	<b>Topic:</b> Cost of Living Adjustment, July 2008
<b>Prepared By:</b> Jerry Wyatt	<b>Meeting Date:</b> May 27, 2008	<b>Attachments:</b> Yes <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		No <input checked="" type="checkbox"/>

This memo outlines my recommendation for a Cost-of-Living adjustment for employees effective July 1, 2008. As City Manager, I have met with the employees to work out a reasonable salary and fringe benefit increase that will be presented to the Council in June.

In the past, we have used the January-to-January change in the Consumer Price Index (CPI-W) as a principle guide in identifying possible annual increases. From January 2007 to January 2008, the increase in the CPI-W for Portland was 3.8%. This amount was included in the City budget adopted by the Budget Committee.

This year, we were notified that the estimated health and dental insurance premium increase would be 8%. During the last month, I met with employees and agreed to maintain the current I-C PPP Plan and a new Copay Plan. Under the agreement, the City will offer two “no cost” plans to the general employees, for which the City would pay the entire premium. Therefore, I recommend to the Administrative Committee that you recommend the following salary and fringe benefit increases to the City Council:

*Salary increase of 3.8% and the City will continue to pay the cost of the \$300/\$900 deductible Plan I-C health insurance with Preferred Provider Option, vision, dental, alternative care, life, and disability coverage, and the \$250/\$750 deductible Copay Plan with Preferred Provider Option, vision, dental, alternative care, life, and disability coverage. I am recommending an increase in life and disability coverage from \$25,000 to \$50,000.*

This year we have agreed to offer the same healthcare plans to the Police Association. However, at the commencement of the June 2010 contract, we will open up discussion on future healthcare options. Healthcare options must be in compliance with City County Insurance Services, our risk management pool.

# DALLAS ADMINISTRATIVE COMMITTEE

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No.	<b>Topic:</b> Community Garden at Grace Baptist Church
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> May 27, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED MOTION:** Direct staff to continue to work with Grace Baptist Church in the development of the community garden at 1855 E. Ellendale Ave.

**BACKGROUND:** Last year the city sponsored the community garden located north of Miller Ave., which was very successful. Working with Marion Polk County Food Share the group is now developing a site at 1855 E Ellendale to replace the garden located north of Miller Ave. In April of 2008, the group requested permission to dig a well on the site. The City Public Works Department working with the water master will require city code compliant cross connection protection, however no other impact to the water table or city system is identified.

**FISCAL IMPACT:** None.

**ATTACHMENTS:** None.

# DALLAS ADMINISTRATIVE COMMITTEE

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No.	<b>Topic:</b> School District Sign Proposal
<b>Prepared By:</b> Lane Shetterly	<b>Meeting Date:</b> May 27, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED MOTION:** Direct staff to continue to work with the School District to find a solution for the off premise sign request or compliance within the existing sign code.

**BACKGROUND:** The School District is proposing to erect an "off premise" "ground sign - permanent." Both of these terms are defined in DCC 9.901 and appear to apply. I think it would also constitute an "animated" sign, as described in 9.912, although "animated" is not specifically defined in the code. There are several code provisions that would apply to the sign, and at least some would need to be changed or excepted in order to allow it. The applicable code sections are as follows:

Section 9.912(1), prohibits animated signs.

Section 9.942, establishes a 30-foot height limit for ground signs.

Section 9.975, prohibits off-premise ground signs in the area bounded by Washington, Jefferson and Church Streets and the Rickreall Creek. That would cover the site on which this sign is proposed.

Section 9.976, limits the size of an off-premise ground sign to 32 square feet.

Section 9.977, requires a council hearing before approving a permit for an off-premise sign, and establishes the criteria.

Section 9.924, prohibits signs that constitute a visual clearance or traffic hazard. It's not entirely clear that the specific language of this code section would apply to the sign they have proposed, but you mentioned its proximity to the Academy Street intersection as at least an issue of concern.

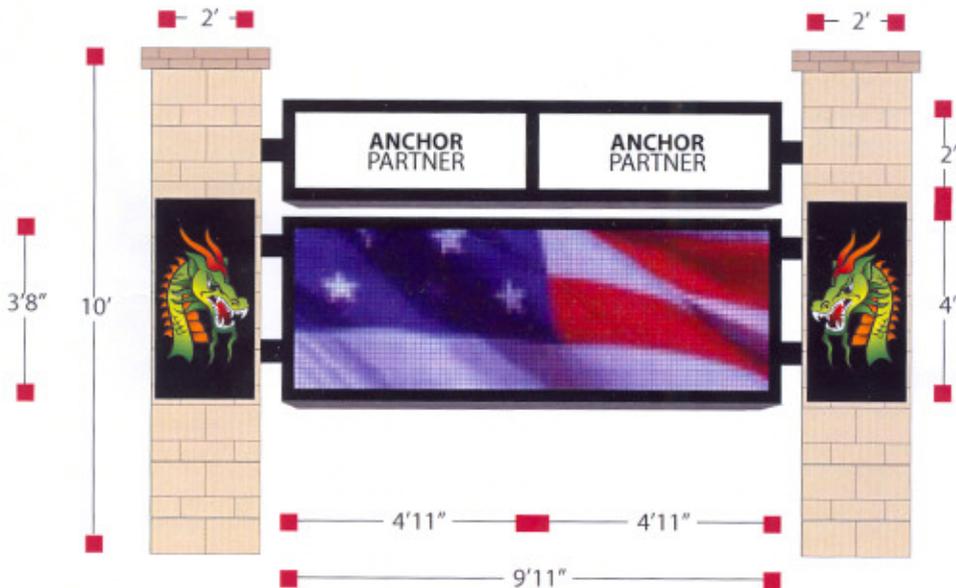
If the council wants to permit what the district has proposed, one way to do it would be to adopt an ordinance that effectively excuses the district from compliance with Sections 9.912(1) (animated sign) and 9.975 (off-premise ground sign in the downtown core). Depending on size and height design, it may also need to excuse compliance with 9.942 (height) and 9.976 (size). This is all a policy call as well as a code amendment, but at least those code requirements would have to be addressed. (There are other provisions that relate to technical requirements for

electrical signs, see 9.928 - 9.931, for instance, but I assume those would be met by the proposal.)

Section 9.915 allows a variance process for non-conforming signs that were in existence when the sign code took effect. Section 9.989 is a broader variance provision, which allows a variance based on unique building design or location. The language of this section doesn't appear to apply to ground signs, so does not appear to be available for the district's request. Also, it requires a showing of hardship that could be hard to meet in this case. Nevertheless, if there is an interest in allowing the district's sign proposal to move forward, another option would be to amend the variance standards in Section 9.989 to allow the district to seek a variance.

FISCAL IMPACT: None.

ATTACHMENTS: Sign location and appearance plan.



### OUTDOOR MARQUEE OPTION 3 | Les Schwab

- **Galaxy® Display | AF-3400-48x144-20-RGB-SF**  
 One (1) 3'8"h x 9'11"w full color display
- **Logo Panels | Non-backlit Aluminum**  
 Two (2) 4'h x 2'w routed aluminum panel
- **Ad Panel | Non-backlit Aluminum**  
 Two (2) 2'h x 4'11"w Anchor logo panel



# DALLAS ADMINISTRATIVE COMMITTEE

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No.	<b>Topic:</b> City Electric Vehicle
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> May 27, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION: Staff recommends further consideration and Council support for the purchase/lease of an electric vehicle for the parks department.

BACKGROUND: The 1982 parks department vehicle must be replaced during the 2008/09 Budget. This was a proposed budget item in the 2008/09 budget. Staff is considering a zero emission, no gas miles ZX40ST vehicle which operates at 1/10 the cost of a gas powered vehicle.

FISCAL IMPACT: Annual savings in fuel/maintenance cost alone is estimated at over \$1,500.

ATTACHMENTS: Electric vehicle brochure.



VAN

## THE MEGA

- 100% Electric Powered Drive System
- Environmentally Friendly Operation
- Multiple Configurations Available
- Comfortable Drivers Compartment
- Convenient and Intuitive Operator Controls

LOW SPEED VEHICLE (LSV/NEV) &  
NON-ROAD UTILITY VEHICLE MODELS AVAILABLE



The MEGA Interior

**Available in multiple configurations**



DROPSIDE



TiltBed



CARGO BED



REFUSE HAULER

## Standard Equipment

- On board charger
- "Lights on" warning buzzer
- Steering lock
- Turn Signals
- Emergency hazard lights
- Safety belts
- Inside rearview mirror
- Center storage pocket
- Tinted glass
- Economy and standard drive mode
- Dashboard maintenance alert indicator
- Single point battery watering system

## Options

- 3 color choices
- Wheel covers
- Sun visors
- Strobe light
- Rollup side van door
- 6 model configurations
- Maintenance free batteries
- Windshield wiper & washer
- Outside rearview mirrors
- 3-speed heater with defrost

### Performance

<b>Passenger Capacity</b>	- 2
<b>Maximum Rated Speed</b>	- up to 25 MPH
<b>Range - Standard Battery Group</b>	- Up to 50 miles*
<b>Turning Radius</b>	- 19 feet

### Technical

<b>Traction Power System</b>	- 48 Volt
<b>Motor</b>	- 11kW Separately Excited
<b>Speed Control</b>	- Solid State, Regenerative Braking
<b>Charger</b>	- 110 - 240 VAC, 50 / 60 Hz
<b>Drive</b>	- Front Wheel, Direct
<b>Steering</b>	- Rack & Pinion
<b>Hydraulic Brakes - Front/Rear</b>	- Disc / Drum
<b>Independent Suspension - Front</b>	- MacPherson Strut / Coil
<b>Independent Suspension - Rear</b>	- Coil / Shock
<b>Tires</b>	- 145/70R13
<b>Chassis</b>	- Aluminum Construction

## MEGA Chassis

Also available as a base vehicle platform for special equipment mounting or vehicle customization.



	Mega Van	Mega DropSide	Mega TiltBed	Mega Cargo Bed	Mega Refuse Hauler	Mega Chassis
<b>Dimensions</b>						
Overall Length	131.1"	131.1"	131.1"	131.1"	131.1"	122.1"
Overall Width (excluding mirrors)	58.7"	60.2"	60.2"	58.7"	60.2"	58.1"
Overall Height	72.1"	70.9"	70.9"	70.9"	72.1"	70.9"
Wheel Base	91.5"					
Front Ground Clearance	6.1"					
Rear Ground Clearance	7.9"					
Front Track	51.1"					
Rear Track	50.1"					
<b>Weight</b>						
Unladen Weight	1488 lbs.	1477 lbs.	1561 lbs.	1401 lbs.	1638 lbs.	1301 lbs.
Rated Capacity	981 lbs.	992 lbs.	908 lbs.	1068 lbs.	831 lbs.	1168 lbs.
Gross Vehicle Weight Rating	2469 lbs.					
Maximum Axle Load - Front	1146 lbs.					
Maximum Axle Load - Rear	1521 lbs.					

\* Range will vary depending upon, load, temperature, terrain, and driving style.  
 Note: Specifications subject to change without notice.

# MEMORANDUM

To: Jerry Wyatt, City Manager  
From: Kim Marr, Assistant City Manager  
Date: May 26, 2008  
Re: Administrative Committee

---

## **New Hires and Exits**

Jennifer Canaga has been hired as a full time Paramedic effective June 1, 2008. Jennifer has been a part-time ambulance staff member since July, 2004.

Dennis Farley was hired May 8, 2008, as a Relief Custodian part-time – 16 hours a week.

JanAi Roberts was hired as a part-time Lifeguard and Water Safety Instructor on April 17, 2008.

Melody Eddings, a full-time Paramedic, has resigned effective May 30, 2008 but will continue to work part-time for the Ambulance.

Nita Scroggin, Court/Finance Clerk II, has resigned effective May 28<sup>th</sup>.

Due to budget realignment, Ken Frederic our Building Inspector I was laid off. Also, on June 2, 2008, Michele Campione, the Community Activities Coordinator, will be laid off.

Carol Mundy, a part-time Aerobics/Swim Instructor, resigned in April.

## **Advertising for Police Officer(Eligibility List) and Full Time Paramedic**

Advertisement for a Police officer (Entry Level) and/or Certified Police Officer (Lateral Entry) is open until Friday, June 6<sup>th</sup>. School Resource experience is preferred.

Advertisement for a full time Paramedic will open May 22 and close on Friday, June 13<sup>th</sup>.

## **Healthcare Committee Meetings**

We have met twice with the City's healthcare committee to discuss upcoming healthcare options and CPI for 2008-2009 budget year. The City Manger will be presenting the proposal to the City Council June 2nd.

## **Personnel Issues**

Working with the City Manager on a few departmental issues.

# MEMORANDUM

To: Jerry Wyatt

From: Marcia Baragary

Date: May 27, 2008

Re: Administrative Committee

- I. 2008-2009 City of Dallas and Urban Renewal Agency budgets to City Council on June 2, 2008
- II. Review 2007-08 Budget; budget transfer resolution for June 2, 2008 Council meeting
- III. Transient Lodging Tax
- IV. Attending training on Special Districts (Portland); Governmental Accounting and Auditing Conference (Eugene)
- V. Questions from Committee

**POST MEETING AGENDA**

**PUBLIC SAFETY COMMITTEE**

Monday, May 27, 2008

4:00 p.m.

David Shein, Chair  
Brian Dalton  
Kevin Marshall  
LaVonne Wilson  
Ken Woods, Jr.

1. Proposed parking fee increase

Motion to direct the City Attorney to prepare an Ordinance adopting parking citation fees as submitted and change parking enforcement hours to 8:00 a.m. to 5:00 p.m.

---

2. Dog licensing

Motion to direct the City Attorney to prepare an Ordinance that would allow the City to begin dog licensing and prepare a Resolution setting licensing fees the same as Polk County rates and provide a discount for microchipped dogs.

---

3. Police Chief's report

---

4. Fire Chief's report

---

5. Other

---

6. Adjourn

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

Members Present: Chair David Shein, Brian Dalton, Kevin Marshall, LaVonne Wilson, and Ken Woods, Jr.

Also Present: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City Manager Kim Marr, Fire Chief Bill Hahn, Police Chief Jim Harper, Finance Director Marcia Baragary, and Recording Secretary Emily Gagner.

Chair David Shein called the meeting to order at 4:00 p.m.

**Proposed parking fee increase**

Police Chief Jim Harper stated changes in parking fees have been discussed and needed for quite a while. He indicated he researched other cities our size to find out their bails, then averaged those fees to come up with his recommendation. He feels these changes will bring the bail up to a level that is more of a financial deterrent. Chief Harper noted he also recommends changing the hours parking is enforced to 8 a.m. to 5 p.m., which allows staff to handle the downtown area more effectively. Councilor Ken Woods stated he would like to see the fees be the same.

Councilor Dalton moved to recommend adopting the parking citation fees sited in the memo with the exception that all \$25 fees become \$20, and to change the parking hours to 8 a.m. to 5 p.m. The motion was duly seconded and carried unanimously.

**Dog licensing proposal**

Chief Harper reviewed that one area that was cut in the 2008/09 Budget was animal control. In anticipation of that, staff is looking at taking over licensing of animals in the city. We would have to set up an ordinance to handle licensing, as well as a computer program and accounting program to facilitate the process. Chief Harper estimates 30 to 35% of all households in Dallas have one or more dogs and there are currently 2,500 dogs licensed with Polk County that live in Dallas. That means there are a lot of unlicensed dogs in the city that are not documented for rabies shots and other safeguards that licensing assures. Chief Harper indicated that if handled correctly, this program would be a substantial revenue source and would help fulfill the issues of animal control. All dogs that are licensed with the County would remain licensed with them until their term ends. There would be exemptions for assistance animals or those training to be assistance animals. Chief Harper noted they would propose giving a discount for dogs that are microchipped.

Councilor Lavonne Wilson moved to recommend to the Council to adopt an ordinance that would allow the City to begin dog licensing. Councilor Dalton amended the motion to include a discount for microchipped dogs. City Attorney Shetterly clarified that the motion is to set the dog licensing fees the same as the county rates and to provide a discount for microchipped dogs as discussed. The motion was duly seconded and carried unanimously.

1 **Police Chief's Report**

2

3 Chief Harper reviewed the Police Chief's report.

4

5 **Fire Department and Ambulance Service Report**

6

7 Fire Chief Bill Hahn reviewed his report.

8 **Other**

9 There being no further business the meeting was adjourned at 4:32 p.m.

ORDINANCE NO. \_\_\_\_\_

Compared format. New matter appears in **bold**; matter to be deleted appears in *italics* and brackets.

An Ordinance Amending DCC 5.382 Regarding Licensing of Dogs; and amending DCC 5.382 and 5.384.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. DCC 5.382, entitled "License Required," is amended to read as follows:

"DCC 5.382. License Required.

*[The owner or custodian of a dog shall obtain a license for the dog as provided by state law.]*

**"(1) Every person keeping a dog that has a set of permanent canine teeth or is six months old, whichever comes first, shall procure a license for the dog. The license must be procured by paying a license fee to the City, unless payment of the license fee is waived under subsection (5) below, not later than March 1 of each year, or within thirty days after the person becomes keeper of the dog. A dog license shall be valid for one, two, or three years, and shall expire on December 31 of the year, or last license year if issued for either two or three years, for which the license was issued. License fees shall be established by resolution and are nonrefundable.**

**"(2) No license shall be issued for any dog with a set of permanent canine teeth without either:**

**"(a) Certification that the dog has been vaccinated for rabies and that such vaccination is effective until at least November 1 prior to the December 31 expiration of the licensed applied for; or**

**"(b) A certification from the examining veterinarian stating that the dog should be exempted from the requirement for rabies vaccination due to medical reasons, and whether the reason for the exemption is permanent, and if it is not, the date the exemption ends. The reasons for the exemption and a specific description of the dog, including name, age, sex, breed, and**

color shall be recorded by the examining veterinarian on a Rabies Vaccination Certificate which shall bear the keeper's name and address. If the medical exemption is granted for less than the annual license period, the license shall expire 15 days following the expiration of the medical exemption period unless the owner submits a Rabies Vaccination Certificate.

“(3) License tags shall be securely displayed upon dogs at all times, except when the dog is confined to the keeper's premises or displayed in lawful exhibition.

“(4) A license is not transferable to another dog and shall be void upon transfer of a licensed dog to another keeper.

“(5) No license fee shall be required to be paid for any dog in the following circumstances:

“(a) The dog is an “assistance animal” as defined by ORS 346.680, provided the keeper tenders to the Police Department a written statement from a health care professional confirming the dog keeper’s medical need for such a dog.

“(b) The dog is in training to be an assistance animal as defined in ORS 346.680, in affiliation with a recognized organization for the training or placement of assistance animals, provided the trainer tenders to the Police Department a written statement attesting to such status of the dog.

“(c) The dog’s keeper moves into the City of Dallas or the dog’s owner transfers the keeping of the dog to a person who resides in the City, and the dog has a current license from another jurisdiction, provided the dog remains in the possession of the keeper to whom such license was issued.

“(d) The dog is kept primarily in kennels for commercial sale and is not permitted to run at large.

A license shall be issued for such dog upon a determination that the dog qualifies for a license fee waiver for the annual license period.”

Section 2. Licenses issued by Polk County, Oregon prior to and effective as of the effective date of this ordinance shall remain valid until their expiration date.

Section 3. DCC 5.384, entitled “Impoundment,” is amended to read as follows:

“DCC 5.384 (1) When a dog is impounded under authority of section

5.380, the animal control officer shall give written notice to the owner or custodian of the dog, either by personal service or by posting notice on the front door to the owner or custodian's residence, if the dog has, on a tag or otherwise on the dog, information sufficient to enable the animal control officer to serve the owner or if the animal control officer has actual knowledge sufficient to enable the animal control officer to serve the owner. [(a)] Such notice shall state the name of the dog, if known, a general description of the dog, the date it was impounded, the amount of the daily boarding fee and the redemption fee, that a license for the dog must be obtained before redemption, and the date after which the dog may be humanely killed or adopted if the dog has not been redeemed.

“(2) The owner or custodian of the dog may reclaim the animal by paying a daily boarding fee and a redemption fee in the amounts set by resolution of the Council.

“(3) No dog shall be released from impoundment until the owner or custodian has obtained a license for the dog as provided by [state law] **section 5.382. In addition the owner or custodian shall implant the dog with microchip identification and registration with an approved national database, and provide proof of such registration within seven days after release from impoundment.**

“(4) If, at the expiration of five days after notice was given, the owner or custodian has failed to reclaim the dog and pay the fees, the dog may be humanely killed or ownership thereof may be transferred to a new owner (adoption) provided the prospective new owner prepays the actual cost of spaying or neutering (which funds shall be transferred to the veterinarian performing the procedure) and thereafter actually has the dog spayed or neutered. The fee for an adoption shall be set by resolution. [(a)] The Chief of Police, or his or her designee, may waive the requirement that the dog be spayed or neutered if, in his or her opinion, it would be unlikely that the dog would deliver or cause unwanted puppies. A prospective new owner may appeal the decision on the waiver to the City Manager by paying an appeal fee set by resolution. The fee for the adoption of a dog shall be set by resolution provided that fee shall be equal to the cost of neutering or spaying the dog if that requirement is imposed.

“(5) If a written notice as described in subsection (1) above cannot be given within five days of impoundment, the dog may thereafter be humanely killed or adopted under the provisions of subsection (4).

Section 4. This ordinance shall be effective \_\_\_\_\_, 2008. [Use this only if we

*want an effective date other than 30 days after second reading and final adoption.]*

Read for the first time:  
Read for the second time:  
Passed by the City Council:  
Approved by the Mayor:

---

JAMES B. FAIRCHILD, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER

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

A Resolution establishing a schedule of fees for dog licensing.

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

Section 1. The following rates shall apply to dog licenses issued by the City of Dallas:

(a) Spayed or neutered dog license:

One year	\$15.00 without microchip identification
Two years	25.00 without microchip identification
Three years	35.00 without microchip identification

One year	\$13.00 with microchip identification
Two years	22.00 with microchip identification
Three years	30.00 with microchip identification

(b) Fertile dog license:

One year	\$35.00 without microchip identification
Two years	67.00 without microchip identification
Three years	95.00 without microchip identification

One year	\$30.00 with microchip identification
Two years	60.00 with microchip identification
Three years	85.00 with microchip identification

(c) Delinquent license charge (after March 1) \$10.00, plus  
license fee

(d) Replacement of lost tags \$5 per lost tag

Section 2. The fees established herein shall be effective as of \_\_\_\_\_, 2008.

Adopted:

Approved:

---

JAMES B. FAIRCHILD, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER

PAGE 1 - Resolution

**MEETING AGENDA**

**PUBLIC SAFETY COMMITTEE**

Monday, May 27, 2008

4:00 p.m.

David Shein, Chair  
Brian Dalton  
Kevin Marshall  
LaVonne Wilson  
Ken Woods, Jr.

1. Proposed parking fee increase

---

2. Dog licensing proposal

---

3. Police Chief's report

---

4. Fire Chief's report

---

5. Other

---

6. Adjourn

# MEMO

TO: JERRY WYATT  
 FROM: JIM HARPER  
 RE: PARKING CITATION BAIL (Public Safety May 27, 2008)  
 DATE: MAY 7, 2008

As a follow-up, I have attached information on parking citation bail schedules. These are recommended based on a survey of our surrounding areas.

I recommend that we consider increasing our bail schedules as follows:

## Parking Citation & Complaint

I. VIOLATION	Current	Proposed
<b>II. Overtime Parking</b>	5.00	\$ 15.00
<b>During Restricted Hours</b>	5.00	\$ 15.00
<b>Restricted Truck Parking</b>	10.00	\$ 15.00
<b>Over 1 Foot From Curb</b>	10.00	\$ 20.00
<b>Over Crosswalk – Sidewalk</b>	10.00	\$ 25.00
<b>Blocking Driveway / Alley</b>	10.00	\$ 25.00
<b>Within 10 Feet of Fire Hydrant</b>	10.00	\$ 25.00
<b>In Restricted Zone (signed or painted)</b>	10.00	\$ 20.00
<b>Overnight Truck Parking</b>	10.00	\$ 20.00
<b>Wrong Side of Street</b>	10.00	\$ 25.00
<b>In Traffic Lane</b>	10.00	\$ 25.00
		\$ 15 / 20 / 25
<b>Issuer:</b>		

\* We are also recommending changing the parking sign hours from the current 9:00 in the morning to 8:00 a.m. – 5:00 p.m., Monday through Friday

# DALLAS PUBLIC SAFETY COMMITTEE

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No.	<b>Topic:</b> Dog Licensing Proposal
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> May 27, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED MOTION:** Recommend to Council to adopt an ordinance that would allow the City to begin dog licensing.

**BACKGROUND:** Because the current Animal Control Officer position is not being funded in the 2008-09 budget, we are looking for alternative funding options. Staff feels the best solution would be to have the City handle dog licensing for residents.

**FISCAL IMPACT:** Possible fiscal impacts include: increased manpower required to perform initial research into program requirements, manpower to issue the licenses and perform record entry, possible new accounting program required, and purchase of supplies. In addition, this would probably require a more than part-time position in order to canvas neighborhoods and perform enforcement duties.

**ATTACHMENTS:** Draft resolution and ordinance to adopt changes.

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

A Resolution establishing a schedule of fees for dog licensing.

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

Section 1. The following rates shall apply to dog licenses issued by the City of Dallas:

(a) Spayed or neutered dog license:

One year	\$17.00
Two years	32.00
Three years	46.00

(b) Fertile dog license:

One year	\$35.00
Two years	67.00
Three years	95.00

(c) Delinquent license charge (after March 1) \$20.00, plus license fee

(d) Replacement of lost tags \$5 per lost tag

Section 2. The fees established herein shall be effective as of \_\_\_\_\_, 2008.

Adopted:  
Approved:

\_\_\_\_\_  
JAMES B. FAIRCHILD, MAYOR

ATTEST:

\_\_\_\_\_  
JERRY WYATT, CITY MANAGER

ORDINANCE NO. \_\_\_\_\_

Compared format. New matter appears in **bold**; matter to be deleted appears in *italics* and brackets.

An Ordinance Amending DCC 5.382 Regarding Licensing of Dogs; and amending DCC 5.382 and 5.384.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. DCC 5.382, entitled "License Required," is amended to read as follows:

"DCC 5.382. License Required.

*[The owner or custodian of a dog shall obtain a license for the dog as provided by state law.]*

**"(1) Every person keeping a dog that has a set of permanent canine teeth or is six months old, whichever comes first, shall procure a license for the dog. The license must be procured by paying a license fee to the City, unless payment of the license fee is waived under subsection (5) below, not later than March 1 of each year, or within thirty days after the person becomes keeper of the dog. A dog license shall be valid for one, two, or three years, and shall expire on December 31 of the year, or last license year if issued for either two or three years, for which the license was issued. License fees shall be established by resolution and are nonrefundable.**

**"(2) No license shall be issued for any dog with a set of permanent canine teeth without either:**

**"(a) Certification that the dog has been vaccinated for rabies and that such vaccination is effective until at least November 1 prior to the December 31 expiration of the licensed applied for; or**

**"(b) A certification from the examining veterinarian stating that the dog should be exempted from the requirement for rabies vaccination due to medical reasons, and whether the reason for the exemption is permanent, and if it is not, the date the exemption ends. The reasons for the exemption and a**

specific description of the dog, including name, age, sex, breed, and color shall be recorded by the examining veterinarian on a Rabies Vaccination Certificate which shall bear the keeper's name and address. If the medical exemption is granted for less than the annual license period, the license shall expire 15 days following the expiration of the medical exemption period unless the owner submits a Rabies Vaccination Certificate.

“(3) License tags shall be securely displayed upon dogs at all times, except when the dog is confined to the keeper's premises or displayed in lawful exhibition.

“(4) A license is not transferable to another dog and shall be void upon transfer of a licensed dog to another keeper.

“(5) No license fee shall be required to be paid for any dog in the following circumstances:

“(a) The dog is an “assistance animal” as defined by ORS 346.680, provided the keeper tenders to the Police Department a written statement from a health care professional confirming the dog keeper’s medical need for such a dog.

“(b) The dog is in training to be an assistance animal as defined in ORS 346.680, in affiliation with a recognized organization for the training or placement of assistance animals, provided the trainer tenders to the Police Department a written statement attesting to such status of the dog.

“(c) The dog’s keeper moves into the City of Dallas or the dog’s owner transfers the keeping of the dog to a person who resides in the City, and the dog has a current license from another jurisdiction, provided the dog remains in the possession of the keeper to whom such license was issued.

“(d) The dog is kept primarily in kennels for commercial sale and is not permitted to run at large.

A license shall be issued for such dog upon a determination that the dog qualifies for a license fee waiver for the annual license period.”

Section 2. Licenses issued by Polk County, Oregon prior to and effective as of the effective date of this ordinance shall remain valid until their expiration date.

Section 3. DCC 5.384, entitled "Impoundment," is amended to read as follows:

"DCC 5.384 (1) When a dog is impounded under authority of section

5.380, the animal control officer shall give written notice to the owner or custodian of the dog, either by personal service or by posting notice on the front door to the owner or custodian's residence, if the dog has, on a tag or otherwise on the dog, information sufficient to enable the animal control officer to serve the owner or if the animal control officer has actual knowledge sufficient to enable the animal control officer to serve the owner. [(a)] Such notice shall state the name of the dog, if known, a general description of the dog, the date it was impounded, the amount of the daily boarding fee and the redemption fee, that a license for the dog must be obtained before redemption, and the date after which the dog may be humanely killed or adopted if the dog has not been redeemed.

"(2) The owner or custodian of the dog may reclaim the animal by paying a daily boarding fee and a redemption fee in the amounts set by resolution of the Council.

"(3) No dog shall be released from impoundment until the owner or custodian has obtained a license for the dog as provided by [state law] **section 5.382.**

"(4) If, at the expiration of five days after notice was given, the owner or custodian has failed to reclaim the dog and pay the fees, the dog may be humanely killed or ownership thereof may be transferred to a new owner (adoption) provided the prospective new owner prepays the actual cost of spaying or neutering (which funds shall be transferred to the veterinarian performing the procedure) and thereafter actually has the dog spayed or neutered. The fee for an adoption shall be set by resolution. [(a)] The Chief of Police, or his or her designee, may waive the requirement that the dog be spayed or neutered if, in his or her opinion, it would be unlikely that the dog would deliver or cause unwanted puppies. A prospective new owner may appeal the decision on the waiver to the City Manager by paying an appeal fee set by resolution. The fee for the adoption of a dog shall be set by resolution provided that fee shall be equal to the cost of neutering or spaying the dog if that requirement is imposed.

"(5) If a written notice as described in subsection (1) above cannot be given within five days of impoundment, the dog may thereafter be humanely killed or adopted under the provisions of subsection (4).

Section 4. This ordinance shall be effective \_\_\_\_\_, 2008. [Use this only if we

want an effective date other than 30 days after second reading and final adoption.]

Read for the first time:  
Read for the second time:  
Passed by the City Council:  
Approved by the Mayor:

---

JAMES B. FAIRCHILD, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER

DRAFT

**TO: JERRY WYATT, CITY MANAGER**  
**FROM: JIM HARPER, CHIEF OF POLICE**  
**DATE: MAY 27, 2008**  
**SUBJECT: SAFETY COMMITTEE REPORT**

*Items from the Police Department:*

*I. Policy Level*

- A. Recommended Parking Bail Increases
- B. Review of Dog Licensing Program for consideration

*II. Department Training*

Officer Rodney Dunham - Field Training Officer on May 12 - 16  
Officer Josh Calef – 1-day training on tactical equipment  
Reserve Academy – graduation set for May 16<sup>th</sup>  
Officers Mott, Welsh & Vidrio – 1-day Interviewing Methods for Abused Juveniles

*III. Updates*

We continue to have high yield weeks of over 100 calls for service.

## ***The City of Dallas Fire and EMS Public Safety Report For May 27, 2008***

### Fire Department:

#### **Personnel:**

Dallas members completed their fitness tests during the month. We conduct fitness test in April and November of each year. Each member must attain fair or better in four categories: flexibility, setups, pushups, and 3-mile walk or 1.5-mile run.

The Fire Chief attended the spring Oregon Fire Chief's Conference held April 10 – 12<sup>th</sup> in Redmond.

Staff prepared breakfast for Emergency Medical personnel, City Manager and Assistant prior to the quarterly all staff meeting.

Six members of the Dallas Fire Department, five members of the S.W. Polk Co. Rural Fire Protection District and two Paramedics of Dallas Emergency Medical Service were honored at the Oregon Meritorious Banquet on May 16. These individuals were awarded a Certificate of Commendation for a motor vehicle incident they responded to on January 21, 2008 in the Independence area.

Also recognized was Delbert Fredricks who received the Award of Excellence for his dedicated service to the community of Dallas for 57 years and counting. Delbert received a standing ovation by the over 300 individuals in attendance.

Finally, Eriks Gabliks was presented with the Presidents Award from outgoing President Greg Keller, Salem Fire, for Erik's dedication to the fire service through his work at DPSST and his volunteer service to Dallas Fire.

Dallas Fire Department participated in the Relay for Life held at the Dallas High School on Friday and Saturday raising over \$1,500 to support the event.

Nine captains of the department will be participating in an assessment center for the selection of three new Battalion Chiefs.

#### **Fire Training Update:**

Dallas, SW Rural and Polk Fire District #1 conducted a burn to learn on Saturday, April 26<sup>th</sup> on North Fir Villa Road. The structure provided good experience for the members who had not seen a live fire since joining.

## **Fire Association:**

Rickreall Station 130 had their annual pancake breakfast on May 3<sup>rd</sup> and a dedication of a new statue in front of the station honoring members who have passed away. If time allows, I recommend you stop by and look at this beautiful addition to the Rickreall station.

Dallas members are preparing for their annual Father's Day breakfast on June 15. Please join us for this event.

## **Emergency Medical Service:**

### **Activity:**

As mentioned above, two members of the Dallas Emergency Medical Service were recognized at the Oregon Meritorious Awards held on May 16<sup>th</sup> at the Portland Expo.

The medics continue to be extremely busy. Over the past few weeks, Medic 103 has been requested more frequently with both 101 and 102 being out on other calls.

### **Equipment:**

The new medic unit we are leasing is projected to arrive the last of September or first part of October.

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No. 5.1.b	<b>Topic:</b> Citizen Survey Results
<b>Prepared By:</b> Kim Marr	<b>Meeting Date:</b> June 2, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED MOTION:** Staff recommends setting a workshop to review the responses to the questions during the phone survey. For the work session, an outline and report breakdown for discussion and policy reviews will be presented to the Mayor and Council. Departments will review their specific area, noted concerns and possible areas of service improvements. If it is convenient for the Council, a noon (lunch) meeting is suggested to review the survey results. The proposed meeting should be scheduled for an hour and a half.

**BACKGROUND:** April 2008 the City hired Northwest Survey & Data Services to conduct a telephone phone survey. A presentation was performed by NSDS outlining the topline results.

**FISCAL IMPACT:** None.

**ATTACHMENTS:** None.

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No. 5.1.c	<b>Topic:</b> Planning Commission Appointments
<b>Prepared By:</b> Jason Locke	<b>Meeting Date:</b> June 2, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED MOTION:** Staff recommends a motion to appoint Carol Kowash and Carrie Mendell to the Planning Commission vacant positions. Both terms would run to January 2010 and at that time the members could be up for reappointment.

**BACKGROUND:** Due to the resignation of two Planning Commission members the staff has advertised, reviewed applications and interviewed interested candidates for the vacant positions. Based on the review of the applications and the interview process the staff makes the following recommendation.

**FISCAL IMPACT:** None.

**ATTACHMENTS:** Citizen Committee Interest Form for Carol Kowash and Carrie Mendell.

### CITY OF DALLAS CITIZEN COMMITTEE INTEREST FORM

Name: Carol S. Kowash

Address: Dallas OR 97338

Mailing Address: (If different) N/A

Phone: Work \_\_\_\_\_ Home \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Years as a Dallas Resident: 13 1/2

Occupation and Employer: Grant Underwriter / Housing Dev. Rep., Oregon Housing & Comm. Succ.

Employer's address and Telephone 725 Summer St NE, Suite B, Salem OR 97301-1233

May we contact you at work?  yes  no

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

- |   |   |
|---|---|
| <input type="checkbox"/> Aquatic Center Advisory Committee                      | <input type="checkbox"/> Park and Recreation Board;                 |
| <input type="checkbox"/> Budget Committee                                       | <input checked="" type="checkbox"/> Planning Commission             |
| <input type="checkbox"/> Citizens Advisory Committee for the Comprehensive Plan | <input type="checkbox"/> Urban Renewal District Advisory Committee) |
| <input type="checkbox"/> Economic Development Commission                        | <input type="checkbox"/> Other                                      |
| <input type="checkbox"/> Library Board  |   |

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. Please include your skills, experience, and knowledge that you would contribute in this position. (Please feel free to attach a cover letter, resume, or other helpful information.)

I believe in smart growth, study, and planning. I believe in the future of Dallas. As Housing Dev. Rep w/ Oregon Housing, a person learns good design, key factors important to multi-family development, balancing cost w/ great design & quality materials, space flow, quality of life, building community feel in neighborhoods, sustainable communities, and strategies to insure future viability. In addition, I have a keen sense of budgets and practicality. Each citizen can be responsible for integral part of any change. Thanks for your interest in my skills for this commission.

**Education Background**

High School Sprague High, Salem Graduated  GED   
College Chemeketa Degree Mgmt / Accounting  
Have you ever been convicted of a felony? Yes  No

**Previous Volunteer/Committee Experience:**

Volunteer Agency St. Philip's Church  
Address 825<sup>SW</sup> Mill St, Dallas Telephone 503-623-2440  
Duties 5<sup>th</sup> / 6<sup>th</sup> Religious Ed Teacher

**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.

Carol Kowach April 25, 2008  
Applicant's Signature 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: \_\_\_\_\_

3 PM

04-29-08 A10:18 IN

April 26, 2008

City Managers Office  
City of Dallas  
187 SE Court St.  
Dallas, OR 97338

Dear City Manager;

Thank you for the opportunity to submit my position of interest form and resume for the volunteer position on the Dallas Planning Commission.

My interest in this position is to become involved in the community. I look forward to working with the planning commission to identify goals for the community and working them through to completion.

I am a proud long time citizen of Dallas and I believe it is important to make the right decisions now regarding our community. It is vital to find the right balance of new development and essential services, protect the environment and move forward with innovative change.

I am enclosing my resume which highlights my career and educational background. I appreciate your consideration and look forward to hearing from you.

Sincerely,



Carrie Mendell

Dallas, OR 97338

## Carrie Mendell

, Dallas, OR 97338

Home

---

### Career Profile

---

- Audit & Negotiating
- Staff Leadership & Motivation
- Presentation & Public Speaking
- Sales & Marketing
- Global Relationship Management
- Customer Retention
- Training and Development
- Credit/Collections Management
- Workers Compensation Claims Management
- Short Term & Long Range Planning/Budgeting
- Project Management
- Policy/Procedure Development

---

### Professional Experience

---

**CLAIMS ADJUSTER - SAIF CORPORATION, Salem, OR** 2005-present

Investigate and evaluate workers compensation claims; make decisions on compensability, benefit entitlement, reserves and settlements. Interact with injured worker, employer, medical provider, internal nurse consultants, return to work, legal staff, vocational coordinators and other as needed.

- ▶ Maintain current knowledge of workers compensation rules, as well as company policies and procedures.
- ▶ Bring claim to conclusion by identifying issues, utilizing resources and completing plans of action.
- ▶ Establish reserves for ultimate probable cost. Manages litigated claim issues to resolution through collaboration with legal resources. Act on strategic settlement opportunities.
- ▶ Communicate in a professional manner with multiple levels of staff, inside and outside of the company, policy holders and injured workers by phone, in person and in writing.
- ▶ Attend training to expand workers compensation claims management and medical knowledge.

**SALES MANAGER - TYCO ELECTRONICS, Dallas, OR** 1999-2005

Member of the senior management team. Managed the sales effort for the largest circuit board division of TYCO Electronics. Excelled at building rapport, establishing relationships, obtaining commitment and closing orders on strategic and high profile customers. Identify market trends and work with the divisional management to position company to increase profit potential and maximize market share.

- ▶ Grew divisional sales from \$6 million to \$14 million per month by providing excellent program management, responsive and proactive customer service and clear and consistent communication to the divisional General Manager.
- ▶ Recruited, trained and supervised a diverse team of account managers and front-end technicians resulting in exceptional customer satisfaction and retention in a changing environment.
- ▶ Interacted daily with global customers in the high technology, internet, storage and solution provider segments on current programs and future requirements.
- ▶ Controlled pricing structures and cost matrices.
- ▶ Member of the internal audit team. Audited department procedures, safety compliance and participated in customer audits.

**CUSTOMER SERVICE MANAGER - PRAEGITZER INDUSTRIES, INC., Dallas, OR** 1987-1999

Supervise and directed a diverse customer service team to grow sales globally. Instrumental in assisting with the increased infrastructure required during and after acquisition from Praegitzer Industries to TYCO.

- ▶ Provided excellent leadership, motivation and training to a changing and growing sales organization.
- ▶ Consistently met or exceeded sales quota, turn around time and customer satisfaction as defined by the company.
- ▶ Resolved escalated customer disputes.
- ▶ Proactively pursued design changes that would better meet the needs of the customers and increase company profits.
- ▶ Promoted to sales manager following TYCO acquisition.

---

## Professional Experience

---

### CORPORATE CREDIT MANAGER

Established and maintained credit/collection policies. Reviewed and analyzed customer financial documents to determine credit worthiness of new customers and performed periodic financial review of existing customers. Assisted in supervising accounts payable department, and trained new employees.

- ▶ Reported on all corporate cash and collected \$75 million per year in accounts receivable.
- ▶ Prepared journal entries and finalized month-end/year-end closing statements.
- ▶ Performed internal audits, compiled findings and reported to senior management. Audited month end inventory.
- ▶ Developed relationships with customers and drove down receivables turn over from 60 days to 38 days.

---

## Education & Professional Development

---

B.S. Business Management, Linfield College, McMinnville, OR

- Zenger Miller Management Training • American Institute of Certified Public Accountants • Diversity Training
- International Trade Compliance • Statistical Process Control • Six Sigma • Internal Audit • Customer Communication
- CBEST and Praxis • Excel/PowerPoint • Kaizen Training • Proficient at Word/Excel/Powerpoint

### Volunteer

City of Dallas Library

\*References available

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No. 5.1.d	<b>Topic:</b> Economic Development Commission Appointments
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 2, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED MOTION:** Staff recommends a motion to reappoint, for another 3 year term on the Economic Development Commission, the following people: Ken Jacroux, Warren Lamb, Cory Oace, and Doris Johnston.

**BACKGROUND:** Ken Jacroux, Warren Lamb, Cory Oace, and Doris Johnston all have terms that expire July 1, 2008 for the Economic Development Commission. All have expressed an interest to continue serving on the EDC and the staff supports the reappointment.

I also recommend that the Council address the number of Council members that currently sit on the Commission and direct the City Manager to work with the Chamber. Six of the nine Council members serve on the Commission. Section 2.905 of the City Code states that the commission shall consist of 15 members; one member shall be the mayor; four members shall be city councilors appointed by the council (*Warren Lamb, LaVonne Wilson, Wes Scroggin, Ken Woods Jr.*); five members shall be members of the Dallas Chamber of Commerce appointed by the Board of Directors of the Chamber of Commerce (*Bob Ottaway, Jerry Harris, Nancy Adams, Jackie Lawson, Doris Johnston*); two members shall be nominated by the mayor and approved by the city council (*Cory Oace, Ken Jacroux*); two members shall be appointed by the Board of Directors of the Chamber of Commerce (*Dennis Engle, Brian Dalton*) and one member shall be appointed by and represent the Polk County Board of Commissioners (*Ron Dodge*). The City Manager and Chamber of Commerce Manager shall serve as ex-officio, nonvoting members.

**FISCAL IMPACT:** None.

**ATTACHMENTS:** City Council Board, Committees and Commissions List.

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No. 5.1.e	<b>Topic:</b> Library Board Appointment
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 2, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION: Staff recommends a motion to appoint Morton Feder for a 4 year term on the Library Board.

BACKGROUND: Marge Hilts term expires July 1, 2008. She has stated she would welcome a new perspective on the Board. Staff received a Citizen Committee Interest Form from Mr. Feder indicating an interest in serving on the Library Board and staff supports his appointment.

FISCAL IMPACT: None

ATTACHMENTS: City Council Board, Committees and Commissions List.

**ECONOMIC DEVELOPMENT COMMISSION**

Three-year terms; Quorum = 8

<b>Name/Company/Address</b>	<b>Term Exp.</b>	<b>Contact Info:</b>	<b>Subcommittees</b>
Nancy Adams Itemizer-Observer P.O. Box 108	7/09 Appt. 9/19/94	623-2373 Work 623-2395 Fax nadams@eaglenewspapers.com	Commercial Revitalization
Jerry Harris Wal-Mart; 321 NE Kings Valley Hwy	7/10 Appt. 11/7/05	623-0490 Work bleedyellowgreen@aol.com	
Brian Dalton PO Box 190	7/09 Appt. 3/01	623-5406 Work; 623-3607 Fax 932-7225 Mobile brian@bcdalton.com	Commercial Retention /Recruitment Team
Ron Dodge Polk County Commissioner	7/10 Appt. 7/97	623-8173 Work Dodge.Ron@co.polk.or.us	
Mayor Jim Fairchild 297 SE Ironwood Ave.	7/08 Appt. 1/01	623-2605 Home JamesbFair@aol.com	Commercial Retention /Recruitment Team
Ken Jacroux 300 Reuben Boise Rd.	7/08 appt. 2/04	503-302-4517 Cell 503-831-3280 Home Jacroux@Quik.com	Industrial Recruitment
Jackie Lawson World Gym, 887 Main St	7/09 App. 4/02	623-4440 Work Jackie@djsbodyshop.com	
Doris Johnston Pacific Power PO Box 248, Albany 97321	7/08 Appt. 1/98	541-967-6153 Work 541-740-7469 Cell 541-967-4465 Fax doris.johnston@pacificorp.com	Industrial Recruitment
Warren Lamb 936 SW Hunter	7/08 Appt. 7/1/96	508-7075 Cell 623-3585 Home wlamb49@yahoo.com	Commercial Retention/ Recruitment
Cory Oace 170 NE Oak Villa Rd	7/08 Appt. 10/03	623-5581x2008 Work 623-2901 Fax 831-2946 Home coace@drvhome.com	
Bob Ottaway 2279 SW Elmwood	7/09 Appt. 3/97	623-5174 Work 623-3382 Fax bob@westviewproducts.com	Industrial Recruitment
LaVonne Wilson 2129 SE Magnolia	7/09 Appt. 12/08	623-8647 Home RobertW752@aol.com	
Wes Scroggin 409 SE Walnut	7/10 Appt. 3/01	623-8565 Home wesandkayscroggin@q.com	
Ken Woods, Jr. 1130 Main St.	7/10 Appt. 2/22/83	623-8143 Work Kenwoods.citycouncil@q.com	Commercial Revitalization
Dennis Engle, Asst. Superintendent Dallas School District; 111 SE Ash	7/10 appt. 11/7/05	623-5594 Dennis.Engle@dallas.k12.or.us	
Staff and Others Interested:			
Nick Harville, SEDCOR, 745 Commercial St. NE, Salem 97301		588-6225 X303; 588-6240 Fax nharville@sedcor.com	Industrial Recruitment
Tom Fox, Oregon DECD, 745 Commercial St. NE, Salem 97301		485-9806 Work; 588-6240 Fax tom.j.fox@state.or.us	
Ray Teasley, MWVCOG, 105 High St., Salem 97301		588-6177 Work; 588-6094 Fax rteasley@mwvcog.org	
Ken Stillinger, Polk Job & Career Center 580 Main St., Ste B		831-1950; 831-1952 Fax kstillinger@chemeketa.edu	
Chelsea Pope, Chamber Mgr (Staff) PO Box 377		623-2564 Work 623-8936 Fax Chelsea@dallasoregon.com	
Jerry Wyatt (Staff)		831-3502	
Kim Marr (Staff)		831-3557	
Jason Locke (Staff)		831-3565	
John Swanson (Staff)		831-3562	

# Dallas Economic Development Commission Appointments

**February 22, 1983:** The initial appointments to the Dallas Economic Development Commission.

**October 2000:** Co-appointments changed to two appointed by City and two by Chamber.

DCC 2.905 Membership: The commission shall consist of 15 members; one member shall be the Mayor; four members shall be City Councilors appointed by the Council; five members shall be members of the Dallas Chamber of Commerce appointed by the Board of Directors of the Chamber of Commerce; two members shall be nominated by the Mayor and approved by the City Council; two members shall be appointed by the Board of Directors of the Chamber of Commerce; and one member shall be appointed by and represent the Polk County Board of Commissioners. The City Manager and Chamber of Commerce Manager shall serve as ex-officio, nonvoting members.

Mayor and Council: Mayor Jim Fairchild  
~~Art Johnson~~ Warren Lamb  
~~Dave Newton~~ ~~Glen Scatterday~~ LaVonne Wilson  
~~Eldon Bevens~~ Wes Scroggin  
Ken Woods, Jr.

Mayor nominated: ~~Ted Molinari~~ ~~Eldon Bevens~~ Cory Oace  
~~Howard Classen~~ Ken Jacroux

Chamber of Commerce: ~~Chris Lillegard~~ Bob Ottaway  
~~Linda Shaffer~~ ~~Dave Voves~~ ~~Dave Novotney~~ ~~Christy Perry~~ Dennis Engle  
~~Cliff Russell~~ Doris Johnston  
~~Mike Timmerman~~ ~~Jerry Claussen~~ Jerry Harris  
~~Jack Condon~~ Nancy Adams  
~~Lloyd Penner~~ ~~Bob Sloan~~ ~~Janna Olson~~ Brian Dalton  
~~Ron Terry~~ ~~Steve Bowles~~ ~~Kim Fliteroft~~ Jackie Lawson

Polk County Commissioners Appointment: ~~Mike Propp~~ Ron Dodge

LIBRARY BOARD  
(4-year terms)

NAME	TERM EXP.	PHONE NUMBER				
Marianne Moore 572 SE Uglow Dr.	7/1/10 Appt. 3/5/01	831-4724 Home				
Darla Newton PO Box 34	7/1/11 Appt. 7/91	623-3935 Home Also Served 11/79-7/90				
Grace Scatterday 1747 SW Woodridge Ct.	7/1/10 Appt. 7/1/98	623-5065 Home				
Marge (Speulda) Hilts 1015 SE Barberry Ave.	7/1/08 Appt. 7/6/92-	623-4462 Home				
Gwen VanDenBosch 210 NW Lange St. Apt. 1	7/1/09 Appt. 7/01	623-3813 Home				
Jim Fairchild 297 SE Ironwood Ave.	Ex-officio member	623-2605 Home				

Staff:

Donna Zehner-623-2633 Library; x3545

Jerry Wyatt

# PARK AND RECREATION BOARD

(3-Year terms)

Name	Term Exp.	Phone Number	01/29/08	04/22/08
Judy Boustead 1109 SE Barberry Ave.	01/01/10 Appt. 02/04	623-3327 Home		
Christopher Castelli 222 NE Gerlinger Ln	01/01/11 Appt 01/07	623-4317 Home 378-3805 x 262 Work <a href="mailto:chriscastelli@netzero.net">chriscastelli@netzero.net</a>		
Barbara Chaney 240 NW Douglas St.	01/01/10 Appt. 05//02	623-5805 Home		
Richard Hoffman * 481 NW Douglas St.	01/01/10 Appt. 09/03	623-8161 X228 W 623-8196 Home <a href="mailto:dickh@wallinsurance.com">dickh@wallinsurance.com</a>		
June Krause 2495 SW Oakwood Dr <i>Seniors Rep.</i>	01/01/09 Appt. 11/06	503-623-5900		
Rees Linn * 1265 SW Oakdale Ave <i>Kids, Inc. Rep.</i>	01/01/11 Appt. 10/02/06	623-7893 Home		
Carol Mannen 759 SW Hayter St.	01/01/09 Appt. 05/06/02	623-4845 Home		
Al Perkins 524 NW Douglas St.	01/01/09 Appt. 03/95	623-8034 x203 Work <a href="mailto:faith2290@aol.com">faith2290@aol.com</a>		
Sue Rohde 915 SW Hunter St. <i>Arboretum Rep.</i>	01/01/11 Appt. 01/03/05	623-3039 Home 503-307-8920 Cell <a href="mailto:sue@richware.net">sue@richware.net</a>		
Rich Slack 1027 SW Sequoia Ln. <b>Chair</b>	01/01/09 Appt. 05/06/02	623-5594 Work 623-8000		
Mellisa Spivey * 8615 Rickreall Rd Rickreall, OR 97371	01/01/10 Appt. 01/07	851-4185 Home <a href="mailto:chefspivey@yahoo.com">chefspivey@yahoo.com</a>		
Jim Fairchild 297 SE Ironwood Ave.	Mayor	623-2605 Home		

Staff: Jerry Wyatt  
Christy Ellis  
Patti Senger

\* - Members who live outside City limits (per DCC 2.550, the board can consist of up to 3 members who are non-residents of the city.)

# PLANNING COMMISSION

(4-Year Terms)

Name	Term. Exp.	Phone Number							
Scott McLeod 465 SE Clay St. mcleods@wou.edu	1/1/12 Appt. 8/06	Work 838-8929 Part-Time Home 623-2140							
Chuck Lerwick PO Box 337 President 1/08 Chuck.Lerwick@awin.com	1/1/12 Appt. 8/1/96	623-9099 Work 930-0291 Mobile							
Doris Stefani 742 SE Deschutes Dr.	1/1/2011 Appt. 12/06	503-623-6993							
Dave Pederson 560 SW Hayter St. pederson4444@msn.com	1/1/09 Appt. 1/19/99	623-2233 Work 999-1443 Mobile 623-1033 Home 315-1925 Pager							
Bob Wilson 2129 SE Magnolia Ave RobertW752@aol.com	1/1/09 Appt. 8/74	623-8647 Home							
Vacant	1/1/10								
Vacant	1/1/10								

Staff:  
 Jerry Wyatt  
 Lane Shetterly  
 Fred Braun  
 Jason Locke  
 Laurie Roberts

BUDGET COMMITTEE  
(3-Year Terms)

NAME	TERM EXP.	PHONE	FAX	E-MAIL
James Brown 579 NW Ashley St.	1/1/11 Appt. 1/06	503-623-8657 Home 503-420-9449 Cell		Jimbrown@sou.edu
Joanne Moss 389 SE Mill St.	1/1/10 Appt. 2/19/08	831-0171 Home & Work		moss_joanne@yahoo.com
Kelly Gabliks 2452 SW Oakwood Dr.	1/1/09 Appt. 5/3/99	378-6003 Work 831-0892 Home	503-378-6829	Kelly.gablik@state.or.us
Mr. Lynn Hurt 181 NW Elderberry Ln.	1/1/10 Appt 2/19/08	503-910-3925 Cell 623-3937 Home		lshurt@msn.com
Glen Scatterday 1747 SW Woodridge Ct.	1/1/11 Appt. 1/6/97	623-5065 Home		Glscatt1747@msn.com
Lisa Koloen PO Box 136	1/1/11 Appt. 10/91	623-2428 Work 623-6495 Home 503-510-0936 Cell	503-623-9091	Dallaslek@aol.com
Rosemary Stein 661 SE St. Andrews Ln.	1/1/09 Appt. 2/21/06			Msrs88@msn.com
Pete Christensen 1163 SE Barberry Ave.	1/1/09 Appt. 2/19/08	623-3113 Home		plbarberry@msn.com
Darla Williams 321 SW Westwood Dr.	1/1/09 Appt. 2/21/06			falmall@yahoo.com
Rich Wolcott 2484 SW Oakwood	1/1/10 Appt. 4/03	831-5593 Home		Wolcott.rich@gmail.com

Budget Committee meetings include the City Council.

Staff:

Jerry Wyatt, City Manager	x 3502
Bill Hahn, Interim Fire Chief	x 3530
Jason Locke, Community Development Director	x 3565
Fred Braun, Public Works Director	x 3555
Marcia Baragary, Finance Director	x 3505
Jim Harper, Police Chief	x 3515
Donna Zehner, Library Director	x 3545
Kim Marr, Assistant City Manager	x 3557
Emily Gagner, Executive Assistant	x 3502

CITIZENS ADVISORY COMMITTEE FOR THE COMPREHENSIVE PLAN

Nancy Adams PO Box 108	623-2373 Work Appt. 8/4/97				
John Buckingham 2433 SW Crestwood Pl	M:930-8510 H:623-4496 Appt. 8/4/97				
Dale Derouin 497 SE Walnut Ave	623-6340 Home				
Gordon English, Sr. 1940 SE Godsey Rd	623-2531 Home				
Ken Dankenbring 888 SW River Dr	623-4933 Home Appt. 2/5/01				
Cole Hughes 380 NW Hillcrest Dr	623-7951 Home Appt. 1/3/95				
Lee Lehman 287 SE Walnut Ave	623-6587 Home Appt. 5/99				
Ron Mehl 1111 SW Hayter St	623-4425 Home				
John Quiring 284 NW Reed Ln	623-8047				
John Shafer PO Box 322	623-8079 Appt. 1/3/95				
Ron Terry, Chair 300 SE LaCreole Dr #303	623-6686 Work 623-5817 Home				
Vacant Position					

Staff:

Jerry Wyatt  
 Jason Locke  
 Fred Braun  
 Christy Ellis  
 Laurie Roberts

URBAN RENEWAL DISTRICT ADVISORY COMMITTEE

Nancy Adams Itemizer Economic Dev. Comm. Chair	PO Box 108 Dallas, OR 97338 503-623-2373 Work	<a href="mailto:NAdams@Eaglenewspapers.com">NAdams@Eaglenewspapers.com</a>
Penny Cox Pearl Gallery Chamber of Commerce	11140 Orrs Corner Rd. Rickreall, OR 97371 503-623-3035 Home 503-831-1341 Work	<a href="mailto:Pearl@Pearlgallery.net">Pearl@Pearlgallery.net</a>
Brian Dalton, <b>Chair</b> CRRT Chair Economic Development Comm.	PO Box 190 Dallas, OR 97338 503-623-5406	brian@bcdalton.com
Ron Dodge Polk County Commissioner Polk County	850 Main Street Dallas, OR 97338 503-623-8173	Dodge.Ron @co.polk.or.us
Sue Rhode Polk Historical Society	915 SW Hunter Street Dallas, OR 97338 503-623-3039 Home 503-307-8920 Cell	sue@richware.net
Jim Fairchild Mayor City	297 SE Ironwood Dallas, OR 97338 503-949-0205 Cell 503-623-2605 Home	JamesbFair@aol.com
Randy Hunter Citizens Bank Chamber of Commerce	583 SE Jefferson St. Dallas, OR 97338 503-623-3119 Work	Rhun@citizensbank.com
Ken Jacroux Chamber of Commerce	300 Reuben Boise Road Dallas, OR 97338 503-831-3652 Work	<a href="mailto:Jacroux@Quik.com">Jacroux@Quik.com</a>
Chelsea Pope Tipps Copy Center Chamber of Commerce	PO Box 377 Dallas, OR 97338 503-623-2564	<a href="mailto:chelsea@dallasoregon.org">chelsea@dallasoregon.org</a>
Wes Scroggin City Councilor City	409 SE Walnut Dallas, OR 97338 503-623-8565	<a href="mailto:wesandkayscroggin@q.com">wesandkayscroggin@q.com</a>
Ken Woods, Jr. Council President City	1130 Main St. Dallas, OR 97338 503-623-8143 Work 503-871-0056 Cell	<a href="mailto:Ken.woods@ci.dallas.or.us">Ken.woods@ci.dallas.or.us</a>

Staff:

Jerry Wyatt  
Kim Marr  
Jason Locke  
John Swanson

SENIOR CENTER ADVISORY COMMITTEE

June Krause 2495 SW Oakwood Dr. Dallas, OR 97338	503-623-5900 <a href="mailto:June223@attnet.com">June223@attnet.com</a>		
John Morris 345 NW Tilgner Lane Dallas, OR 97338	503-623-4145		
Jerry Wennstrom 1009 SE Academy Dallas, OR 97338	503-623-8951 <a href="mailto:swennstrom@msn.com">swennstrom@msn.com</a>		
Dick May 309 SE Ironwood Dr. Dallas, OR 97338	503-623-6870 <a href="mailto:CRMAY@surfbest.net">CRMAY@surfbest.net</a>		
Candy Thommen 2121 SE Laura Lane Dallas, OR 97338	503-623-3077		
Brian Dalton PO Box 190 Dallas, OR 97338	503-623-5406		
LaVonne Wilson 2120 SE Magnolia Dr. Dallas, OR 97338	503-623-8647		
Mayor Jim Fairchild 297 SE Ironwood Dallas, OR 97338	503-623-2605		

Interested in knowing about meetings: Tom Augustine, 1211 SW Levens St., 503-623-5045

Senior Center e-mail: [dallasseniors@aol.com](mailto:dallasseniors@aol.com)

Staff:

Jerry Wyatt  
Kim Marr  
Michele Campione

JK

# COMMUNITY DEVELOPMENT

<b>City Manager</b>	<b>Jerry Wyatt</b>	<b>Building Official</b>	<b>Ted Cuno</b>
<b>Director</b>	<b>Jason Locke</b>	<b>Building Inspector</b>	<b>Troy Skinner</b>
<b>Secretary</b>	<b>Laurie Roberts</b>	<b>Commercial Mgr/Planner</b>	<b>John Swanson</b>
<b>Building &amp; Grounds</b>	<b>Ken Stoller</b>		

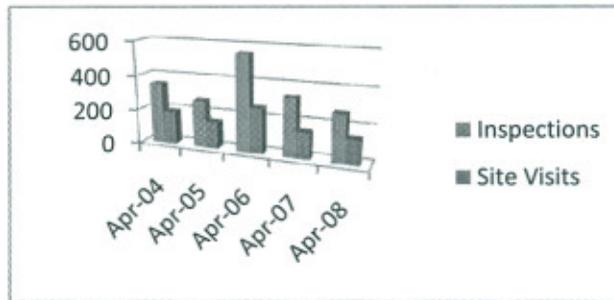
## April 2008 Monthly Report

### LAND USE APPLICATIONS

	Signs	Home Occupations	Conditional Uses	Variances	Partitions/ Replats	Subdivisons	Street Plans	Annexations	Zone Changes
Apr-08	3	3	2	1	0	0	0	0	0
YTD 2008	3	3	4	2	1	0	0	0	1
Apr-07	2	0	0	0	0	0	0	0	0
Total 2007	15	5	5	19	9	4	0	1	7

### INSPECTIONS AND SITE VISITS

April Inspections: 273    Site Visits: 140	Year to Date Inspections: 971    Site Visits: 512
--	---



### BUILDING PERMIT SUMMARY

Permit Use	April 2008	April 2007	YTD Total 2008	Annual Total 2007	YTD Valuation 2008	Annual Valuation 2007
New Single Family	3	10	15	71	\$2,811,581	\$27,817,118
New Duplexes	0	0	0	0	0	1,014,008
New Multifamily	0	0	0	1	0	7,252,179
Residential Remodel	7	6	24	47	599,418	1,179,230
Residential Accessory Bldg.	1	3	1	21	9,136	242,455
New Commercial	3	0	7	12	1,401,606	183,242
Commercial Remodel	5	3	14	34	172,400	1,560,685
New Industrial	0	0	0	0	0	0
Industrail Remodel	0	0	0	0	0	67,323
Public Bldg.	0	1	1	10	9,400	59,440
Mobile Home Accessory	0	0	0	1	0	9,136
Misc. / No Fee Permits	0	0	0	0	0	0
<b>Total All Categories</b>	<b>19</b>	<b>23</b>	<b>62</b>	<b>197</b>	<b>\$5,003,541</b>	<b>\$39,384,816</b>

of

# DALLAS AQUATIC CENTER

**City Manager**  
**Director**

**Jerry Wyatt**  
**Jason Locke**

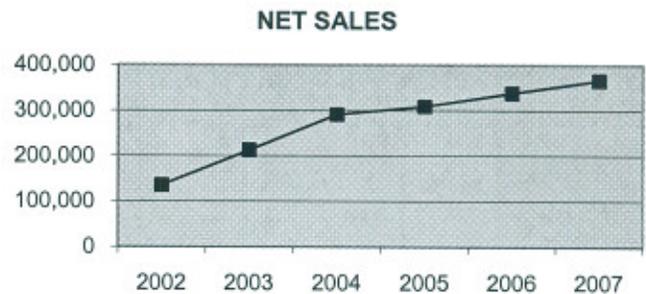
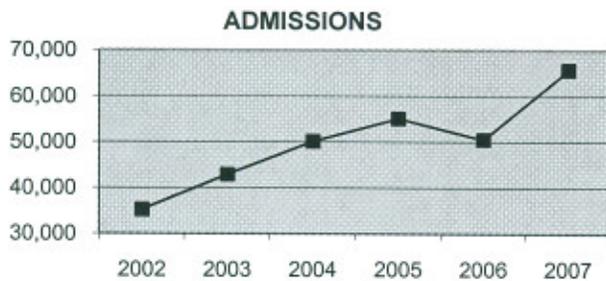
**Supervisor Tina Paul**

## April 2008 Monthly Report

### ACTIVITIES

April Item	2008		2007		2006		2005		
	Units	Net Sales	Units	Net Sales	Units	Net Sales	Units	Net Sales	
Admission	6,697	\$ 17,839	3,229	\$ 14,179	2,218	\$ 15,382	4,474	\$ 13,721	
Annual Membership Passes	15	\$ 3,259	9	\$ 2,475	7	\$ 3,263	12	\$ 5,200	
Annual Pass W Ex	-	\$ -	-	\$ -	-	\$ -	-	\$ -	
Coupon Books (All types)	55	\$ 3,430	57	\$ 3,506	34	\$ 2,176	49	\$ 2,899	
Water Aerobic Passes	35	\$ 1,626	39	\$ 2,017	24	\$ 1,194	46	\$ 1,909	
Gift Certificates	5	\$ 80	11	\$ 155	9	\$ 105	3	\$ 60	
Pro Shop	180	\$ 1,442	140	\$ 1,192	126	\$ 1,059	140	\$ 1,092	
Concessions	3,573	\$ 3,704	3,349	\$ 3,174	1,922	\$ 2,729	2,237	\$ 2,056	
Pass Redemption	936	\$ -	671	\$ -	721	\$ -	778	\$ -	
Middle School	-	\$ -	-	\$ -	58	\$ 1,160	-	\$ -	
Special Events	16	\$ 49	10	\$ 11	14	\$ 27	-	\$ -	
<b>Total Net Sales</b>		<b>\$ 31,429</b>		<b>\$ 26,709</b>		<b>\$ 27,095</b>		<b>\$ 26,937</b>	
		Difference: \$ 4,720							

### ADMISSION AND NET SALES



### FISCAL YEAR NET SALES

	2008	2007	2006	2005	2004	2003
July	-	\$ 45,789	\$ 40,745	\$ 36,149	\$ 39,272	\$ 32,626
August	-	\$ 37,366	\$ 34,487	\$ 36,455	\$ 34,704	\$ 26,093
September	-	\$ 20,160	\$ 23,429	\$ 20,497	\$ 17,603	\$ 9,161
October		\$ 22,258	\$ 20,678	\$ 19,655	\$ 19,303	\$ 17,941
November		\$ 22,679	\$ 19,957	\$ 17,332	\$ 17,235	\$ 18,419
December		\$ 22,906	\$ 27,189	\$ 16,804	\$ 19,271	\$ 13,718
	2009	2008	2007	2006	2005	2004
January		\$ 37,752	\$ 29,407	\$ 26,019	\$ 25,551	\$ 19,224
February		\$ 24,440	\$ 30,277	\$ 27,321	\$ 25,304	\$ 22,533
March		\$ 39,150	\$ 43,156	\$ 30,594	\$ 32,541	\$ 29,149
April		\$ 31,429	\$ 26,709	\$ 27,095	\$ 26,937	\$ 22,714
May		\$ -	\$ 31,186	\$ 26,172	\$ 22,775	\$ 20,053
June		\$ -	\$ 34,936	\$ 35,007	\$ 29,428	\$ 30,179
<b>Fiscal Year Total:</b>		<b>\$ 303,929</b>	<b>\$ 362,156</b>	<b>\$ 319,100</b>	<b>\$ 309,924</b>	<b>\$ 261,810</b>

**Dallas Public Library  
Monthly Report for April 2008**

**CIRCULATION STATISTICS**

<b>ADULT</b>	<b>April 2008</b>	<b>April 2007</b>	<b>Year to Date 2008</b>
Non-Fiction	1521	1546	6580
Fiction	2837	2266	11,223
New Books	2389	2119	8686
Paperbacks	1180	870	4507
Periodicals	277	231	1052
Sound Recordings	289	144	1199
Books on Tape	192	335	738
Books on CD	355	198	1367
Videotapes	461	388	2147
DVDs	471	251	1829
Media Bags	457	406	1856
CD-ROMS	3	3	5
ILL (in)	16	2	77
ILL (out)	4	2	17
NVL loans (in)	0	0	15
NVL loans (out)	0	0	7
Internet Workstations	1047	1011	4061
Equipment	58	47	201
<b>Adult Total</b>	<b>11,557</b>	<b>9819</b>	<b>45,567</b>
<b>CHILDREN'S</b>			
Non-Fiction	708	699	2925
Fiction	2018	1751	8831
New Books	74	90	240
Periodicals	38	95	173
Sound Recordings	56	47	194
Books on Tape	140	153	675
Books on CD	37	10	129
Videotapes	493	342	1965
DVDs	216	124	734
CD-ROMS	61	46	238
CD-ROMS (in house)	103	74	376
<b>Children's Total</b>	<b>3944</b>	<b>3431</b>	<b>16,480</b>
<b>Remote Renewals</b>	<b>817</b>	<b>665</b>	<b>3572</b>
<b>Monthly Total</b>	<b>16,318</b>	<b>13,915</b>	<b>65,619</b>

## **Dallas Public Library Monthly Report for April 2008**

**In addition, the month of April found the Children's Room lively and active, as the Spring Sessions of both Infant/Toddler and Preschool Storytimes continue. Storytime attendance brought in 155 young people, to see and hear stories, while an additional 49 youngsters from a local preschool/daycare all had the opportunity to learn about books and the Library. A total of 204 young people participated in Library activities.**

**The EBSCO full-text periodical database continues to be a popular resource, with patrons finding it easy to use. With school in still in session, students are finding this user-friendly, multi-use database of benefit to their research. A total of 103 searches were conducted this past month.**

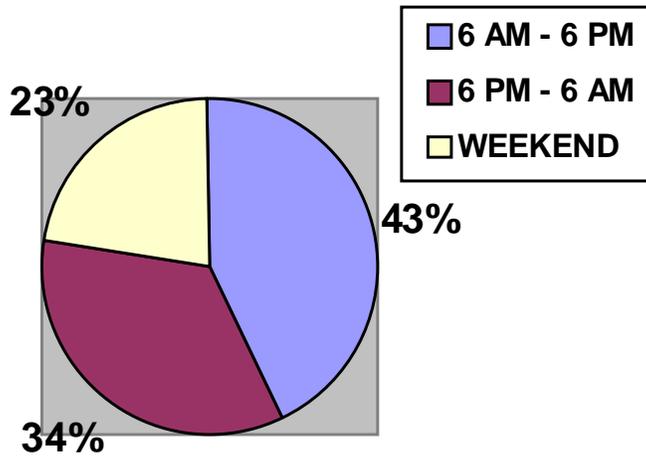
# COUNCIL REPORT – APRIL 2008

To: Mayor & City Council Members

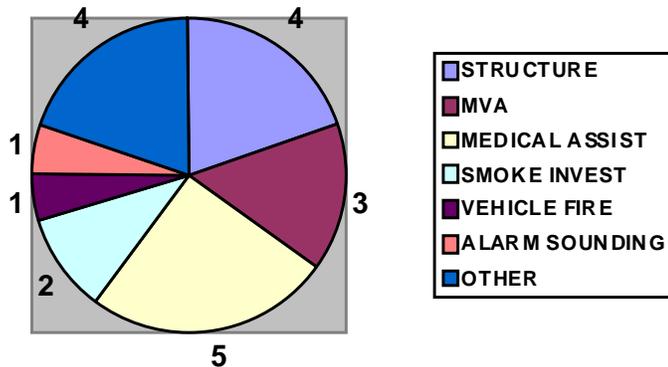
From: Fire Chief

Dallas Fire Department:

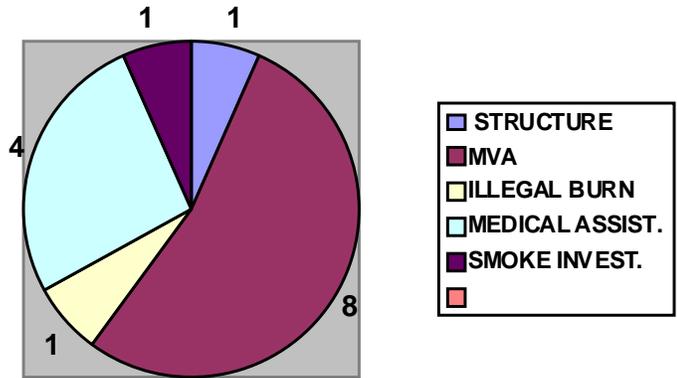
Station 100 responded to 35 calls of which 15 were between 6 AM – 6 PM, 12 between 6 PM – 6 AM and 8 during the weekend.



City Responded to the following incidents during the month from station 100.



Rural responses by station 110 during the month were for the following incidents.



With the help of Dan Jones from the Office of State Fire Marshal, Sean and Dan were able to complete all the inspections of the schools in the district. Sean and our CWE student from Chemeketta are conducting inspections of the businesses in the North Dallas area.

Fire Chief Hahn attended the Fire Chief's conference in Redmond, April 9-12<sup>th</sup>. A number of instructors from the east coast were featured, discussing firefighter safety and risk vs. benefit related to entering structures with no life at risk.

Stan Peterson from Polk Fire District #1 retired as firefighter / chaplain after 20 years of service.

Council workshop on the fire bond was held on April 25<sup>th</sup> with Chief Hahn explaining the options to the Council regarding the need for a training facility, upgrade of the station, a new fire engine and two new medic units.

### **Dallas Emergency Medical Service:**

Chris Taylor, a paramedic with the service for approximately a year and a half, was hired by the City of Salem Fire Department. Chris will be starting on May 12<sup>th</sup> and we wish him well.

Jennifer Canaga, a volunteer Paramedic with our service who is currently working for Woodburn Ambulance, has accepted a full time position and will be starting soon.

Calls for the year are slightly behind for 2008. Currently we have responded to 716 calls for 2008, compared to 734 for the same period last year.

Hughes Emergency Equipment of Eugene has indicated that our new medic unit will be delivered in approximately 150 days. We are anticipating we will take delivery the last of September, the first of October. Familiarization of the unit, installation of radios and training will last around two to three weeks before it is placed into service.

# MEMORANDUM

## *DALLAS POLICE DEPARTMENT MONTH OF APRIL '08*

**TO: JERRY WYATT** **June 2, 2008**

**FROM: CHIEF JIM HARPER**

*Some of the current training updates and observations are:*

- Rod Dunham attended FTEP (Field Training Evaluation Program) May 12-16.
- Marty Collingham will be attending (FTEP (Field Training Evaluation Program) June 9-13
- Jeff Van Laanen will be attending DUII update course work at the Academy June 3-5
- Josh Calef will be attending a one-day refresher on tactical equipment June 9.

## APRIL 2008

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

21	Speeding Violations
09	License Violation
05	Insurance Violations
29	Moving Violations
05	Equipment Violations
03	Safety belt Violations
05	Other

### Investigation by this Department

53	Animal Ordinance Offenses	Clear by Arr	18
03	Assaults	Clear by Arr	01
01	Carry Concealed (Felon)	Clear by Arr	01
05	Criminal Mischief	Clear by Arr	02
02	Curfew	Clear by Arr	02
02	Disorderly Conduct	Clear by Arr	02
16	DUII	Clear by Arr	16
04	Driving While Suspended	Clear by Arr	04
06	Drug Offenses	Clear by Arr	06
03	Fail Carry Present License	Clear by Arr	03
01	False Info Liability Insurance	Clear by Arr	01
01	False Report to Police	Clear by Arr	01
04	Fail Perform Duties of Driver	Clear by Arr	02
08	Harassment	Clear by Arr	01
01	Menacing	Clear by Arr	01
04	Minor in Possession Alcohol	Clear by Arr	04
04	Ordinance Offenses	Clear by Arr	04
02	Reckless Driving	Clear by Arr	02
02	Refusal Breath Test	Clear by Arr	02
03	Runaway	Clear by Arr	03
07	Sex Offense	Clear by Arr	02
19	Thefts	Clear by Arr	09
03	Trespass	Clear by Arr	00
01	Unlawful Entry Motor Vehicle	Clear by Arr	01
01	Unlawful Use Motor Vehicle	Clear by Arr	01
08	Warrants	Clear by Arr	08



DALLAS POLICE DEPARTMENT  
CODE ENFORCEMENT REPORT

**APRIL 2008**

Community Service Officer Totten

<b>NUMBER OF TOWED VEHICLES</b>	<b>0</b>
<b>NUMBER OF CITATIONS ISSUED</b>	<b>6</b>
<b>NUMBER OF FOLLOW-UP ACTIVITIES COMPLETED</b>	<b>193</b>

**NEW CASES STARTED:**

<b>DCC # 5.584-INOPERABLE VEHICLES (PRIVATE PROPERTY)</b>	<b>23</b>
<b>DCC # 6.320-VEHICLES STORED ON STREET/PARK STRIP</b>	<b>16</b>
<b>DCC # 6.505-ABANDONED VEHICLES</b>	<b>9</b>
<b>DCC # 5.582-JUNK</b>	<b>0</b>
<b>DCC # 5.556-SCATTERING RUBBISH (PRIVATE PROPERTY)</b>	<b>16</b>
<b>DCC # 6.315-TRUCK PARKING</b>	<b>0</b>
<b>DCC # 6.310-PROHIBITED STOPPING &amp; PARKING</b>	<b>0</b>
<b>DCC # 5.276-CAMPING ON PUBLIC PROPERTY</b>	<b>0</b>
<b>DCC # 6.605-PARKING REGULATIONS (CAMPING)</b>	<b>3</b>
<b>DCC # 6.125-OBSTRUCTING STREETS OR SIDEWALKS</b>	<b>2</b>
<b>DCC # 5.588-GRAFFITI</b>	<b>0</b>
<b>DCC # 5.552- ATACTIVE NUISANCES</b>	<b>0</b>

**HABITUAL PROBLEMS/OTHER ISSUES:** I am working with Tom Hall from John L Scott Realty to clean up building debris at 1175 SW Fairview Avenue. This clean up is about one-half complete.

**NARRATIVE:**

Six citations were issued for parking violations.

**APPROVED:**

TO: JERRY WYATT, CITY MANAGER  
 FROM: FRED BRAUN, DIRECTOR OF PUBLIC WORKS

**DEPARTMENT OF PUBLIC WORKS  
 Monthly Report for April 2008**

		<u>Water Division</u>			
		<u>2008</u>	<u>Unit</u>	<u>2007</u>	<u>Unit</u>
Total Discharge to Town		50.6	MG	46.92	MG
Total Water Raw		56.2	MG	56.09	MG
Peak Day	04/24/08	2.37	MG	04/11/07	2.71 MG
Daily Average-Raw		1.87	MGD	1.87	MGD
Daily Average-City		1.69	MGD	1.56	MGD
Backwash Water		2.70	MG	2.71	MG
Filter to Waste		.15	MG	0.16	MG
Flushing		.42	MG	0.10	MG
Discharge Water		.10	MG	0.10	MG
ASR Injected		5.07	MG	6.585	MG
Average High Temp		56.0	° F	60.2	° F
Average Low Temp		36.9	° F	39.4	° F
Total Precipitation		1.97	Inches	2.29	Inches

Mercer Dam and Watershed: Report okay. After visual inspection it was noted that there is substantial debris above the first log boom. This will be corrected with use of a log loader after the flashboards are full.

- Visual inspections were done on April 10 and 24.
- Full walking inspections were done on April 3 and 17.

Intake Pump Station: Reporting okay. Pump #1 is down due to drive failure. We discussed the new intake drives at an April 9 meeting with Allen Bradley.

Water Treatment Plant: Reporting okay.

Worked on:

- ♦ Daily, weekly, monthly, quarterly, yearly maintenance items
- ♦ Revision of orientation manual
- ♦ Repaired pump valve for ASR

Reservoirs: Reporting okay.

Worked on:

- ♦ Clay Street valve replacement and telemetry.
- ♦ The contractors are cleaning the gravel parking lot and surrounding areas allowing us to clean the covers as previously scheduled.

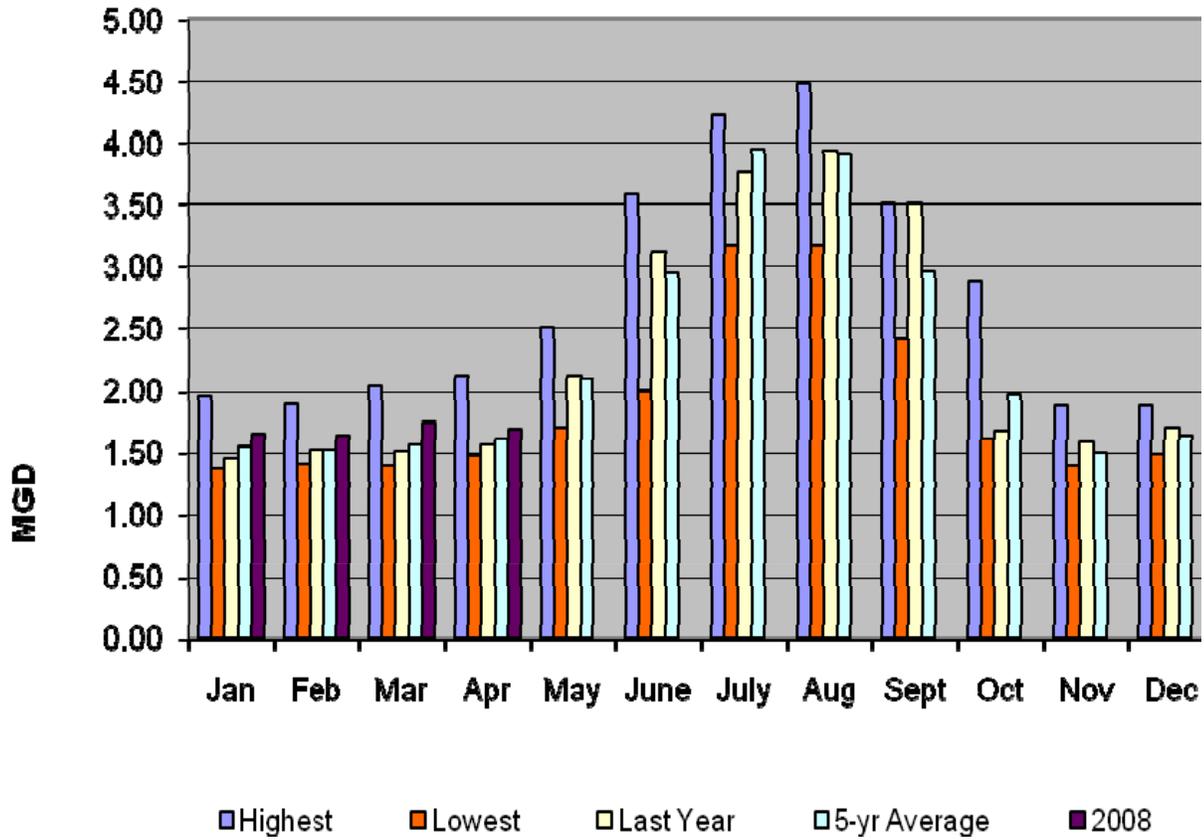
New Services: Two new 3/4" services were installed at 572 NE Polk Station Road and 553 NE Evergreen Avenue.

Repairs Leaks at: Replaced 1" service on Brentwood.

Worked on:

- River Drive Water Line

### Average Daily Treated Water Production



## Wastewater Division

### Effluent Flow

		<u>2008</u>	<u>Units</u>		<u>2007</u>	<u>Units</u>
Monthly Total Flow		62.36	MG		45.08	MG
Peak Day Flow	04/24/08	2.99	MG	04/02/07	1.87	MG
Daily Average Flow		2.08	MG		1.45	MG

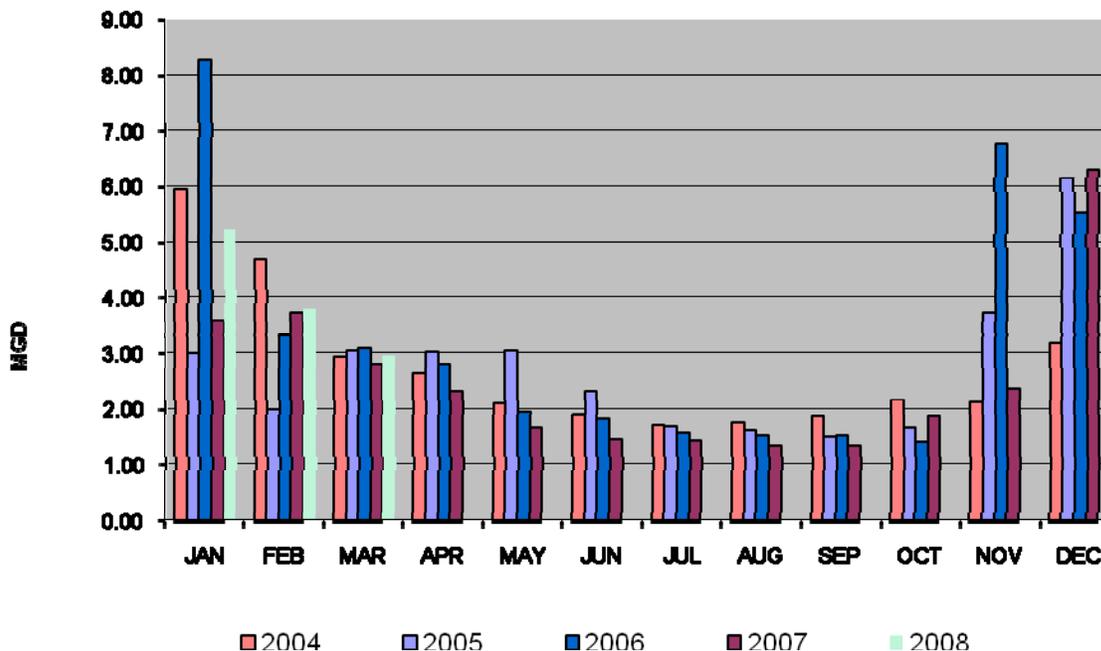
#### Plant Maintenance:

- Dewatered Secondary Clarifier No. 1 for maintenance and inspection.
- Installed rebuilt west screen motor at Headworks.
- Replaced ISCO influent pH probe.
- Repaired aerator cables at old north aeration basin.
- Repaired broken scum line.

#### Plant Performance:

Plant process is operating well and removing ammonia and solids effectively to meet permit standards. Maintenance activities included a broken scum line that was repaired quickly by the City of Dallas and CH2M HILL OMI staff. A spill was recorded promptly to the Oregon Emergency Response System (OERS) and a formal letter was sent to the Oregon DEQ representative. CH2M HILL OMI appreciated the help and professionalism shown by City of Dallas management and staff.

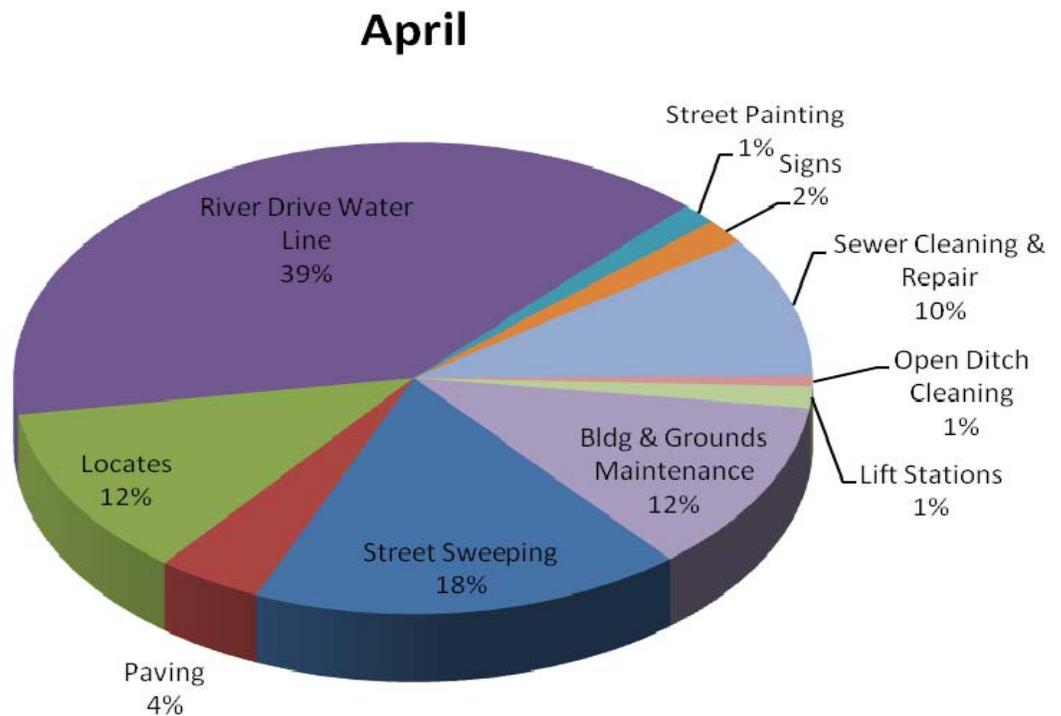
**Effluent - Average Daily Discharge by Month**



## Street and Construction Division

### Maintenance:

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



## **Parks Division**

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

- Opened restrooms for summer use
- Cleaned leaves from shrub beds
- Repaired damage caused by vandalism
- Charge water lines in parks for irrigation
- Put tables out for picnic use
- Washed outside of park buildings
- Performed regular mowing of all parks
- Weed shrub beds and landscape areas
- Monthly safety check of playground equipment on April 18, 2008
- Performed equipment service checks/repairs
- Installation of backflow for irrigation at Levens Street Bridge
- Prepared site including planting of shrubs at Park trail by Main Street for Arbor Day Tree Planting
- Finished landscaping the front of City Shop
- Began curb grass spray program
- Added Irrigation to JBO Field at East Dallas Park
- Application of Red-Fir bark to City Hall, Ambulance Building, and Fire Station

## Engineering

### Subdivisions:

- Cynthian Oaks, Phase 2: As-builts under review.
- Ellendale Estates: As-builts under review.
- Oak View Estates: Waiting for construction to begin.
- Pacific Heights: Subdivision released. Awaiting as-builts.
- River View Phase I: Plans submitted for review.

### Commercial Developments:

- Les Schwab Remodel/Addition: Construction underway.
- Trinity Lutheran Church: Plans sent back to engineer for revisions.
- DRV Ellendale Duplexes: Construction started.
- Jasper Crossing Phase I: Plans reviewed and approved.

### Programs / Projects:

- Phase II/ Monitoring: Plan approved by DEQ; third sampling event completed.
- Levens Street Bridge Replacement: Landscaping underway.
- SE Monmouth Cut-off / Uglow Ave Intersection: Project shelved.
- Ambulance Parking Lot: Landscape remaining.
- Main St Water Reservoir: Part of pipe installed in Main Street. Tank constructed preparing to paint.
- Downtown Parking Lot: Preliminary design and estimate completed.
- Maple Street Sewer: Project on hold.
- Intake Upgrade: Addressing drive reliability issues.
- PLC Upgrade: New PLC online; final testing underway.
- Clay Street Storm Sewer: Project on hold.
- Updating City of Dallas Construction Specification book.
- River Drive Water Line: Construction underway.
- Cherry Street Water Transmission Line: Preliminary design completed.
- Willamette TMDL Implementation Plan: Plan comments received and revisions underway.

### Routine Work:

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

## Administrative Services Division Activities

### Project Management

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

### Public Information

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

### Safety

- MSDS updates
- Safety meetings

### Additional Projects

- OECCD Water improvement documentation and reimbursement request
- ASR pump station project
- 2 MG reservoir tank project
- Rotary Park improvement planning and coordination
- Shops frontage improvements
- Update bid specifications
- Cherry Street water project

### Shop Services

- Ongoing maintenance on vehicles, machinery & construction equipment

Shop services hours were divided into the following areas:

EMS	4.00 hrs.
Fire	8.50 hrs.
Outside Labor (Work performed within another division)	40.00 hrs.
Parks	4.50 hrs.
Police	22.50 hrs.
Public Works	236.50 hrs.
Rural Fire	21.00 hrs.
Streets	1.00 hrs.
Wastewater	6.50 hrs.
Water	7.50 hrs.

### Support Services

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

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 6.1</b>	<b>Topic:</b> Polk County 2007 Opportunity to Recycle report
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> 6/2/2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION: None

BACKGROUND: Each year, Polk County is required to submit an “Opportunity to Recycle” report to DEQ. DEQ then reviews it to determine compliance with OAR 340, Division 90. DEQ determined we were in compliance with all requirements for 2007.

FISCAL IMPACT: None

ATTACHMENTS: Letter from DEQ regarding Polk County’s 2007 Opportunity to Recycle Report.



# Oregon

Theodore R. Kulongoski, Governor

## Department of Environmental Quality

Western Region - Salem Office

750 Front St. NE, Ste. 120

Salem, OR 97301-1039

(503) 378-8240

(503) 378-3684 TTY

May 13, 2008

Jerry Wyatt, City Manager  
City of Dallas  
PO Box 67  
Dallas, OR 97338

05-15-08 A09:42 IN

Re: Approval of Polk County's  
2007 Opportunity to Recycle Report

Dear Mr. Wyatt:

This letter acknowledges the receipt of Polk County's 2007 Opportunity to Recycling Report. The report was complete and the recycling programs in the City of Dallas were found to be in compliance with all requirements of the Oregon Administrative Rules 340 Division 90. Also, the documentation submitted for the education and promotion activities in your city is sufficient to meet the requirements in the Polk County Wasteshed's Expanded Education and Promotion Plan. If you have any questions regarding this letter please feel free to call me at (503)-378-5089.

Sincerely,

Cathie Davidson  
Waste Reduction Analyst  
Western Region

cc: Cathie Davidson, DEQ-WR  
Julie Jackson, Allied Waste of Dallas



# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 7.1</b>	<b>Topic:</b> 2008-09 Budget
<b>Prepared By:</b> Marcia Baragary	<b>Meeting Date:</b> June 2, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b>		

**RECOMMENDED MOTION:**

A Public Hearing should be held no earlier than 7:45 p.m. to discuss the use of State Revenue Sharing funds. The amount included in this year's budget is \$130,000.

A motion should be made to approve the 2008-09 City of Dallas Budget as approved by the Budget Committee. The City Manager should be directed to have the City Attorney prepare the resolution to adopt the budget for the June 16, 2008 Council meeting.

**BACKGROUND:**

The property tax rate to be imposed is the permanent rate of \$4.1954 per \$1,000 of assessed value. The levy to be imposed for debt service on General Obligation bonds is \$731,185.

**FISCAL IMPACT:**

Adoption of the budget allows for expenditures in the 2008-2009 fiscal year.

**ATTACHMENTS:**

None.

Chair Kelly Gabliks called the meeting to order at 8:45 p.m. and roll call was taken.

Budget Committee members present: Chair Kelly Gabliks, James Brown, Pete Christensen, Lynn Hurt, and Glen Scatterday. Excused: Lisa Koloen, Joanne Moss, Rosemary Stein, Darla Williams, and Rich Wolcott.

Councilors present: Brian Dalton, Warren Lamb, Jackie Lawson, Kevin Marshall, Wes Scroggin, Dave Voves, LaVonne Wilson, and Ken Woods, Jr. Excused: David Shein.

Also present were: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim Marr, Fire Chief Bill Hahn, Police Chief Jim Harper, Public Works Director Fred Braun, Finance Director Marcia Baragary, Community Development Director Jason Locke, and Recording Secretary Emily Gagner.

MINUTES OF APRIL 21, 2008, MEETING:

Kevin Marshall moved to approve the minutes of the April 21, 2008, Budget Committee meeting. The motion was duly seconded and carried unanimously.

REPORTS FROM THE SUBCOMMITTEES:

Administrative Subcommittee:

Chair Kevin Marshall reported that the Administrative Subcommittee met on May 6. He reviewed the pages discussed and noted that the Committee approved all the pages reviewed. Ms Gabliks noted there was one controversial topic in this subcommittee; the Council budget. She stated there was dissent, but the majority of the committee members approved the budget amount recommended and put no restrictions on out of state travel. Lavonne Wilson explained it was approved, but it does reflect a reduction from the current budget. In response to a question, Brian Dalton explained there were three committee members in opposition and he expressed doubt about the need for out of state travel in tough budget times. City Manager Jerry Wyatt stated we cannot attach conditions on a line item budget.

Pete Christensen made a motion to adopt the recommendations of the Administrative Subcommittee. The motion was duly seconded and carried unanimously.

Building and Grounds Subcommittee:

Chair Warren Lamb reported that the Buildings and Grounds Subcommittee met on April 28. He reviewed the pages the Subcommittee went over and indicated that no changes were made and there was consensus to approve the budget as presented. Mr. Wyatt reviewed the changes to staffing and the Library structure to save money. In response to a question, Mr. Wyatt stated the Library will always remain under the Community Development Department, but the hours will increase when revenues increase.

1 Warren Lamb moved to accept the Building and Grounds pages. The motion was duly seconded  
2 and carried unanimously.

3 Public Safety Subcommittee:

4 Acting Chair Ken Woods reported that the Public Safety Subcommittee met on May 6. He re-  
5 viewed the pages covered and explained there was a change in the budget. In the Police Depart-  
6 ment, the subcommittee added \$50,000 to the budget to fund the POINT team position. Mr. Wyatt  
7 stated that the \$50,000 came out of the beginning balance. Ms Baragary explained that the revised  
8 carryover into 2009-2010 will be \$855,000. Mr. Woods pointed out that the animal control officer  
9 position has been eliminated, but the City is looking at possibly taking over dog licensing to fund  
10 that position.

11 Ken Woods moved to approve Public Safety budget pages. The motion was duly seconded and  
12 carried unanimously.

13 Public Works Subcommittee:

14 Chair Jackie Lawson reported that the Public Works Committee met on April 28. She reviewed  
15 the discussion about personnel costs and noted that all pages were approved. Ms Gabliks clarified  
16 that the discussion involved whether it was necessary to have two Assistant Public Works Direc-  
17 tors. Chair Lawson explained that there is one administrative position and one engineering position.  
18 In response to a question, Mr. Wyatt explained that funding for those positions are utility-fund  
19 based, so they are not out of the general fund, and cutting one would not impact the Library, Am-  
20 bulance, or Aquatic Center.

21 Wes Scroggin moved to adopt the Public Works Budget pages. The motion was duly seconded  
22 and carried unanimously.

23 PUBLIC HEARING:

24 Chair Gabliks declared open at 9:27 p.m. a public hearing to solicit comments on the 2008-2009  
25 City of Dallas Budget. There were no comments from the audience, so Chair Gabliks declared the  
26 public hearing closed at 9:28 p.m.

27 ADOPTION OF BUDGET AND RECOMMENDATION TO CITY COUNCIL:

28 Pete Christensen moved to adopt the 2008-2009 Budget as approved and amended by the Budget  
29 Committee, increasing the Police Department Contractual Services fund by \$50,000 and decreas-  
30 ing the Unappropriated Ending Fund Balance by the same amount, and recommend it to the City  
31 Council. The motion was duly seconded and carried unanimously.

32 Lynn Hurt moved to recommend to the City Council to approve the property tax rate of \$4.1954  
33 per \$1,000 of assessed value and the levy to be imposed for debt service on General Obligation  
34 bonds is \$731,185. The motion was duly seconded and carried unanimously.

35 There being no further business, the meeting was adjourned at 9:30 p.m.

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No. 7.2	<b>Topic:</b> Senior Center & Fire Bond Measure Proposals
<b>Prepared By:</b> Jerry Wyatt	<b>Meeting Date:</b> June 2, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED ACTION/MOTION:** Staff recommends a review of the Fire/Emergency Services facilities construction Bond and the Dallas Community and Senior Center construction Bond proposal which would seek voter approval in November 2008 to sell bonds for the Fire/Emergency Services facilities construction & Dallas Community and Senior Center construction.

Finalize the name of the Bond measure options: Fire/Emergency Services Bond & Dallas Community "Senior Center" Bond.

A motion to have staff work with the Bond Counsel and direct the City Attorney to draft a Resolution calling for a measure election to submit to the electors of the City the question of contracting general obligation bonded indebtedness in the aggregate principal amount not to exceed \$6,900,000 to finance costs of capital construction and capital improvements for a Fire/Emergency Services facilities construction and \$2,900,000 for a Dallas Community and Senior Center.

**BACKGROUND:** Over the last nine months the staff has been working with Carl Sherwood, Architect, the Senior Advisory Committee and Fire Department to develop a conceptual layout and cost estimate of the proposals. At the April Council workshop a presentation of the two proposals was given with cost and design features. Following the meeting there was a site visit to the Fire Station and training facility.

**FISCAL IMPACT:** Senior Center - \$2,900,000 Bond, Fire/Emergency Services facilities - \$6,900,000 Bond.

**ATTACHMENTS:** Previous City Council packet consisting of plans and line item materials.

# Dallas City Council

## 1. Senior Center

- Location (Old Pool Site)
- Proposed Size (8,316 Sq. Ft.)
- Existing Facility (1,500 Sq Ft.)
- City Hall Foot Print (7,000 Sq Ft.)
- Civic Center (2,200 Sq. Ft.)
- Const. Budget (\$2,900,000) High Range
- CDBG (\$800,000 or \$500,000) – \$800,000 - Exclusive 60 years and older (first 5 years not renting out) or \$500,000 open restricted to city residents – Silverton qualify as low / mod income
  - Floodplain Issues
- Bond amount @2.9 million .22 per \$1,000 assessed house at \$175,000 = \$39.28 average over 20 years
- Financial Pro Forma – Business Plan
  - Building Construction – City of Dallas
  - Operation / Sustainability / Income - DAS
  - All interior and exterior maintenance responsibilities – DAS
  - Landscaping - City of Dallas
  - Parking Lot - City of Dallas
  - Utilities - DAS
  - Capital Improvements (roof, HVAC...)- City of Dallas
  - Insurance
    - Building – City of Dallas
    - Activities - DAS
  - Furnishings - DAS
  - Event and Activities Policy - DAS
    - Food and Alcohol Policy – DAS / City of Dallas
  - Private foundations - DAS

## 2. Fire Department

- Project Scope – Fire Station, Training Facility, Ambulances, Engine
- Bond amount @6.9 million .54 per \$1,000 assessed house at \$175,000 = \$94.58 average over 20 years

# Dallas Senior Center Dallas, Oregon

## CONCEPT DESIGN STUDY



||

**September 2007**  
(Updated March 2008)

## Table of Contents

---

<b>Title Page</b>	<b>1</b>
<b>Table of Contents</b>	<b>2</b>
<b>Introduction</b>	<b>3</b>
<b>Process</b>	<b>4</b>
<b>Summary of Program Space Needs</b>	<b>6</b>
<b>Development/Building Code Review</b>	<b>7</b>
<b>Concept Design Images</b>	<b>8</b>
Concept Site Plan	
Concept Floor Plan	
Concept Design Exterior Views	
<b>Concept Design - Project Budget</b>	<b>13</b>
Proposed Project Budget – September 2007	
Proposed Project Budget Update – March 2008	
<b>APPENDIX</b>	<b>15</b>
<b>Senior Center Advisory Committee Brainstorm Session</b>	
<b>Site Analysis Diagrams</b>	
<b>Site Evaluation Matrix</b>	
<b>Old Pool Site - Concept Alternatives</b>	

## Introduction

The Dallas Area Seniors have occupied a dedicated space in and adjacent to the Dallas Public Library since its completion in 1990. Due to an increasing senior population and broader programs, the seniors have outgrown the space and are in need of a new facility. In the early months of 2007 the Dallas Area Senior Center Advisory Committee was formed, for the purpose of identifying the needs for the center, and to work with Dallas city staff and an architect to develop a conceptual design. Initial work of the committee centered around identification of possible sites for the center, and identification of the space and program requirements. In June of 2007, Robertson Sherwood Architects was commissioned to assist the committee with further development of the space and program requirements, to evaluate each of the identified sites, and to develop a conceptual design for a preferred site. The committee then presented a final conceptual design and funding recommendation to the City Council in September of 2007.

This report is a brief summary of that process, and the conceptual design it produced. It should be noted that it is conceptual in nature, intended primarily to illustrate the scope and probable costs to develop the proposed facility. Once funding of the project has been established an architect will be selected to work with the city and Senior Center Advisory Committee through a focused design and construction process.

Funding sources for the project may include private community fundraising, Community Development Block Grants, private foundations, and a possible Bond Measure. The funding methods are not discussed as a part of this conceptual design summary.

### Dallas Area Senior Advisory Committee

Mayor Jim Fairchild  
 Councilor Brian Dalton  
 Councilor LaVonne Wilson  
 Candy Thommen, President, Dallas Area Seniors  
 June Krause, Treasurer, Dallas Area Seniors  
 Jerry Wennstrom  
 Dick May  
 John Morris

Roger Jordan, Dallas City Manager  
 Kim Marr, Dallas Assistant City Manager  
 Jerry Wyatt, Dallas Community Development Director  
 Michele Campione, Community Activities Coordinator

### Design Consultant

Carl Sherwood, AIA  
 Architect, Robertson/Sherwood/Architect pc

This document is a record of the conceptual design process and decisions, and is important to the continuity of additional planning and design efforts. Information and presentation materials developed during the course of this study are intended to gain further institutional and financial support for this important endeavor



## Process

The committee met over the course of the Summer of 2007 on the following dates for the general purposes described:

### June 11, 2007

- Brainstorm Session to identify needs
- Initial discussion of site issues and concerns
- Identification of three sites for further study

The committee had met earlier to discuss needs and came well prepared to identify the fundamental goals for the facility. A brainstorm session was held, ideas were recorded on cards posted on the wall, establishing whom the facility is designed to serve, the activities it should accommodate and the spaces required to do so. The committee had also previously identified possible sites in the Dallas area for consideration. Initial site selection criteria were discussed and the committee determined that three sites were most suitable for further study:

- Old Pool Site
- Academy Site
- Jasper Crossing Site

The data collected at this meeting (refer to Appendix) was analyzed to prepare a preliminary space needs summary and area allocation. In addition, data on the three proposed sites was gathered and analyzed with an assumed 10,000 sf footprint for the Dallas Senior Center. The area allocation summary and initial site evaluations were presented at the next committee meeting.

### July 19, 2007

- Presentation and review of space requirements,
- Review of initial site analysis
- Discussion of site selection matrix and criteria

The preliminary area allocation summary presented to the committee totaled 10,054 sf. This was in excess of the committee's belief that the needs should be around 8,500 sf, and that the budget required for construction of such a facility would be too great. Consequently, each area and space allocation was discussed and prioritized and the scope of the proposed project was reduced. This revised area allocation is the basis of the conceptual design work. (Refer to Program Needs –pg. 6). In the absence of a specific site recommendation a "generic" floor plan was developed in order to test the reduced area allocation, for presentation at the next meeting.

Site Analysis summary diagrams (refer to Appendix) for each of the three sites were presented to the committee. This analysis focused on the physical attributes and services to each of the sites, and the ability to accommodate up to a 10,000 sf facility with adjacent parking on the site. Each of the sites under consideration was found to be suitable for further consideration under this analysis. A site evaluation process for judging and evaluating criteria and selecting a preferred site was discussed, in anticipation of completing the site evaluation at the following meeting.

### August 9, 2007

- Review initial (generic) building floor plan
- Review and rating of site criteria
- Recommendation of preferred site

The committee was presented with a generic building layout, as a test of the area allocation summary. This plan verified that the reduced area could be achieved, and served as a basis of discussing key internal relationships to be considered when the building program was applied to a preferred site. The

committee recommended several adjustments to the plan that became incorporated in the final conceptual design.

Several of the committee members had come prepared with a preliminary analysis of the three sites utilizing the evaluation matrix discussed at the previous meeting. The committee took the time to review and discuss each of the criteria for evaluation and determine the relative weight to be given to each criteria. The matrix was then jointly completed with discussion of the ratings given to each site relative to the criteria (refer to Appendix). On the basis of this evaluation the committee became clear in its recommendation that the new Dallas Senior Center be located at the Old Pool Site.

During the course of conceptual design work over the next several weeks, the feedback given on the 'generic' floor plan was used to evaluate plans, building massing and architecture, site design and layout alternatives for the Old Pool Site.

**September 7, 2007**

- Review and selection of preferred site development options
- Floor plan refinements
- Discussion of quality basis for budget

Four alternative layouts for the Old Pool Site were presented to the committee for consideration and review. Each alternative explored differences in the relationship of site access to parking, parking areas to the building, outside spaces to indoor spaces, and orientation of the building to the site and surrounding streets and parkland (refer to Appendix). Each presented a slightly different internal layout of spaces given their relationship to the site design. After due consideration the committee recommended Alternative A, but with the internal relationships of the building reversed, east to west. This became the basis of the final conceptual design to be presented to the Council. (Refer to Concept Design – pg 8)

The committee also discussed the relative differences each of the alternatives presented in the development of an architectural style for the building appropriate to this site. Although, a final style is not critical to establish in a Conceptual Design Study, it is important that it be considered in the cost estimating process to assure that funds are available for the proper architectural expression. The committee discussed the merits of the building massing and types of materials to be considered. Key considerations were: sloped roofs (due to close proximity of many deciduous trees), use of natural light (windows for day-lighting), style appropriate to neighborhood and park (not too commercial looking), use of "natural" materials (wood, stone), low maintenance design. These discussions were important in the development of an appropriate range of possible construction costs for construction of the proposed facility.

On the basis of refinements discussed, final concept design plans and exterior images, and a proposed project budget were prepared to illustrate the Concept Design recommendations of the Dallas Senior Center Advisory Committee to the City Council.

**September 17, 2007**

- Presentation to City Council
- Preferred site recommendation
- Conceptual site plan recommendation
- Conceptual floor plan recommendation
- Conceptual exterior design recommendation
- Recommended project budget

The Dallas City Council was presented with the recommendation from Dallas Senior Center Advisory Committee for development of a new Dallas Senior Center on the Old Pool Site based on the Concept Design summarized in this study (refer to Concept Design – pg 8)

## Program Needs

The following spaces and area allocations are based on initial Senior Center Advisory Committee recommendations (refer to Appendix) and are the basis of the Concept Design.

Space	Description	Area Allocation (in square feet)
<b>Entry/Lobby</b>		
Entry/Lobby/ Lounge/Library	Entrance vestibule and lobby. Include lounge seating, built-in library shelving, space for miscellaneous games, puzzles, etc.	600
Coat Storage	Space for coat storage for 250 occupants	150
<b>Administration</b>		
Reception Desk	Space for two receptionists	100
Offices	Two offices including furnishings, filing, and storage	200
Work Room	Space for volunteer office including furnishings, filing, and storage	100
Consult Room/ First Aid	Room for life skills consultation, testing, clinics, etc. Separate space or alcove for sick bed and first aid equipment.	120
<b>Activities</b>		
Crafts Shop	Retail area to display and sell crafts produced within senior center	150
Crafts (2 rooms)	One wet craft room for painting and other activities. One dry craft room for sewing, quilting, and other activities.	800
Platform "Stage"	Space for accessible platform "stage". Locate as a part of the Multi-Purpose Room	200
Multi-Purpose Room	Assembly space for 250 occupants. Include 170sf storage for tables and chairs.	3,460
Computer Room	Space for four computer stations	150
<b>Misc. Areas</b>		
Kitchen	Warming kitchen located near multi-purpose room and barbeque. Include service access.	400
Custodial	Custodial space with storage shelving, mop sink, and space for storage of cleaning equipment	100
Restrooms	Women's and Men's restrooms with accessibility. Consider vision lock entry layout in lieu of doors.	400
	Subtotal Square Feet	6,930
	Net to Gross at 20% (hallways, walls, mech. and elec. spaces)	1,386
	<b>Total Proposed Square Feet (Heated Building)</b>	<b>8,316</b>
<b>Additional Areas</b>		
Covered Entry	Drop-off and pick-up area of occupants	300
	<b>Total Proposed Square Feet</b>	<b>8,616</b>



<b>Outdoor Activity</b>		
Patio	Space for 60 occupants. Locate near Barbeque and Multi-Purpose Room	600
Barbeque	Locate near kitchen and patio	100

### Dallas Development Code Review

Based on the site analysis of the proposed sites (refer to Appendix), the Old Pool Site, is zoned Park and Open Space (POS) and fields, courts, centers and playgrounds are allowed as permitted uses. In addition the Comprehensive Plan calls for community service uses at this site.

Off-Street parking requirements will be subject to definition by the City as no specific standard is outlined in the Dallas Development Code for this type of facility.

### Building Code Analysis

The facility defined by the space and area allocation summary above totals 8,616sf of covered area. This structure would be designed/constructed in accordance with the State of Oregon 2007 Structural Specialty Code (2007 IBC). A brief analysis confirms the type of construction allowed for this facility:

#### Non-Rated Construction (Type V-B)

As a stand-alone structure the building is open with distance to property lines on four sides. This allows for an area increase above the base allowable area of up to 75%.

Assuming Construction Type: Type V-B (Non Fire-Rated Construction, No Fire Sprinklers)  
 Area Calculation based on OSSC Section 503:

Base Allowable Area: 6,000 SF  
 Allowable Area: 10,500 SF (with frontage area increases)

**Proposed Area: 8,616 SF (includes covered areas)**  
 Allowable Future Addition: 1,884 SF

Under the above analysis, future additions would be limited to less than 2,000 sf, unless fire rated construction is incorporated, or area separation walls are added or, an automatic fire sprinkler system is installed. Due to the fire insurance benefits of automatic fire sprinkler systems, it is advisable to include provisions for this in the initial planning and budgeting. An automatic fire sprinkler system has been assumed in the scope of the budget range presented later in this report. This would allow for future expansion as follows:

#### Non-Rated Construction (Type V-B) with Automatic Fire Sprinkler System

As a stand-alone structure the building is open with distance to property lines on four sides. This allows for an area increase above the base allowable area of up to 75%.

Assuming Construction Type: Type V-B (Non Fire-Rated Construction, with AFS)  
 Area Calculation based on OSSC Section 503:

Base Allowable Area: 6,000 SF  
 Allowable Area: 30,150 SF (with frontage area increases + AFS)

**Proposed Area: 8,616 SF (includes covered areas)**  
 Allowable Future Addition 21,534 SF

## Concept Design Images

The following pages present the proposed Concept Design through these illustrations:

- **Concept Site Plan**

The site is located at the NW corner of the intersection of SW Branvold Dr. and SW Levens St at the entrance to Dallas City Park. Pedestrian sidewalks exist along the streets. Vehicular entrance to the facility is proposed directly across from an access point into an existing parking area on Branvold Dr. to minimize traffic movement confusion.

On the site the building is set back from Branvold Dr., with parking and a drive-through covered entrance facing south. Additional parking is proposed to the west, perhaps shared with other future uses. The availability of existing parking across Branvold Dr., may affect the number of new spaces required, however, the Concept Design cost estimates are based on the development of the amount of parking shown on the site plan.

- **Concept Floor Plan**

The floor plan illustrates an organization designed around a lobby circulation space that doubles as the Center's primary passive socializing space. Adjacent spaces include the administrative offices and access to all other designated activity areas. The larger multi-use room (divisible into three smaller spaces, would be located conveniently to this lobby area. Hallway access is provided to restrooms, kitchen area serving the multi-use room and to the outdoor activity area to the west.

- **Concept Design – Exterior Images**

The concept design illustrates one possible image for the building: a fairly tall wood framed structure, reminiscent of the scale and forms of the nearby older neighborhoods, but of a larger scaled interpretation. Expressive of the volume appropriate to the large multi-use space, expansive use of windows, both for view and connection to outdoors and for day-lighting, would reinforce the buildings role as a larger community oriented facility. Use of natural wood siding and stone materials could be appropriate to the park entrance setting, but it could also be clad in a variety of materials, perhaps selected for appropriate low maintenance, or to meet sustainable "green" design goals.



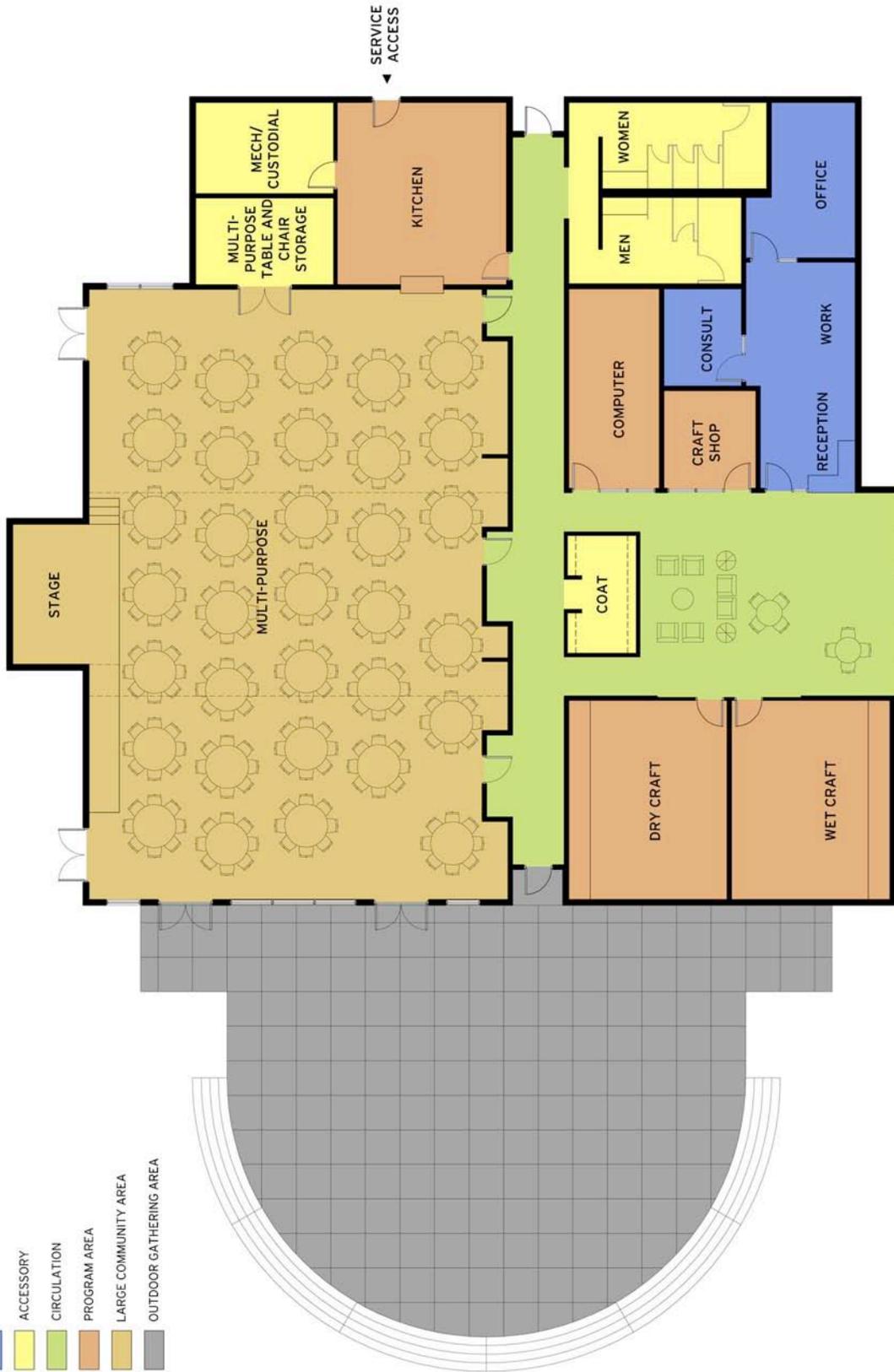
**Concept Design Site Plan - Dallas Senior Center**

N.T.S.

17 SEPTEMBER 2007



- ADMINISTRATION
- ACCESSORY
- CIRCULATION
- PROGRAM AREA
- LARGE COMMUNITY AREA
- OUTDOOR GATHERING AREA



Concept Design - Floor Plan - Dallas Senior Center







Dallas Senior Center

Concept Design - View from West



## Concept Design – Project Budget

The following is a summary of costs estimated for both the proposed Dallas Senior Center. Cost figures are based on a range of average costs that can be expected for a building of this type. Direct construction costs are the major portion of the overall project cost, but there are others to consider as well. These include the cost of design and engineering, furnishings and equipment, surveying and testing and the cost of permits. In addition the budget must include contingencies for construction, and the anticipated cost of inflation to time of bid. These other costs generally run about 20% of the cost of construction.

### Proposed Project Budget

September 2007

	Low Range	High Range
<b><u>Construction Costs</u></b>		
Demolition/Earthwork/Fill for Flood Plain	\$ 25,000	\$ 35,000
Site Improvements/Fencing/Landscaping	40,000	55,000
Parking and Driveways	75,000	100,000
Extend Site Utilities/Lighting	50,000	65,000
Senior Center Building @ \$170/sf	<u>1,410,000</u>	
Senior Center Building @ \$200/sf		<u>1,660,000</u>
Subtotal	1,600,000	1,915,000
Design/Construction Contingency @10%	<u>160,000</u>	<u>191,500</u>
Direct Construction Subtotal (2007 \$\$)	\$ 1,760,000	\$ 2,106,500
Inflation Contingency @ 5% per year	<u>88,000</u>	<u>105,300</u>
<b>Total Direct Construction Estimate</b>	<b>\$ 1,848,000</b>	<b>\$ 2,211,800</b>
<b><u>Other Costs @ 20%</u></b>	<b>369,600</b>	<b>442,400</b>
Furnishings and Equipment Allowance		
Design and Engineering Fees		
Construction Permits/Fees		
Bond Costs		
City Project Management Costs		
Geotechnical Report/Survey Fees		
Construction Materials Testing		
Other		
<b>Total Recommended Project Budget</b>	<b>\$ 2,217,600</b>	<b>\$ 2,654,200</b>



## Concept Design – Project Budget Update (March 2008)

As of March 2008 the City of Dallas is considering the potential of placing the Dallas Senior Center on the November 2008 ballot for approval to sell bonds for a portion of the funding required for its construction. Given this time frame the most likely scenario for having the project ready to bid would be the Spring of 2009. This is a half-year beyond the time covered by the first project budget and includes the better part of an additional bidding season, thus the following revised budget is recommended, adding an additional 4% inflation allowance.

### Proposed Project Budget

September 2007 (Inflation Update March 2008)

	Low Range	High Range
<b><u>Construction Costs</u></b>		
Demolition/Earthwork/Fill for Flood Plain	\$ 25,000	\$ 35,000
Site Improvements/Fencing/Landscaping	40,000	55,000
Parking and Driveways	75,000	100,000
Extend Site Utilities/Lighting	50,000	65,000
Senior Center Building @ \$170/sf	<u>1,410,000</u>	
Senior Center Building @ \$200/sf		<u>1,660,000</u>
Subtotal	1,600,000	1,915,000
Design/Construction Contingency @10%	<u>160,000</u>	<u>191,500</u>
Direct Construction Subtotal (2007 \$\$)	\$ 1,760,000	\$ 2,106,500
Inflation Contingency @ 5% per year (First year to September 2008)	88,000	105,300
Added Inflation Contingency @ 4% (Assumes November '08 Bond Election, and Bidding in Late Spring/Early Summer '09)	74,000	88,500
<b>Total Direct Construction Estimate</b>	<b>\$ 1,922,000</b>	<b>\$ 2,289,300</b>
<b><u>Other Costs @ 20%</u></b>	<b>384,400</b>	<b>457,800</b>
Furnishings and Equipment Allowance		
Design and Engineering Fees		
Construction Permits/Fees		
Bond Costs		
City Project Management Costs		
Geotechnical Report/Survey Fees		
Construction Materials Testing		
Other		
<b>Total Recommended Project Budget</b>	<b>\$ 2,306,400</b>	<b>\$ 2,747,100</b>

**Appendix:**

**Senior Center Advisory Committee Brainstorm Session**

**Site Analysis Diagrams**

**Site Evaluation Matrix**

**Concept Alternatives**

**Senior Center Advisory Committee Brainstorm Session**  
**(Meeting held June 11, 2007)**

**PEOPLE**

Seniors  
 Over 55  
 250 Members  
 New Members  
 500 Members  
 Future Growth  
 Rental Groups  
 General Public  
 Bus  
 15 Passengers  
 Dallas Area Seniors  
 Volunteers  
 Senior Activities Staff  
 Northwest Senior Services  
 Maintenance Staff

**CONCEPT**

Tie to Future Community  
 Center  
 CDBG Funds/Limitations  
 Aquatic + Senior Center

**TIME**

Now

**BUDGET**

\$1,000,000  
 Grants + Private Funding

**SPACES**

Crafts Shop  
 Craft + Rooms (2)  
 Painting  
 Sewing (Quilt)  
 Room w/Stage  
 Multi-Purpose Room  
 Tables + Chairs (+250)  
 Small Multi-Purpose  
 (Divides x2)  
 Kitchen  
 Lobby  
 4 Station Computer Room  
 Computer Room  
 Library  
 Game Room  
 Storage Table + Chairs

First Aid  
 Reception Desk  
 2 Offices + Volunteer Work  
 Room  
 Consult Room  
 Custodial  
 Restrooms  
 Garage  
 Covered Entry  
 Patio  
 Barbeque  
 Coat Storage

**SITE EVALUATION  
 CRITERIA**

Site & Theme Sensitive  
 Architecture  
 Cost  
 Supports Good  
 Architecture  
 Requires Invest in Arch

**ACTIVITIES**

Referral  
 Craft Display  
 Book Trading  
 Woodwork  
 Heritage Craft Ed.  
 Painting  
 Fund Raisers  
 Reception  
 Weddings  
 Exercise  
 Games  
 Craft Sales  
 Craft Production  
 Bingo (500)  
 Special Events  
 Training  
 Organized Field Trips  
 Classes/Education  
 Game Shows  
 Dancing  
 Movies  
 Entertainment  
 Quilting  
 Music  
 Garage Sale  
 Pool (Billiards)  
 Puzzles

Bldg Administration  
 Meetings  
 Daily Meals  
 Potlucks  
 Legal Services  
 Outside Service Prov.  
 Jam Sessions  
 Bazaar

**RELATIONSHIPS**

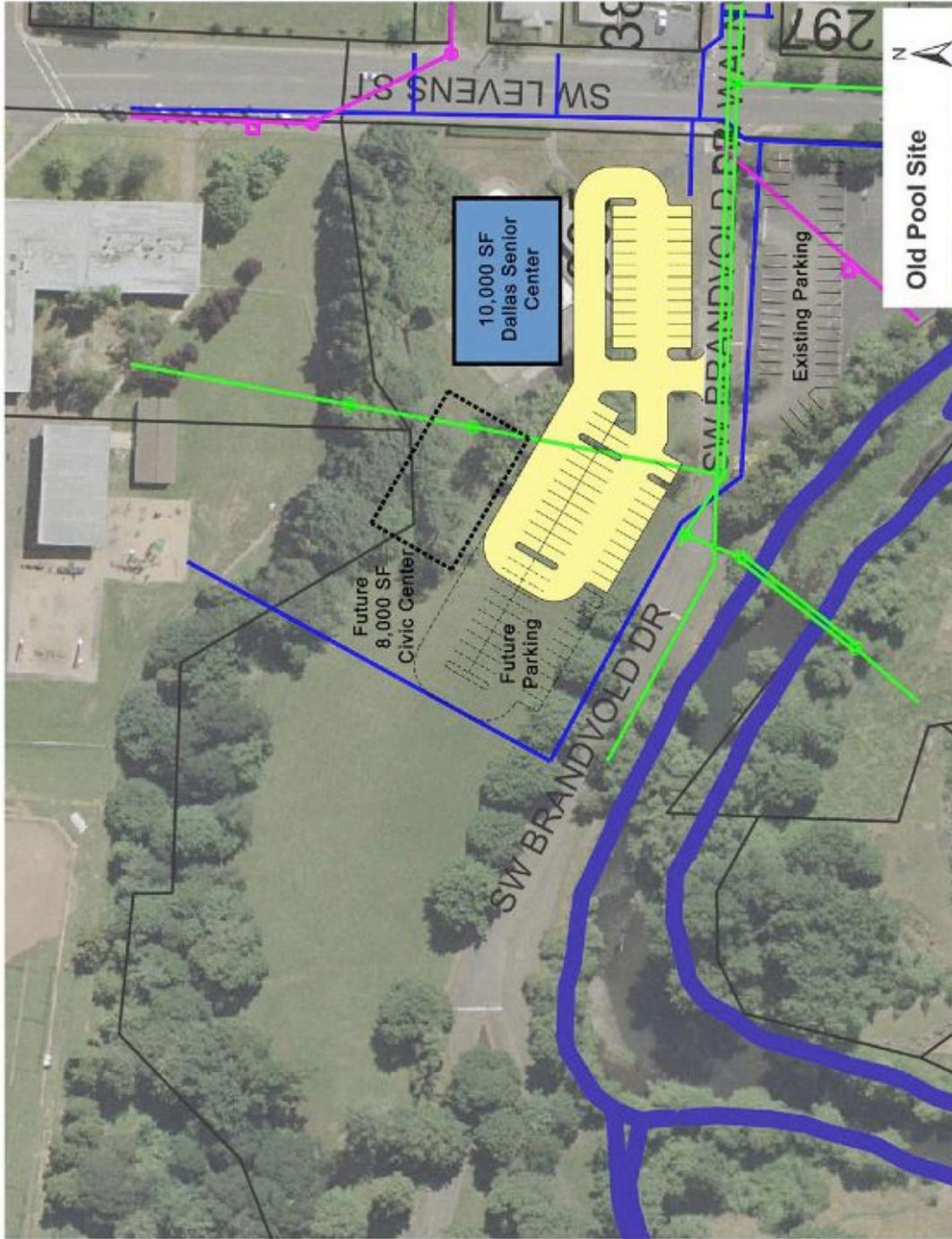
Lib/Lobby  
 ADA Access to Stage  
 Lobby – Front Desk –  
 Office  
 Meal Prep Kitchen  
 (Access Entrance)  
 Access into Restroom:  
 Vision Lock  
 Multi-Purpose – Security –  
 OFC  
 Outside Garbage Storage  
 (Screen)  
 M.P / Patio

**SITES**

Retirement \$  
 Park  
 Near Aquatics Center  
 Academy  
 Utilities  
 Parking  
 Co-Location Like Activities  
 Size  
 Infrastructure \$  
 Expansion for Future  
 Visibility  
 Soil Condition  
 Orientation  
 Build-Ability  
 Accessible Parking – Safe  
 Sidewalks

**QUALITIES**

Cleanable Entry Surface  
 Windows/Skylights (Light)  
 Energy Efficient  
 Landscaping



# Old Pool Site



## Site Utilities

Adequate water, sanitary, and storm utilities exist on site. Minor modification required.

- Water —
- Sanitary —
- Storm —

## Setbacks

Front yard: 20 feet  
 Side yard: 5 feet  
 Rear yard: 25 feet  
 Maximum height: 60 feet

## Flood Plain and Grading Issues

Sloping site from east to west  
 Existing grade between 312.7-317.7 feet. Approximately 100 year flood plain elevation at 317.5 feet

Grade at Dallas Senior Center must be raised 1-2 feet to achieve required 1 foot above flood plain

Grade at future Civic Center must be raised 5-6 feet to achieve required 1 foot above flood plain

## Parking

36 existing parking stalls across SW Brandvoeld Drive

61 proposed parking stalls

33 future parking stalls for future Civic Center building

## Site Costs

Demolition of existing pool

Import of soil to address flood plain issues

## Other Considerations

Located within existing city property

19 July 2007



# Academy Site



## Site Utilities

Potential to tap into existing water line and sanitary line east of site. Other option requires crossing Main Street. Storm water requires extension onto site.

- Water
- Sanitary
- Storm

## Setbacks

Front yard: 3 feet  
 Side yard: 3 feet  
 Maximum height: 50 feet

## Flood Plain and Grading

Relatively level site  
 Existing grade between 310-311 feet. Approximate 100 year flood plain elevation at 311.5 feet  
 Grade at building must be raised 2-3 feet to achieve required 1 foot above flood plain

## Parking

16 Parking Stalls Added  
 Requires shared parking with Academy Building

## Site Costs

Import of soil to address flood plain issues

## Other Considerations

Located in central downtown district



# Jasper Crossing Site

## Site Utilities

Utilities to be accessed from future extension of NW Jasper Street

- Water
- Sanitary
- Storm

## Setbacks

Front yard: 10 feet  
 Side yard: 10 feet  
 Rear yard: 10 feet  
 Maximum height: 35 feet

## Flood Plain and Grading Issues

Relatively level site  
 Outside flood plain  
 Soils survey recommended prior to purchase of site to determine presence of wetlands.

## Parking

92 Parking Stalls  
 Ample additional parking available

## Site Costs

Purchase property  
 Soil preparation depending on results from soil report

## Other Considerations

Requires coordination of timing with construction of NW Jasper Street extension  
 Located near retirement centers

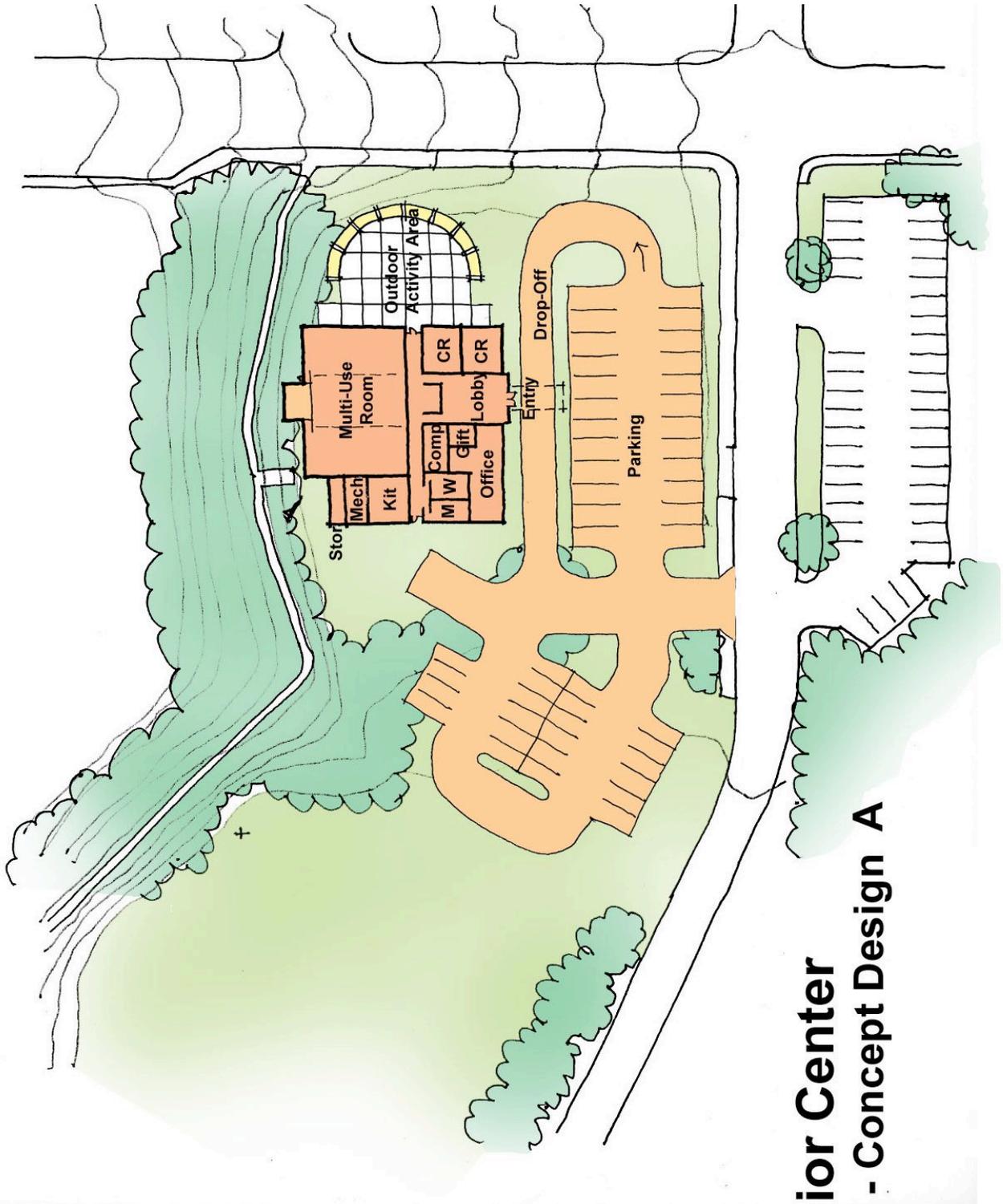


## Site Evaluation Matrix Dallas Senior Center

Rating Criteria	Rating Value	Old Pool Site	Academy Site	Jasper Crossing Site
	1-10			
Adequate Site Size*	10	● 50	○ 30	○ 10
Centralized Location	4	● 20	● 20	○ 4
Ease of Development	7	○ 21	○ 21	○ 21
Site Hazards	8	● 40	○ 24	● 40
Vehicular/Street Access	9	● 45	● 45	● 45
Joint Benefits	7	● 35	● 35	● 35
Public Visibility	5	● 25	● 25	○ 5
Pedestrian Access	4	● 20	● 20	● 20
Transportation Service	8	● 40	● 40	● 40
* including parking				
Subtotal		296	260	220
Availability/Cost	10	● 50	● 50	○ 10
Score Value		346	310	230
				0

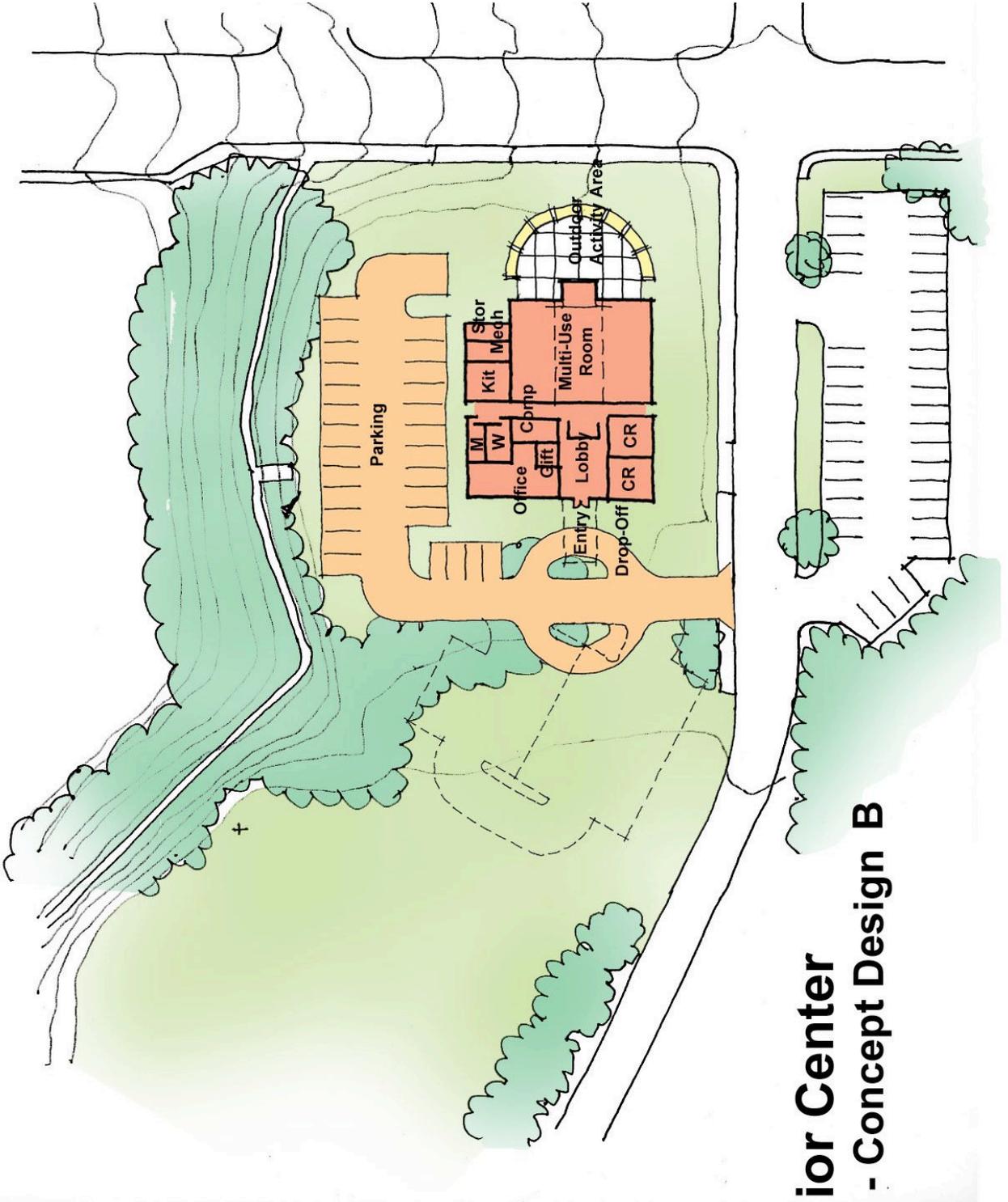


● Good 5      ○ Fair 3      ○ Poor 1



# Dallas Senior Center Old Pool Site - Concept Design A





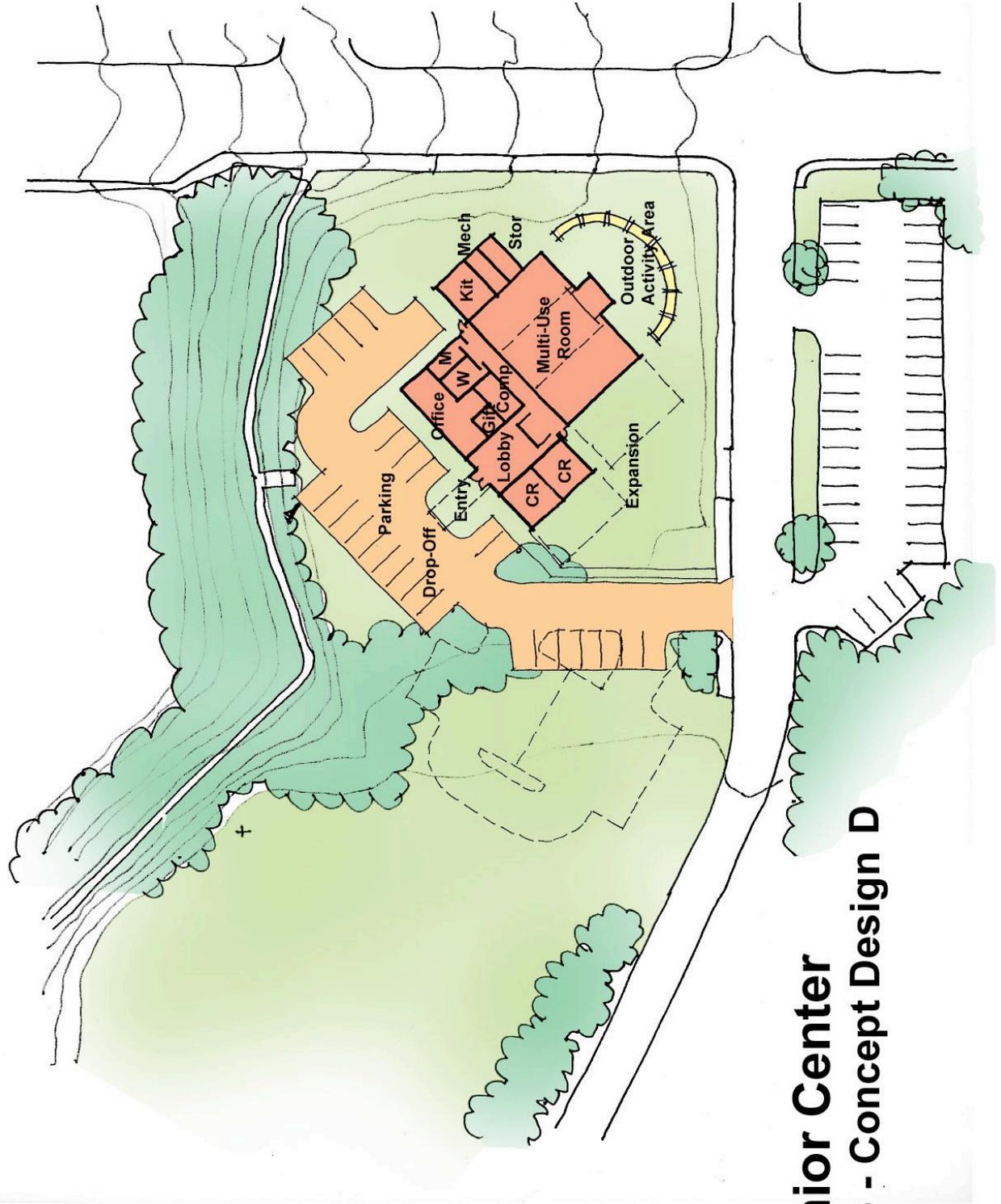
# Dallas Senior Center Old Pool Site - Concept Design B





# Dallas Senior Center Old Pool Site - Concept Design C





# Dallas Senior Center Old Pool Site - Concept Design D



Size (sq ft)	Utilities				Maintenance	Notes
	Gas	Electric	Water	Sewer		
Wilsonville 8,716 sq ft	\$124,800					This is a mixed-use facility. Because it was funded w/ CDBG, it's exclusive senior use from 8-5. (Mixed use does not work!) Operating budget last year was \$724,600. This year it increased 14% to \$849,400, as the costs for utilities are now becoming their responsibility.
McMinnville	Waiting for reply					
West Linn 3,500 sq ft	\$13,500 per year				Equipment Repair (HVAC, etc.)= \$2,000; Facility Repair (touch-up paint, etc.) = \$2,500; Janitorial = \$9,000; Maintenance Supplies = \$3,600; Alarm Service = \$600	
Sandy	Waiting for reply					
Canby 10,000 sq ft	Waiting for response on utility information				City has deferred maintenance for several years. They have offered the deed to the building for \$1, but the deferred maintenance (new roof, siding, etc.) comes to \$400,000.	Building is owned by the city & land is the school districts. Repairs are completed by the City.



Concept Design - View from Southeast

**OPTION #1**

2 Medic Units	500,000
Station Facility	3,339,016
Training Site	<u>3,784,661</u>
	\$7,623,667

“Uncut First Estimate” by Sherwood Architects

**OPTION #2a**

2 Medic Units	445,000
Training Site	3,128,796
Station Facility	<u>3,037,645</u>
	\$6,611,441

Cutting:  
Training Shed / Vent Prop  
Debriefing Shelters (3)  
Physical Training Room  
Fire Display Area

**OPTION #3**

2 Medic Units	445,000
Training Site	3,128,796
2 Engines	700,000
Rescue Unit	<u>400,000</u>
	\$4,673,796

2017 – Scheduled for engines/rescue replacement

**OPTION #4**

2 Medic Units	445,000
Training Site	<u>3,128,796</u>
	\$3,573,796    Ten-Year Maximum Bond

**2018 Bond**

Remodel Main Station	5,008,524
Build Sub-stations	7,000,000
Purchase 2 Engines	1,050,000
Purchase Rescue	<u>600,000</u>
	\$13,658,524

**OPTION #2b**

2 Medic Units	445,000
Training Site	3,378,000
Station Facility	<u>3,151,000</u>
	\$6,974,000

Including:  
Fire Display Area  
Replace Reserve Engine (1978)

Cutting:  
Debriefing Shelters (3)  
Physical Training Room  
Training Shed / Vent Prop

# Fire Ambulance Project

## Limitations of Existing Facilities

### Station 100

- One classroom currently available
- The one classroom does not have the ability to be divided into smaller rooms
- The classroom shares its location with the department kitchen, and that creates noise issues
- Limited technology is available for training delivery
- Limited space is available for storage of training material
- No area is available for training materials and/or space for individual study
- Limited climate control (no air conditioning)
- Restroom and classroom not ADA accessible
- Only one restroom adjacent to classroom (unisex) Training Site
- Wooden tower provides limited usage. No live fire training capabilities
- Training tower has received damage from modern firefighting techniques
- Structural integrity questioned by 2007 ESCi Study
- Nails, jagged wood, and other sharp objects contribute to damage of protective clothing, hose and equipment
- Area is too small for needed activities
- Poorly lighted
- No permanent restroom facilities
- Area too small to use for driver training
- No private access
- Fluids from vehicle extrication may create potential environmental issues
- Only half (approximately) of the area is paved
- Few training props exist

There is little debate that the current training facility and the classroom are inadequate for the type and amount of training being conducted by the department. It could be argued that existing facilities are in some cases unsafe and are not cost effective. Continued maintenance needs as well as damaged gear and equipment create additional costs to the department.

## Facility Needs and Rationalizations

### 1. A need for Additional Classrooms

- Training nights routinely involve 3, 4 or even 5 activities occurring during the Same hour period. When more than one of these activities involves the need for classroom space the department is forced to move outside the station. This not only produces logistical challenges but wastes time in moving volunteers to another facility
- Attendance on average consists of 30 to 40 firefighters per training session

It is not uncommon for students from Southwestern Polk (Rickreall) or Falls City will also be involved in training activities with Dallas adding 10 to 15 individuals

## 2. A need for Field Training

- Field training can consist of as many as four engines, a ladder truck, a rescue truck and a tender. Existing facilities cannot come close to accommodating that amount of apparatus safely
- Reducing the amount of apparatus available for use greatly reduces the ability to provide “hands on” training. This is especially important to volunteer departments that involve individuals that may have limited experience on the emergency scene

## 3. A need for a Facility and area to routinely conduct training

- Ladder Drills: This requires a structure or structures that provide multi-storied windows and roof access
- Master Stream Operation: Requires the use of multiple hydrants and an area large enough for large volumes of water to be delivered and properly drained without causing environmental issues
- Vehicle Extrication: An area is needed to capture liquids from vehicles being demolished during training as well as containing glass and other sharp objects that can cause damage to fire apparatus and equipment
- Live Fire Training Structure: A dedicated room or rooms is needed for safely conducting live fire training
- Live Fire Training Other: Training on flammable liquid fires, LPG, car fires as well as other types of fires can be accomplished with various props
- Drafting: Engineers must have the ability to collect water from a stagnant water source. A draft pit provides this training as well as being used for annual pump testing of all apparatus. Pump testing is currently being conducted at Station 6, at the Salem fire training facility
- Confined Space Rescue: This involves the creation of small spaces such as sewer lines or collapsed materials
- Search and Rescue: A building that can be filled with smoke and movable partitions is used for this training exercise
- Ventilation: Both horizontal and vertical ventilation are used extensively. There is no training prop or structure currently available for training
- Rope Rescue: An area is needed that will provide secure anchor points and some elevation
- Multiple Company Evolutions: An area that can accommodate multiple apparatus working together on a common training scenario for single family dwelling to large commercial structures

## 4. A Facility That Allows the Training Program to Complete Its Mission

- Provide competency based training that requires individual involvement in performing various fire scene tasks
- Increase certification within the department to meet state and national standards
- Provide safe and realistic training
- Maintain a highly motivated and efficient volunteer cadre of firefighters

- “Don’t Waste Their Time”

## **Conclusions and Recommendations**

1. The existing training facility located off Monmouth Cutoff is undersized for the variety of training needs. Alternatives currently being used (streets, parking lots) create a risk to firefighters and the public and are no longer acceptable for providing additional space.

Recommendations:

Purchase or lease the 5 to 7 acre parcel (exact size not known) west of the current facility that extends west to S. E. Uglow Street.

2. The expanded facility will require site improvements.

Recommendations:

- Pave entire training area
- Provide additional vehicle access to the site from the public right of way
- Develop full utilities on the site
- Provide sufficient lighting throughout the site
- Perimeter fencing for safety and security
- Additional fire hydrants on site
- Provide restroom facilities
- Provide classrooms onsite
- Create rehab area with ability to store rehab items
- Small covered shelters for instruction and debriefing
- Large covered area for training in inclement weather

3. The current training tower is not sufficient for today’s or future training needs. In addition to being limited in the types of training it can be used for, it has questionable integrity and poses potential safety risks to users.

Recommendations:

• Construct a multi-level training tower that will include the following training capabilities:

- \*Burn room(s)
- \*Smoke distribution system
- \*Vertical/Horizontal ventilation
- \*Attic space
- \*Rappelling Hooks
- \*Fire department connection with standpipe
- \*Sprinkler system
- \*Windows with ladder access
- \*Exterior stairway
- \*Elevator shaft
- \*Moveable partitioned walls

\*Forcible entry doors and windows

4. At the present no training props exist for meeting the typical responses faced by the department.

Recommendations:

- Include the following props as part of the training facility:

- \*Draft pit

- \*Vehicle extrication pad

- \*Confined space prop

- \*LPG props

- \*Hazardous Material props

- \*Structural props

- \*Driving Course

5. The existing classroom lacks design features to allow it to be used to its full potential. This results in minimizing the possible uses of the current classroom.

Recommendations:

- Install partitions for room separation
- Install doors on the kitchen openings
- Install folding door over kitchen serving area
- Build storage area for training materials
- Upgrade technology for presentations
- Install HVAC system
- Install new floor covering
- Develop additional restroom
- ADA compliant

6. The existence of only one classroom does not meet the current needs of the department. With multiple training sessions occurring simultaneously additional classroom space is needed.

Recommendations:

- Expand Station 100 to include additional classrooms
- Build a classroom on the training site

## **Introduction**

Dallas Fire Station 100 is located at 915 S. E. Shelton Street, and is the only station that the department responds from. Apparatus owned by the Southwestern Polk County Rural Fire Protection District is also housed there and is used for call responses within the district. Since its construction in 1972 the station has had a variety of changes and modifications to meet the ever changing role of the department. Currently the facility provides for the following functions of the department:

1. Staff Offices (5)
2. Houses response apparatus
3. Houses antique apparatus
4. Classroom for training
5. Tool storage
6. Hose storage
7. Decontamination area
8. Houses rehabilitation trailer
9. Turnout storage
10. Radio room
11. Locker room facility
12. Association meeting room
13. Association kitchen area
14. Turnout cleaning area
15. Maintenance room
16. SCBA repair room
17. SCBA refill room
18. Association merchandise room
19. Community event center
20. Apparatus cleaning/restoring area
21. Record storage
22. Public education room
23. Business Office

### **Station Modifications**

Over the years many modifications and changes have been made to the present station.

Below are listed a few of those changes:

1. Offices built downstairs
2. Overhead storage added
3. Large bay door divided into two doors
4. Concrete apron installed in front
5. Compressed air fill lines to apparatus
6. Association installed used commercial kitchen upstairs
7. Dividing wall added to upstairs to create storage area
8. Portable generator installed for emergency power wired into building
9. Additional turnout racks installed

### **Adjoining House (south on Shelton)**

In 2006 the City purchased the residential house located directly to the south of the station, (939 S. E. Shelton Street) a two story home. The department is currently using the house for the Director of Emergency Medical Services and as additional storage. The

garage on the property is being used to store large surplus items. Some classroom training occurs in the house but is limited in the amount of students that can be accommodate.

### **Station 100 Maintenance Needs**

Prioritizing maintenance needs and trying to meet budgetary constraints is a challenge for all departments. Station 100 has some immediate needs that left unresolved will lead to continued structural damage or increase the cost of operating the station. The following items need some form of repair or replacement in the very immediate future:

1. Apparatus Bay Heating System: The heating system is the original design when the building was constructed. The heating units are four natural gas units suspended from the ceiling. It is not uncommon for the pilot lights to become extinguished when the bay doors are opened during windy days. Heating such a large area with this type of heating system is no longer energy efficient.

2. Automatic Apparatus Bay Doors: These electrically automated doors are opened as members enter the station by a switch located at each of the two main doors. Modifications made as a result of the door weight and re-wiring for portable generator operations has left one of the door switches limited to just the back switch.

3. Restroom Facilities: Many of the fixtures are original equipment. Repairs are more costly because of age of the items and availability of materials to complete repairs.

4. Ceiling Tiles: Although not essential to the efficient operation of the station the aesthetics of cracked and discolored ceiling tiles leaves a poor impression on visitors and members alike. Many of the tiles have been painted by volunteer labor but a significant number of tiles still remain in poor condition.

5. Exterior Façade: The metal façade that surrounds the entire station has become a major source of damage to the station. Parts of the façade have pulled away from the structure. Other parts of the façade have rusted completely through. Both of these conditions have allowed water to enter into the façade and created holes and damage to sheet rock. Temporary repairs have been made but it is obvious by visible cracks that these fixes will not last very long.

6. Exterior Lighting: Concern about a lack of sufficient lighting has been voiced by the volunteers of the department. There have been some improvements made to this condition but the condition still remains a problem. Volunteers respond at all hours of the night and in all types of weather conditions. Clear visibility is essential to prevent tripping accidents and help responding units to see volunteers as they enter the building.

7. Flat Roof: The facility has had a history of issues with ceiling leaks resulting from water accumulation on the roof. The combination of a flat roof and clogged drainage has led to

this problem. Constant monitoring of the drains and frequent cleaning is needed to prevent further leaks.

### **Station 100 Deficiencies**

Emergency response is not static and is ever changing as the needs of the community and advances in technology require new methods and equipment to address these changes. In addition to response changes the culture of the department has changed through the years as more women have taken an active role as members of the department. The department has sought ways to accommodate these changes using minimal funding but has never fully addressed the issues necessary to bring the station to the operational state that is needed.

1. Female Restrooms / Locker Room: Currently the station provides one (exceeding small) bathroom facility for its female members and guests. Modifications to bring it into ADA compliance would require major changes and may not even be possible with the current station configuration. No locker room or shower facility exists for women. Currently the one shower facility located in the men's locker room is shared by both the men and women of the department. The single restroom located upstairs is a shared facility as well and can be required to serve up to 50 or more people during a meeting.

2. ADA Compliance: The current facility in its present form would not comply with ADA requirements of today. Stairs are the only access to the upstairs meeting room.

3. Essential Facility Requirements: This term refers to the fact that the location that houses emergency response for a community shall be able to withstand major acts of nature. Not being able to access apparatus and equipment during a natural disaster only increases the potential damage and life safety of the community.

4. Protective Clothing Exposure: Many of the turnouts firefighters wear are exposed to UV rays. Over time this has greatly contributed to the deterioration of the fabric and led to repair or resulted in taking the protective clothing out of service. This issue was also noted in the 2007 ESCI report. Replacement cost of turnouts is \$1850 per set making this a major budgetary concern.

5. Dayroom: With the addition of offices to the downstairs level, space used for Day room activities was eliminated. A Day room is an area that allows volunteers to spend time at the station when available and provides basic forms of entertainment for them while they are there. The obvious advantage to the department is that it reduces response times and potentially increases response numbers. With increased difficulty recruiting and retaining members any method within reason to accommodate volunteer members is a wise investment.

6. Living Quarters: This differs from a Day room by providing sleeping quarters as well as kitchen facilities and small living area. As the department continues to evolve, the need for continual station coverage becomes very real. Volunteers can be assigned shift

coverage, sleeper may be added or career staff may be needed in the near future.

7. Fire Protection System: As a leading advocate for fire prevention within the community the station has done little to market that image itself. No fire suppression system exists within the building nor is the station equipped with a fire alarm system. At present smoke detectors that are monitored by an alarm company is the only form of fire protection in the department.

8. Office Design: Although a very good job was done to modify the station to include staff offices and make it more user friendly for the public, the building still lacks a business type atmosphere. The facility lacks a reception area for visitors, a secure area for records and the office area is in the main traffic route for accessing the upstairs meeting room.

9. Minimal Storage: Attempts to remedy this situation have been made by building two overhead storage areas and turning the hose tower into an area for storing equipment as well. Simply stated the department has outgrown the current facility.

10. Electrical Upgrade: The addition of an emergency generator was a great upgrade as a source of emergency power. Unfortunately, the generator must be manually operated and require a variety of procedures to occur before it can be activated. This greatly reduces its effectiveness during emergency situations. As door openers have been replaced three phase power sources are needed and a general upgrading of the entire system is needed.

11. HVAC Systems: The building currently has no air conditioning and becomes exceedingly hot during summer months. This greatly reduces the use of the upstairs classroom and eliminates one more function of the building. Upgrades to the existing system have been reviewed but the existing system is too small to handle a significant upgrade.

12. Display Area: The department has a proud tradition and has maintained aspects of its historical past. Unfortunately, these antique apparatus and tools have become a storage problem and are moved about to make room for apparatus and equipment used today. Being able to proudly display some of the department's history would be a positive accomplishment for its members, both past and future.

13. Association Kitchen: This portion of the station has been modified by the volunteers and serves a valuable purpose in the life of the department. The kitchen facility receives a great deal of use with monthly dinners provided for volunteers and their families. This atmosphere of family involvement is critical to maintaining the moral and support of the volunteer system. This area needs additional improvement and modern appliances.

14. Limited Classroom Availability: This has been previously discussed, but is critical to the mission of the department.

15. Emergency Parking: This has continually been addressed and improved throughout the life of the station. Parking during certain parts of the day is still a problem for responding volunteers.

16. Maintenance Plan: A regularly scheduled maintenance plan does not exist for the building, resulting in a reactive response rather than a proactive response to building issues. Regular janitorial service is not provided, and what is done, on a minimal basis, is done by staff.

## **Conclusion**

This building has presently served the community for 35 years. In order to serve the community for additional years, corrections must be done. The facility is centrally located in the community for response to emergency incidents. As the community continues to grow in population and geographic area, a substation or two will be needed and property should be acquired to meet the future need. However, for the present time upgrades are the essential to preserve this facility.

## **Recommendations**

1. Upgrade to essential building qualifications
2. Upgrade office facility for the future
3. Additional classroom/training area
4. Audio Visual Equipment for training
5. ADA compliance
6. HVAC for entire facility (energy efficiency)
7. Restroom and lockers for men and women
8. Access to entire facility
9. Upgrade doors and lighting (energy efficiency)
10. Electrical upgrade with generator backup
11. Area for turnout protection from UV rays
12. Upgrade upstairs facility (kitchen, flooring, restrooms)

## ***EMERGENCY MEDICAL SERVICE***

### **Overview**

The Dallas Emergency Medical Service currently operates three advanced life support (ALS) medic units from its station located at 240 S. E. Washington Street. One medic unit is staffed by career medics twenty-four hours a day 365 days a year. The second medic unit is staffed by parttime medics that also provide 24/7 coverage. A third medic unit is held in reserve for use when one of the two front-line medic units are out of service, or when it is needed to respond to a third emergency call. The service responds to over 2,000 calls per year with an average 4-5% increase per year.

### **Medic Units**

The Dallas medic units are identified as Medic 101, 102 and 103. The newest of the units is a 2003 Braun North star that has 113,000 miles of use thus far. Medic 102 is a 1998 Lifeline with 144,000 miles and Medic 103 is a 1995 Wheeled Coach that has 102,000 miles of service. Currently Medic 101 responds to 75% of all calls. In addition to mileage, an even greater factor for replacement consideration is the quality and condition of “the box” (area where patients are treated). Comfort is critical to the patients well being and ability to tolerate pain and minimize movement in the case of spinal and neck injuries. Noise is another factor that is critical to patient care. Medics must be able to listen to chest sounds, blood pressures and other assessment practices.

### **Recommendation**

With anticipated increases in call volume the need for medical response is only going to continue to increase. Budget deficits resulting from Medicare and Medicaid issues make it impossible to accumulate enough funds for a capital outlay project such as purchases of medic units.

Replacing two medic units and placing them on a strict rotational schedule is one way of prolonging the life and service of each unit. The department is researching the advantages of using a heavier chassis and body style. Failing to act in a proactive manner will only increase future costs as well as present a risk to emergency response service. The Emergency Medical Service area is franchised to the City of Dallas and is hundreds of miles, with all types of roadways. The department has done an excellent job of maintaining its present fleet but can only do so much to extend the service life of each unit.

## ***EMERGENCY MEDICAL SERVICE EQUIPMENT***

### **Overview**

The Dallas Emergency Medical Service provides some of the finest pre-hospital care in the state. Under the direction of its physician supervisor the medics serving the department are allowed to perform aggressive patient care in the field leading to better outcomes for the patient. To do this, the service has worked with state of the art technology and has equipped itself to meet the various emergency situations it faces daily. One item that is in need of upgrading is the defibrillation units on each medic unit. These devices, which were purchased used, have been used on a daily basis since they were purchased over eight years ago. They are used to detect various heart arrhythmias and are used for delivering shocks to produce a survivable rhythms in patients whose hearts are failing. This is an essential piece of equipment that needs to be replaced immediately. The present units do not meet the new American Heart Association standards and because of age cannot be upgraded.

In addition each engine should be equipped with an AED (automatic external defibrillator). This is a simple device that can be operated with minimal training. This

would be carried on each engine and could be used by every member of the fire department. A major advantage to having an AED available at all times is the safety of the firefighters on scene. Heart attacks are the leading cause of firefighter deaths. The ability to intervene immediately could make a difference in the outcome of the patient condition. In addition, firefighters with minimal training could administer this life saving technique when a medic unit is not available or has not yet arrived.

### **Conclusion**

Because of vehicle age and the call volume that continues to increase it is time to address both age and mileage of the current fleet. Place new gurneys and defibrillator / monitors on each unit to better service the community of Dallas and surrounding area.



**DALLAS FIRE STATION - Master Plan**

RESOLUTION NO. 3154

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$25,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation with \$5,000 thereof to the General Fund, Municipal Court Department, Supplies Appropriation, with \$10,000 thereof to the General Fund, Municipal Court, Defense Attorney Appropriation, and with \$10,000 thereof to the General Fund, Municipal Court Department, County Assessment Appropriation for unanticipated costs related to increased Court activity;

WHEREAS, it is necessary to transfer the appropriation authority of \$65,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation, with \$20,000 thereof to the General Fund, Aquatic Center Department, Salaries and Fringe Benefits Appropriations for unanticipated personnel costs, with \$10,000 thereof to the General Fund, Aquatic Center Department, Pro Shop and Concessions Appropriation for unanticipated costs related to increased sales, and with \$35,000 thereof to the General Fund, Aquatic Center Department, Maintenance of Building and Grounds Appropriation for unanticipated costs related to pool and equipment repairs;

WHEREAS, it is necessary to transfer the appropriation authority of \$16,000 from the Street Fund, Debt Service and Contingency Department, Contingency Appropriation to the Street Fund, Maintenance Department, Salaries and Fringe Benefits Appropriation due to unanticipated personnel costs related to street maintenance;

WHEREAS, it is necessary to transfer the appropriation authority of \$40,000 from the Sewer Fund, Wastewater Treatment Facility Department, Salaries and Fringe Benefits Appropriation to the Sewer Fund, Wastewater Treatment Facility Department, Contractual Services Appropriation for the unanticipated cost for a management contract;

WHEREAS, it is necessary to transfer the appropriation authority of \$4,500 from the Internal Services Fund, Finance Department, Supplies Appropriation and \$2,500 from the Internal Services Fund, Human Resources Department, Membership and Training Appropriation to the Internal Services Fund, City Manager's Department, Membership and Training Appropriation for the unanticipated costs of recruiting a new City Manager;  
NOW, THEREFORE,

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

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$25,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation with \$5,000 thereof to the General Fund, Municipal Court Department, Supplies Appropriation, with \$10,000 thereof to the General Fund, Municipal Court Department, Defense Attorney

Appropriation, and with \$10,000 thereof to the General Fund, Municipal Court Department, County Assessments Appropriation.

Section 2. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$65,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation, with \$20,000 thereof to the General Fund, Aquatic Center Department, Salaries and Fringe Benefits Appropriations, with \$10,000 thereof to the General Fund, Aquatic Center Department, Pro Shop and Concessions Appropriation, and with \$35,000 thereof to the General Fund, Aquatic Center Department, Maintenance of Building and Grounds Appropriation.

Section 3. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$16,000 from the Street Fund, Debt Service and Contingency Department, Contingency Appropriation to the Street Fund, Maintenance Department, Salaries and Fringe Benefits Appropriation.

Section 4. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$40,000 from the Sewer Fund, Wastewater Treatment Facility Department, Salaries and Fringe Benefits Appropriation to the Sewer Fund, Wastewater Treatment Facility Department, Contractual Services Appropriation.

Section 5. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$4,500 from the Internal Services Fund, Finance Department, Supplies Appropriation and \$2,500 from the Internal Services Fund, Human Resources Department, Membership and Training Appropriation, to the Internal Services Fund, City Manager Department, Membership and Training Appropriation.

Section 6. This Resolution shall be effective upon its passage.

Adopted: May 29, 2008  
Approved: May 29, 2008

---

JAMES B. FAIRCHILD, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 9.1</b>	<b>Topic:</b> Wyatt Node Zone Change Ordinance
<b>Prepared By:</b> Jason Locke, Community Development Director	<b>Meeting Date:</b> June 2, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No
<b>Approved By:</b> Jerry Wyatt, City Manager		

RECOMMENDED ACTION:

Approval of Ordinance No.1687.

BACKGROUND: At the close of the public hearing on this matter, the Council directed staff to prepare an Ordinance adopting the zone change for a 15.7 acre portion of the Wyatt Node as recommended by the Planning Commission.

FISCAL IMPACT: None.

ATTACHMENTS:

- 1) Ordinance No.1687

ORDINANCE NO. 1687

An Ordinance changing the zoning designation of a parcel of real property owned by Raymond Baker and Daniel Carver from Residential Agricultural to Residential Medium Density.

WHEREAS, the above-referenced owners submitted a zone change application to the City requesting that the zoning designation of the real property which is described as 15.7 acres located in the Southeasterly portion of the Wyatt Mixed Use Node, as more particularly shown on the map attached hereto as Exhibit A and by this reference incorporated herein, be changed from Residential Agricultural to Residential Medium Density; and

WHEREAS, after due notice, on April 8, 2008, 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 May 19, 2008, 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 Development Code and was in compliance with the Comprehensive Plan 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 1 hereto is hereby changed from Residential Agricultural to Residential Medium Density.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on May 19, 2008, a copy of which is attached hereto as Exhibit B and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Read for the first time: June 2, 2008  
Read for the second time: June 19, 2008  
Passed by the City Council: June 19, 2008  
Approved by the Mayor: June 19, 2008

---

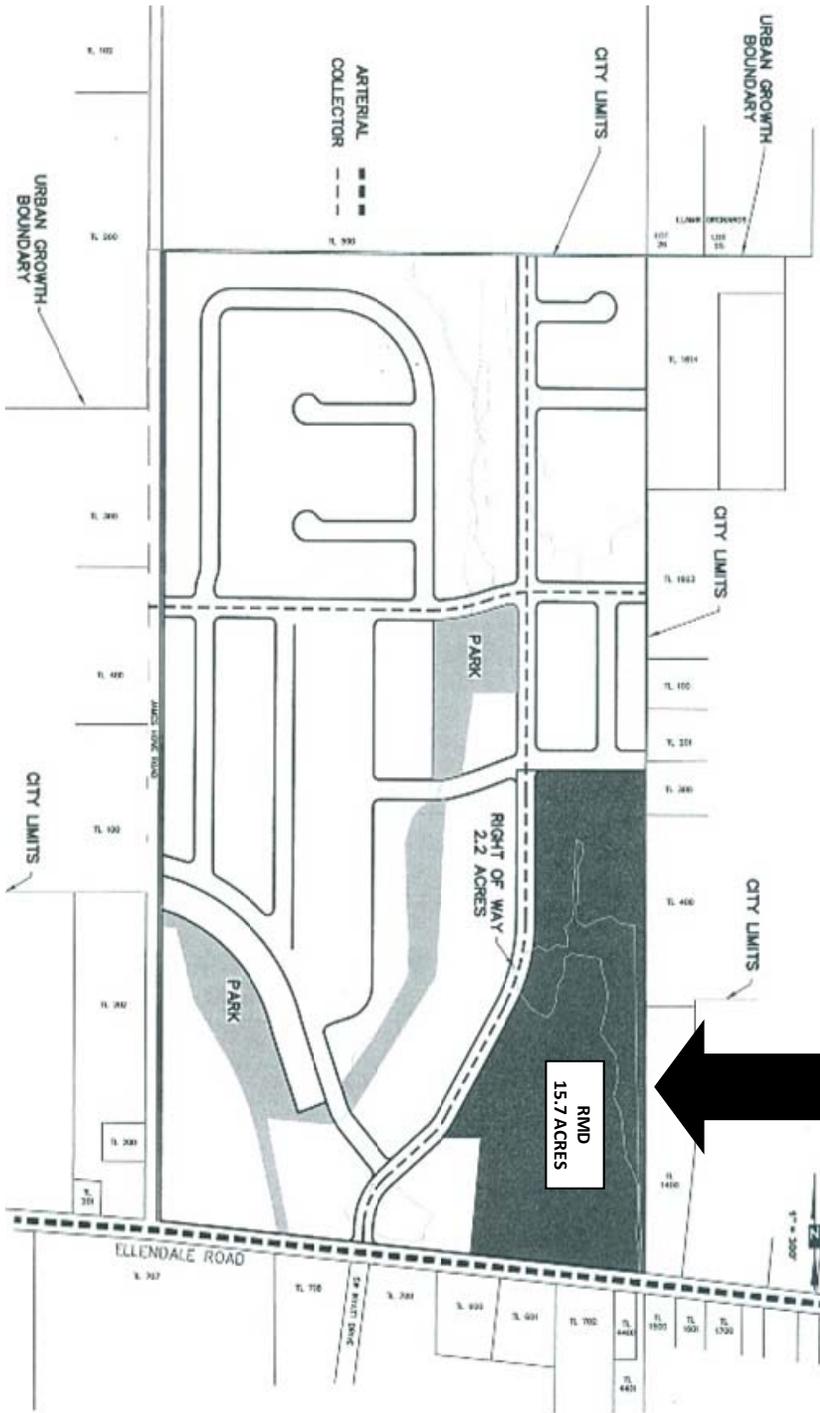
JAMES B. FAIRCHILD, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER

**Zone Change**  
From: RA – Residential Agriculture  
TO: RMD – Residential Medium Density



**CITY COUNCIL FINDINGS OF FACT  
AND CONCLUSIONS**

**HEARING DATE:** MAY 19, 2008  
**OWNERS:** RAYMOND BAKER & DANIEL CARVER  
**APPLICATION:** ZONE CHANGE  
**LOCATION:** 1130 W. ELLENDALE AVENUE

<b>HEARING DATE:</b>	<b>MAY 19, 2008</b>
<b>APPLICATION TYPE:</b>	<b>ZONE CHANGE</b>
<b>OWNERS:</b>	<b>Baker / Carver</b>
<b>LOCATION:</b>	<b>TAX LOT 7.5.29 505</b>
<b>COMPREHENSIVE PLAN MAP LAND USE DESIGNATION:</b>	<b>RM – RESIDENTIAL MEDIUM DENSITY</b>
<b>SIZE</b>	<b>15.7 ACRES</b>

**REQUEST:**

The applicant is requesting a zone change for a 15.7 acre portion of Tax Lot 7.5.29 505 from RA Residential Agricultural to RMD Residential Medium Density.

**BACKGROUND:**

This request is based on a prior Comprehensive Plan Amendment adopted by the City Council on February 19, 2008. The Planning Commission recommended Approval of this zone change at their April 8, 2008 meeting.

**PUBLIC NOTICE:**

The City has provided public notice identifying the owner/applicant, describing the project, location, and the scheduled date of the public hearing. The notice has been mailed to all property owners within 100 feet of the subject property and published in the Itemizer-Observer.

**APPROVAL CRITERIA: SECTION 3.7.40 OF THE DALLAS DEVELOPMENT CODE**

No Comprehensive Plan Map (including street designations) or Zoning Map boundary shall be amended except upon a finding of compliance with this section. In order for a zone change application to be deemed complete the applicant shall address each of the criteria listed below in a written narrative. The applicant shall bear the burden of proof by demonstrating with substantial evidence that each of the following criteria has been satisfied:

(1) **Zone Changes That Implement the Comprehensive Plan.** Where a zone change is proposed in conformance with the Comprehensive Plan Map, the applicant must submit a site plan and demonstrate conformance with the following criteria:

- (a) The applicant shall analyze alternative sites capable of meeting the purported need, considering the land needs assessment in Volume II of the Dallas Comprehensive Plan. This analysis shall demonstrate that there is a shortage of designated land within the City limits available to meet the purported need, and that changing the zone will not result in a shortage of land in any other plan designation.

**Finding:** The proposed zone change to Residential Medium Density (RMD) is consistent with the Comprehensive Plan Map Amendment approved by the City Council in February 2008, which designated this portion of the site RM. Staff has prepared an analysis of existing vacant RMD land and projections for future needs in accordance with the Comprehensive Plan. The analysis shows that there are approximately 14.7 acres of vacant RMD land, all of which is located in the central and east parts of the city. There is no vacant RMD land on the west side of the city. At an average density of 10 dwelling units/acre, the existing vacant land can accommodate approximately 147 dwelling units. Volume II of the Dallas Comprehensive Plan shows a need for 78 acres of Multi-family land through 2020. The existing 14.7 acres of RMD land plus approximately 5 acres of vacant RHD land demonstrates that there is a shortage of approximately 20 acres of multi-family land through 2020. The proposed zone change would decrease that shortage to approximately 5 acres, without creating a shortage of land in any other plan designation.

**CONCLUSION: It has been found that the proposed zone change is in conformance with the requirements of the Comprehensive Plan.**

- (b) Adequate public facilities are available to meet increased demand for services that may result from potential development allowed on the rezoned site. The applicant shall demonstrate that:

- i) All public facilities projects identified in Chapter VII of the Dallas Comprehensive Plan which serve the area where the zone change is proposed have been constructed or are programmed to serve the site within the next five years; and that the required public facilities improvements will be in place and operational in conjunction with the development of the site.

**Finding:** All projects identified in Chapter VII of the Comprehensive Plan are either constructed (water, sanitary sewer, streets and sidewalk) or will be constructed as development occurs in the Wyatt Node.

- ii) Sanitary sewer, water and storm drainage collection and distribution systems are adequate to handle the increased loads required by the rezoning, as determined by the Director of Public Works.

**Finding:** The Director of Public Works has determined that the applicable systems, including water, sanitary sewer, and storm drainage, are or can be made adequate to handle the increased loads as development occurs in the Wyatt Node.

- iii) Streets serving the proposed site are adequate to accommodate increased vehicular, bicycle and pedestrian traffic safely and efficiently. To make this determination, the City may require that the applicant prepare a transportation impact study which demonstrates, at a minimum, that no street link or intersection affected by the proposed subdivision will exceed LOS (level-of-service) D during peak morning or evening demand periods or LOS C during non-peak demand periods. This traffic impact study must consider the proposed development and probable development within the area served by each street link or intersection for at least a 10-year period. ***Finding:*** *Based on the information and analysis contained in the TSP, it does not appear that the proposed development resulting from this the zone change will exceed LOS D for the 10-year period. However, as part of the development of the Master Plan for the node, staff will require a Traffic Impact Analysis to ensure that the proposed development does not exceed standards, and meets the requirements of the Transportation Planning Rule (TPR) relating to significant impacts.*
- iv) Where street, utility, sidewalk, or bicycle improvements are roughly proportional to the impacts from proposed development that will likely result from the proposed zone change, and these improvements are required in City plans, then the applicant shall agree in writing to install the required improvements at the developer's expense. ***Finding:*** *There are no improvements required as a result of the zone change. Public improvements will be provided as the Wyatt Node develops.*

**CONCLUSION: It has been found that adequate public facilities are available or will be available to meet increased demand for services that may result from potential development allowed on the rezoned site.**

**DECISION:**

The City Council hereby approves this zone change request with the following conditions:

1. Prior to the issuance of certificates of occupancy for the RMD development on this portion of the site, the applicant shall submit to the City a Master Plan and Zone Change application for the entire Wyatt Node in accordance with the Dallas Comprehensive Plan and Development Code.
2. The applicant shall apply for and receive approval for all infrastructure and buildings associated with this portion of the Wyatt Node in accordance with the procedures contained in the Dallas Development Code.

ORDINANCE NO. 1686

An Ordinance repealing Sections 4.000 through 4.298 of the Dallas City Code, relating to Public Sewers, Private Sewage Disposal, Building Sewers and Connections, and Pretreatment; and adopting new provisions in lieu thereof.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. That Sections 4.000 through 4.298 of the Dallas City Code, relating to Public Sewers, Private Sewage Disposal, Building Sewers and Connections, and Pretreatment, be, and they hereby are, repealed.

Section 2. That the following Sections, as more fully set forth in Exhibit A, attached hereto and by reference incorporated herein, be adopted and made a part of the Dallas City Code in lieu of the Sections repealed in Section 1, above:

Section 4.000 - Definitions

Sections 4.025 through 4.042 - Use of Public Sewers

Sections 4.050 through 4.062 - Private Sewage Disposal

Sections 4.100 through 4.118 - Building Sewers and Connections

Sections 4.150 through 4.298 - Pretreatment

Read for the first time: May 19, 2008

Read for the second time: June 2, 2008

Adopted by the City Council: June 2, 2008

Approved by the Mayor: June 2, 2008

---

JAMES B. FAIRCHILD, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER

## CHAPTER 4: UTILITIES

---

### DEFINITIONS

#### 4.000 Definitions.

For purposes of sections 4.000 to 4.116, the following mean:

Building drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil waste and other drainage pipes inside the walls of the building and conveys it to the building sanitary sewer, beginning five feet outside the inner face of the building wall.

Building sanitary sewer. The extension from the building drain to the public sanitary sewer or other place of disposal.

Director. The director of community development or his authorized designee.

Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Industrial wastes. The liquid wastes from industrial manufacturing processes, trade, or business, as distinct from sanitary sewage.

Natural outlet. An outlet into a watercourse, ditch, pond, lake, or other body of surface or groundwater.

Public sanitary sewer. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Residential user. All single-family dwelling units or multiple-family dwelling units where water service is supplied to each unit through individual water meters.

Sanitary sewer. A sewer that carries sewage and industrial wastes to which storm, surface, and groundwaters are not intentionally admitted.

Sewage. Human excrement and gray water (wastewater from household showers, dish-washing and domestic laundry operations, etc.)

Sewer. A pipe or conduit for carrying sewage.

Storm drain or storm sewer. A sewer that carries stormwater, and excludes sewage and industrial wastes, other than unpolluted cooling water.

Stormwater. Rainwater runoff, snowmelt runoff, and surface runoff and drainage.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

[Section 4.000 amended by Ordinance No. 1501(1), passed May 16, 1994. Section 4.000 amended by Ordinance No. 1559, passed May 4, 1998.]

## **USE OF PUBLIC SEWERS**

### **4.025 Unlawful Disposal.**

No person shall place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

### **4.030 Unlawful Discharge.**

No person shall discharge to a natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of sections 4.000 to 4.116.

### **4.040 Installation Required.**

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes are required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sanitary sewer in accordance with the provisions of sections 4.000 to 4.040 except that such facilities which, on February 18, 1997, are connected to a lawfully existing private disposal system may continue to use the private sewage disposal system until given 90 days advance written notice from the city that they must connect such facilities to the public sanitary sewer.

[Section 4.040 amended by Ordinance No. 1540, passed February 18, 1997.]

### **4.042 Penalty.**

Violation of sections 4.025 to 4.040 is a civil infraction.

## **PRIVATE SEWAGE DISPOSAL**

### **4.050 Private Sewage Disposal System.**

No person shall construct, use or maintain a privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except that on site private sewage disposal systems lawfully in existence and in use on February 18, 1997, may continue to be used, provided they are properly maintained, until the owner of the property on which such on site disposal system is located is given 90 days advance written notice by the city that the property must be connected to the public sanitary sewer.

[Section 4.050 amended by Ordinance No. 1540, passed February 18, 1997.]

### **4.054 Compliance With State Law.**

- (1) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations and regulations of the Oregon Department of Environmental Quality.
- (2) Reserved.
- (3) No septic tank or cesspool shall be permitted to discharge to any natural outlet.

[Section 4.054 amended by Ordinance No. 1540, passed February 18, 1997.]

### **4.056 Abandonment of Private System.**

Immediately upon the abandonment of a private sewage disposal system, the system shall be cleaned of sludge and filled with material approved by the director of public works.

### **4.058 Maintenance.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

### **4.060 Additional Requirements.**

No statement contained in sections 4.050 to 4.060 shall be construed to interfere with any additional requirements that may be imposed by Polk County or the state of Oregon.

#### **4.062 Penalty**

Violation of sections 4.050 to 4.060 is a civil infraction.

## **BUILDING SEWERS AND CONNECTIONS**

#### **4.100 Building Sanitary Sewers and Connections.**

There shall be two classes of building sanitary sewer permits:

- (1) Residential and commercial service, and
- (2) Service to establishments producing industrial wastes.

#### **4.102 Sanitary Sewer Installation and Connection.**

(1) No person shall make a connection to a public sanitary sewer without first obtaining a permit from the director on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director.

(2) All costs and expenses incident to the installation and connection of the building sanitary sewer shall be borne by the owner.

(3) The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sanitary sewer.

#### **4.104 Separate Building Sanitary Sewer Required.**

A separate and independent building sanitary sewer shall be provided for each lot.

#### **4.106 Use of Existing Building Sanitary Sewers.**

Old building sanitary sewers may be used in connection with new buildings only if they are found, on examination by the director, to meet all requirements of sections 4.000 to 4.116.

#### **4.108 State Law Requirements.**

All new construction shall comply with the plumbing code and specifications of the public works department.

#### **4.110 Elevation of Building Sanitary Sewer.**

When possible, the building sanitary sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which a building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sanitary sewer.

#### **4.112 Prohibited Connection.**

No person shall connect roof downspouts, exterior foundation drains, areaway drains, or other sources of stormwater or groundwater to a building sanitary sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

#### **4.114 Connection and Inspection.**

The applicant for a building sanitary sewer permit shall notify the director when the building sanitary sewer is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the director or his representative.

#### **4.116 Sanitary Sewer Connection Excavations.**

All excavations for building sanitary sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the director of public works.

[Sections 4.150 through 4.260 repealed and replaced by Ordinance No. 1503, passed October 17, 1994.]

#### **4.118 Penalty**

Violation of sections 4.100 to 4.116 is a civil infraction.

## **PRETREATMENT**

#### **4.150 Purpose and Policy.**

Sections 4.150 to 4.298 set forth uniform requirements for indirect discharges of pollutants from nondomestic sources into the wastewater collection and treatment system for the city of Dallas and enables the city to comply with all applicable state and federal laws including the Clean Water Act (Act 33 U.S.C. 1251 et seq.), the General Pretreatment Regulations (40 CFR Part 403) and Oregon Administrative Rules (OAR) Chapter 340. The objectives of sections 4.150 to 4.298 are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its beneficial use;
- (4) To protect both municipal personnel who may come in contact with sewage, sludge and effluent in the course of their employment as well as protecting the general public;
- (5) To preserve the hydraulic capacity and the organic treatment capacity of the municipal wastewater system;
- (6) To improve the opportunity to recycle and/or reclaim wastewater and sludge within and/or from the system;
- (7) To provide for a more equitable distribution of the cost of operation, maintenance and improvements of the municipal wastewater system; and
- (8) To ensure the city complies with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws which the municipal wastewater system is subject to.

Sections 4.150 to 4.298 provide for the regulation of indirect discharge to the municipal wastewater collection system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sections 4.150 to 4.298 shall apply to the city of Dallas and to persons outside the city who, by contract or agreement with the city, are included as users of the municipal wastewater system. Except as otherwise provided herein, the director of the municipal wastewater system or his agent(s) shall administer, implement, and enforce the provisions of sections 4.150 to 4.298.

Sections 4.150 to 4.298 are gender neutral and the masculine gender shall include the feminine and vice versa. Shall is mandatory may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

[Section 4.150 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.152 Administration.**

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of sections 4.150 to 4.298. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized city employee.

[Section 4.152 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.154 Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in sections 4.150 to 4.298 shall have the meanings hereinafter designated:

- (1) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (2) Approval Authority. The Oregon Department of Environmental Quality (DEQ).
- (3) Authorized Representative of the Industrial User.
  1. If the industrial user is a corporation, authorized representative shall mean:
    - (a) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures

2. If the industrial user is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor.

3. If the individual user is representing federal, state or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

4. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing and specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or specifies the individual having overall responsibility for environmental matters for the company, and the authorization is submitted to the city.

(4) Biochemical Oxygen Demand (BOD5). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade usually expressed as concentration (milligrams per liter-mg/l).

(5) Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 4.158. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) Building Sewer. A sewer line conveying wastewater from the premises of a user to the municipal collection system or the municipal wastewater treatment facility.

(7) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471, incorporated herein by reference.

(8) Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

(9) Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water

- (10) City. The city of Dallas or the city council of Dallas, Oregon or the city's designee.
- (11) Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- (12) Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on either an increment of flow or time.
- (13) Control Authority. The phrase "Control Authority" shall refer to the city once the city has a pretreatment program approved by the Oregon Department of Environmental Quality in accordance with the provisions of 40 CFR 403.11.
- (14) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (15) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (16) Department of Environmental Quality or DEQ. The Oregon Department of Environmental Quality or where appropriate, the term or acronym may also be used as a designation for the director of the department or other duly authorized official or agent of the department.
- (17) Director. Director of Public Works or the director's designee.
- (18) Discharge. The discharge or the introduction of pollutants into the municipal wastewater system from any nondomestic source regulated under section 307(b), (c) or (d), of the Act.
- (19) Domestic Sewage. Sewage.
- (20) Environmental Protection Agency or U.S. EPA. The U.S. Environmental Protection Agency or, where appropriate, the term or acronym may also be used as a designation for the Regional Water Management Division Director or other duly authorized official or agent of said agency.
- (21) Existing Source. Any source of discharge that is not a "New Source."
- (22) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(23) Hauled Wastewater or Wastes. Any wastewater or waste transported to the POTW by truck. Hauled wastewater may include chemical toilet waste, septic tank waste, holding tank waste.

(24) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(25) Industrial User. Any person other than defined as a residential user which is a source of discharge.

(26) Industrial Wastewater. Nondomestic wastewater originating from a nonresidential source.

(27) Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(28) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources both:

(a) Inhibits or disrupts the municipal wastewater system, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirements of the city's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations: section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

(29) Local Limits/Specific Pollutant Limitations. Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b), which apply only to Significant Industrial Users.

(30) Manager. The city manager or the manager's designee.

(31) Medical Waste. Isolation wastes, infectious agents, human blood and blood by-products, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

(32) Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

(33) Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

(34) Municipal Wastewater System or System. A "treatment works" as defined in section 212 of the Act, (33 U.S.C.1292) which is owned by the state or the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having responsibility for the operation and maintenance of the system.

(35) National Pretreatment Standard. National pretreatment standard is defined in 40 CFR 403.3(l) as any regulation containing pollutant discharge limits promulgated by EPA under section 307(b) and (c) of the Clean Water Act applicable to industrial users, including the general and specific prohibitions found in 40 CFR 403.5.

(36) New Source.

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation completely replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a)(ii) or (a)(iii) of this section but otherwise alter, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin as part of a continuous on-site construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structure, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(iii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(37) Noncontact Cooling Water or Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use such as air conditioning, cooling, or refrigeration.

(38) Nondomestic Pollutants. Any substances other than human excrement and household gray water (wastewater from shower, dishwashing or domestic laundry operation, etc.). Nondomestic pollutants include the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD5, COD, toxicity, odor, etc.).

(39) Nondomestic Source. Industrial user.

(40) Nondomestic User. Industrial user.

(41) Nondomestic Wastewater. Industrial wastewater.

(42) Nonresidential Source. Industrial user.

(43) Pass Through. A discharge which exits the municipal wastewater system or the sewage treatment plant (effluent) into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

(44) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, or local governmental entities.

(45) pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter of a solution; or, a measure of the acidity or alkalinity of a solution, expressed in standard units (SUs).

(46) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, municipal wastes, agricultural wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and certain characteristics of wastewater in excess of specified state, federal or local standards or NPDES permit limits (e.g., pH, temperature, Total Suspended Solids (TSS), turbidity, color, BOD5, COD toxicity, odor, etc.).

(47) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the municipal wastewater system. This reduction or alteration may be obtained by physical, chemical or biological processes, by process changes or by other means, except as prohibited by 40 CFR 403.6(d), pursuant to 40 CFR 403.3(s).

(48) Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment, other than national pretreatment standards, imposed on an industrial user.

(49) Pretreatment Standard or Standard. Prohibited discharge standard, categorical discharge standards and local limits.

(50) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain types or characteristics of wastewater as established by EPA, DEQ and/or the city or this ordinance.

(51) Publicly Owned Treatment Works (POTW). Municipal Wastewater System.

(52) Residential Users. Persons contributing only domestic sewage to the municipal wastewater system.

(53) Receiving Streams or Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, well, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Oregon or any portion thereof.

(54) Septic Tank Waste. Any wastes originating from septic tanks used for domestic waste disposal.

(55) Sewage. Human excrement and gray water (wastewater from household showers, dish-washing and domestic laundry operations, etc.)

(56) Sewage Treatment Plant (STP). Treatment Plant.

(57) Sewer. The municipal wastewater collection or conveyance system, or any portion thereof, such as any pipe, conduit or other device used to transport sewage and/or industrial wastewater to a sewage treatment plant.

(58) Significant Industrial User.

(a) Except as provided in paragraph b below, the term significant user shall mean industrial users subject to categorical pretreatment standards; or any other industrial user that:

(i) Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater; (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(ii) Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the sewage treatment plant; or

(iii) Is designated as significant by the Director on the basis that the industrial user has a potential to adversely affect the POTW's operation or for violating any pretreatment standards or requirement.

(b) Upon a finding that an industrial user meeting the criteria in paragraph (a)(ii) or (a)(iii) of this section has no reasonable potential for adversely affecting the municipal wastewater system's operation or for violating any pretreatment standard or requirement, the Director may at any time, on the Director's own initiative or in response to a petition received from such industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(c) The Director may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met

(i) The Industrial User, prior to Director's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement required in Section 4.200(2), together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(59) Slug Load or Slug Discharge. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, violate the prohibited discharge standards in Section 4.158, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

(60) State. State of Oregon.

(61) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.

(62) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(63) Total Suspended Solids (TSS). See Suspended Solids.

(64) Toxic Pollutant. One of the pollutants or combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provision of section 307 (33 U.S.C. 1317) of the Act.

(65) Treatment Plant or Sewage Treatment Plant (STP). That portion of the municipal wastewater system designed to provide treatment of sewage and industrial waste.

(66) Treatment Plant Effluent. Any discharge from the municipal wastewater system into waters of the state.

(67) User. Any person who contributes, or causes or allows the contribution of sewage or industrial wastewater into the municipal wastewater system, including persons who contribute such wastes from mobile sources.

(68) Wastewater. The liquid and water-carried industrial wastes, or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal wastewater system.

(69) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal and industrial waste.

[Section 4.154 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.156 Abbreviations.**

The following abbreviations shall have the designated meanings:

BOD5 Biochemical Oxygen Demand

CFR Code of Federal Regulations

COD Chemical Oxygen Demand

DEQ Oregon Department of Environmental Quality

EPA U.S. Environmental Protection Agency

gpd Gallons Per Day

LC50 Lethal Concentration for Fifty Percent (50%) of the Test Organisms

l Liter

mg Milligrams

mg/l Milligrams per liter

NPDES National Pollutant Discharge Elimination System

O&M Operation and Maintenance

POTW Publicly Owned Treatment Works

RCRA Resource Conservation and Recovery Act  
SIC Standard Industrial Classification  
SIU Significant Industrial User  
SNC Significant Noncompliance  
SWDA Solid Waste Disposal Act (42 U.S.C. 6901, *et seq.*)  
TSS Total Suspended Solids  
USC United States Code

[Section 4.156 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.158 Prohibited Discharge Standards.**

(1) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general prohibitions apply to all users of the municipal wastewater system whether or not the user is subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(2) No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal wastewater system. Included in this prohibition are wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods prescribed in 40 CFR 261.21.

(b) Solid or viscous substances in amounts which will cause obstruction of the flow in a sewer or POTW resulting in interference.

(c) Any solid or viscous substances including but not limited to oils or greases on permit, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through, or which interfere with flow in any portion of the municipal wastewater collection or treatment conveyance system.

(d) Any wastewater having a pH less than 5.5 or more than 10.0, or which may otherwise cause corrosive structural damage to the sewerage collection system or STP equipment, or pose potential or actual safety hazards to city personnel, or endanger public health or the environment. The Director may authorize pH limits outside the above specified range in permits for specific industrial dischargers in order to accommodate pH fluctuations inherent in certain pH control devices and processes. Wastewater with a pH of less than 5.0 is prohibited at any time.

(e) Any wastewater containing pollutants in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, that pass through or interfere with the municipal wastewater system, any wastewater treatment or sludge process, or constitute a hazard to public health, animals or the environment.

(f) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, which result in toxic gases, vapors or fumes, or are otherwise sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

(g) Any substance which may cause the treatment plant effluent or any other residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the system cause the city to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other state requirements applicable to the sludge use and disposal practices being used by the city.

(h) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the city's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity to be more than 10 percent from the seasonably established norm for aquatic life.

(i) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C).

(j) Any wastewater containing any radioactive waste or isotopes except as specifically approved by the city in compliance with applicable state or federal regulations.

(k) Any pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.

(l) Any trucked or hauled pollutants, except at discharge points designated by the city in accordance with section 4.184.

(m) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the city.

(n) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(o) Any medical wastes, except as specifically authorized by the city in a wastewater permit.

(p) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.

(q) Any material identified as hazardous waste according to 40 CFR Part 261 except as specifically authorized by the city.

(r) Any wastewater causing the treatment plant effluent to demonstrate toxicity to test species during a biomonitoring evaluation.

(s) Recognizable portions of the human or animal anatomy.

(t) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

(u) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(v) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(w) Any material that creates an explosion hazard at any point in the POTW.

(3) Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the municipal wastewater system.

[Section 4.158 added by Ordinance No. 1503, passed October 17, 1994; Amended by Ordinance No. 1582, passed December 6, 1999.]

#### **4.160 National Categorical Pretreatment Standards.**

(1) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR chapter 1, subchapter N, Parts 405-471 and incorporated herein by reference.

[Section 4.160 added by Ordinance No. 1503, passed October 17, 1994.]

(2) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 4.160(5) and 4.160(6).

(3) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant

discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

- (4) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- (5) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The city may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections (a)(i) through (a)(v) below.
  - (a) To be eligible for equivalent mass limits, the Industrial User must:
    - (i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
    - (ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
    - (iii) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
    - (iv) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
    - (v) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
  - (b) An Industrial User subject to equivalent mass limits must:
    - (i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
    - (ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
    - (iii) Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (5)(a)(iii) of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and

revise the limit as necessary to reflect changed conditions at the facility; and

- (iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (5)(a)(i) of this Section so long as it discharges under an equivalent mass limit.

(c) When developing equivalent mass limits, the Director:

- (i) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- (ii) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- (iii) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 4.170. The Industrial User must also be in compliance with Section 4.294 regarding the prohibition of bypass.]

- (6) The Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
- (7) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (4.160) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- (8) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- (9) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

#### **4.162 State Pretreatment Standards.**

Users are required to comply with applicable state pretreatment standards and requirements set out in OAR Chapter 340. These standards and requirements are incorporated herein by reference.

[Section 4.162 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.164 Specific Pollutant Limitations (Local Limits)/Permit Required.**

(1) No nonresidential user shall discharge wastewater containing restricted substances into the municipal wastewater system in excess of limitations specified in its wastewater discharge permit, or adopted, by resolution, by the city. The city shall publish and revise from time to time standards (Local Limits) for specific restricted substances. These standards shall be developed in accordance with 40 CFR Part 403.5 and shall implement the objectives presented in section 4.150. Standards published in accordance with this section will be deemed pretreatment standards for the purposes of section 307(d) of the Act.

(2) At his discretion, the Director may impose mass limitations in addition to or in place of concentration based limitations. The Director may also revise or modify the standards (Local Limits) as required, or if deemed necessary to comply with the objectives presented in section 4.150 or the general and specific prohibitions in section 4.158, or to insure compliance with state, federal and local law.

[Section 4.164 added by Ordinance No. 1503, passed October 17, 1994.]

(3) The city may adopt by resolution Best Management Practices (BMPs) to implement Local Limits and/or the requirements of Section 4.158. Best Management Practices may be developed for certain industrial or commercial activities, and when

adopted by resolution by the city, are required to be implemented by all applicable industrial users.

#### **4.166 City's Right to Revision.**

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent limitations or requirements on discharges to the municipal wastewater system if deemed necessary to comply with the objectives presented in section 4.150 or the general and specific prohibitions in section 4.158.

[Section 4.166 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.168 Special Agreement.**

The city reserves the right to enter into special agreements with users setting out special terms under which the industrial user may discharge to the system. In no case will a special agreement waive compliance with a pretreatment standard.

[Section 4.168 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.170 Dilution.**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation (unless expressly authorized by an applicable pretreatment standard or requirement) or any other pollutant-specific limitation developed by the city.

[Section 4.170 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.172 Deadline for Compliance with Categorical Standards.**

(1) Compliance by existing sources with categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter 1, subchapter N.

(2) New sources shall install and have in operating condition, and shall startup all pollution control equipment required to meet applicable pretreatment standards before

beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

[Section 4.172 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.174 Pretreatment Facilities.**

Industrial users shall provide necessary wastewater treatment as required to comply with the requirements of sections 4.150 to 4.298 and shall achieve compliance with all categorical pretreatment standards, Local Limits and the prohibitions set out in section 4.158 through section 4.172 above, within the time limitations specified by the Director. Any facilities required to pretreat wastewater to a level acceptable to the Director shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before pretreatment facility construction begins. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Director under the provisions of sections 4.150 to 4.298.

[Section 4.174 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.176 Additional Pretreatment Measures.**

(1) Whenever deemed necessary, the Director may require industrial users to restrict the industrial user's discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the municipal wastewater treatment and collection system and/or to determine the industrial user's compliance with the requirements of sections 4.150 to 4.298.

(2) Each person discharging into the municipal wastewater system 100,000 gallons per day or more, or greater than five percent (5%) of the average daily flow in the system, may be required by the Director to install and maintain, on his property and at his expense, a suitable storage and low control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A wastewater permit may be issued solely for flow equalization.

(3) Grease, oil and sand interceptors shall be provided, when, in the opinion of the Director, they are necessary for the proper handling of industrial wastewater containing excessive amounts of grease and oil, flammable substances, sand, or other potentially

harmful substances. All interception units shall be of a type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

(4) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

[Section 4.176 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.178 Accidental Discharge/Slug Discharge Control Plans**

(1) The Director shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges.

(2) An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including nonroutine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 4.230; and

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

#### **4.180 Tenant Responsibility.**

Any person who shall occupy the industrial user's or owner's premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of sections 4.150 to 4.298 in the same manner as the owner.

[Section 4.180 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.182 Separation of Domestic and Industrial Wastestreams.**

All new wastestreams and domestic wastewaters from rest rooms, shower, drinking fountains, etc. unless specifically included as part of a categorical pretreatment standard, shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through a required pretreatment system and the industrial user's monitoring facility. When directed to do so by the Director, industrial users must separate existing domestic wastestreams.

[Section 4.182 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.184 Hauled Wastewater.**

(1) Hauled wastewater will be accepted into the municipal wastewater system at a designated receiving structure within the treatment plant area, at such times as are established by the Director, provided such wastes do not violate sections 4.158 through 4.172 or any other requirement established by the Director. Permits for individual vehicles to use such facilities shall be issued by the Director.

(2) All waste haulers, regardless of the origin of the hauled wastes, shall be considered "industrial users" for the purposes of sections 4.150 to 4.298.

(3) The discharge of any wastes other than Hauled Wastewater as defined in Section 4.158 requires prior approval and a wastewater discharge permit from the city. The city shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation.

(4) The Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(5) Waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of waste, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. Hauled wastes are accepted at the discretion of the Director.

Fees for the discharge of septage will be established as part of the user fee system as authorized in section 4.296 through section 4.298.

[Section 4.184 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.188 Vandalism.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the municipal wastewater system. Any person found in violation of this requirement shall be subject to the sanctions specified in section 4.276 through section 4.282 below.

[Section 4.188 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.189 Wastewater Survey.**

When requested by the Director, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Director is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of sections 4.150 to 4.298.

[Section 4.189 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.190 Wastewater Discharge Permit Requirement.**

(1) It shall be unlawful for significant industrial users (SIUs) to discharge wastewater into the city's sanitary sewer system without first obtaining a wastewater discharge permit from the city, except that an SIU that has filed a timely application pursuant to section 4.192 may continue to discharge for the time period specified therein. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of sections 4.150 to 4.298 and subject the industrial user to the sanctions specified in sections 4.258-4.291. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to obtain other permits, or to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state or local law.

(2) The city may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of sections 4.150 to 4.298.

[Section 4.190 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.192 Permitting Existing Connections.**

Any significant industrial user which discharges industrial waste into the municipal wastewater system prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply

to the city for a wastewater permit in accordance with section 4.198 below, and shall not cause or allow discharges to the system to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with a permit issued by the city or as established by the city council.

[Section 4.192 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.194 Permitting New Connections.**

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the municipal wastewater system must obtain a wastewater permit prior to beginning or recommencing such discharge. In accordance with section 4.198 below, an application for this permit must be filed at least ninety (90) days prior to the anticipated startup date, or the current permit expiration date.

[Section 4.194 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.198 Wastewater Discharge Permit Application Contents.**

In order to be considered for a wastewater discharge permit, all industrial users required to have a permit must submit the following information on an application form approved by the Director:

- (1) Name, mailing address, and location (if different from the mailing address), including the name of the operator and owner;
- (2) Contact information, description of activities, facilities, and plant production processes on the premises;
- (3) Environmental control permits held by or for the facility;
- (4) Standard Industrial Classification (SIC) codes for the industry as a whole and for any processes for which categorical pretreatment standards have been promulgated;
- (5) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the municipal system. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
- (6) Number and type of employees, hours of operation, and proposed or actual hours of operation of any pretreatment systems;
- (7) Each product by type, amount, process or processes and rate of production;
- (8) Type and amount of raw materials processed (average and maximum per day);

- (9) Site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge;
- (10) Time and duration of each discharge;
- (11) The location for monitoring all wastes covered by the permit;
- (12) Measured average daily flow and maximum daily flow, in gallons per day, to the municipal system from regulated process streams and other streams as necessary to use the combined wastestream formula in 40 CFR 403.6(e);
- (13) Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly and seasonable variations, if any;
- (14) Wastewater constituents and characteristics, including any pollutants in the discharge which are limited by federal, state, or local standards, and pretreatment standards applicable to each regulated process; and nature and concentration (or mass if pretreatment standard requires) of regulated pollutant in each regulated process (daily maximum and average concentration or mass when required by a pretreatment standard). Samples shall be representative of daily operations and shall be collected and analyzed in accordance with procedures specified in 40 CFR Part 136;
- (15) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
- (16) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process;
- (17) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported;
- (18) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.220. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard;
- (19) Sampling must be performed in accordance with procedures set out in Section 4.250;
- (20) A statement reviewed by an authorized representative of the user and certified to by a qualified professional indicating whether or not the pretreatment standards are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to meet pretreatment standards and requirements;
- (21) If additional pretreatment and/or O&M will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to

accomplish installation or adoption of such additional treatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

- (22) The following conditions apply to this schedule:
- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and conducting routine operation). No increment shall exceed nine (9) months, nor shall the total compliance period exceed thirty-six (36) months;
  - (b) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director;
- (23) Submit a spill prevention plan as defined in section 4.178.
- (24) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.
- (25) Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

[Section 4.198 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.200 Application Signatories and Certification.**

- (1) All permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations."

[Section 4.200 added by Ordinance No. 1503, passed October 17, 1994.]

If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.

- (2) Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 4.154(58)(c) must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

(a) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 4.154(58)(c);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

---

---

#### **4.202 Wastewater Discharge Permit Decisions.**

(1) The Director will evaluate the data furnished by the industrial user and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Director will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied.

(2) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in sections 4.158 - 4.172, and which in the judgment of the Director, may have a deleterious effect upon the municipal treatment system, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the Director may take any of the following actions:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable level for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of sections 4.296-4.298 of this art

[Section 4.202 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.204 Wastewater Discharge Permit Duration.**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the discretion of the Director. Each permit will indicate a specific date upon which it will expire.

[Section 4.204 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.206 Wastewater Discharge Permit Contents.**

(1) Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass through or interference and to implement the objectives of sections 4.150 to 4.298.

(2) Wastewater Discharge Permits must contain the following conditions:

- (a) A statement that indicates permit issuance date, expiration date, effective date, and permit duration, which in no event shall exceed 5 years.

(b) A statement that the permit is nontransferable without prior notification to and approval from the Director and provisions for furnishing the new owner or operator with a copy of the existing permit.

(c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.

(d) Self monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, sample type based on federal, state and local law, and requirements for submission of periodic self-monitoring or special notification reports.

(e) A statement of applicable penalties for violation of pretreatment standards and requirements, and applicable compliance schedules. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(f) Requirements to control Slug Discharge, if determined by the Director to be necessary.

(g) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates (a) violation(s).

(h) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the municipal wastewater system.

(3) Permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(c) Requirements for the installation of pretreatment technology, pollution control equipment or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(d) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

(e) Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.

(f) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the municipal wastewater system.

(g) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices

(h) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(i) Compliance schedules for meeting pretreatment standards and requirements.

(j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified in section 4.244 and affording the Director, or the Director's representatives, access thereto for review and/or copying.

(k) Requirements for prior notification and approval by the Director of any new introduction of wastewater pollutants or of any change in the volume or character of the wastewater prior to introduction in the system.

(l) Requirements for the prior notification and approval by the Director of any change in the manufacturing and/or pretreatment process used by the permittee.

(m) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the permit.

(n) Other conditions as deemed appropriate by the Director to ensure compliance with sections 4.150 to 4.298 , and state and federal laws, rules, and regulations.

[Section 4.206 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.208 Wastewater Discharge Permit Appeals.**

Any person including the industrial user may petition the Director to reconsider the terms of a permit within ten (10) days of the issuance of the final permit.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the permit.

(3) The effectiveness of the permit shall not be stayed pending the appeal.

(4) If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative action for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative permit decision must do so by filing a complaint with the circuit court for Polk County.

[Section 4.208 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.210 Wastewater Discharge Permit Modifications.**

The Director may modify a permit for good cause including, but not limited to, the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of permit issuance;

(3) A change in the municipal wastewater system that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the city's municipal wastewater system, city personnel, or the receiving waters;

(5) Violation of any terms or conditions of the wastewater permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting;

(7) To correct typographical or other errors in the permit, and/or

(8) To reflect a transfer of the facility ownership and/or operation to a new owner or operator.

(9) Revision of, or a grant of variance from, categorical pretreatment standards pursuant to 40 CFR 403.13.

The filing of a request by the permittee for a permit modification does not stay any permit condition.

[Section 4.210 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.212 Wastewater Discharge Permit Transfer.**

(1) Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Director if the permittee gives at least thirty (30) days advance notice to the Director. The notice must include a written certification by the new owner and/or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing permit.

(2) Failure to provide advance notice of a transfer renders the wastewater permit void on the date of facility transfer.

[Section 4.212 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.214 Wastewater Discharge Permit Revocation.**

(1) Wastewater discharge permits may be revoked for good cause, including, but not limited to the following reasons:

(a) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Director of changed conditions pursuant to section 4.228;

(c) Misrepresentation of, or failure to fully disclose all relevant facts in, the wastewater discharge permit application;

(d) Falsifying self-monitoring reports;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the city timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of a permitted facility;  
and/or

(m) Violation of any pretreatment standard or requirement or any terms of a wastewater discharge permit or sections 4.150 to 4.298.

(2) Permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

[Section 4.214 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.216 Wastewater Discharge Permit Reissuance.**

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with section 4.198 a minimum of ninety (90) days prior to the expiration of the user's existing permit.

[Section 4.216 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.218 Regulation of Wastewater Received From Other Jurisdictions.**

If another municipality, or user(s) located within another municipality of jurisdiction, contribute(s) wastewater to the municipal wastewater system, the city shall enter into an intermunicipal or interjurisdictional agreement with the contributing municipality or jurisdiction, or enter into a contract with the user(s), in accordance with requirements specified in the city's pretreatment procedures.

[Section 4.218 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.220 Baseline Monitoring Reports.**

(1) Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the municipal system shall be required to submit to the Director a report which contains the information listed in paragraph 2, below. At least ninety (90) days prior to commencement of their discharge, new sources, including existing users which have changed their operation or processes so as to become new sources, and other sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Director a report which contains the information listed in paragraph 2. A new source shall also be required to report the

method of pretreatment, or other method, it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(2) The information required by this section includes:

(a) Identifying Information. The user shall submit the name and address of the facility including the name of the operator and owners;

(b) Permits. The user shall submit a list of any environmental control permits held by or for the facility;

(c) Description of Operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the municipal wastewater system from the regulated processes.

(d) Flow Measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the system from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(e) Measurement of Pollutants.

(i) The industrial user shall identify the categorical pretreatment standards applicable to each regulated process;

(ii) In addition, unless otherwise specified by the Director in the permit, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standards or the city of regulated pollutants in the discharge from each regulated process (wastewater survey). Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. Samples shall be representative of daily operations and shall be collected and analyzed in accordance with procedures set out in 40 CFR Part 136.

(iii) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. All other pollutants will be measured by composite samples obtained through flow proportional sampling techniques. If flow proportional composite sampling is not feasible, samples may be obtained through time proportional sampling techniques or through four (4) grab samples if the user proves such samples will be representative of the discharge.

(iv) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(v) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined

wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

- (vi) The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- (vii) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(f) Special Certification. A statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements; and

(g) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the industrial user will provide the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M is met. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 4.198(14) .

(h) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with section 4.200.

[Section 4.220 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.222 Compliance Schedule Progress Reports.**

The following conditions shall apply to the compliance schedule required by section 4.220(2)(g) :

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

(3) The industrial user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for the delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such progress reports to the Director.

[Section 4.222 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.224 90-Day Compliance Reports.**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the municipal wastewater system, any industrial user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in section 4.220(2)(d-f) . For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 4.200 .

[Section 4.224 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.226 Periodic Compliance Reports.**

(1) Except as specified in 4.226(4), any significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with section 4.200.

(2) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, calibrated, kept clean, and maintained in good working order at all times. The

failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of Its discharge.

(3) In the event an industrial user's monitoring results indicate a violation has occurred, the industrial user must immediately (within 24 hours of becoming aware of the violation) notify the Director and resample its discharge. The industrial user must report the results of the repeated sampling within thirty (30) Days of discovering the first violation.

(4) The Director may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

- (a) 0.01 percent of the POTW's design dry-weather hydraulic capacity of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches]
- (b) 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and
- (c) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 4.164.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 4.256. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

(4) All periodic compliance reports must be signed and certified in accordance with Section 4.200(1).

(5) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(6) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by

the Director, using the procedures prescribed in Section 4.250, the results of this monitoring shall be included in the report.

[Section 4.226 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.228 Reports of Changed Conditions.**

Each industrial user is required to notify the city of any planned significant changes to the industrial user's operations or pretreatment systems which might alter the nature, quality or volume of its wastewater, at least thirty (30) days prior to the change.

(1) The Director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater permit application under section 4.198, if necessary.

(2) The Director may issue a wastewater permit under section 4.202 or modify an existing wastewater permit under section 4.210.

(3) No industrial user shall implement the planned changed condition(s) until and unless the Director has responded to the industrial user's notice.

(4) For purposes of this requirement, flow increases of twenty (20%) or greater, the discharge of any previously unreported pollutant, or a change in the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (p), shall be deemed significant.

[Section 4.228 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.230 Reports of Potential Problems.**

Each industrial user shall provide protection from accidental and/or slug loads, or intentional discharges of prohibited materials or other substances regulated by sections 4.150 to 4.298. Facilities to prevent the discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of sections 4.150 to 4.298.

(1) No industrial user which commences discharge to the municipal wastewater system after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Director.

(2) In the case of an accidental or other discharge which may cause potential problems for the municipal wastewater system, it is the responsibility of the user to

immediately telephone and notify the Director of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(3) Within five (5) days following an accidental discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the municipal wastewater system, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed by sections 4.150 to 4.298 .

(4) Failure to notify the Director of potential problem discharges shall be deemed a separate violation of sections 4.150 to 4.298.

(5) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph 2, above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

(6) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

[Section 4.230 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.232 Reports from Unpermitted Industrial Users.**

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

[Section 4.232 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.234 Reporting of Additional Monitoring.**

If an industrial user subject to the reporting requirements of 40 CFR 403.12 (e) or (h), which requires submission of periodic compliance reports, monitors any pollutant more frequently than required by the Director, using the procedures prescribed in 40 CFR Part 136, and the monitoring indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation and the results of this monitoring shall be included in the report." Also, federal regulation 40 CFR 403.12(9) (5) requires all industrial users that are subject to federal categorical standards and monitor any pollutant more frequently than required by the Director using sampling and analytical methods in 40 CFR 136 to report the results of the monitoring.

[Section 4.234 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.236 Notification of the Discharge of Hazardous Waste.**

(1) No user shall discharge of hazardous waste without notification in writing and approval of the Director of any discharge into the municipal wastewater system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge number, (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the municipal wastewater system, the notification shall also be in writing to the EPA Regional Waste Management Division Director, and DEQ Hazardous and Solid Waste Division Director and shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 4.228. The notification requirement in this section does not apply to pollutants already reported by industrial users subject to categorical pretreatment standards under the self-monitoring requirements of sections 4.220, 4.224, and 4.226.

(2) Dischargers are exempt from the requirements of paragraph (1) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more such quantities of hazardous waste do not require additional notification unless required by the Director.

(3) In the case of any new regulations under section 3001 of the RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, the EPA Regional Waste Management Division Director, and DEQ Solid and Hazardous Waste Division Director, of the discharge of such substance(s) within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by sections 4.150 to 4.298, a permit issued hereunder, or any applicable federal or state law.

[Section 4.236 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.238 Notification of Significant Production Change.**

An industrial user operating under a waste discharge permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Director within (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

[Section 4.238 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.240 Timing.**

Written reports will be deemed to have been transmitted at the time of deposit, postage prepaid, into a mail facility services of the United States Postal Services. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

[Section 4.240 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.242 Record Keeping.**

Industrial users subject to the reporting requirements of sections 4.150 to 4.298 shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by sections 4.150 to 4.298, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 4.164(3) and all records and information required to be retained under 40 CFR 403.12(o). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with sections 4.150 to 4.298, or where

the industrial user has been specifically notified of a longer retention period requirement by the city, DEQ or EPA.

[Section 4.242 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.244 Right of Entry: Inspection and Sampling.**

The city shall have the right to enter the facilities of any industrial user to determine whether the industrial user is complying with all requirements of sections 4.150 to 4.298, its wastewater permit or any order issued here under, if applicable. Industrial users shall allow the city or its representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where an industrial user has security measures in force which require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identifications, personnel from the city, the state, and U.S. EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(2) The city shall have the right to set up or require installation of, on the industrial user's property, such devices as are necessary to conduct sampling, and/or metering of the user's operations.

(3) The city may require the industrial user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at the industrial user's expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(5) Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of sections 4.150 to 4.298 .

[Section 4.244 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.246 Search Warrants.**

If the city has been refused access to a building, structure or property, or any part thereof, and if the city has probable causes to believe that there may be a violation of sections 4.150 to 4.298, or that there is a need to perform an inspection and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with sections 4.150 to 4.298 or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city, through the city's attorney, may seek issuance of a search warrant from the Dallas Municipal Court.

[Section 4.246 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.248 Analytical Requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

[Section 4.248 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.250 Sample Collection.**

(1) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(2) Except as indicated in Sections (3) and (4) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other

parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 4.220 and 4.224 a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 4.226, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

[Section 4.250 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.252 Resampling Requirements for Self-Monitoring Violations.**

If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the city performs sampling at the User's facility at least once a month, or if the city performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the Industrial User.

#### **4.254 Confidential Information.**

Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and from city inspection and sampling activities shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state laws.

(1) Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(2) When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to sections 4.150 to 4.298, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report.

[Section 4.254 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.256 Publication of Users in Significant Noncompliance.**

The city shall annually publish, in the largest daily newspaper circulated in the area where the municipal wastewater system is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance (SNC) with applicable pretreatment standards and requirements. The term Significant Noncompliance shall be applicable to Significant Industrial Users that meet the requirements of any paragraph (1) through (8) in this section (or to any other Industrial User that violates paragraphs (3), (4) or (8) of this Section):

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 4.154.

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 4.154 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.

- (4) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; and/or
- (8) Any other violation(s) which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program, or for which the Director believes is (are) significant.

[Section 4.256 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.258 Notification of Violation.**

Whenever the city finds that any industrial user has violated or is violating sections 4.150 to 4.298, a wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, the Director or the Director's agent may serve upon said user a written Notice of Violation. Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

[Section 4.258 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.260 Consent Orders.**

The city is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to sections 4.264 and 4.266 and shall be judicially enforceable.

[Section 4.260 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.262 Show Cause Hearing.**

The city may order any industrial user which causes or contributes to (a) violation(s) of sections 4.150 to 4.298, wastewater permits or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the city and show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the industrial user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the industrial user.

[Section 4.262 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.264 Compliance Orders.**

When the Director finds that an industrial user has violated or continues to violate sections 4.150 to 4.298, permits or orders issued hereunder, or any other pretreatment standard or requirement, the Director may issue a Compliance Order to the industrial user responsible for the discharge directing that the industrial user come into compliance within a specified time. If the industrial user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including additional self monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. The Director may also continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control. A Compliance Order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a Compliance Order relieve the industrial user of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

[Section 4.264 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.266 Cease and Desist Orders.**

When the Director finds that an industrial user has violated or continues to violate sections 4.150 to 4.298, wastewater permits or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue a Cease and Desist Order to the industrial user directing it to cease and desist all such violations and directing the industrial user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- (3) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

[Section 4.266 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.268 Administrative Fines.**

If the Director determines that a user has violated, or continues to violate sections 4.150 to 4.298, a wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an administrative fine to said user. The City Council may, by resolution, adopt a schedule of graduated penalties based on the nature, length and frequency of noncompliance. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- (1) Assessments may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as may be available for other service charges and fees.
- (2) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid balance and interest shall accrue thereafter at a rate of nine percent (9%) per month. Any unpaid charges, fines and penalties, together with interest therefrom shall constitute a lien against the user's property.
- (3) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

[Section 4.268 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.270 Emergency Suspensions.**

The Director may immediately suspend an industrial user's discharge and the industrial user's wastewater discharge permit, after informal notice to the industrial user, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend an industrial user's discharge and the industrial user's wastewater discharge permit, after notice and opportunity to respond, that threatens to interfere with the operation of the municipal wastewater system, or which presents, or may present and endangerment to the environment.

(1) Any industrial user notified of a suspension of its discharge or wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the municipal wastewater system and/or the receiving stream, or endangerment to any individuals. The Director shall allow the industrial user to resume its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings set forth in section 4.272 are initiated against the user.

(2) An industrial user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future recurrence, to the Director prior to the date of any show cause or termination hearing under sections 4.262 and 4.272.

(3) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

[Section 4.270 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.272 Termination of Discharge and/or Wastewater Discharge Permit.**

In addition to those provisions in section 4.214, any industrial user which violates the following conditions, wastewater discharge permits, or orders issued hereunder is subject to discharge and/or wastewater discharge permit termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (4) Tampering with monitoring equipment;

(5) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; and/or

(6) Violation of the pretreatment standards and requirements in sections 4.158 to 4.172.

Noncompliant industrial users will be notified of the proposed termination of their discharge and/or wastewater discharge permit and be offered an opportunity to show cause, under section 4.262, as to why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

[Section 4.272 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.276 Appeal of Decision of the City.**

A decision of the city under sections 4.264, 4.266, 4.268, 4.270, or 4.272 to take enforcement action against an industrial user may be appealed to the Dallas Municipal Court by filing a written notice of appeal with the municipal court clerk and by serving the city attorney with a true copy thereof within 10 days of the date of the city's decision. The filing of a notice of appeal shall not stay the decision of the city.

[Section 4.276 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.277 Injunctive Relief.**

When the city finds that a user has violated, or continues to violate, any provision of sections 4.150 to 4.298 , a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city, through the city's attorney, may petition the Dallas Municipal Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by sections 4.150 to 4.298 on activities of the user. The city may also seek such other action as may be appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

[Section 4.277 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.278 Civil Penalties.**

Any industrial user which has violated or continues to violate any requirements of sections 4.150 to 4.298 , any order or permit issued hereunder, or any other pretreatment

standard or requirement shall be liable to the city for a maximum civil penalty of \$ 1,250 per violation per day to be determined and assessed by the Dallas Municipal Court. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of this violation. For continuing violations, each day that a violation exists or occurs shall be deemed a separate violation.

(1) The city may recover reasonable attorney's fee, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(2) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

[Section 4.278 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.280 Criminal Prosecution.**

(1) Any industrial user who intentionally or recklessly violates any provision of sections 4.150 to 4.298, any orders or permits issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class C misdemeanor, punishable by a fine of not more than \$1,250 per violation, per day, or imprisonment for not more than 30 days or both. For continuing violations, each day that a violation exists or occurs shall be deemed to be a separate violation.

(2) Any industrial user who intentionally or recklessly introduces any substance into the municipal wastewater system which causes personal injury or property damage shall, upon conviction, be guilty of a Class B misdemeanor and be subject to a fine of not more than \$2500 per violation, per day, or be subject to imprisonment for not more than 6 months, or both. For continuing violations, each day that a violation exists or occurs shall be deemed to be a separate violation.

(3) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to sections 4.150 to 4.298, or wastewater permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under sections 4.150 to 4.298 shall, upon conviction, be guilty of a Class B misdemeanor and be subject to a fine of not more than \$2500 per violation, per day, or imprisonment for not more than six months, or both.

(4) In the event of a second conviction under (1), (2), or (3) above in 12 consecutive months, the user shall be guilty of a Class A misdemeanor and be subject to a fine of not

more than \$5000 per violation, per day, or imprisonment for not more than one year, or both.

[Section 4.280 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.282 Remedies Nonexclusive.**

The remedies provided for in sections 4.150 to 4.298 are not exclusive. The city may take any, all or any combination of these actions against a non-compliant industrial user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any industrial user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any non-compliant industrial user.

[Section 4.282 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.284 Performance Bonds.**

The city may decline to reissue a permit to any industrial user who has failed to comply with any provision of sections 4.150 to 4.298, any orders or a previous permit issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the city to be necessary to achieve consistent compliance.

[Section 4.284 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.286 Liability Insurance.**

The city may decline to reissue a wastewater permit to any industrial user who has failed to comply with any provision of sections 4.150 to 4.298, any orders or a previous permit issued here under, or any other pretreatment standard or requirement, unless the industrial user first submits proof that it has obtained financial assurance sufficient to restore or repair damage to the municipal wastewater system caused by its discharge.

[Section 4.286 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.287 Payment of Outstanding Fees and Penalties.**

The Director may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of sections 4.150 to 4.298, a previous individual wastewater discharge permit or order issued hereunder.

#### **4.288 Water Supply Severance.**

Whenever an industrial user has violated or continues to violate any provision of sections 4.150 to 4.298, orders or permits issued hereunder, or any other pretreatment standard or requirement, water service to the industrial user may be severed. Service will only recommence, at the user's expense, after said user has satisfactorily demonstrated its ability to comply.

[Section 4.288 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.289 Contractor Listing**

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Director.

#### **4.290 Public Nuisances.**

Any violation of the prohibitions or effluent limitations in sections 4.150 to 4.298, permits, or orders issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the city or his agent. Any person(s) creating a public nuisance shall be subject to the provisions of DCC 5.500 et seq. governing such nuisance, including reimbursing the city for any costs incurred in removing, abating or remedying said nuisance.

[Section 4.290 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.291 Informant Reward.**

The city is authorized to pay up to five hundred (\$500) for information leading to the discovery of noncompliance by an industrial user. In the event that the information provided results in an administrative fine or civil penalty levied against the industrial user, the city is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant.

[Section 4.291 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.292 Affirmative Defense for Upset.**

For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An upset shall constitute an affirmative defense to an enforcement action brought against an industrial user for noncompliance with categorical pretreatment standards if the conditions listed below in this section are met. An industrial user who wishes to establish an affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset.
- (2) The facility was at the time being operated in a prudent and workman-like manner and was in compliance with applicable operation and maintenance (O&M) procedures.
- (3) The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
  - (a) A description of the indirect discharge and cause(s) of noncompliance;
  - (b) The period of noncompliance, including exact dates and time, or, if not corrected, the anticipated time the noncompliance is anticipated to continue; and
  - (c) Steps being taken to reduce, eliminate and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (6) Industrial users shall control production of all dischargers to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

[Section 4.292 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.293 Affirmative Defense for Violation of Prohibited Discharge Standards.**

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in section 4.158 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with other discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

[Section 4.293 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.294 Affirmative Defense for Bypass.**

The intentional diversion of wastestreams from any portion of an individual user's treatment facility shall be an affirmative defense to an enforcement action brought against the industrial user if the user can demonstrate that such a bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. In order to be eligible for the affirmative defense, the industrial user must demonstrate that there was no feasible alternative to bypass and submit notice of the bypass.

- (1) For the purposes of this section:
  - (a) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  - (b) "Severe property damage" means substantial physical damage to property, damage to treatment facilities which causes the facilities to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.

(3) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass.

(4) A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(5) Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under paragraph (c) of this section.

(6) The Director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph (5) of this section. The decision of the Director is subject to appeal to the city council by filing a written notice of appeal in the office of the manager within 10 days of the date of the Director's decision.

[Section 4.294 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.295 Surcharge Costs.**

[RESERVED]

[Section 4.295 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.296 Pretreatment Charges and Fees.**

The city may by resolution adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

- (1) Fees for wastewater permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by industrial users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and
- (5) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by sections 4.150 to 4.298 and are separate from all other fees, fines and penalties chargeable by the city.
- (6) The city may recover the city's expenses incurred in collecting and analyzing samples of the industrial user's discharge by adding the costs to the industrial user's sewer charges.

[Section 4.296 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.297 Severability.**

If any provision(s) of sections 4.150 to 4.298 is (are) invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

[Section 4.297 added by Ordinance No. 1503, passed October 17, 1994.]

#### **4.298 Conflicts.**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency of conflict.

[Section 4.298 added by Ordinance No. 1503, passed October 17, 1994.]