



**City Council**

Mayor  
Jim Fairchild

Council President  
Ken Woods, Jr.

Councilor  
Brian Dalton

Councilor  
Warren Lamb

Councilor  
Jackie Lawson

Councilor  
Kevin Marshall

Councilor  
Wes Scroggin

Councilor  
David Shein

Councilor  
David Voves

Councilor  
LaVonne Wilson

**Staff**

City Manager  
Jerry Wyatt

Asst. City Manager  
Kim Marr

City Attorney  
Lane Shetterly

Community Development  
Director  
Jason Locke

Finance Director

Fire Chief  
Bill Hahn

Interim Police Chief  
Tom Simpson

Public Works Director  
Fred Braun

# Dallas City Council Agenda

Monday, October 20, 2008, 7:00 p.m.

Mayor Jim Fairchild, Presiding

Dallas City Hall

187 SE Court Street

Dallas, Oregon 97338

*All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item, or sign in on the provided card.*

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE TO THE FLAG	
3. APPROVAL OF MINUTES Approval of minutes of the October 6, 2008, Council mtg p. 3	Action Requested
4. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
a. Mayor's monthly report for September p. 10	Discussion
5. QUESTIONS OR COMMENTS FROM THE AUDIENCE <i>This time is provided for citizens to address the Council or introduce items for Council consideration on any matters other than those on the agenda.</i>	
6. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS	
City Manager's Reports	
a. Employee/Volunteer Recognition Awards Presentation p. 11	Presentation
b. 2008 Fitness Leadership Awards Presentation p. 13	Presentation
c. Red Flag Rules (Identity Theft Prevention Program) p. 17	Action requested
d. Meeting at Dallas High School with students p. 31	Action requested
e. Senior Center Final Report p. 32	Discussion
f. Forestry Creek Restoration Project p. 33	Action requested
g. Blue Garden Update p. 45	Action requested

# Dallas City Council Agenda

## Page 2

### Our Vision

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

### Our Mission

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

### Our Motto

*Commitment to the Community.  
People Serving People.*

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- h. Report on Oct 14, 2008, Planning Commission Mtg [p. 54](#) Discussion
- i. Department Reports for the month of September [p. 55](#) Discussion
- j. Bills of the City for the month of September [p. 73](#) Discussion
- k. Other

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## 7. COMMUNICATIONS AND PETITIONS

- a. Chamber request for Halloween Events [p. 84](#) Information only

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## 8. PUBLIC HEARINGS

*(Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

- a. A Public Hearing on the Transportation System Plan (TSP) and associated Comprehensive Plan and Development Code amendments [p. 85](#) Public Hearing

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## 9. RESOLUTIONS

- a. Resolution No. 3173: A Resolution adopting an Identity Theft Prevention Program pursuant to the Oregon Identity Theft Protection Act of 2007 and the Federal Fair and Accurate Credit Transactions Act. [p. 96](#) Action requested
- b. Resolution No. 3174: A Resolution declaring the City of Dallas' intent to apply for a Community Development Block Grant through the Oregon Economic & Community Development Department and authorizing the City Manager to submit and sign an application. [p. 107](#) Action requested

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## 10. FIRST READING OF ORDINANCE

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## 11. SECOND READING OF ORDINANCE

- a. Ordinance No. 1692: An Ordinance establishing off-leash dog park regulations; and amending DCC 5.428 [p. 108](#) Action requested

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## 12. OTHER BUSINESS

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## 13. ADJOURNMENT

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**DALLAS CITY COUNCIL**  
**Monday, October 6, 2008**  
**Council Chambers**

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The Dallas City Council met in regular session on Monday, October 6, 2008, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Fairchild presiding.

**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 Shein, Councilor Dave Voves, and Councilor LaVonne Wilson.

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Fairchild led the Pledge of Allegiance to the Flag.

**APPROVAL OF MINUTES**

After hearing no corrections or additions, Mayor Fairchild declared the minutes of the September 15, 2008, Council meeting approved as presented.

**REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

Councilor Jackie Lawson handed out a report from Winston, Oregon, about their unused medication round-up. She indicated she had attended an LOC Conference session on this topic, and most of these medications are being dumped into the sewer, which can pollute the water supply. Councilor Lawson stated she would like staff to look into the possibility of a pharmaceutical turn-in station, possibly through the Police Department. Councilor Warren Lamb recommended the issue be referred to the Public Safety Committee.

Councilor Lamb, Council representative to the Rickreall Watershed Council, reported on their September 25<sup>th</sup> meeting, where they discussed a couple projects they will be taking on. The first is a small grant project to work on the Dallas Park Trail clearing noxious plants and planting native plants. The second project is for Forestry Creek, for which they are applying for a technical assistance grant for a feasibility study to determine where to direct Forestry Creek – in the manmade channel where it is now, or the natural channel. Councilor Lamb indicated the Rickreall Watershed Council would be asking the City to put some money toward this feasibility study, which will cost about \$40,000. They would like the City to kick in \$7,500 and the rest would be funded by grants from OWEB. Councilor Lamb indicated he needed to know from the Council if this is a project they want to work on. City Manager Jerry Wyatt stated he should come back to the Council with a full staff report. Councilor Lamb explained that the grant due date is October 20, but they can file it with a pending status. He added the Rickreall Watershed Council wouldn't need the money in hand until May. Mr. Wyatt stated he would put this topic on the October 20 Council Agenda.

Mayor Fairchild indicated the LOC Conference bus tours through Dallas, Monmouth, and Independence were well received. Mayor Fairchild also handed out information from the National League of Cities Community and Economic Development Steering Committee meeting he had recently attended.

**COUNCIL PRESIDENT'S MONTHLY REPORT FOR SEPTEMBER**

There were no questions about the Council President's monthly report for September.

**QUESTIONS OR COMMENTS FROM THE AUDIENCE**

Michael Harris addressed the Council stating he has an issue with a group home for adults with chronic mental illness currently under construction in his neighborhood. He indicated he and his neighbors found out about the group home accidentally because they were never told about it by the developer. Mr. Harris stated the City says the building meets all Code so nothing can be done and the neighbors have met with Polk County and they say there is no risk, as they are under treatment. Mr. Harris commented that there are eight children under the age of 5

1 surrounding this house. Polk County says research was done for this location, but Mr. Harris  
2 stated the only people who share that support are Polk County and the builder who stands to  
3 profit from this. Mr. Harris indicated he wanted the Council to go on record saying they support  
4 it and it's a great location, or that they do not support it. He stated that he feels the safety of the  
5 children is at risk. He added that the home is on a dead end, so parking issues may make it more  
6 dangerous. Mr. Harris declared that these people are not welcome and never will be and he  
7 wants help to stop it.

8  
9 Mayor Fairchild stated that the Council individually can step out and do whatever they want as  
10 citizens, but as a governing body, the Council has rules they must abide by that state what they  
11 can and can't do. City Attorney Lane Shetterly indicated it would be good to get through all the  
12 citizens comments first and then have a discussion among the Council.

13  
14 Sara Hobson stated that with a mental health facility coming in, she doesn't feel safe because she  
15 loves to skateboard and doesn't feel she can do that any more. She added that she walks to the  
16 bus stop every morning and there are tons of children around and they don't feel safe. She stated  
17 she wants to feel safe and feels she has the right to feel safe in her own neighborhood.

18  
19 Brittney Rettler-Thomas stated she and her husband and six-month old just bought their home in  
20 December, and when they bought their home, they asked to buy the lot where the group home is  
21 going in. She commented she didn't want to buy next to the vacant lot, because the builder said  
22 it would be sold to an investment company and they would be building a rental house. She was  
23 assured that it would be built as a single family home and the rent charged would be high enough  
24 that it would be similar to everyone's mortgage so the property value wouldn't go down. Ms.  
25 Rettler-Thomas indicated that when this new house was being built, she noticed it had five  
26 bedrooms with a full sprinkler system. She stated all five of the "cells" face her home and one of  
27 the windows faces her son's window, looking right into it. Polk County Mental Health told her  
28 there would be no blinds in the home because the residents there may hurt themselves due to  
29 their illnesses. Ms. Rettler-Thomas stated she was told there would be nothing she could do if  
30 these people were exposing themselves because they were in their own home. She stated she had  
31 a realtor come out and comp their homes and she was told that in the six homes closest to this  
32 group home, their properties will decrease in value between \$26-35,000. She stated she has been  
33 told these people will be free to roam their homes and that they are safe because they will be  
34 heavily medicated. She stated the whole neighborhood already feels threatened and it's not fair.

35  
36 Steve Hobson used the board in the Council Chambers to show the layout of the neighborhood.  
37 He stated the home is going in at the end of the road where there is a barrier. He stated Polk  
38 County is talking about 5 people with cars plus their caretakers being at this home. He doesn't  
39 know how they will get all those cars in there. Mr. Hobson stated with small children in that  
40 neighborhood, he is concerned it will not be safe if someone is heavily medicated and driving a  
41 car.

42  
43 Susan Miller stated the mental health lady told her that every person in that building will have  
44 two people to take care of them, plus the manager of that place. The manager of the place is the  
45 only one that must have a college education; all the rest of them can just be floosies. She wants  
46 to know how they will fit ten or eleven cars in that area. Ms. Miller added that the only way to  
47 get to the group home is past her house and she is not happy about it.

48  
49 Van and Gloria Albright stated they moved in to the area in March of 2006, and for the five years  
50 prior to that they lived next to one of these houses in Salem with schizophrenic, mentally ill, ex-  
51 drug addicts. Mr. Albright stated these people would knock on their door at all hours of the  
52 night, not knowing which house was theirs, and came into their back yard when they weren't  
53 home. Mr. Albright stated he must have called the police fifty times in that five years. Mr.  
54 Albright stated they saved for long time to build this house and they are not going to let this  
55 come into their neighborhood. Ms. Albright said group homes like this in residential  
56 neighborhoods do not work.

57  
58 Sue Woock stated she has been involved in group homes as a state employee. She said she  
59 doesn't want these people in her neighborhood.

60  
61 Marsha Hobson stated she called the owner to find out what type of group home this would be.

1 She was very disturbed when his first words were “how did you find out?” Ms. Hobson stated  
2 she had talked to Judy Moorhead from Mental Health, who also wanted to know how she found  
3 out about the group home. Ms. Hobson commented that she’s gotten the run around from  
4 everyone involved and she is very upset. She feels like her kids will be confined to the back yard  
5 and she feels like she needs to get a couple dogs. Ms. Hobson indicated she is concerned for her  
6 daughter’s safety, adding her freedom and the neighborhoods freedom is gone.

7  
8 Lorraine Anderson stated that this location is completely inappropriate and couldn’t be more  
9 inappropriate. She commented that this would be more appropriate in a multi-family zone. Ms.  
10 Anderson stated the neighborhood is being held hostage and asked the Council how they can  
11 stop it.

12  
13 Mike James indicated he lives right across the street from this group home with his wife, 3-year  
14 old, and baby on the way. As a father and husband, he moved to a neighborhood where his kids  
15 would be safe and just like that it was taken away from him. He stated he feels like a prisoner in  
16 his own home. He indicated this facility is not a lock-down; they can come and go as they  
17 please. He said it is not good for the community or the neighborhood.

18  
19 John Robinson stated this isn’t an “us and them” issue; he realizes there are people who are  
20 mentally ill and need help. He indicated the issue is the specific location. Mr. Robinson said he  
21 lives in Forestry Creek Meadows and everyone bought their homes with CC&R’s except the last  
22 six homes. He stated this type of facility wouldn’t be allowed with the CC&R’s, which state  
23 homes must be used as a single family residence. He added he bought his home feeling  
24 protected from these sort of things. Mr. Robinson said he is an educated man in some areas, but  
25 ignorant about mental health issues. After a discussion with Polk County Mental Health, he did  
26 some research and every study confirmed that if mental patients are properly medicated, they are  
27 no more likely than anyone else to commit violence. However, these same studies show that if  
28 they use drugs or alcohol, they are up to five times more likely to be violent, and 30-60% of  
29 these patients abuse drugs or alcohol. Mr. Robinson commented that the whole area  
30 neighborhood is unlike any you’ve seen; he’s never seen one more family/child oriented.

31  
32 Ms. Rettler-Thomas stated that a couple of the neighbors in the 5 existing houses for sure would  
33 not be opposed to join into the CC&R’s from the rest of the neighborhood.

34  
35 Mr. Wyatt thanked everyone for coming and noted that he is very familiar with the subdivision.  
36 He stated the passion expressed tonight is what makes the neighborhood good. Mr. Wyatt  
37 reviewed that a group home is defined as five or less unrelated adults in a home in a single-  
38 family neighborhood. He explained the City is not allowed to regulate or put conditions on any  
39 group home that comes under the single family zoning designation, so the City would not be  
40 aware of any house built or remodeled for that type of use. He noted the City seems to be  
41 involved in the process in regulatory review but it is not. He indicated the City typically finds  
42 out about a group home like this through notifications, but this time the City found out when the  
43 neighbors came to talk to staff about a week ago. Mr. Wyatt reported that Polk County has a  
44 meeting scheduled tomorrow to talk about the issues. He stated staff goes through and issues a  
45 single-family building permit and beyond that, there is no regulatory review staff goes through.  
46 Mr. Wyatt indicated the State makes it clear that the City cannot put conditions on a group home.  
47 He explained the group home is going into a different subdivision than Forestry Creek Meadows  
48 and that is why there are no CC&R’s. He noted the parking requirements are something that the  
49 neighbors and the City can talk about at the Polk County meeting. He did note that in a single-  
50 family zone, there is a requirement for one off-street parking space, which is typically met with  
51 the driveway in front of the garage. He stated that the group home satisfies that requirement for  
52 parking.

53  
54 Mr. Shetterly stated a dwelling like this is an outright permitted use according to the Dallas  
55 Development Code, adding that the City is in fact restricted under State law from restricting  
56 those uses. Mr. Shetterly noted that in regard to the issue of CC&R’s, the City does not enforce  
57 those, nor does the City have enforcement authority over representations by realtors. Mr.  
58 Shetterly reported that the application met the criteria for outright approval by City Code, so the  
59 ability to attach conditions now is pretty limited.

60  
61 Community Development Director Jason Locke commented that as he has stated to all the folks

1 that called, the bottom line is that these uses as defined in the Dallas Development Code are  
2 outright permitted uses. The Code does not require, nor does the City provide, notification of the  
3 neighbors for this type of use. Mr. Locke indicated he took a random sample of other cities and  
4 they all have the same code language. He stated the City is preempted by the State from  
5 attaching any more conditions on a group home.

6  
7 Sean Thomas stated Dallas isn't any other community; it stands above other towns. He said for  
8 Mr. Locke to say this is the same as it is in every other community – this isn't every other  
9 community; this is Dallas.

10  
11 Mayor Fairchild commented that Mr. Locke and Mr. Shetterly say the Councils' hands are tied  
12 and at this point, the only way to change it would be to have the State Legislature make the  
13 change.

14  
15 Ms. Marsha Hobson stated there is absolutely not enough parking at that location. Mr. Locke  
16 stated that the criteria is that a person who builds a dwelling is required to provide one off-street  
17 parking space and this home is providing two in the driveway and two in the garage, so it  
18 exceeds the requirements. He noted Linden Lane will not remain a dead end indefinitely – it will  
19 eventually connect to Linden Lane to the west. He clarified that staff is required to review this  
20 exactly the same as any single-family dwelling and when there is a single family home, the City  
21 does not ask how many vehicles they will have; nor can we ask that.

22  
23 Ms. Rettler-Thomas asked if there is anything they could do.

24  
25 Mr. Robinson clarified that the City is not allowed to use their judgment on something like this.  
26 Mr. Locke confirmed that was correct.

27  
28 Mayor Fairchild closed the discussion. Councilor Lavonne Wilson stated she heard serious  
29 testimony that wasn't known to some of the Council, noting staff and the City Manager gave  
30 them a lot of information. Councilor Wilson indicated she would like information back from the  
31 meeting with Polk County.

32  
33 Councilor Dave Voves stated he attended a meeting at the LOC conference on forensic group  
34 homes. He indicated the District Attorney from Marion County is working on a task force to  
35 bring forth some goals to the Legislation to make criteria for who is eligible for forensic group  
36 homes and require notification to the neighborhood. Another goal would be for standardization  
37 of security. Councilor Voves recommended the neighborhood contact the Director for the  
38 Department of Human Services.

39  
40 Councilor Wes Scroggin stated the City has to have communication with Polk County. He then  
41 asked what the total number of cars that could be parked in a residential neighborhood was per  
42 Code. Mr. Shetterly stated the limitation in the Code is on how much parking must be provided;  
43 it does not regulate how many can park, just the spaces required.

44  
45 Councilor David Shein stated he wanted to echo the importance of communicating with the  
46 County.

47  
48 Councilor Lamb stated it is described as a group home and asked if that qualifies as a  
49 commercial business. Mr. Wyatt stated the Code allows for 5 or fewer residents in a group  
50 home. He indicated that if they go over five occupants, then there are restrictions.

51  
52 Councilor Voves asked if parking could be regulated by residential parking permits. Mr.  
53 Shetterly stated it would have to apply across the board, not just to group homes.

54  
55 Councilor Kevin Marshall asked what the Council could do. Mayor Fairchild stated there is little  
56 that can be done. He did indicate he would attend the meeting at Polk County the next day, but  
57 it appears that as a unified body, the Council doesn't have the legal ability to move forward and  
58 do anything.

59  
60 Councilor Wilson stated she is really anxious to have Mr. Wyatt and Mr. Locke at the table with  
61 the County. She noted she hopes through collaboration they can have some kind of resolve.

1  
2 Councilor Brian Dalton stated the Council and City can ensure the group home adheres to  
3 neighborhood standards per nuisance ordinances and codes. It would not be to target these folks,  
4 but to make sure community doesn't decline due to something that could be fixed.

5  
6 Mayor Fairchild thanked everyone for bringing their concerns forward. Mayor Fairchild excused  
7 himself from the Council meeting.

## 8 **REPORTS OF SPECIAL COMMITTEES AND CITY OFFICER**

### 9 **AQUATIC CENTER EEM RFP**

10 Mr. Wyatt indicated this is a follow-up on the environmental assessment done by Enertia Energy  
11 with the seven energy savings proposed. He reviewed the three scheduling/financing options for  
12 completing the projects. Mr. Shetterly stated the reason staff is recommending the scheduling of  
13 a public hearing is that under the City Code and State law requirements, the City would normally  
14 go out for a competitive bid process to enter into this public contract. Mr. Locke has determined  
15 that other cities have more successfully used a Request for Proposal (RFP) to give the City more  
16 control over the contract process.

17 Mayor Fairchild rejoined the Council meeting.

18 Mr. Shetterly stated that under City and State law, in order to use the RFP, the Council must  
19 determine conditions exist to justify an exemption from competitive bidding requirements. We  
20 have to publish notice of a hearing in a statewide journal and a local paper. Then, in November,  
21 which is the earliest date possible given public notice requirements, we would have the public  
22 hearing and the Council would have to adopt findings to justify this contract exemption. It will  
23 still be a competitive process in the sense that more than one RFP will be issued. Councilor  
24 Voves asked if the staff is comfortable with the justification for an RFP vs. competitive bidding.  
25 Mr. Locke stated his research has indicated that we are not strictly concerned with bottom line  
26 being price. There are other issues we want to be able to address, or have a contractor address  
27 through the RFP process, such as experience, programming (closure of facility, etc.). We are  
28 asking them as the Contractor to explain how the process would work. Under the ordinary bid  
29 process, the City accepts the low bid, which can be a case of you get what you pay for. In this  
30 RFP process, the City can require guaranteed energy savings from the contractor. Councilor  
31 Dalton stated the energy savings options were well presented at the last meeting and it is very  
32 attractive as an improvement and financing tool.

33 Councilor Brian Dalton moved to direct staff to schedule a public hearing on November 3, 2008,  
34 to consider an exemption from competitive bidding requirements and prepare a Request for  
35 Proposals (RFP) to implement the 7 identified Energy Efficiency Measures (EEM's) and seek  
36 financing for the project. 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 Shein,  
39 Councilor Dave Voves, and Councilor LaVonne Wilson voting YES.

### 40 **RENTAL OF CITY PROPERTY**

41 Mr. Wyatt stated the renters moved out and the farmhouse is currently vacant. He indicated we  
42 have staff interested in renting the property and they could provide security.

43 Councilor David Shein moved to direct the City Manger to secure a renter to rent the farmhouse  
44 located at 11235 Orrs Corner Road, Rickreall, on a month-to-month tenancy at a monthly rental  
45 rate of \$900.00. The new renter will continue with the same caretaking responsibilities and  
46 security deposits outlined in the current rental agreement. The motion was duly seconded and  
47 CARRIED UNANIMOUSLY with Council President Ken Woods, Jr., Councilor Brian Dalton,  
48 Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes  
49 Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson  
50 voting YES.

### 51 **DOWNTOWN RESIDENTIAL PARKING PERMITS**

52 Mr. Wyatt stated there are several owners, renters, and residents of the downtown that have  
53 requested residential parking permits. He stated he wants to refer this to the Downtown Task  
54 Force and have them come back to the Council with a full report.

1 **DOWNTOWN TASK FORCE**

2 Mr. Wyatt stated the Downtown Task Force will be meeting each week in October and will  
3 provide a report at the November 3 Council meeting. He indicated that if the Council wants the  
4 committee to continue, then they can officially appoint the members at that time. Mr. Wyatt  
5 stated the difference between this Downtown Task Force and the Chamber's is that the City's  
6 group will be looking at what the City can do under the City Code and will be very active in a  
7 short time frame.

8 **BLUE GARDEN REPORT**

9 Mr. Wyatt stated there is no recommended action for the Council regarding the Blue Garden at  
10 this time. The Council directed staff to contact the property owner and City Attorney Shetterly  
11 has done that. The owner was directed to abate the dangerous building conditions in the next 30  
12 days. Her thirty days are up on October 18, which is a Saturday, so the results will be presented  
13 at the October 20 council meeting. At that time, staff will have estimates for securing the  
14 building to make it safe in back, including the cost of roof and storm repair and there will also be  
15 estimates for the demolition of the back portion of the building and a recommendation from staff  
16 which one we should move forward on. There is a letter from the building owner that outlines  
17 her plan for the Blue Garden.

18 Councilor Lawson asked if staff has had any phone conversations with the owner in conjunction  
19 with this letter. Her concern is that she doesn't think the owner can get bids and have a  
20 contractor complete the roof work within three weeks. Mr. Wyatt stated he did talk to her and he  
21 was expecting her to be at the meeting tonight. Councilor Lawson asked if staff would also  
22 provide an estimated time frame for completion of the work with the cost estimates when they  
23 come back to the Council on October 20. Mr. Wyatt confirmed that they would have that  
24 information.

25 Councilor Brian Dalton asked if she had secured the building permit for the repairs. Mr. Wyatt  
26 stated that at this time she has not taken out a roofing permit.

27 Mr. Wyatt reported that staff did go inside the building and took photos. There is a lot of debris  
28 that has been removed, but there is still quite a bit that is left. The person who let them in the  
29 building explained that the roof was torn off to let the building air out. Mr. Wyatt stated he  
30 would agree that work has been done on the building, but the rainy season can begin in October  
31 and the hole in the roof needs to be taken care of.

32 In response to a question, Mr. Shetterly stated the Council already made a determination to  
33 follow Resolution 3132 and the Council will follow the timeline he set forth in his letter to the  
34 owner, not the owner's timeline.

35 Councilor Dalton asked if the work is not done when the Council meets on October 20, is staff  
36 prepared to step into the breach to fix the problem. Mr. Wyatt stated they are.

37 **OTHER**

38 **COMMUNICATIONS AND PETITIONS**

39 **APPLICATION FOR TAXI CAB BUSINESS LICENSE – ABSOLUTE CAB & COURIER**

40 Mr. Wyatt explained that this is the taxi cab application that came before the Council last spring  
41 and it is now complete. He stated staff recommends approval of the taxi cab application.

42 Council President Woods declared that the applicant's insurance agency is not his insurance  
43 agency.

44 Councilor Dalton moved to approve the Application for Taxi Cab Business License for Absolute  
45 Cab and Courier. The motion was duly seconded and CARRIED UNANIMOUSLY with  
46 Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor Warren Lamb, Councilor  
47 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,  
48 Councilor Dave Voves, and Councilor LaVonne Wilson voting YES.

49 **PUBLIC HEARINGS**

50 Mayor Fairchild opened the public hearing at 8:44 PM. Mr. Wyatt explained that the City is

1 working with the LOC to finance the purchase of an ambulance. The reason for this  
2 supplemental budget is that we did not budget for the lump sum coming through and we must  
3 show the lump sum payment coming in and then going out to the vendor. No one came forward  
4 to testify. Mayor Fairchild closed the public hearing at 8:46 PM.

## 5 RESOLUTIONS

6 **Resolution No. 3171:** A Resolution establishing a schedule of fees to be paid for certain Public  
7 Works Department services and permits; and for sanitary sewer and water connection; and  
8 repealing conflicting resolutions.

9 Mr. Wyatt explained this Resolution corrects some issues relating to sidewalk permit fees.

10 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3171 to have PASSED  
11 BY A UNANIMOUS VOTE with Council President Ken Woods, Jr., Councilor Brian Dalton,  
12 Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes  
13 Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson  
14 voting YES.

15 **Resolution No. 3172:** A Resolution adopting and appropriating a Supplemental Budget for  
16 fiscal year 2008-2009.

17  
18 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3172 to have PASSED  
19 BY A UNANIMOUS VOTE with voting Council President Ken Woods, Jr., Councilor Brian  
20 Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall,  
21 Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor  
22 LaVonne Wilson YES.

## 23 FIRST READING OF ORDINANCE

24 **Ordinance No. 1692:** An Ordinance establishing off-leash dog park regulations; and amending  
25 DCC 5.428.

26 Mr. Shetterly explained that Section 1 of this Ordinance is entirely new and Section 2 only  
27 amends the exclusion Ordinance to include the dog park section.

28 Mayor Fairchild declared Ordinance 1692 to have passed its first reading.

## 29 SECOND READING OF ORDINANCE

30 **Ordinance No. 1691:** An Ordinance changing street names.

31 Mayor Fairchild declared Ordinance No. 1691 to have passed its second reading. A roll call vote  
32 was taken and Mayor Fairchild declared Ordinance No. 1691 to have PASSED BY A  
33 UNANIMOUS VOTE with Council President Ken Woods, Jr., Councilor Brian Dalton,  
34 Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes  
35 Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson  
36 voting YES.

## 37 OTHER BUSINESS

38 Mr. Wyatt reminded the Council to get their quarterly ethics reports in by October 15.

39 There being no further business, the meeting adjourned at 8:54 p.m.

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

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ATTEST:

\_\_\_\_\_  
Mayor

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

# MEMORANDUM

Date: October 9, 2008  
To: City Council Members  
From: Mayor Fairchild  
Re: September 2008 Activities

## Meetings and activities attended representing the City:

September 2 7:30 p.m. to 9:30 p.m. – City Council meeting

September 8 11:00 a.m. to 12:00 p.m. – Participate in League of Oregon (LOC) Cities Executive Board conference call

September 9 7:00 p.m. to 8:00 p.m. – Planning Commission meeting

September 10 12:00 p.m. to 1:00 p.m. – City Council workshop  
2:00 p.m. to 3:00 p.m. – West Valley Hospital Foundation Executive Committee teleconference

September 12 1:00 p.m. to 2:00 p.m. – LOC Conference Planning Committee

September 15 12:00 p.m. to 1:00 p.m. – Attended Chamber of Commerce Forum  
7:30 p.m. to 9:30 p.m. – City Council meeting

September 16 9:00 a.m. to 9:30 a.m. – LOC Conference Planning conference call to finalize format for panel on effectively using volunteers

September 17 10:00 a.m. to 10:30 a.m. – Met with Dallas citizen Dave Kollman  
10:30 a.m. to 2:30 p.m. – Attend luncheon meeting in Albany put on by Pacific Power. They discussed their needs and plans for the future indicating they will be placing an emphasis on renewable energy.

September 19 9:00 a.m. to 12:00 p.m. – Attended Oregon 150 Board meeting in Portland

September 22 9:00 a.m. to 10:00 a.m. – Gave a City Hall tour to a home-school group  
3:00 p.m. to 4:00 p.m. – Met with City Manager Wyatt, Community Development Director Locke and Assistant City Manager Marr to finalize plans for Dallas's portion of a bus tour promoting Dallas, Monmouth, and Independence to LOC Conference attendees.

September 23 6:00 p.m. to 7:00 p.m. – Park trail walk-through with the Council and Park Board to see where a new section will go

September 24 Through 28 Participated in National League of Cities Community and Economic Development Steering Committee meeting in Fort Smith, Arkansas. Handout on activities provided to Council members at October 6 meeting.

September 29 3:30 p.m. to 4:30 p.m. – Participated in Regional Development and Growth Committee meeting at Mid-Willamette Valley Council of Governments

September 30 12:00 p.m. to 3:00 p.m. – Attended Chief Harper's retirement reception at Dallas Police Department  
6:00 p.m. to 8:00 p.m. – Hosted a retirement party for Chief Harper at my residence.

JF:eg

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 6 a</b>	<b>Topic:</b> Employee / Volunteer Recognition Award
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> October 20, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

The selection committee has chosen an outstanding volunteer and an outstanding employee to receive the Third Quarter, 2008 Recognition Award. We will be making a presentation at the Monday, October 20 Council meeting.

FISCAL IMPACT:

None

ATTACHMENTS:

A short description of the hard work our awardees provide to the City.

### Employee of the 3<sup>rd</sup> Quarter 2008

Steve Faxon has worked for the City of Dallas since July 22, 1994. He currently serves as the Construction/Maintenance Supervisor for street and sewer projects. Steve's crew is responsible for street sweeping, tree trimming, leaf harvest, snow removal, street maintenance and sanitary repair and cleaning.

Steve's humor and personality makes employees feel at ease. Steve has a positive attitude about his job and is always willing to help others get the job done. Steve is an asset to the Public Works Department and the City of Dallas is proud to have him represent the City in all his capacities.

Steve and his wife Brenda live in Dallas, giving much of their free time to make Dallas a better place to live. Congratulations Steve on being selected Employee of the Quarter.

### Volunteer of the 3<sup>rd</sup> Quarter 2008

Shaun Wagner joined the volunteer fire department in 1993, and has worked his way through the department from probationary member, firefighter, and engineer, to his current position of Captain.

Shaun is employed by Les Schwab serving as their heavy duty truck tire maintenance person. Shaun's mechanical knowledge and skills is very beneficial to the City in numerous areas related to firefighting.

Shaun has participated on the extrication team since its conception and has been one of the members at the competitions where we have taken top awards.

Shaun is dedicated, loyal and acts with the best interest of the City of Dallas and the Fire Department.

Shaun and his wife Kim live in Dallas and the City appreciates all their time and effort to make Dallas the best it can be. Congratulations Shaun on being selected Volunteer of the Quarter.

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 6b</b>	<b>Topic:</b> 2008 Fitness Leadership Award Presentation
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> October 20, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

In August of 2008, Mayor Fairchild submitted an application nominating Judy Boustead for a 2008 Fitness Leadership Award. He received confirmation in September that Judy was selected to receive a 2008 Fitness Leadership Award from the Oregon Governor's Council on Physical Fitness and Sports. That award will be presented to Mrs. Boustead at Monday's Council meeting.

FISCAL IMPACT:

None

ATTACHMENTS:

Application and letter of award



OREGON GOVERNOR'S COUNCIL ON  
PHYSICAL FITNESS AND SPORTS

[www.fitoregon.org](http://www.fitoregon.org)



Ted Kulongoski

September 15, 2008

Mayor Jim Fairchild  
City of Dallas  
187 SE Court Street  
Dallas, Oregon 97338

09-17-08A10:03 RCVD

Dear Mayor Fairchild,

It is my pleasure to inform you that Judy Boustead has been selected to receive a 2008 Fitness Leadership Award. You will receive the award at the League of Oregon Cities Annual Meeting. We hope you will be in attendance at the League of Oregon Cities meeting.

**Thursday, October 2, 2008  
Salem Conference Center  
OMA Business Meeting  
4:30 p.m.**

Please note that we have NOT notified your award recipient about the award. We prefer to leave it up to each mayor to decide how best to recognize award recipients. We suggest that you recognize the awardee at your local City Council meeting. Please feel free to let us know if you would like a member or a friend of the Governor's Council to recognize your honoree at a future City Council meeting. We'll make every effort to accommodate your request.

Thank you for participating in this important project; it moves us a little closer to our mission of healthy, physically active citizens all across our great state. We hope you can make arrangements to join us for a terrific event.

Sincerely Yours,

Brad Anderson

Oregon Governor's Council on Physical Fitness and Sports



OREGON GOVERNOR'S COUNCIL ON  
PHYSICAL FITNESS AND SPORTS

www.fitoregon.org



Ted Kulongoski

2008 Fitness Leadership Awards  
Individual Application

Mayor: Jim Fairchild

City: Dallas

Nominee's Full Name: Judy Boustead

City Mailing Address: \_\_\_\_\_ City Contact Phone Number: 503-831-3502

187 SE Court Street

Dallas, Oregon 97338

Category (circle): Volunteer Professional Judy is both.

Employer (if applicable): Dallas School Dist. Position/Title: PE Instructor

Program Name: \_\_\_\_\_ Location: \_\_\_\_\_

Years of Service to Program (circle): 1 2 3 4 5 6 7 8 9 10 15 20+

**Brief Narrative:** (Please provide a **BRIEF** narrative that describes the nominee's contributions in the space below. You may use the back of this form, but please do not include additional items such as newspaper clippings, etc.) The narrative should describe the nominee's volunteer contributions (outside his/her job duties) as well as any job-related contributions that may be appropriate.

Judy Boustead is a 6-8 grade Physical Education instructor who emphasizes fitness-based activities in the PE curriculums at LaCreole Middle School and she was also an assistant middle distance track coach at Lacreole Middle School. Judy is currently a member of the City of Dallas Park and Recreation Board, which works toward healthy recreation and fitness opportunities for the community of Dallas, and also a Board member for the annual youth fitness running event called the "Dragon Run," (continued...)

Return this form **no later than August 31, 2008** to:

Oregon Governor's Council on Physical Fitness and Sports  
4840 SW Western Avenue, Suite 35  
Beaverton, Oregon 97005

Or send via email to : donna.brad@comcast.net

Contact Phone Number: (503) 901-8749

which promotes cardiovascular health through a structured running program. Judy has assisted the annual Dallas "Summerfest" festival by helping organize 3000-5000m runs for elementary through high school kids. Judy was instrumental in helping develop the "pull-out" swim curriculum used by elementary and middle school student in the Dallas community that identifies students who do not know how to swim and pulls them out of PE classes to the Dallas Aquatic Center to learn how to swim. However, the thing Judy is most proud of is the vast number of overweight middle school girls she has motivated to become active through her PE curriculum which has had a tremendous impact on their self-esteem when their bodies begin to change. The dance curriculum, Tae bo, and walk-run cardio activities have gotten kids involved and excited about becoming fit.

Judy Boustead is an outstanding ambassador for physical fitness who has had a far-reaching impact on Dallas' youth.

# DALLAS CITY COUNCIL

## REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>6c</b>	<b>Topic:</b> Red Flag Rules (Identity Theft Protection)
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> October 20, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Recommend approval of Resolution adopting the Identity Theft Protection Plan. (This will be done by roll call vote later in the Council meeting)

BACKGROUND:

The Oregon Legislature enacted an Oregon Identity Theft Protection Act in 2007 giving consumers the ability to place a security freeze on their credit file and which contains standards to safeguard personal identifying information. The Federal Government enacted the Fair and Accurate Credit Transactions (FACT) Act, and developed “Red Flag Rules” requiring financial institutions and creditors to adopt and implement programs to comply with the act by November 1, 2008. These rules require that we have written procedures in place to help protect consumer identity and fight theft of consumer account information. These rules apply to all municipal utilities. There is a memo from the LOC explaining these requirements attached. The City’s new policy is also attached.

FISCAL IMPACT:

None

ATTACHMENTS:

Red Flag Memo from LOC  
Identity Theft Protection Program



September 25, 2008

City Managers, Administrators, Recorders, Attorneys and Finance Directors,

RE: Identity Theft Prevention Programs/Red Flag Rules  
**IMMEDIATE ACTION NECESSARY**

The League of Oregon Cities is sending out this memorandum to explain the new Federal Trade Commission (FTC) requirements concerning the adoption of identity theft prevention programs. The Fair and Accurate Credit Transactions (FACT) Act of 2003 took effect January 1, 2008, but entities covered by the rule have until November 1, 2008, to implement programs to comply with the rule. The rule requires creditors (including utilities) to establish identity theft prevention programs for covered accounts including utility accounts. The final rule requires each financial institution and creditor that holds any consumer account, or other account for which there is a reasonably foreseeable risk of identity theft, to develop and implement an Identity Theft Prevention Program to combat identity theft.

By November 1, you will need to have written procedures in place to help protect consumer identity and fight theft of consumer account information. The procedures must identify, detect and respond to possible signals of identity theft know as "Red Flags." In addition, the provisions place certain duties relating to address discrepancies upon the users of consumer reports. The address discrepancy rules may also apply to your municipality.

The FTC Requirements associated with the adoption of these programs and the address discrepancy provisions for users of consumer reports may be found in the Federal Register at 72 Fed. Reg. 63771 (codified at 16 C.F.R. Part 681) The full rules, including Part 681 may be found at the following web address: <http://www.ftc.gov/os/fedreg/2007/november/071109redflags.pdf>.

The new rules apply to all municipal utilities and other operations that provide a services for which payment is deferred until a future date. For example, when water, sewer or electricity is provided by a city and then paid for by the consumer at the end of a billing cycle, the city has extended credit for the purpose of the FTC rules. The definition of "creditor" in the rules specifically includes "utility companies" and a "covered account" is defined to include an account that a creditor "offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments or transactions, such as a . . . utility account."

The rules outlined in Part 681 provide that each creditor that offers or maintains covered accounts must develop and implement a written program "that is designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or any existing covered account." It is

important to note that the program must be appropriate to the size and complexity of your organization and the nature and scope of your activities. Each municipality must follow the steps set out in the rules as it develops and adopts a program. Each city, for example, should review its covered accounts and how those accounts are opened and accessed, and evaluate previous experiences with identity theft. This will help you to tailor policies to prevent and mitigate identity theft that are appropriate for your organization.

The initial written programs must be approved by the governing body by November 1, 2008. To implement the new regulations you must take the following steps:

- Obtain Council approval of the initial program
- Ensure oversight of program development, implementation and administration via the Council or a senior manager
- Annual report to the Council or senior manager on the effectiveness of the program, an explanation of “significant events” and recommendations for program changes due to evolving risks and methods of identity theft
- Train appropriate personnel to implement the program
- Oversee service provider arrangements since the “covered entity” is responsible to make sure the provider has and is following a theft protection plan

According to our research, experts recommend you conduct a risk assessment to determine exposure. Factors to consider are:

- Number and type of covered accounts
- Likelihood of damage from identity theft
- Cost and operational burden in tracking Red Flags
- Effectiveness of the Red Flags implemented
- Appropriate response in the event a situation develops

If your city has adopted policies and implemented a program to comply with Oregon’s Identity Theft legislation that passed in 2007, it is possible you may already meet some or all of the requirements of this bill. Introductory portions of the Red Flag Rules summarize the elements of a program as follows:

The final regulations list the four basic elements that must be included in the program of a . . . creditor. The program (taken from 72 Fed. Reg. 6372) must contain “reasonable policies and procedures” to:

- Identify relevant Red Flags for covered accounts and incorporate those Red Flags into the program;
- Detect Red Flags that have been incorporated into the program;
- Respond appropriately to any Red Flags that are detected to prevent and mitigate identity theft; and,

- Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the . . . creditor from identity theft.

**How to address discrepancies:** The FACT Act requires several federal agencies (including the FTC) to issue rules to provide guidance to a user of a consumer report when the user receives a notice of address discrepancy from a consumer reporting agency. **The rules regarding address discrepancies apply to a municipality if it is a user of a consumer report.** For example, the rules would apply to your city if you request a report from a consumer reporting agency and that agency finds a substantial difference between the address you provided to the agency and the address the agency has in the consumer's file. The agency would then provide a "notice of address discrepancy" to you, reporting the inconsistency between the two addresses.

The policies are to describe reasonable policies and procedures that a user of a consumer report should employ to determine if it knows the identity of the consumer for whom the report applies, if it receives a notice of address. It should also include a procedure for reconciling the address of the consumer with the credit reporting agency, if the user has a continuing relationship with the consumer and in the regular course of business they furnish information to the agency (72 Fed.Reg.63735).

Other useful links include:

<http://www.ftc.gov/bcp/edu/pubs/business/alerts/alt050.shtm>

<http://ftc.gov/opa/2007/10/redflag.shtm>

<http://www.ftc.gov/bcp/online/pubs/buspubs/safeguards.shtm>

[http://www.ftc.gov/privacy/privacyinitiatives/safeguards\\_lr.html](http://www.ftc.gov/privacy/privacyinitiatives/safeguards_lr.html)

[http://www.ftc.gov/privacy/privacyinitiatives/financial\\_rule\\_lr.html](http://www.ftc.gov/privacy/privacyinitiatives/financial_rule_lr.html)

We hope this information is helpful.

Jennie Messmer  
LOC Member Services Director



# Identity Theft Prevention Program

Effective October 20, 2008

## ***I. PROGRAM ADOPTION***

The City of Dallas (“City”) developed this Identity Theft Prevention Program (“Program”) pursuant to the Federal Trade Commission's Red Flags Rule (“Rule”), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003 (FACT). 16 C. F. R. § 681.2 and Senate Bill 583 (2007), the Oregon Identity Protection Act (“OITPA”). It is the policy of the City of Dallas to protect personal information by complying with the OITPA and the Rule. After consideration of the size and complexity of the City of Dallas’s operations and account systems, and the nature and scope of its utility activities, this program was developed by City staff and was approved by City Council on October 20, 2008.

## ***II. PROGRAM PURPOSE AND DEFINITIONS***

### **Objectives:**

1. **Safeguarding Personal Information:** The City of Dallas shall implement and maintain reasonable safeguards to protect the security and confidentiality of personal information, including its proper disposal. Personal information includes an employee or customer’s name in combination with a SSN, Oregon driver’s license or Oregon identification card, financial, credit, or debit card numbers along with a security access code.
2. **Social Security Numbers (SSNs) Protection:** Printing SSNs on any mailed materials not requested by the employee or customer unless redacted; or on cards used to access products, services, or City buildings (such as ID cards); or publicly posting or displaying SSNs, is prohibited. Exemptions include requirements by the State of Oregon; federal laws, including requirements such as W2s, W4s, 1099s etc; records that are required by law to be made public; records for use for internal verification or administrative process; and records used for enforcing a judgment or court order.
3. **Notification of Security Breach:** In the event that personal identifying information has been subject to a security breach, the City will provide notification of the breach to the customer or the employee as soon as possible in writing, electronically if that is the primary manner of communication with the customer or employee, or by telephone if the person is contacted directly. The exception is if the notification would impede a criminal investigation.

### **Procedures:**

1. Information Technology (IT) is responsible to establish technical controls to safeguard personal information stored in electronic format and to document safeguard practices in writing.

2. Human Resources (HR) will provide a copy of the City’s Identity Theft Prevention Program and the State’s “Identity Theft – A Business Guide” publication to new employees. HR will obtain acknowledgement and agreement from new employees and document in employee personnel files.
3. Department directors are responsible to:
  - Be familiar with the Identity Theft Protection Act.
  - Establish and document department-specific safeguard practices needed to protect personal information (described in sections IV through VII of this document).
  - Provide department specific training to direct reports and to other non-City personnel working unescorted in department (volunteers, interns, community service personnel, etc). Obtain and document acknowledgment and agreement.
4. All employees are responsible to comply with this policy and any internal processes as directed by their department. Noncompliance may result in formal disciplinary action up to and including termination of employment, subject to the terms of any collective bargaining agreement. Employees should contact their supervisor if they have questions about compliance with this policy.

**A. Fulfilling Requirements of the Red Flags Rule**

Under the Red Flag Rule, every financial institution and creditor is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

**B. Red Flags Rule Definitions Used in this Program**

The Red Flags Rule defines “Identity Theft” as “fraud committed using the identifying information of another person” and a “Red Flag” as “a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.”

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

All the City’s utility accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “covered account” is:

1. Any utility account the City offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the City offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

### ***III. IDENTIFICATION OF RED FLAGS***

In order to identify relevant Red Flags, the City considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The City identifies the following red flags, in each of the listed categories:

#### **A. Notifications and Warnings From Credit Reporting Agencies**

##### **Red Flags**

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

#### **B. Suspicious Documents**

##### **Red Flags**

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;

3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

### **C. Suspicious Personal Identifying Information**

#### **Red Flags**

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required for identification); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

### **D. Suspicious Account Activity or Unusual Use of Account**

#### **Red Flags**

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the City that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

### **E. Alerts from Others**

#### **Red Flag**

1. Notice to the City from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

#### **IV. DETECTING RED FLAGS**

##### **A. New Accounts**

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, City utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

##### **Detect**

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

##### **B. Existing Accounts**

In order to detect any of the Red Flags identified above for an **existing account**, City utility personnel will take the following steps to monitor transactions with an account:

##### **Detect**

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

#### **V. PREVENTING AND MITIGATING IDENTITY THEFT**

In the event City utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

##### **A. Prevent and Mitigate**

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

## **B. Protect Utility Customer Identifying Information**

In order to further prevent the likelihood of Identity Theft occurring with respect to utility accounts, the City will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information when such information is no longer needed by the City;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Ensure computer virus protection is up to date; and
6. Require and keep only the kinds of customer information that are necessary for utility purposes.

## **VI. PROGRAM UPDATES**

The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the City from Identity Theft. In doing so, the Program Administrator will consider the City's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the City's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the City Council with his or her recommended changes and the City Council will make a determination of whether to accept, modify or reject those changes to the Program.

## **VII. PROGRAM ADMINISTRATION**

### **A. Oversight**

Responsibility for developing, implementing and updating this Program lies with the City Manager, who will be responsible for the Program administration, for ensuring appropriate training of City staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

### **B. Staff Training and Reports**

City staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Training will occur with designated employees on a need to know basis according to job responsibilities and be documented in the personnel file

upon employment, and on an on-going basis to ensure employees are kept up-to-date on new issues. Staff will provide reports to the Program Administrator on incidents of Identity Theft, the City's compliance with the Program and the effectiveness of the Program.

### **C. Steps to be Taken to Safeguard Sensitive Documents**

1. Review both electronic and hardcopy documents, forms, and processes that include or require personal information to determine if and when obtaining or retaining personal information is necessary:
  - If the personal information is not necessary, revise the forms and process to eliminate that information.
  - Redact personal information if no longer needed.
  - Shred documents with personal information when allowed by records retention schedules.
  
2. If personal information is necessary, take steps to ensure that information is secure from unauthorized access. Examples include:
  - Do not leave documents or electronic media (floppy discs, cd's, flash drives, etc) that contain personal information unattended at your desk.
  - When not needed for work purposes, documents or electronic media containing personal information should be stored in a secured area or locked file cabinet / drawer.
  - Only employees with a legitimate need will have keys to the secured area, file cabinet, or drawer.
  - Visitors who must enter areas where sensitive files are kept, must be escorted by an employee of the City.
  - Notary journals that contain personal information should be kept in a secured area, locked file cabinet, or drawer.
  - Sensitive information that is sent to third parties over public networks will be encrypted unless verified secured connections are used.
  - Any electronic media containing sensitive information shipped using outside carriers or contractors will be encrypted.
  - Any sensitive information shipped will be shipped using a shipping service that provides tracking of delivery.
  - Ensure that computers are password protected and that computer screens lock after a set period of time.
  - Laptops containing sensitive information are stored in a secure place. If a laptop containing sensitive information must be left in a vehicle, it is locked in the trunk.

### **D. Service Provider Arrangements.**

In the event the City engages a service provider or vendor to perform an activity in connection with utility accounts or other personal information, the City will take the following steps to

ensure the service provider or vendor performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator

**E. Responding to Notices of Address Discrepancies.**

1. The City will furnish a confirmed address to the consumer reporting agency (CRA) under the following conditions:
  - The City can form a reasonable belief the customer report relates to the customer in City's records.
  - The customer under review is a current customer with an active account.
  - The request involves a customer opening a new account.
  - CRA provides the request in writing.
  - Utility has established a relationship with the CRA.
2. Confirmation of address will be provided by City of Dallas to CRA in writing within 14 days of request.

**F. Properly Handling Reports of Suspected Identity Theft.**

1. When a customer suspects identity theft, they must notify the City in writing, completing the Federal Trade Commission Affidavit. Instructions for completion are a part of the form.
2. Customer must submit a copy of affidavit with police report to the City.
3. Customer Service staff will make a copy of the customer's photo ID and record the receipt of the documents.
4. Copies of the FTC affidavit, police report and photo ID will be submitted to the City to ensure reporting to proper organizations.

**G. Ensuring the Confidentiality of Medical Records.**

1. The City utility personnel will treat all medical information pertaining to utility customers as confidential.
2. Medical information is information or data, whether oral or recorded, in any form of medium, created by or derived from a health care provider or the consumer that relates to:
  - The past, present, or future physical, mental, or behavioral health care to an individual;
  - The provision of health care to an individual; or
  - The payment for the provision of health care to an individual.

3. Medical information will not be used in the determination of a customer's eligibility for services.
4. The City will not release medical information to third parties, except as otherwise authorized or required by law or consent.
5. Rescue squads, government entities that require the location of citizens on ventilators for planning purposes will be provided the information upon the written permission of the customer.

On a continual basis, the City shall review any new regulations or criteria on the issue of Identity Theft Prevention and make any necessary changes to the rules and procedures created to detect, prevent, and mitigate identity theft.

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 6d</b>	<b>Topic:</b> Council Meeting at the High School
<b>Prepared By:</b> Jerry Wyatt	<b>Meeting Date:</b> Oct 20, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

None. I am requesting that the City Council direct the City Manager to coordinate with the High School to schedule a Council meeting at the High School after the first of the year.

BACKGROUND:

It was suggested that the City Council hold a future meeting at the High School to encourage participation with the youth.

FISCAL IMPACT:

None

ATTACHMENTS:

None

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 6e</b>	<b>Topic:</b> Senior Center Final Report
<b>Prepared By:</b> Kim Marr	<b>Meeting Date:</b> October 20, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

None.

BACKGROUND:

**Business Plan and Sustainable Operation**

The Business Plan illustrates that the new Senior Center should be sustainable utilizing existing revenue streams and fundraising mechanisms. Key elements of a sustainable operation include the following:

- Programs, staffing, management of the facility, and assistance in outreach and marketing efforts.
- Fundraising activities and events to meet the financial goals of the organization.
- The “giving circle” donor program and revenue source for the Dallas Area Seniors.
- The financial pro-forma annual revenue projections.

FISCAL IMPACT:

None

ATTACHMENTS:

None

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 6f</b>	<b>Topic:</b> Forestry Creek Restoration Project
<b>Prepared By:</b> Warren Lamb	<b>Meeting Date:</b> October 20, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Join in partnership with Rickreall Watershed Council to evaluate and design a means of providing fish passage to the upper reaches of Forestry Creek.

BACKGROUND:

Forestry Creek, a tributary to Rickreall Creek, has been straightened and altered from its historic alignment. The current alignment poses a total barrier to fish passage at the confluence with Rickreall Creek. This project intends to provide a cost and benefit analysis of different alternatives for providing fish passage on Forestry Creek. This project will give us the needed information for the correct development of a passage alternative to be selected by Rickreall Watershed Council and partners.

FISCAL IMPACT:

\$5,000 to \$7,500

ATTACHMENTS:

OWEB Grant Application



# 2008 TECHNICAL ASSISTANCE GRANT APPLICATION

Revised  
August 2008

OWEB's Mission  
To help create and maintain healthy watersheds and natural habitats  
that support thriving communities and strong economies.

## GENERAL INSTRUCTIONS

1. Please read the "Instructions for Completing Technical Assistance Grant Applications" before beginning your application.
2. Use 8½" x 11" single-sided, unstapled pages. Avoid color and detail that will not photocopy clearly.
3. Complete Sections I and II in the space provided.
4. Answer all the questions in Section III on separate 8½" x 11" **single-sided**, single-spaced, **unstapled** pages. Complete the required forms and attachments.
5. Read and sign the Technical Assistance Grant Application (Section I Certification).
6. Read and complete the Application Checklist at the back of this document and return with your application.

A down-loadable electronic application form and instructions can be obtained  
from [www.oregon.gov/OWEB](http://www.oregon.gov/OWEB)

## APPLICATION DEADLINES/BOARD ACTION DATES

**Due Date:** Monday, October 20, 2008, 5:00 pm **Board Action:** March 18-19, 2009

**Grant applications will be accepted only in hard copy via mail or personal delivery to the Salem OWEB office. Fax and email copies will not be accepted.**

OREGON WATERSHED ENHANCEMENT BOARD  
775 Summer Street NE, Suite 360  
Salem OR 97301-1290  
Phone: (503) 986-0178

**Section I**  
**APPLICANT INFORMATION**

Type the information for Sections I and II **USING ONLY the pages provided** (or reproduce the pages on your computer **using the spacing and layout shown, NOT TO EXCEED 2 PAGES**)

**Sections I and II must accompany your application**  
**THE FIRST 2 PAGES ARE NOT THE PLACE TO DESCRIBE YOUR PROJECT IN DETAIL**

**Name of project:** Forestry Creek Fish Passage Project

**OWEB dollars requested:**

**Total cost of project<sup>†</sup>:**

<sup>†</sup> *This dollar amount refers only to the total cost of the technical assistance activity, and does not include the subsequent planned restoration work.*

**Project location (check one):**  Unknown at this time.

If known, indicate the township, range, and section: T7s R5w Sec29

Applicant	Project Manager
<b>Organization:</b> Rickreall Waterhsed Council	<b>Name:</b> same as applicant
<b>Address:</b> 580 Main St., SuiteA	<b>Organization:</b>
Dallas, OR 97338	<b>Address:</b>
<b>Phone:</b> 503-623-9680 ext. 112	
<b>Fax:</b> 503-623-3489	<b>Phone:</b>
<b>Email:</b> rickreallwc@hotmail.com	<b>Fax:</b>
<b>Contact Person:</b> Charles Redon, Coordinator	<b>Email:</b>

**Fiscal Agent**

<b>Organization:</b> Polk SWCD
<b>Address:</b> 580 Main St., SuiteA
Dallas, OR 97338
<b>Phone:</b> 503-623-9680 ext. 110
<b>Fax:</b> 503-623-3489
<b>Email:</b> jackie.hastings@oacd.org
<b>Contact Person:</b> Jackie Hastings, District Manager

**CERTIFICATION:**

I certify that this application is a true and accurate representation of the proposed work for watershed restoration and that I am authorized to sign as the Applicant or Co-Applicant. By the following signature, the Applicant certifies that they are aware of the requirements (*see Application Instructions*) of an OWEB grant and are prepared to implement the project if awarded.

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

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Co-Applicant: \_\_\_\_\_ Agency: \_\_\_\_\_

**Section II**  
**PROJECT SUMMARY**

1. **Summary.** Give a brief summary of the proposed technical assistance activity only (do not confuse the technical assistance with planned restoration). Be sure to mention partners and how OWEB funds will be used.  
The project intent is to evaluate and design means of providing fish passage to the upper reaches of Forestry Creek, a tributary to Rickreall Creek in Dallas, Oregon. Forestry Creek has been straightened and altered from its historical alignment, and the current alignment poses a total barrier to fish passage at Forestry Creek's confluence with Rickreall Creek. The historical channel and alignment of Forestry Creek is still present; however several road-stream interfaces present barriers to fish migration in the historical channel. This project intends to provide a cost and benefit analysis of different alternatives for providing fish passage on Forestry Creek, cumulating in the development of a passage alternative selected by the Watershed Council and partners.
2. **What type of technical assistance are you applying for (see Instructions first):**  
 TA#1 Project Design       TA#2 Implementation       TA#3 Landowner Recruitment
3. **What type of support are you seeking?**  
 Part-time or full-time in-house support       Part-time or full-time outside contract support       Both
4. **Was this application submitted previously?**       Yes       No  
If yes, what was the month and year, or application number?
5. **Is this project a continuation of a previously OWEB-funded project(s)?**       Yes       No  
If yes, what was the month and year, or application(s) number?
6. **Do you plan to submit a restoration grant application to OWEB as a result of this technical assistance project?**       Yes       No
7. **What are the proposed start and end dates for the technical assistance project?**  
Start: **April 2009**      End: **April 2010**
8. **Project Partners.** In the table below, show all anticipated funding sources (do not include OWEB) and indicate by checking in the appropriate box the nature of their contribution. Be sure to provide a dollar amount or value for each funding source. If participation is in-kind, briefly describe the nature of the contribution in the first Column. Match should be directly related to the technical assistance project.

Funding Source (if in-kind, briefly describe the nature of the contribution)	Cash (√)	In-Kind (√)	Secured (√)	Pending (√)	Amount/Value
City of Dallas, cash match	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$7,500.00
Rickreall Watershed Foundation, cash match	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$2,500.00
City of Dallas, planning and analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$2,500.00
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
<b>Total Estimated Funds (add all amounts in the far-right Column):</b>					\$

9. **Have any conditions been placed on match funds from other sources that may affect project completion?**  
 Yes       No      If yes, explain:

\*10. **How funds will be used (See Instructions. \* This question is required for federal reporting purposes.):**

Yes      No

- Will the project fund operations or provide technical assistance for local groups?
- Will the project provide agency or tribal staff support and/or infrastructure costs directly related to recovery planning?

Section III  
**PROJECT DESCRIPTION**

Type your answers to the following questions on three or fewer  
8½" x 11" single-sided pages. Be sure to number each question.

**Instructions:** Answer the set of questions below that applies to the type of technical assistance for which you are applying (see instructions for details).

**TA#1 PROJECT DESIGN**

Technical Assistance Activity

1. Describe the problem (not the solution). The technical assistance for which you are seeking support will address which specific watershed priority(ies) or limiting factor(s) and benefit which specific resource(s)? If the technical assistance need is identified in an existing watershed-scale assessment or action plan, or in a subbasin plan, identify the plan and page number.
2. Describe the solution (not the problem). What is the technical *design* solution (not the *restoration* solution)? What range of alternatives will be evaluated?
3. What specific technical assistance expertise will you need? How will the technical assistance provider be selected?
4. Who will provide guidance for and supervise the technical assistance provider? How will this guidance and supervision be ensured?
5. How will the success of the completed technical assistance phase be determined? What technical review and design criteria will you employ to evaluate success?

Resulting Restoration Project

6. Briefly describe the restoration project practice(s) and priorities to result from the technical assistance grant. Specify the expected ecological benefits from the project.
7. Provide evidence of the commitment to implement a restoration project(s) resulting from the project design/development of the technical assistance grant (e.g., what sites and are landowners committed to project implementation?).
8. Discuss in general terms the process and schedule for implementing the restoration project design(s) that will result from the technical assistance grant. Be sure to include whether permits are required.

## **TA#2 IMPLEMENTATION**

1. Describe the problem (not the solution). The technical assistance for which you are seeking support will address which specific watershed priority(ies) or limiting factor(s) and benefit which specific resource(s)? If the technical assistance need is identified in an existing watershed-scale assessment or action plan, or in a subbasin plan, identify the plan and page number.
2. Describe the project to be developed and how specific sites and/or activities will be selected, and what form of analysis will be conducted.
3. What specific technical assistance expertise will you need? How will the technical assistance provider be selected?
4. Who will provide guidance for and supervise the technical assistance provider? How will this guidance and supervision be ensured?
5. How will the success of the completed technical assistance project be determined? What technical review will you employ to evaluate success?
6. What specific result do you expect from the successful completion of this technical assistance grant, and what do you anticipate doing about it in the future? If possible, provide a tentative timeline for future action.

## **TA#3 LANDOWNER RECRUITMENT**

1. Describe the problem (not the solution). The technical assistance for which you are seeking support will address which specific watershed priority(ies) or limiting factor(s) and benefit which specific resource(s)? If the technical assistance need is identified in an existing watershed-scale assessment or action plan, or in a subbasin plan, identify the plan and page number.
2. Describe the method(s) of landowner recruitment. How will recruiting landowners address the watershed priority(ies)/limiting factor(s) described in #1 above?
3. Which watershed restoration program or landowner assistance program are you seeking to enroll landowners in? Have you identified targets for numbers of landowners and acres (or stream miles, etc.)? If so, what are they? Provide a tentative timeline for enrolling landowners.
4. What specific technical assistance expertise will you need? How will the technical assistance provider be selected?
5. Who will provide guidance for and supervise the technical assistance provider? How will this guidance and supervision be ensured?
6. How will the success of the completed technical assistance phase be determined? What technical review will you employ to evaluate success?

**Section IV  
TECHNICAL ASSISTANCE BUDGET**

**IMPORTANT:** Read the application instructions. Attach additional lines, if necessary

	A	B	C	D	E	F
<i>Itemize projected costs under each of the following categories:</i>	<b>Unit Number</b> (e.g., # of hours)	<b>Unit Cost</b> (e.g., hourly rate)	<b>In-Kind Match*</b>	<b>Cash Match Funds*</b>	<b>OWEB Funds</b>	<b>Total Costs</b> (add columns C, D, E)
<b>PROJECT MANAGEMENT.</b> Includes <i>staff or contractors</i> who coordinate project implementation. Line items should identify who will be responsible for project management and their affiliation.						
Rickreall Watershed Council, Coordinator	50hrs.	\$45			\$2,250	\$2,250
<b>Subtotal (1)</b>						
<b>IN-HOUSE PERSONNEL.</b> Includes <i>only</i> applicant employee costs and the portion of their time devoted to this project.						
<b>Subtotal (2)</b>						
<b>CONTRACTED SERVICES.</b> Labor, supplies, and materials to be provided by <i>non-staff</i> for project implementation.						
Environmental engineering firm: Survey, alternatives analysis and design	1 contract	\$46,400		<del>\$10,000</del> Cash 7,500	\$36,400	\$46,400
City of Dallas, Asst. Director Public Works/Senior Engineer: Planning & alternatives analysis	25hrs	\$100	\$2,500			\$2,500
<b>Subtotal (3)</b>						
<b>TRAVEL.</b> Mileage, per diem, lodging, etc. Must use current State of Oregon rate.						
<b>Subtotal (4)</b>						
<b>SUPPLIES/MATERIALS.</b> Refers to items that typically are "used up" during the project. Costs to OWEB must be directly related to the technical assistance. Group similar supplies and materials on the same line.						
<b>Subtotal (5)</b>						
<b>PRODUCTION.</b> Design, video production, printing, direct mail, film developing, etc.						
<b>Subtotal (6)</b>						
<b>EQUIPMENT.</b> Refers to items with a useful life of generally 2 years or more. List only equipment costing \$250 or more per unit.						
<b>Subtotal (7)</b>						
<b>PROJECT SUBTOTAL</b> [Add all subtotals (1-7) from above]						
<b>FISCAL ADMINISTRATION.</b> Not to exceed 10% of Subtotal of OWEB Funds. Costs associated with accounting; auditing (fiscal management); contract management (complying with the terms and conditions of the grant agreement); and fiscal reporting expenses for the OWEB project, including final report expenses (e.g., film developing) for the grant.						
<b>Fiscal Administration Subtotal (8)</b>						

If City \$5000 then ask 2,500 RWF

**BUDGET TOTAL** [Add Project Subtotal and line (8)]

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\* The totals for these two columns must mirror the match totals provided in Section II(8) of the application and on the attached Match Funding form. Match should be for the technical assistance phase only and not for the restoration phase.

## ATTACHMENT A



### MATCH FUNDING FORM

*Document here the match funding  
shown on the budget page of your grant application*

**OWEB accepts all non-OWEB funds as match.** An applicant may not use *another OWEB grant* to match an OWEB grant. However, an applicant who benefits from a pass-through OWEB agreement with another state agency, by receiving either staff expertise or a grant from that state agency, may use those benefits as match for an OWEB grant. (Example: A grantee may use as match the effort provided by ODFW restoration biologists because OWEB funding for those positions is the result of a pass-through agreement).

At the time of application, match funding does not have to be *secured*, but you must show that at least 25% of match funding has been *sought*. On this form, you do not necessarily need to show authorized signatures (“secured match”), but the more match that is secured, the stronger the application. Identify the type of match (cash or in-kind), the status of the match (secured or pending), and either a dollar amount or a dollar value (based on local market rates) of the in-kind contribution.

If you have questions about whether your proposed match is eligible or not, visit our website at [www.oregon.gov/OWEB/GRANTS/grant\\_app\\_materials.shtml](http://www.oregon.gov/OWEB/GRANTS/grant_app_materials.shtml). or contact your local OWEB regional program representative (contact information available in the instructions to this application).

Project Name:

Applicant:

Match Funding Source	Type (√ one)	Status (√ one)*	Dollar Value	Match Funding Source Signature/Date*
	<input type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input type="checkbox"/> pending		
	<input type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input type="checkbox"/> pending		
	<input type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input type="checkbox"/> pending		
	<input type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input type="checkbox"/> pending		
	<input type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input type="checkbox"/> pending		
	<input type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input type="checkbox"/> pending		
	<input type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input type="checkbox"/> pending		
	<input type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input type="checkbox"/> pending		

\* **IMPORTANT:** If you checked the “Secured” box in the status Column for any match funding source, you must provide either the signature of an authorized representative of the match source in the final Column, or attach a letter of support from the match funding source that specifically mentions the dollar amount you show in the Dollar Value Column.

## APPLICATION CHECKLIST

**Instructions:** Use this form as an important cross-check to ensure that your application is complete. An incomplete application will jeopardize your application's review. After you have checked all the boxes, return the checklist with your completed application.

### General

- Only one copy of the application is included with the packet (other applications should be sent separately).
- The application and attachments are on 8½" x 11" paper.
- The application and attachments are single-sided and single-spaced.
- The application and attachments are not stapled or bound.
- Where color photos or color maps are provided, I have included 25 copies of each, and if there are multiple sets, they are collated and stapled (no other documents or attachments are stapled).

### Section I – Applicant Information

- All questions in this section have been answered.
- The OWEB Dollars Requested and the Total Cost of Project mirror the totals shown on the budget page.
- The project location, if known, is complete.
- All contact information – for the applicant and fiscal agent – is complete and current.
- The CERTIFICATION has been completed, signed and dated. (As an Applicant, you must sign the Certification.)

### Section II – Project Summary

- All questions in this section have been answered.

### Section III – Project Description

- All questions that pertain to the type of technical assistance you are applying for have been answered.

### Section IV – Budget Page

- I have read the application instructions for completing the budget page.
- Columns A and B have been completed, where appropriate.
- Fiscal Administration does not exceed 10% of the OWEB subtotal (subtotal row, Column E).
- The totals shown in the last row (BUDGET TOTAL) add up and are accurately reflected in Section I of the application.

### Required Forms

- ATTACHMENT A - Match Funding form – show that at least 25% match has been sought (authorized signatures are not required at the application stage, but are strongly encouraged).

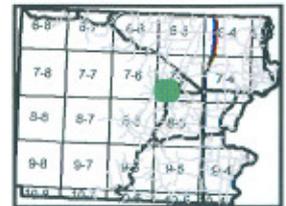
### Attachments (see page 2 of the application for details)

- Project Maps
- Photographs
- Letters of Support from key partners or others

# City of Dallas

## 7.5.29CD

- City Limits  
DALLAS
- Roads  
OTHER
- Taxlot08  
Taxlot Arrows08  
Taxlot Boundary4  
taxlot08
- Updates



This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

1 in. = 652 ft.



10/15/2008



# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 6g</b>	<b>Topic:</b> Blue Garden Update
<b>Prepared By:</b> Jerry Wyatt	<b>Meeting Date:</b> October 20, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Direct the City Manager to enter into a contract for repairs based on issues identified in Resolution No. 3132.

**Work to be Done / Cost of Repair**

- Roof repair (non structural for back portion)- \$30,000
- Reset Gas meters - \$5,000
- Electrical - \$5,000
- Dry rot & roof repair- \$17,000
- Roof Structural ≈ \$20,000
- Sewer - \$5,000
- Water - \$3,000
- Demo back portion (block section) - \$32,900

Options under consideration:

- 1) Owner repairs the building to prevent further damage to the building and adjacent buildings as outlined in Resolution 3132.
- 2) City repairs the building to prevent further damage to the building and adjacent buildings as outlined in Resolution 3132 and forecloses a lien on the property.

BACKGROUND:

DCC 8.435 provides that if Council orders to make a dangerous building safe are not complied with, the Council may "Specify the work to be done; File a written statement with the city manager; and advertise for bids for doing the work in the manner provided for advertising for bids for street improvement work." Bids are to be received and the contract awarded. DCC 8.440 says the Council "shall determine the probable cost of the work and assess the cost against the property upon which the building is situated." The assessment is to be declared by resolution and can be collected and enforced "in substantially the same manner as assessments for street improvements."

If a contract price is over \$50,000 the award must be given by the competitive bidding process. DCC 2.370(2)(a). Conversely, contracts for street improvements under \$50,000 may be awarded by informal solicitation for quotes.

DCC 8.445 also provides for "summary abatement" when a building is "unmistakably dangerous and imminently endangers human life or property." In that case, the procedures in the dangerous building code section do not need to be followed, and the city manager "may summarily take whatever steps are necessary to eliminate the dangerous condition." For the purpose of the code, a "dangerous building" is defined in DCC 8.400.

On September 15, 2008 the City Council directed the City Attorney to send a letter to the property owner of 827 Main Street to comply with Resolution 3132. On September 18, 2008 the City Attorney sent a letter to Ms. Jennifer Goodman concerning the condition of the building located at 827 Main Street and compliance with Resolution 3132. The letter gave the owner 30 days to comply with the conditions outlined in Resolution 3132. Since becoming the property owner, Ms. Goodman has performed a substantial amount of work inside the building. However, as the rainy season approaches, the building needs a new roof and the storm runoff system needs to be repaired.

FISCAL IMPACT:

Total cost for repairs not to exceed \$60,000.

ATTACHMENTS:

Letter from City Attorney Lane Shetterly to Ms. Jennifer Goodman  
City Staff interaction with the property regarding code enforcement issues  
Site Visit Report, including photos, from September 24, 2008 site visit



September 18, 2008

COPY

08:08997P03907-ARNV

09-19-08A10:18 RCVD

Ms. Jennifer Goodman  
109 Second Street  
Independence, OR 97351

Re: 827 Main Street, Dallas, Oregon  
Dangerous Building Notice to Make Repairs

Dear Ms. Goodman:

I am the City Attorney for the City of Dallas, Oregon.

As you are aware, on November 5, 2007, the Dallas City Council, after due notice to James Steele, then the owner of the building which you now own, located at 827 Main Street (commonly referred to as the Blue Garden Building), and a public hearing, adopted Resolution No. 3132, declaring the building to be a dangerous building and ordering the dangerous conditions to be made safe. A copy of the resolution is enclosed for your reference.

At the time of adoption of the resolution, Mr. Steele informed the city that he was in the process of selling the building and that the new owner had been informed of the Resolution and would undertake the required repairs. Based on those assurances, no action was taken by the city to immediately require the repairs. It is my understanding that since you acquired the building from Mr. Steele, you have taken some steps to at least begin repairs, and have assured neighboring building owners that you would pursue those repairs to completion, but it appears at this time that the conditions that led to the declaration of the building as a dangerous building persist - indeed, that they may have gotten worse - and it does not appear that you have taken measures to date to adequately address and repair them.

That being the case, the city is left with no option now but to insist upon compliance by you with the terms and conditions of the enclosed Resolution, specifically, that you "make the Building safe by making the repairs described on Exhibit A [attached to the Resolution], and any other repairs discovered while making the repairs described on Exhibit A that would otherwise continue to make the Building a Dangerous Building, as described in



Ms. Jennifer Goodman  
September 18, 2008  
Page 2

[Dallas City Code] 8.400," within 30 days from the date of this letter.

Failing that, the city reserves the right under the city code, and upon further declaration by the Council, to specify and advertise the work to be done, enter into a contract for the performance of the work, and assess the cost of the work as a lien against the building, which it may then foreclose.

You should be aware that failure to comply with a notice to comply with the council's directives to make a dangerous building safe is also punishable as a Class C misdemeanor crime under DCC 8.455.

The city has no desire to make the repairs itself that are necessary to correct the dangerous conditions and assess and foreclose a lien against your property, nor does the city wish to initiate a criminal prosecution in Dallas Municipal Court. The city's interest is simply that the specified repairs be made to the building to make it safe. Unfortunately, the city's forbearance to date has not yielded any meaningful progress toward those repairs. As such, the council has directed me to make this demand upon you and to pursue this to full resolution, and to see that its orders as set forth in Resolution No. 3132 are complied with without further delay.

Please be in touch with Jerry Wyatt, Dallas City Manager, at Dallas City Hall, telephone (503) 831-3502, to confirm your intentions to comply.

You will also be expected and required to obtain from the city any permits that may be necessary for the needed repairs and reconstruction on the building. In that regard, it has come to the city's attention that you have begun some roof and other construction work on the building for which a building permit is required, but for which no permits have been applied for or issued. You are directed to stop that work until you have obtained the required permits, or you will be subject to further consequences for violation of the city code requirements relating to building permits. You should contact Ted Cuno, the city building inspector at Dallas City Hall, (503) 831-3567, with regard to your permit requirements.



Ms. Jennifer Goodman  
September 18, 2008  
Page 3

I hope and trust no further action on my part will required in this matter.

Yours very truly,

LANE P. SHETTERLY  
[lane@siso-law.com](mailto:lane@siso-law.com)

Enclosure

cc: Mr. Jerry Wyatt  
Mr. Jason Locke  
Mr. Ted Cuno

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## BLUE GARDEN TIMELINE

3-Mar-03	Letter sent to Lucille Weyer asking on behalf of CRRT to discuss her development plans for 827 Main St
15-Aug-03	Letter sent to Larry & Lucille Weyer regarding status of repairs to 827 Main St. States if they don't contact city w/in 10 days, will be declared dangerous building. Sent certified/signed by Robert Lynch/Weyers claim they never received letter.
9-Sep-03	Letter sent to Larry & Lucille Weyer requesting communication on plans to bring building in compliance sent certified/restricted delivery
11-Nov-03	Memo from Jerry regarding site visit of 827 main St in February 2002
14-Jan-04	Jerry submits affidavit in Circuit Court regarding dangerous building, requesting Order Authorizing Entry for Inspection.
23-Jan-04	Mark Irick sends letter to Larry Weyer & Lucille Weyer w/ certified copy of Order Authorizing Entry for Inspection issued by Dallas Municipal Court.
23-Jan-04	Judge Ira Feitelson approves Order Authorizing Entry for Inspection for 827 Main St
10-Feb-04	Inspection completed on Blue Garden building
13-Feb-04	Inspection report completed on Blue Garden building
27-Feb-04	Memo from Mark Irick to Council regarding status of Blue Garden Dangerous Building Proceedings.
3-Mar-04	Send notice of Public Hearing to Larry & Lucille Weyer by certified mail
9-Mar-04	Title search done on 827 Main St.
15-Mar-04	Letter received from Penny Cox regarding Blue Garden.
18-Mar-04	Letter sent to Larry & Lucille Weyer notifying that Council declared 827 Main St. a dangerous building. Repairs must be done by April 14, 2004.
16-Apr-04	Letter from Mr. & MRs. Weyer requesting 60-day extension to make repairs.
1-May-04	City drafts request for bids to perform & complete all work required for building stabilization, etc. of 827 Main St. RFB never sent out.
25-May-04	Endex Engineering submits proposed sequence of tasks for cleaning up Blue Garden building
9-Jun-04	Endex Engineering submits proposal to clean up Blue Garden building
12-Jul-04	Letter sent to Larry & Lucille Weyer granting 60-day extension before City takes action. Have until Aug 19, 2004.
5-Sep-07	Letter to Jim Steele requesting review of nuisance determination at 827 Main St @ Oct 1, 2007 Council meeting - sent certified mail
5-Oct-07	Notice of Public Hearing Regarding a Dangerous Building sent by certified mail to Jim Steele
5-Oct-07	Jerry posted notice of public hearing at Polk Co Courthouse, Dallas Library, Dallas City Hall, On Site at 827 Main St
10-Dec-07	City informed of new owner, Jennifer Goodman - contact made
3-Feb-08	Attempt to contact Jennifer Goodman
20-Feb-08	Attempt to contact Jennifer Goodman
27-Feb-08	Attempt to contact Jennifer Goodman

## BLUE GARDEN TIMELINE

29-Feb-08	Spoke to Jennifer Goodman - beginning to clean and repair
24-Mar-08	Jennifer Goodman requested permission to place roll-off in alley
1-Apr-08	Staff contacted adjacent property owner for OK to place roll-off
4-Apr-08	Permission granted to place roll-off
5-May-08	Attempt to contact Jennifer Goodman
14-May-08	Spoke to Jennifer Goodman - cleaning and repair underway
12-Jul-08	Spoke to Jennifer Goodman - cleaning 80% complete, intend to begin roof repair. Staff advised owner to submit plans to Building Department
21-Aug-08	City Manager directs staff to arrange a site visit. Attempt to contact Jennifer Goodman
25-Aug-08	Attempt to contact Jennifer Goodman re: site visit
2-Sep-08	Attempt to contact Jennifer Goodman re: site visit
4-Sep-08	Attempt to contact Jennifer Goodman re: site visit
8-Sep-08	Spoke to Jennifer Goodman re: site visit - finding a date and time
17-Sep-08	Spoke to Jennifer Goodman re: site visit - finding a date and time
19-Sep-08	Spoke to Jennifer Goodman re: site visit - finding a date and time
23-Sep-08	Spoke to Jennifer Goodman re: site visit - set site visit date and time
24-Sep-08	Conducted site visit
1-Oct-08	Attempt to contact Jennifer Goodman re: Council meeting on October 6

# DALLAS CITY COUNCIL

## SITE VISIT REPORT

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

<i>City of Dallas</i>	<b>Meeting Date:</b> October 6, 2008	<b>Topic:</b> Site Visit 827 Main Street Former Blue Garden
<b>Prepared By:</b> John Swanson		<b>Attachments:</b> Photographs

City staff conducted a site visit at 827 Main Street, the former Blue Garden Restaurant, on Wednesday, September 24, 2008 to review repairs and improvements to the property since new owner, Jennifer Goodman, assumed responsibility for the nuisance and dangerous building abatement as required by the City of Dallas. Staff members participating in the site visit were: City Manager Jerry Wyatt, Community Development Director Jason Locke, Fire Chief Bill Hahn, Fire Inspector Sean Condon, Building Official Ted Cuno, and Planner John Swanson.

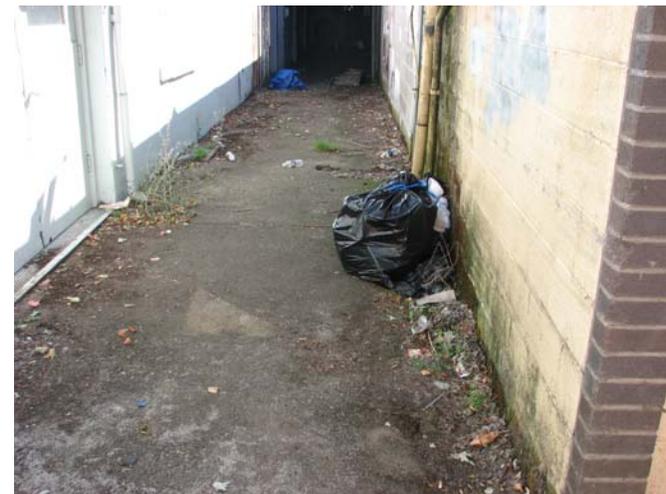
John Swanson had been in touch with the current property owner, Jennifer Goodman, since the City learned of the new ownership in December 2007. Since that time, Mr. Swanson contacted Ms. Goodman over 10 times requesting updates on the progress of clean up and repair. In April 2008, the City secured permission from an adjacent property owner to allow Ms. Goodman to place a roll-off waste container near the rear of the building to facilitate clean up and repair. In July 2008, Ms. Goodman informed staff (phone conversation) that the property was 80% cleaned up. In August 2008, City Manager directed staff to request a site visit and inspection of the property in preparation for a report to Council in October 2008. A site visit and inspection was finally scheduled for September 24<sup>th</sup>.

During the site visit staff observed the following:

- The entire roof was removed from the rear, one story, portion of the building leaving it exposed to open air and the elements. Scrap wood, water damaged wood, insulation, and former lounge furnishings were piled up throughout the rear portion of the building.
- New roof construction materials have been partially installed on part of the building. NOTE: The property owner has not applied for demolition permits for the roof removal, or a building permit for new roofing, which has been partially installed.
- In the main part of the building, water damaged and rotten ceiling / floors that are deteriorated leaving large holes between the first and second floor.
- Restroom / toilet fixtures had been removed from the restrooms and were piled on the floor of the building.
- Mold odor and water damage were evident throughout the building.

While recent activity is evident, including the removal of the roof on the rear portion of the building, staff consensus was that the building is in a state of disrepair. At this time it is the opinion of the staff that the property is not improved or repaired to a level that would constitute a reversal of the nuisance / dangerous building determination.

# Blue Garden Site Visit Photos – September 2008



**City of Dallas Planning Commission  
City Hall Council Chambers  
187 SE Court St.**

**October 14, 2008 - 7:00 p.m.**

**AGENDA**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - Regular meeting of September 9, 2008.
4. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please)
5. ANNOUNCEMENT OF PUBLIC HEARING GUIDELINES  
(Copies available in the slots at the door.)
6. PUBLIC HEARINGS
7. DISCUSSION ITEMS
  - A) Code Assistance Grant
  - B) Update on Wyatt Node - Quick Response Grant
  - C) Discussion of Citizen Involvement Program
8. OTHER

ADJOURN

## COMMUNITY DEVELOPMENT

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

### September 2008 Monthly Report - Planning & Building

#### LAND USE APPLICATIONS

	Sign	Home Occupation	Conditional Use	Variance	Partition / Replat	Subdivision	Street Plan	Annexation	Zone Change
Sep-08	1	0	0	0	1	0	0	0	0
YTD 2008	12	8	3	4	4	0	0	0	1
Sep-07	0	0	2	1	1	1	0	0	0
Total 2007	15	5	7	10	8	3	0	1	5

#### INSPECTIONS AND SITE VISITS

<b>Monthly:</b> Inspections - 226	115	<b>Year to Date:</b> Inspections - 1,975	Site Visits - 1,071
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Month	Inspections	Site Visits
Sep 04	400	250
Sep 05	550	250
Sep 06	650	350
Sep 07	350	200
Sep 08	250	150

Year	Inspections	Site Visits
2004	4000	2500
2005	4500	2000
2006	6500	3000
2007	3500	3000
2008 YTD	2000	1000

#### BUILDING PERMIT SUMMARY

Permit Use	Sep-08	Sep-07	YTD Total 2008	Annual Total 2007	YTD Valuation 2008	Annual Valuation 2007
New Single Family	4	2	26	71	\$5,102,291	\$14,792,450
New Duplexes	0	0	0	0	0	0
New Multifamily	0	0	1	1	390,000	272,792
Residential Remodel	6	2	53	47	1,614,224	1,188,903
Residential Accessory Building	0	0	4	21	59,891	379,298
New Commercial	2	0	14	12	3,467,339	4,199,410
Commercial Remodel	8	3	39	34	871,003	1,347,583
New Industrial	1	0	1	0	1,302,945	0
Industrial Remodel	0	0	0	0	0	0
Public Building	2	0	4	10	16,900	140,159
Mobile Home Accessory	0	1	0	0	0	8,040
Misc./No Fee Permits	0	0	0	0	0	0
<b>Total All Categories</b>	<b>23</b>	<b>8</b>	<b>142</b>	<b>197</b>	<b>\$12,824,593</b>	<b>\$22,328,635</b>

# DALLAS AQUATIC CENTER

**City Manager -** Jerry Wyatt  
**Director -** Jason Locke  
**Supervisor -** Tina Paul

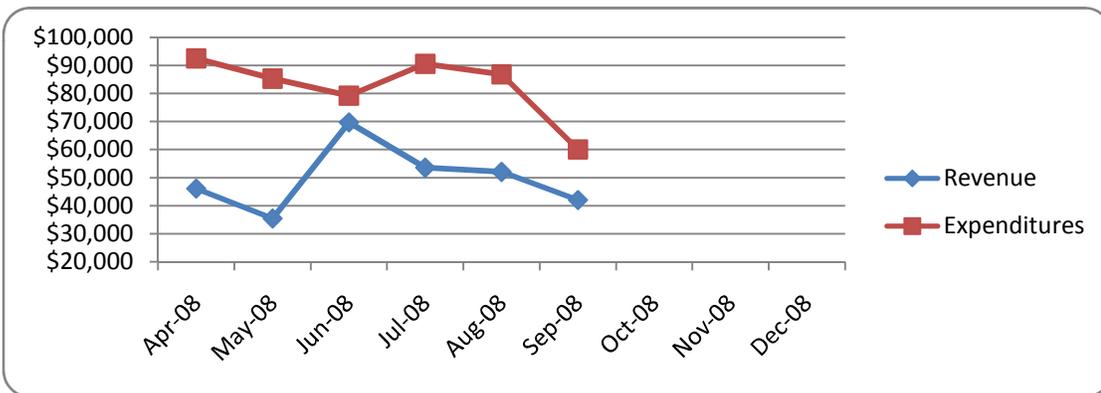
## SEPTEMBER 2008 MONTHLY REPORT

REVENUE	Sep-08	Fiscal YTD
General Admission	\$13,405	\$66,363
Annual Membership	8,180	26,913
Concessions	6,656	23,133
Pool Rental/Parties	3,000	5,220
Other	10,754	25,991
September 2008	\$41,995	\$147,620
September 2007	\$20,160	

Current Members:	
Annual	569
3-month Water Aerobics	31

Monthly Attendance:	
September	7,613

EXPENDITURES	Month	Fiscal YTD
September 2008	\$60,080	\$237,409
September 2007	\$64,682	



Utility Costs:	Sep-08	Fiscal YTD
Natural Gas	\$8,651	\$22,331
Electricity	\$7,904	\$23,985

### Whats New:

- \* We are offering "5 Free Days of Swimming" in October.
- \* Membership is now at 550, up more than 200% since May.
- \* Additional caulking was done in the main pool, the leaks have stopped, and as a result, the new pumps are operating more efficiently. We are in the process of replacing a variable frequency drive on of the HVAC motors.
- \* We have expanded Rec swim times while implementing mid-day closures, which are now in effect during the week, saving on operation and personnel costs.

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

**Circulation Statistics**

<b>Adult</b>	<b>Sep. 2008</b>	<b>Sep. 2007</b>	<b>Children</b>	<b>Sep. 2008</b>	<b>Sep. 2007</b>
Print Materials	6980	7127	Print Materials	2788	2518
Books on Tape/CD	991	415	Books on Tape/CD	158	172
AV Materials	956	833	AV Materials	763	623
Misc. items	1922	2082			
<b>2008 Year to Date</b>	<b>95,506</b>		<b>2008 Year to Date</b>	<b>36,020</b>	
<b>Remote Renewals</b>	<b>859</b>		<b>2008 Year to Date</b>	<b>7860</b>	
<b>Combined Total</b>	<b>139,386</b>				

**Additional Activity**

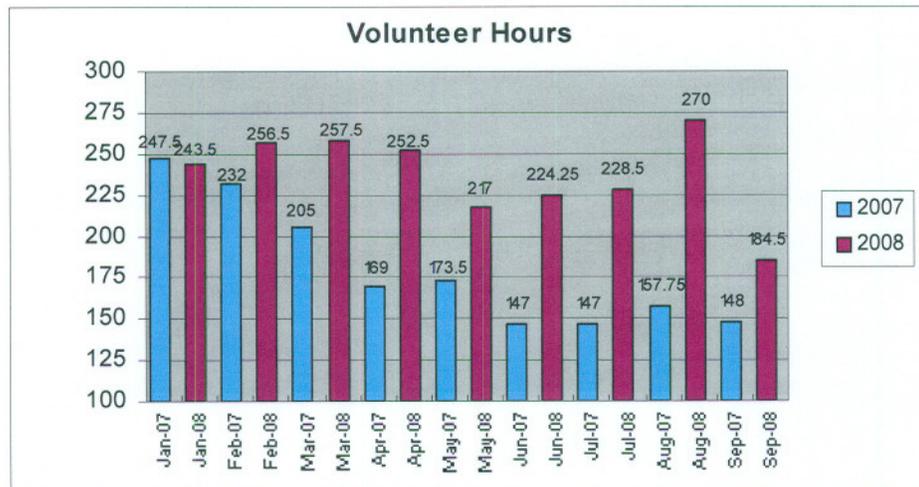
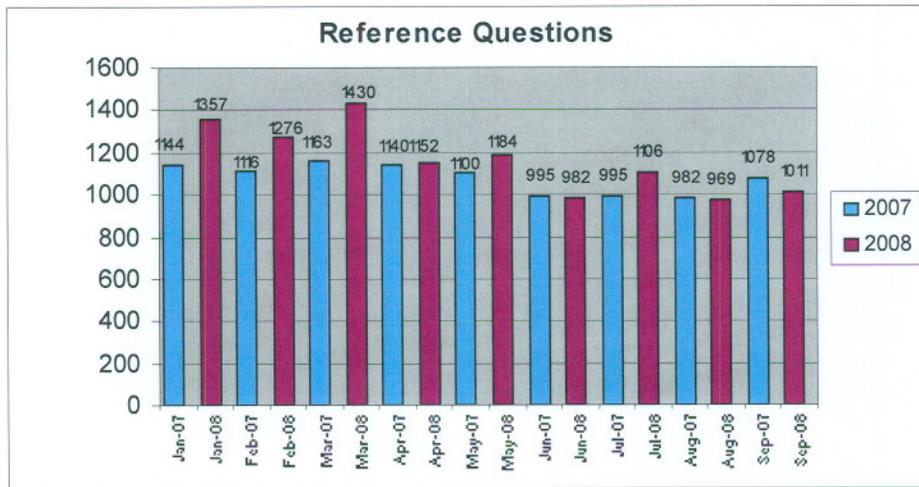
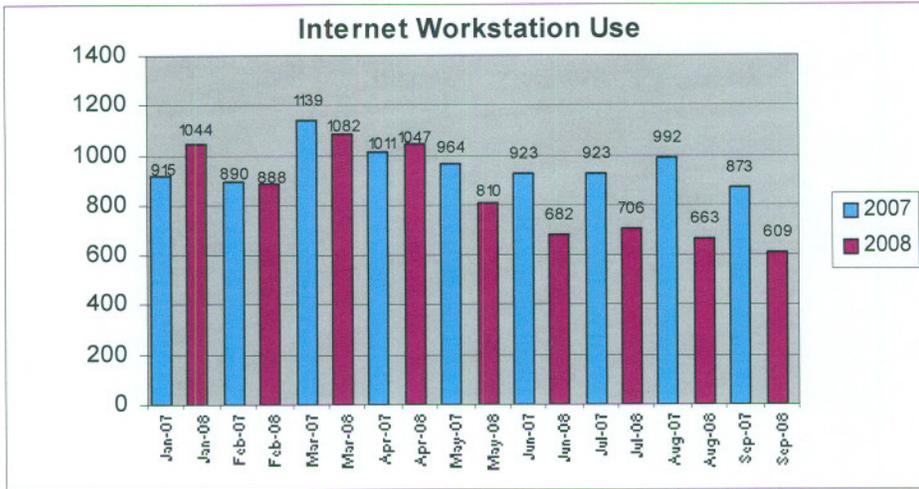
	<b>September 2008</b>	<b>September 2007</b>	<b>Year to Date 2008</b>
<b>Non-Resident User Fees</b>	\$ 110.00	\$ 410.00	\$ 4785.00
<b>Fines Collected</b>	\$ 798.51	\$ 839.78	\$ 7832.90
<b>Photocopies</b>	\$ 66.60	\$ 110.25	\$ 8480.47
<b>Reference Questions</b>	1011	1078	10,467
<b>Volunteer Hours</b>	184.5	148	2134.25

**Registered Patrons – September 2008**

<b>City Residents</b>		<b>Non-Resident – Fee Paid</b>		<b>Non-Resident - Restricted</b>	
Adult	5474	Adult	357	Adult	1184
Child	1607	Child	74	Child	405
YA (12-17)	493	YA (12-17)	37	YA (12-17)	162
<b>Total</b>	<b>7574</b>	<b>Total Fee</b>	<b>468</b>	Kids C.A.R.E.	452
				<b>Total Restricted</b>	<b>2203</b>
<b>Non-Resident Total</b>	<b>2671</b>				
<b>Total Registered Patrons</b>	<b>10,245</b>				

In addition, the month of September found the Children's Room once again holding Story Times for Infants/Toddlers and Preschoolers. It is also anticipated that with the upgrade to our software and through some trial & error, coming in October, we will see the Self Check system up and running. Patrons & staff are very excited about this new feature.

## Dallas Public Library Monthly Report for September 2008



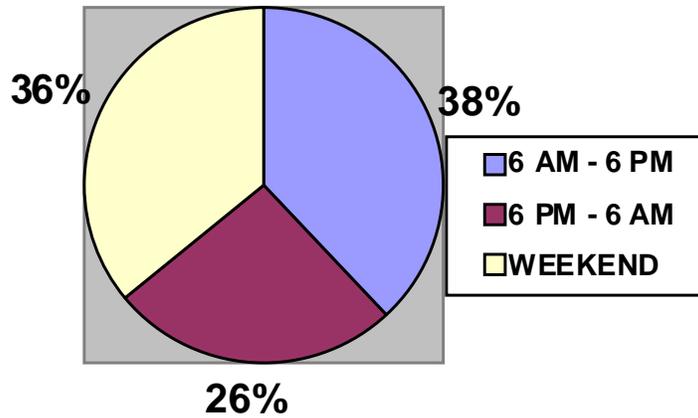
## COUNCIL REPORT – SEPTEMBER 2008

**To:** Mayor & City Council Members

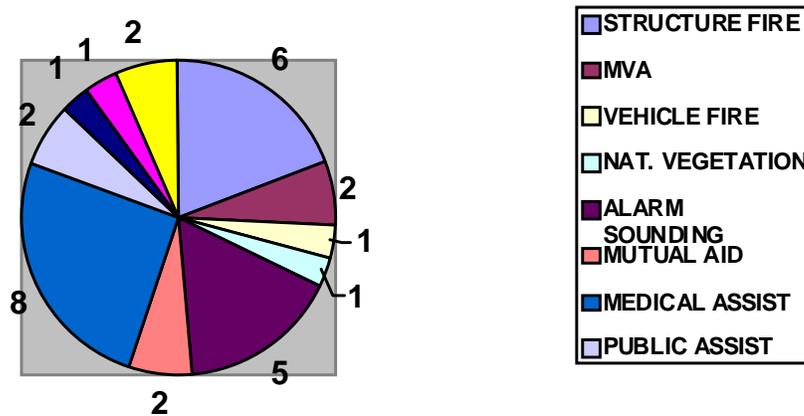
**From:** Fire Chief

Dallas Fire Department:

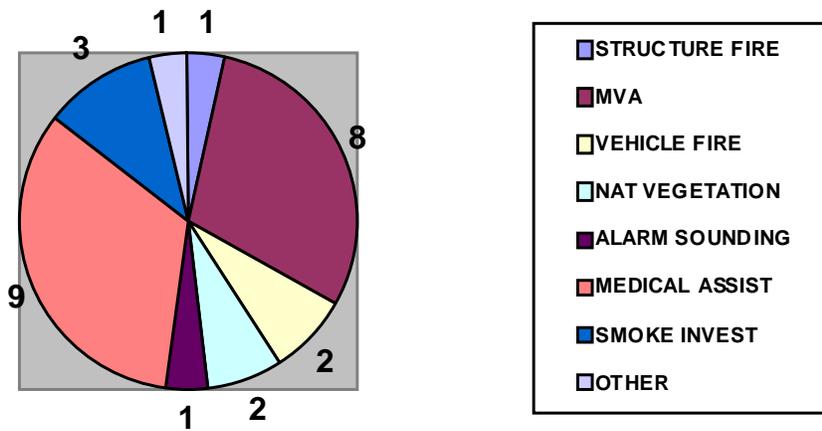
Station 100 responded to 58 calls of which 22 were between 6 AM – 6 PM, 15 between 6 PM – 6 AM and 21 during the weekend.



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.



Fire Chief Bill Hahn and Association President Eriks Gabliks attended the Dallas Ministerial Association meeting hosted at the Bollman Mortuary. We had an opportunity to explain the needs of the department and what the proposed Fire Bond will cover.

Fire Chief attended training class call "Management under Pressure" a one-day program in Salem.

Training Officer and Fire Inspector provided training to the Public Works employees on fire extinguishers and hazardous communications.

Fire Chief and Fire Inspector attended the Open House and Dedication of Willamette Biomass in Rickreall. They will be producing material that will be processed in a new plant in Salem to create bio-fuel.

Fire Inspector and Deputy State Fire Marshal met with a representative of Western Farm Supply in an attempt to solve the issue of fire suppression in their new storage building.

Fire Chief attended the retirement for Police Chief Harper.

Dallas Emergency Medical Service:

Part-time employee Stephanie Nelson has begun her full-time employment with us replacing Mike Hasson who went to Polk Fire District #1.

The 48/96-hour work schedule that has been tested over the last three months will be evaluated to determine if it will continue.

# MEMORANDUM

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

**TO: JERRY WYATT**

**October 20, 2008**

**FROM: INTERIM CHIEF TOM SIMPSON**

*Some of the current trends and observations are:*

- *Officers responded to several incidents during the month of September, and Chief Harper's final month with the department was one of the busiest months on record for calls for service.*
- *CSO Jennifer Croll attended a one-week course for Basic Crime Prevention Officer*
- *Senior Officer April Welsh attended a one week training to become a Field Training Officer*
- *Eight officers and senior officers attended a one-day training seminar by Dr Kevin Gilmartin, on Emotional Survival for Law Enforcement Officers*
- *The department worked throughout the month of September to adapt to the new organizational structure.*

## SEPTEMBER 2008

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

17	Speeding Violations
04	License Violation
04	Insurance Violations
07	Moving Violations
01	Safety belt Violations
19	Fail Yield to Pedestrian Crosswalk
06	Accidents

### **Investigations / Calls for Service by this Department**

75	Animal Ordinance Offenses	Clear by Arr	27
05	Assaults	Clear by Arr	05
28	Criminal Mischief	Clear by Arr	01
01	Child Neglect	Clear by Arr	01
04	Disorderly Conduct	Clear by Arr	04
04	DUII	Clear by Arr	04
04	Driving While Suspended	Clear by Arr	04
04	Drug Offenses	Clear by Arr	04
02	Fail Carry Present License	Clear by Arr	02
01	Fail Supervise Child	Clear by Arr	01
01	Furnishing Alcohol to Minor	Clear by Arr	01
19	Harassment	Clear by Arr	02
05	Minor in Possession Alcohol	Clear by Arr	05
01	Menacing	Clear by Arr	01
02	Ordinance Offenses	Clear by Arr	00
01	Reckless Driving	Clear by Arr	01
03	Recklessly Endangering	Clear by Arr	03
02	Runaway	Clear by Arr	02
04	Sex Offense	Clear by Arr	04
01	Stalking Order Violation	Clear by Arr	01
01	Strangulation	Clear by Arr	01
25	Thefts	Clear by Arr	09
05	Theft / Shoplifting	Clear by Arr	05
01	Theft / Identity	Clear by Arr	01
05	Trespass	Clear by Arr	05
01	Unlawful Use Motor Vehicle	Clear by Arr	01
10	Warrants	Clear by Arr	10
96	Assist Public		
44	Assist Law		
34	Suspicious Activity		
07	Suspicious Vehicles		
10	Suspicious Persons		

- 16 Disturbances
- 12 911 Hangup
- 30 Welfare Checks
- 09 Assist Traffic
- 22 False Alarms
- 19 Civil Complaints
- 19 Noise Complaints
- 14 FIR (Field Investigation Report)

**Arrests by this Department**

- 27 Animal Ordinance Offenses
- 05 Assault
- 01 Criminal Mischief
- 04 Disorderly Conduct
- 04 DUII's
- 04 Drug Offenses
- 04 Driving While Suspended
- 02 Fail Carry & Present License
- 01 Fail Supervise Child
- 01 Furnishing Alcohol to Minor
- 02 Harassment
- 01 Menacing
- 05 Minor in Possession Alcohol
- 01 Reckless Driving
- 02 Runaway
- 04 Sex Offenses
- 01 Stalking Violation
- 01 Strangulation
- 15 Thefts
- 03 Trespass
- 01 Unlawful Use Motor Vehicle
- 10 Warrants

**99 TOTAL ARRESTS** (Arrests for Aug '07: 101)

**TOTAL CALLS FOR SERVICE:** 962 **TOTAL** (Last yr: 1092 )  
 193 Case Numbers  
 769 Event Numbers

**JUVENILES**

Thirteen juveniles were referred to juvenile authorities for their actions

# **COMMUNITY SERVICE REPORTS**

## **September 2008**

### ***COMMUNITY PROGRAMS***

*Community Service Officer ~ Jennifer Croll*

#### Neighborhood Watch

Many hours have been invested in rebuilding this program. New contacts are being made, along with home visits. We are busy mailing starter packets to past and potential members, with a goal in mind to recruit more citizens to get involved in crime prevention for the benefit of our community.

&

#### Volunteer Program

The volunteer program is at the top of the “List of Goals” for the community service programs. We have put forth efforts to increase the volunteer roster and enhance the duties, responsibilities, and services of our volunteers. These volunteers have logged in nearly 200 hours for the month of September, which is a substantial increase, as compared to this time last year.

#### Animal Control

*Community Service Officer ~ Todd Pendley*

The Dog Licensing bureau officially opened on August 7, 2008. The Helion program, based in Salem, has sufficiently served the needs of the animal licensing and complaints. To date, a total of 231 dog licenses have been issued to pet owners residing in the city.

Code Enforcement  
*Community Service Officer ~ Ed Totten*

HABITUAL PROBLEMS/OTHER ISSUES:

Tom and Vicki Smith at 520 SE Hankel Street are working to comply with Dallas City Ord#5.556. (scattering rubbish)

NARRATIVE:

Six citations were issued for parking violations.

**Re-cap of activities:**

<b>NUMBER OF TOWED VEHICLES</b>	<b>0</b>
<b>NUMBER OF CITATIONS ISSUED</b>	<b>7</b>
<b>NUMBER OF FOLLOW-UP ACTIVITIES COMPLETED</b>	<b>142</b>

**NEW CASES STARTED:**

<b>DCC # 5.584-INOPERABLE VEHICLES (PRIVATE PROPERTY)</b>	<b>3</b>
<b>DCC # 6.320-VEHICLES STORED ON STREET/PARK STRIP</b>	<b>29</b>
<b>DCC # 6.505-ABANDONED VEHICLES</b>	<b>8</b>
<b>DCC # 5.582-JUNK</b>	<b>2</b>
<b>DCC # 5.556-SCATTERING RUBBISH (PRIVATE PROPERTY)</b>	<b>6</b>
<b>DCC # 6.315-TRUCK PARKING</b>	<b>1</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>1</b>
<b>DCC # 6.125-OBSTRUCTING STREETS OR SIDEWALKS</b>	<b>2</b>
<b>DCC # 5.588-GRAFFITI</b>	<b>12</b>
<b>DCC # 5.552- ATTRACTIVE NUISANCES</b>	<b>0</b>

# DEPARTMENT OF PUBLIC WORKS

## Monthly Report for September 2008

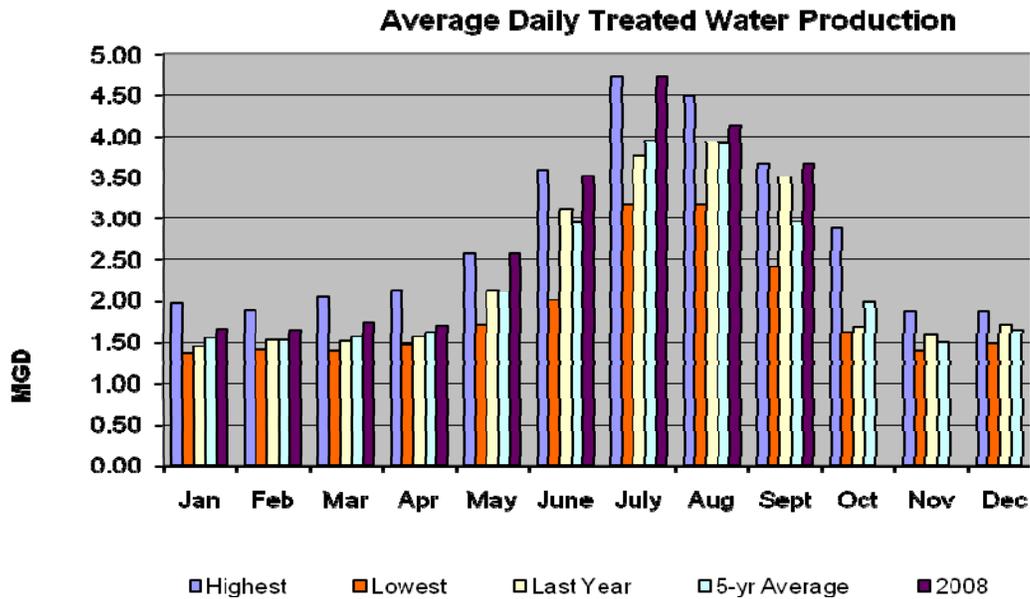
### Water Division

	<u>2008</u>	<u>Unit</u>		<u>2007</u>	<u>Unit</u>
Total Discharge to Town	110.57	MG		107.11	MG
Total Water Raw	103.58	MG		105.35	MG
Peak Day	(Sept. 9) 4.49	MG	(Sept. 12)	4.53	MG
Daily Average-Raw	3.45	MGD		3.57	MGD
Daily Average-City	3.68	MGD		3.51	MGD
Backwash Water	2.83	MG		2.88	MG
Filter to Waste	.47	MG		0.91	MG
Flushing	0	MG		0.25	MG
Discharge Water	.25	MG		0.10	MG
ASR Discharged					
Average High Temp	72 ° F			74.0 ° F	
Average Low Temp	47 ° F			48.6 ° F	
Total Precipitation	.74	Inches		2.76	Inches

### Mercer Dam and Watershed:

Reporting okay. Visual inspections were done on September 2, 8, 12, 15, 19, 22, and 29 and walking inspections were done on September 5 and 26.

Date	Dam Level	Discharge Rate	Rickreall Creek	Canyon Creek	Applegate Creek
9-2-08	58.75	9.6 CFS 6.2 MGD	4.0 CFS 2.5 MGD	.41 CFS .35 MGD	.08 CFS .05 MGD
9-5-08	58.25	9.8 CFS 6.3 MGD	3.6 CFS 2.3 MGD	.38 CFS .28 MGD	.07 CFS .05 MGD
9-8-08	57.65	9.8 CFS 6.3 MGD	3.1 CFS 2.0 MGD	.31 CFS .26 MGD	.06 CFS .04 MGD
9-12-08	56.80	9.4 CFS 6.1 MGD	2.8 CFS 1.8 MGD	.29 CFS 2.3 MGD	.05 CFS .03 MGD
9-15-08	56.10	9.2 CFS 5.9 MGD	2.5 CFS 1.6 MGD	.21 CFS .28 MGD	.03 CFS .02 MGD
9-19-08	55.20	9.6 CFS 6.2 MGD	2.6 CFS 1.7 MGD	.27 CFS .17 MGD	.05 CFS .03 MGD
9-22-08	54.60	9.4 CFS 6.1 MGD	2.8 CFS 1.8 MGD	.31 CFS .20 MGD	.09 CFS .06 MGD
9-25-08	53.70	8.8 CFS 5.7 MGD	2.9 CFS 1.9 MGD	.31 CFS .35 MGD	.17 CFS .05 MGD
9-29-08	53.10	9.4 CFS 6.1 MGD	1.6 CFS 1.0 MGD	.29 CFS .28 MGD	.06 CFS .04 MGD



*\*Note: Usage continues to be at/near all-time highs*

**Intake Pump Station:** Reporting normal.

**Water Treatment Plant:** Reporting normal. Worked on Standard Operating Guideline (SOG) manuals, plant operation manual, and began the process of condensing the desk manual. No flow to/from the ASR this month.

**Reservoirs:** Reporting normal.

**New Services:** Six new services this month.

- ¾" 1189 SW Linden Lane
- ¾" 486 NE Holiday Avenue
- 1 - 1" Meter at Rotary Park
- 2 – 2" 300 W. Ellendale Avenue
- 1 ½" 360 W. Ellendale Avenue

**Leak Repairs:**

- 9-20-08 / 312 Walnut Ave: Repaired 1" copper service jumper off water main to poly service
- 9-23-08 / West Ellendale: PVC Service schedule 200 PVC while changing meters for AMR
- 9-24-08 / 478 – 480 Orchard Drive: Replaced ¾" short side copper service

**Water Treatment Plant:** Read meters, meter maintenance, cut brush at Clay Street and Water Treatment Plant Pond, meter changes for the AMR reading system in book 15, walked the raw and finished water lines and sprayed, worked on south main 2" water main extension

# Wastewater Division

## Effluent Flow

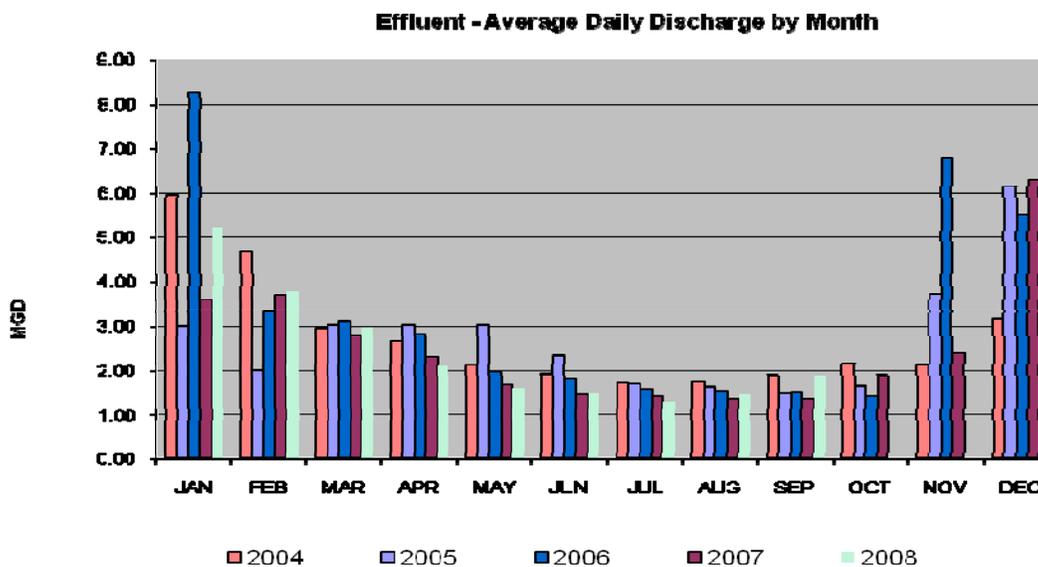
	<u>2008</u>	<u>Units</u>	<u>2007</u>	<u>Units</u>
Monthly Total Flow	41.24	MG	57.89	MG
Peak Day Flow	(Sept-3) 1.1.51	MG	(Sept-20) 3.79	MG
Daily Average Flow	1.37	MG	1.87	MG

## Plant Maintenance

- ✓ Secondary Clarifier no. 1 drive shear pin broke. Drive motor replaced.
- ✓ Plant water pipe near headworks repaired.
- ✓ Influent pump no. 4 bearing and mechanical seal repair.
- ✓ Laboratory audit from CH2M HILL OMI, minor discrepancies and corrections.
- ✓ West humus pond biosolids haul-out.
- ✓ Two new UV sensors ordered to replace old UV sensors.
- ✓ Sent biosolids from old north aeration basin to east humus pond.
- ✓ Valley Fire Control on-site to perform annual maintenance on fire extinguishers.

## Plant Performance

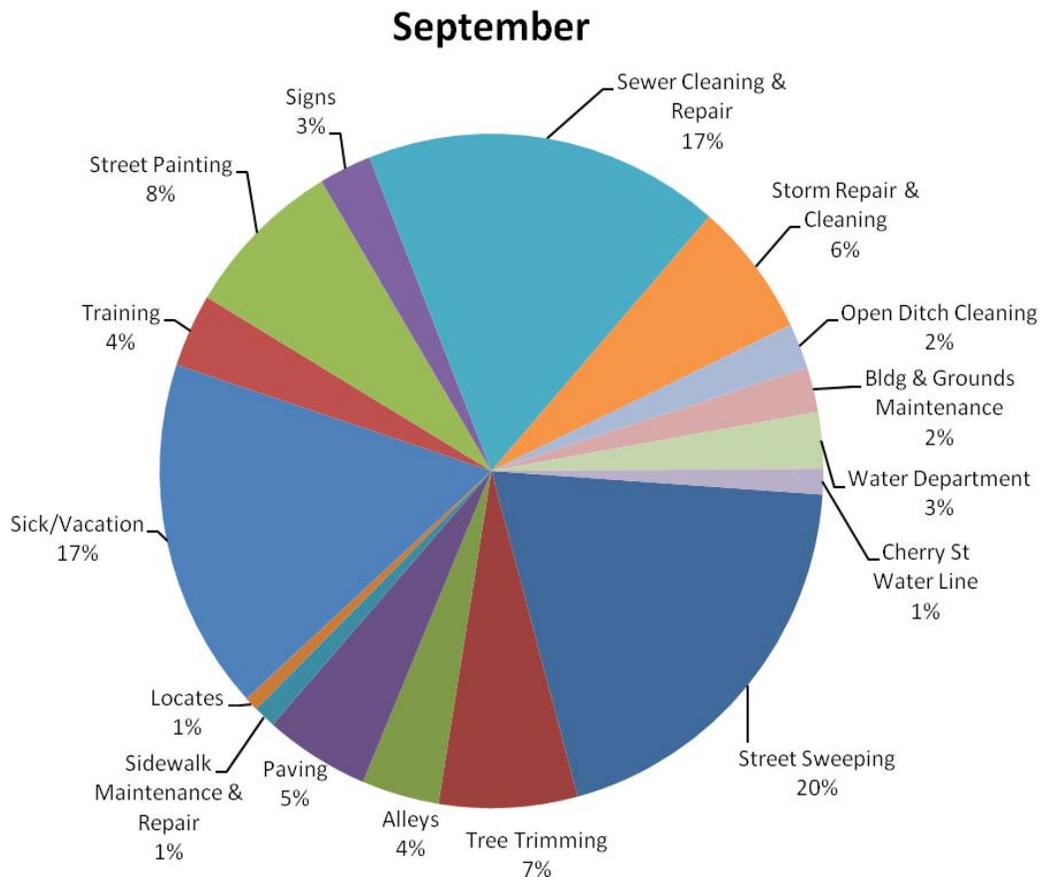
The west side humus biosolids were removed and sent to Coffin Butte Landfill. This completed biosolids haul-out for 2008. An annual biosolids report will be completed by the end of October. A high torque level condition at Secondary Clarifier no. 1 damaged the clarifier drive motor beyond repair. Solids in the clarifier were wasted to the aerobic digester while the clarifier drive motor was replaced. The loss of the biological material created an ammonia spike that lasted two weeks at the end of September. Fortunately, the ammonia concentration in the effluent did not rise above permit levels.



# 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

### The Parks department provided the following routine services:

- ✓ Cleaned leaves from shrub beds
- ✓ Cleaned Japanese pond
- ✓ Repaired damage caused by vandalism at LaCreole Bridge
- ✓ Regular mowing of all parks
- ✓ Weed shrub beds and landscape areas
- ✓ Performed monthly safety check of playground equipment on September 19, 2008
- ✓ Removed leaves from trails
- ✓ Prune or remove trees
- ✓ Equipment service checked and/or repaired
- ✓ Spray Curb Grass
- ✓ Install electric conduit along park trail (1<sup>st</sup> 300')
- ✓ Build planter box on park trail
- ✓ Pressure wash fountain face
- ✓ Install irrigation at Carnegie Building
- ✓ Clean and Fill old pool for fishing derby
- ✓ Install irrigation at Ambulance Station lot
- ✓ Install plaque on Matteson Memorial Table 15
- ✓ Hog fuel on park trail
- ✓ Prepared Rotary Park for irrigation installation

# Engineering

## Subdivisions:

- Cynthian Oaks, Phase 2: Waiting for detention as-builts.
- Oak View Estates: Site grading started.

## Commercial Developments:

- Trinity Lutheran Church: Grading permit issued (August).
- DRV Ellendale Duplexes: Construction underway.
- Jasper Crossing Phase I: Construction underway.
- Ellendale Manor: Site grading started.
- MAK Metals: Grading Permit Issued.

## Programs / Projects:

- Phase II/ Monitoring: Plan approved by DEQ; third sampling event completed, preliminary results reviewed.
- Levens Street Bridge Replacement: Discussing fixes w/contractor.
- SE Monmouth Cut-off / Uglow Ave Intersection: Project review scheduled.
- Ambulance Parking Lot: Landscape completed in September.
- Main St Water Reservoir: Pipe installed in Main Street. Tank constructed, painting complete; final piping, site grading, and road construction underway.
- Downtown Parking Lot: Preliminary design and estimate completed.
- Maple Street Sewer: Project on hold.
- Intake Upgrade: Testing underway.
- PLC Upgrade: New PLC online. Operations/reporting software development underway.
- Clay Street Storm Sewer: Project on hold.
- Updating City of Dallas Construction Specification book.
- Cherry Street Water Transmission Line: Project awarded, construction 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 grant application for feasibility studies submitted and recommended for award.
- Tracking Backflow testing.
- Pavement Management: Information analysis.
- Sidewalk Inspections: Ongoing.
- Weed Abatement: Started May, ongoing through September.

# 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

- OECDD Water improvement documentation and reimbursement request
- ASR pump station project and grant application
- 2 MG reservoir tank project
- Rotary Park improvement planning and coordination
- Cherry Street water project
- Farmhouse rental review/update
- Arboretum assistance
- Downtown tree trimming contract
- Capital Improvement Project (CIP)
- AMR project coordination
- EDA grant review and meetings

## Shop Services

- Ongoing maintenance on vehicles, machinery & construction equipment
- Fire Department and SW Polk Rural annual fleet maintenance
- Equipment replacement evaluation and recommendation for CIP

Shop services hours were divided into the following areas:

Community Development	6.50 hrs.
EMS	4.00 hrs.
Fire	32.00 hrs.
Outside Labor (Work performed within another division)	2.00 hrs.
Parks	3.50 hrs.
Police	22.50 hrs.
Public Works	221.50 hrs.
Rural Fire	58.00 hrs.
Water	3.00 hrs.

## Support Services

- Administrative support for Public Works
- Code Enforcement
- SOGs

CITY OF DALLAS  
SUMMARY WARRANT REGISTER

WARRANT	DEPARTMENT	REFERENCE	VENDOR NAME	AMOUNT
86503	FINANCE OFFICE	FILING FEE	SECRETARY OF STATE	40.00
86504	FIRE DEPARTMENT	SUPPLIES	MOONLIGHT REFLECTIONS	57.92
86505	VARIOUS	COMMUNICATIONS	NEXTEL COMMUNICATIONS	1,568.44
86506	VARIOUS	COMMUNICATIONS	QWEST	175.34
86507	VARIOUS	CONFERENCE	OREGON CHAPTER PRIMA	260.00
86508	POLICE DEPARTMENT	SOFTWARE	HELION SOFTWARE INC	7,500.00
86509	SEWER TREATMENT PLANT	CONTRACTED SERVICES	CH2M HILL / OMI	43,984.24
86510	POLICE DEPARTMENT	PER DIEM	APRIL WELSH	220.00
86511	SYSTEMS DEVELOPMENT FUND	CONTRACTED SERVCS	POLK COUNTY YOUTH PROGRAM	250.00
86512	GENERAL FUND	REFUND RENTAL FEES	THE FIRST PRESBYTERIAN CH	50.00
86513	POLICE DEPARTMENT	PER DIEM	TOM SIMPSON	80.00
86514	AMBULANCE DEPARTMENT	REIMBURSEMENT CERTIF	TIM KIRKMAN	50.00
86515	POLICE DEPARTMENT	PER DIEM	JAMES HARPER	80.00
86516	COM DEV - AQUATIC CENTER	REIMBURSE EXP	TINA PAUL	234.42
86517	COM DEV - AQUATIC CENTER	REIMBURSEMENT	KEN STOLLER	39.99
		TOTAL		54,590.35
86519	POLICE DEPARTMENT	VEHICLE CODE BOOKS	OREGON STATE DMV	50.00
86520	VARIOUS	UTILITIES	PACIFIC POWER	8,969.89
86521	VARIOUS	CONTRACTUAL	POLK COUNTY INFORMATION	1,121.25
86522	LIBRARY	MEMBERSHIP ID 983	OREGON LIBRARY ASSOC.	50.00
86523	MUNICIPAL COURT	TRAINING	OACA/OREGON ASSOC COURT	155.00
86524	POLICE DEPARTMENT	CONTRACTUAL	LOCAL GOVERNMENT INST	140.00
86525	COM DEV PLANNING DEPT	TRAINING - ROBERTS	CAREER TRACK PUBLICATIONS	299.00
86526	SEWER MAINTENANCE	CONTRACTUAL	DALE WOODIN CONCRETE, INC	3,525.00
86527	FINANCE OFFICE	BUDGET WINDOWS SYS	HARRIS	2,000.00
86528	URBAN RENEWAL AGENCY	CONTRACTUAL	GREENWORKS	10,106.70
86529	WATER TREATMENT & PUMPING	COMMUNICATIONS	QWEST	113.28
86530	FINANCE OFFICE	POSTAGE	U S POSTMASTER	1,400.00
86531	VARIOUS	LEGAL SERVICES	SHETTERLY & IRICK	930.00
86532	VARIOUS	MEMBERSHIP	OPPA	40.00
86533	FINANCE OFFICE	CONTRUCTUAL	VISUAL MEDIA CENTER	150.00
86534	FIRE DEPARTMENT	REIMBURSE EXPENSE	ERIKS GABLIKS	1,059.00
86535	AMBULANCE DEPARTMENT	TUITION	DAVE CHRISTENSEN	405.00
86536	GENERAL FUND	REFUND OVERPAYMENT	CYNTHIA MC GINNIS	22.00
86537	PERSONNEL OFFICE	REIMBURSE SUPPLIES	KIM MARR	126.77
86538	NON-DEPARTMENTAL & CONTINGENCY	REIMBURSE EXPENSE	JOANNE BALLWEBER	37.35
		TOTAL		30,700.24

CHECK #	DEPARTMENT	REFERENCE	VENDOR NAME	AMOUNT
86540	FINANCE	TRAINING	DALLAS CHMBR OF COMMERCE	27.00
86541	COURT	DEFENSE ATTORNEY	CHRIS L. LILLEGARD, P.C.	400.00
86542	COURT	ASSESSMENTS	OREGON DEPT OF REVENUE	4,727.00
86543	COURT	ASSESSMENTS	POLK COUNTY TREASURER	2,422.00
86544	RECREATION	SENIOR SERVICES	ROBERTSON/SHERWOOD/ARCHT	3,793.09
86545	CAPITAL IMPROVEMENT	CHERRY ST WATER	BOLI	7,500.00
86546	VARIOUS	BACKFLOW PLUMBING	CITY OF DALLAS	215.04
86547	VARIOUS	COMMUNICATIONS	PAGE ONE N W	1,334.37
86548	AMBULANCE	UNIFORMS	GRAPHIC LATITUDE	716.00
86549	FACILITIES	CIVIC CENTER	DESIGN STUDIO INTER., INC	680.00
86550	FINANCE	POSTAGE	PURCHASE POWER	545.70
86551	FIRE	SITE REVIEW	CREEKSIDE ENVIRONMENTAL	3,900.00
86552	COURT	ASSESSMENTS	OREGON JUDICIAL DEPT	474.00
86553	VARIOUS	PETTY CASH	PETTY CASH, M BARAGARY	277.75
86554	FINANCE	POSTAGE	U S POSTMASTER	1,400.00
86555	VARIOUS	LEGAL SVC & PROSECUTION	SHETTERLY & IRICK	9,056.25
86556	FIRE	VOLUNTEER SERVICES	DALLAS VOLUNTEER FIRE	2,316.67
86557	SEWER ENGINEERING	BARBERRY	THE FIFE GROUP INC.	1,859.03
86558	VARIOUS	CONTRACTUAL	VISUAL MEDIA CENTER	1,156.08
86559	COURT	DEFENSE ATTORNEY	STAN BUTTERFIELD	545.00
86560	MISCELLANEOUS	2005 BONDS	WELLS FARGO BANK	850.00
86561	CAPITAL IMPROVEMENT	MAIN ST RESEVOIR	T BAILEY INC	53,250.00
86562	POLICE	POINT	POLK CO SHERIFF'S OFFICE	5,000.00

86563	VARIOUS	SUPERVISING PHYSICIAN	JEFFREY HUMPHREY M.D.	500.00
86564	MAYOR'S EXP	EXPENSE REIMBURSEMENT	JIM FAIRCHILD	125.00
86565	TRUST	BAIL REFUND	MARK STURTEVANT	60.00
86566	COURT	INTERPRETER	VALERIE GARZA-COLLINS	175.00
86567	TRUST	BAIL REFUND	SHIRLEY GILLETT	174.00
86568	TRUST	BAIL REFUND	LORRAINE HIEBERT	174.00
86569	COURT COSTS	RESTITUTION	DOUGLAS GARRETT	300.00
86570	TRUST	BAIL REFUND	MARY WELLMAN	42.00
86571	TRUST	BAIL REFUND	BERNARDO AMARAL CHAIRES	42.00
86572	TRUST	BAIL REFUND	CARLEY BILL HAMMOCK	60.00
86573	TRUST	BAIL REFUND	CARY DAMMARELL	60.00
86574	TRUST	BAIL REFUND	RUSSELL MCGUIRE	45.00
86575	TRUST	BAIL REFUND	JAMES BAKER	42.00
86576	TRUST	BAIL REFUND	LESLIE MURRAY	42.00
86577	TRUST	BAIL REFUND	JOHN HALLINAN	60.00
86578	TRUST	BAIL REFUND	KENNETH KRAW	60.00
86579	TRUST	BAIL REFUND	KAROL COX	27.00
86580	TRUST	BAIL REFUND	JARROD GREGORY	24.00
86581	TRUST	BAIL REFUND	RENEE MCBRIDE	174.00
86582	TRUST	BAIL REFUND	SONYA M ANDERSON	50.00
86583	TRUST	BAIL REFUND	SALLY STINSON	60.00
86584	TRUST	BAIL REFUND	DONAVAN WATKINS	42.00
86585	TRUST	BAIL REFUND	WILLIAM ARCHIBALD	282.00
86586	FIRE	TRAINING	LAWRENCE RAGAN COMMUNICATIONS	

				99.00
86587	FIRE	TRAINING	OREGON CHAPTER 31 I.A.A.I	20.00
86588	AMBULANCE	REIMBURSEMENT	JOSHUA BREHM	95.00
86589	MISCELLANEOUS	REFUND	BRIAN ALLEN	8.00
86590	LIBRARY	GAS ALLOWANCE	NANCY WOOLSEY	42.00
89591	AQUATIC CENTER	REIMBURSEMENT	TINA PAUL	130.10
			GRAND TOTAL Total	105,459.08
3966	MISCELLANEOUS	STATEMENT	BANK OF AMERICA	6.338.33

City of Dallas  
WARRANT REGISTER (BGTRAN)  
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WARRANT NUMBER	VENDOR NUMBER	VENDOR NAME	DATE ISSUED	INVOICE NUMBER	ACCOUNT NUMBER	AMOUNT
86618	901733	TRANS COLD DISTRIBUTION	10/06/2008	1290001630	001 105 6107	180.51
				CONCESSIONS	INVOICE TOTAL	180.51
				1290001371	001 105 6107	204.24
				CONCESSIONS	INVOICE TOTAL	204.24
				1290001415	001 105 6107	162.03
				CONCESSIONS	INVOICE TOTAL	162.03
				1290001494	001 105 6107	234.42
				CONCESSION	INVOICE TOTAL	234.42
					WARRANT TOTAL	781.20
					RUN TOTAL	781.20

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WARRANT NUMBER	VENDOR NUMBER	VENDOR NAME	DATE ISSUED	INVOICE NUMBER	ACCOUNT NUMBER	AMOUNT
86619	192	CRAVEN-WOODS INSURANCE	10/10/2008	2635	001 080 6280	2,100.00
				RESERVES	INVOICE TOTAL	2,100.00
					WARRANT TOTAL	2,100.00
86620	390	CH2M HILL INC.	10/10/2008	908958818-010	001 080 6262	609.58
				911 DISPATCH	INVOICE TOTAL	609.58
					WARRANT TOTAL	609.58
86621	1461	CITY OF DALLAS	10/10/2008	092909	009 095 6918	53.76
				BACKFLOW PERMIT	INVOICE TOTAL	53.76
					WARRANT TOTAL	53.76
86622	2770	NEXTEL COMMUNICATIONS	10/10/2008	232457239-038A	001 060 6210	167.84
				COMMUNICATIONS	001 070 6210	167.84
					001 080 6262	510.01
					001 105 6210	13.67
					001 107 6210	113.06
					001 108 6230	106.68
					013 018 6230	15.46
					013 053 6231	14.28
					INVOICE TOTAL	1,108.84
					WARRANT TOTAL	1,108.84
86623	2844	DE LAGE LANDEN	10/10/2008	37680	001 080 6266	120.17
				CONTRACTUAL	INVOICE TOTAL	120.17
					WARRANT TOTAL	120.17
86624	3011	OREGON STATE POLICE PATROL OFFICE	10/10/2008	100908	001 080 6220	50.00
				TRAINING	INVOICE TOTAL	50.00
					WARRANT TOTAL	50.00
86625	3012	JENNIFER CROLL	10/10/2008	10 06 08	001 080 6220	50.00
				PER DIEM	INVOICE TOTAL	50.00
					WARRANT TOTAL	50.00
86626	3013	DALLAS AREA VISITOR CENTE	10/10/2008	10 08 2008	011 011 6889	12,096.00
				TRANSIENT LODG TAX	INVOICE TOTAL	12,096.00
					WARRANT TOTAL	12,096.00
86627	3014	KEVIN KOHLER	10/10/2008	10 06 08	001 111 6320	560.76
				MURAL	INVOICE TOTAL	560.76
					WARRANT TOTAL	560.76

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WARRANT VENDOR			DATE				
NUMBER	NUMBER	VENDOR NAME	ISSUED	INVOICE NUMBER	ACCOUNT NUMBER		AMOUNT
86628	901196	SALLY DAVIES	10/10/2008	093008	001 080 6115		145.19
				REIMB EXPENSE		INVOICE TOTAL	145.19
						WARRANT TOTAL	145.19
86629	901500	WVI	10/10/2008	623-7358 1008	007 075 6210		22.95
				COMMUNICATIONS		INVOICE TOTAL	22.95
				623-9715 1018	001 105 6235		22.95
				COMPUTERS		INVOICE TOTAL	22.95
						WARRANT TOTAL	45.90
86630	901552	DEPT OF CONSUMER/BUSINESS	10/10/2008	100708	001 107 6111		4,532.29
				SURCHARGE		INVOICE TOTAL	4,532.29
						WARRANT TOTAL	4,532.29
86631	980041	POLK CO SHERIFF'S OFFICE	10/10/2008	21893	001 070 6266		12,198.31
				CONTRACTUAL		INVOICE TOTAL	12,198.31
				21899	001 080 6266		5,246.54
				CONTRACTUAL		INVOICE TOTAL	5,246.54
				21900	001 070 6140		1,899.66
				CONTRACTUAL		INVOICE TOTAL	1,899.66
						WARRANT TOTAL	19,344.51
86632	980258	DALLAS AREA SENIORS	10/10/2008	10 908	001 111 6320		8,000.00
				TMG GRANT PASS THRU		INVOICE TOTAL	8,000.00
						WARRANT TOTAL	8,000.00
86633	980779	CPAO	10/10/2008	10 07 2008	001 080 6220		450.00
				TRAINING		INVOICE TOTAL	450.00
						WARRANT TOTAL	450.00
86634	981250	DAVID WINTERS	10/10/2008	100708	001 060 6101		59.97
				REIMB EXPENSE		INVOICE TOTAL	59.97
						WARRANT TOTAL	59.97
86635	981299	APRIL WELSH	10/10/2008	100908	001 080 6220		40.00
				PER DIEM		INVOICE TOTAL	40.00
						WARRANT TOTAL	40.00
86636	983829	KIM STORMS	10/10/2008	092908	001 060 6222		39.92
				REIMB EXPENSE		INVOICE TOTAL	39.92

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WARRANT VENDOR			DATE			ACCOUNT NUMBER			AMOUNT
NUMBER	NUMBER	VENDOR NAME	ISSUED	INVOICE NUMBER					
								WARRANT TOTAL	39.92
86637	990408	JOSH DARLAND	10/10/2008	100608	011	011	6827		11 7.52
				REIMB EXPENSE				INVOICE TOTAL	11 7.52
								WARRANT TOTAL	11 7.52
86638	990949	JERRY WYATT	10/10/2008	100108	013	020	6230		475.02
				REIMBURSEMENT				INVOICE TOTAL	475.02
								WARRANT TOTAL	475.02
86639	992615	KIM MARR	10/10/2008	090908	013	030	6220		159.68
				REIMB EXPENSE				INVOICE TOTAL	159.68
								WARRANT TOTAL	159.68
86640	998786	JON BARBER	10/10/2008	100708	001	070	6231		129.99
				REIMBURSE EXPENSE				INVOICE TOTAL	129.99
								WARRANT TOTAL	129.99
								RUN TOTAL	50,289.10

WARRANT VENDOR NUMBER	NUMBER	VENDOR NAME	DATE ISSUED	INVOICE NUMBER	ACCOUNT NUMBER	AMOUNT
86641	405	SPRINT	10/16/2008	908958818-010	001 080 6262	609.58
				911 DISPATCH	INVOICE TOTAL	609.58
					WARRANT TOTAL	609.58
86642	638	WESTERN OREGON UNIVERSITY	10/16/2008	09-609	001 080 6105	397.50
				SUPPLIES	INVOICE TOTAL	397.50
				09-721	001 070 6101	541.30
				SUPPLIES	INVOICE TOTAL	541.30
					WARRANT TOTAL	938.80
86643	827	ROBERTSON/SHERWOOD/ARCT	10/16/2008	724009	001 104 6266	840.00
				CONTRACTUAL	INVOICE TOTAL	840.00
					WARRANT TOTAL	840.00
86644	1461	CITY OF DALLAS	10/16/2008	12550	001 080 6115	106.20
				BLDG PERMIT	INVOICE TOTAL	106.20
					WARRANT TOTAL	106.20
86645	1528	SALEM PUBLIC LIBRARY	10/16/2008	60908	001 111 6320	116.00
				REPLACEMENT	INVOICE TOTAL	116.00
					WARRANT TOTAL	116.00
86646	2404	PURCHASE POWER	10/16/2008	100508	013 030 6103	1,094.76
				POSTAGE	INVOICE TOTAL	1,094.76
					WARRANT TOTAL	1,094.76
86647	2859	FIRE SERVICE BOOKSTORE	10/16/2008	722634	001 070 6227	37.57
				PREVENTION	INVOICE TOTAL	37.57
					WARRANT TOTAL	37.57
86648	3017	RDJ	10/16/2008	97338-1	001 070 6227	376.00
				PREVENTION	INVOICE TOTAL	376.00
					WARRANT TOTAL	376.00
86649	901597	OACFA	10/16/2008	101408	001 103 6220	105.00
				MEMBERSHIP	INVOICE TOTAL	105.00
					WARRANT TOTAL	105.00
86650	901609	SCOTT TALLON	10/16/2008	JOB 5229	011 011 6870	2,164.50
				DEPOSIT REFUND	INVOICE TOTAL	2,164.50

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WARRANT VENDOR NUMBER	NUMBER	VENDOR NAME	DATE ISSUED	INVOICE NUMBER	ACCOUNT NUMBER	AMOUNT
					WARRANT TOTAL	2,164.50
86651	901705	T BAILEY INC	10/16/2008	PMT 12	014 014 6476	65,000.00
				MAIN ST. RESERVOIR	INVOICE TOTAL	65,000.00
					WARRANT TOTAL	65,000.00
86652	901743	CAMROCK EXCAVATION	10/16/2008	PMT 1	014 014 6476	394,405.80
				CHERRY ST. WATER	INVOICE TOTAL	394,405.80
					WARRANT TOTAL	394,405.80
86653	901744	JOHN BARBOUR	10/16/2008	100708	001 070 6231	129.99
				REIMBURSEMENT	INVOICE TOTAL	129.99
					WARRANT TOTAL	129.99
86654	980122	STEVE FAXON	10/16/2008	101508	001 111 6320	100.00
				CERTIFICATE	INVOICE TOTAL	100.00
					WARRANT TOTAL	100.00
86655	982398	JACK M. HINKLE	10/16/2008	12	001 080 6115	400.00
				CERTIFICATE	INVOICE TOTAL	400.00
					WARRANT TOTAL	400.00
86656	982633	JASON BROWN	10/16/2008	101308	011 011 6894	100.00
				CIVIC CENTER REFUND	INVOICE TOTAL	100.00
					WARRANT TOTAL	100.00
86657	983133	DOUGLAS GARRETT	10/16/2008	07-0353 / 60859	001 004 4112	44.94
				RESTITUTION	INVOICE TOTAL	44.94
					WARRANT TOTAL	44.94
86658	983227	BRANDI HALLER	10/16/2008	08-0407 / 58913	001 004 4112	23.55
				RESTITUTION	INVOICE TOTAL	23.55
					WARRANT TOTAL	23.55
86659	992166	TIM KIRKMAN	10/16/2008	1013 08	001 060 6220	33.75
				REIMBURSEMENT	001 070 6220	33.75
					INVOICE TOTAL	67.50
					WARRANT TOTAL	67.50
86660	992615	KIM MARR	10/16/2008	101308	013 018 6220	199.00
				MILEAGE	INVOICE TOTAL	199.00

City of Dallas  
WARRANT REGISTER (BGTRAN)  
10/16/2008 (Printed 10/16/2008 14:49)

467,115.56

WARRANT VENDOR NUMBER NUMBER	VENDOR NAME	DATE ISSUED	INVOICE NUMBER	ACCOUNT NUMBER	AMOU NT
				WARRANT TOTAL	199.00
86661 993623	DENNIS UNGER	10/16/2008	100708	013 030 6101	234.37
			REIMBURSEM T	INVOICE TOTAL	234.37
				WARRANT TOTAL	234.37
86662 996913	TODD BRUMFIELD	10/16/2008	101508	001 060 6220	22.00
			TRAINING	INVOICE TOTAL	22.00
				WARRANT TOTAL	22.00
				RUN TOTAL	



October 16, 2008

Jerry Wyatt  
City of Dallas  
187 SE Court Street  
Dallas, OR 97338

Re: Halloween Events

Dear Mr. Wyatt and Members of the Council,

As you know, our Halloween event has changed and grown over the last several years. Moving it indoors last year was a huge success and we saw nearly 800 people walk through the doors of the Morrison Campus. We had great support from the business community through sponsorship and participation.

This year, we are planning 2 events!

We will continue to work with Morrison Campus staff and students in hosting a 'Trick-N-Treat' on Friday, October 31<sup>st</sup> from 4:00pm-7:00pm, for kids ages 0-12.

We will also host a 'Haunted Adventure' in downtown. This will be a guided tour through the upstairs of our office space on Friday, October 31<sup>st</sup> and Saturday, November 1<sup>st</sup> from 7:00pm-10:00pm for teenagers, 13+.

We would like to work with the police department and city staff to ensure everyone's safety.

Thank you for your continued support!

Sincerely,

Chelsea Pope  
Executive Director

cc: Dallas Area Chamber of Commerce Board of Directors

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 8a</b>	<b>Topic:</b> TSP Public Hearing
<b>Prepared By:</b> Jason Locke, Community Development Director	<b>Meeting Date:</b> October 20, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED ACTION:

That the City Council approve the Transportation System Plan and associated Comprehensive Plan and Development Code Amendments and direct staff to prepare the appropriate ordinances for adoption.

ATTACHMENTS:

Staff report and supplemental background information

**CITY OF DALLAS**  
**City Council**

**STAFF REPORT**  
**DATE: OCTOBER 10, 2008**

<b>FILE NO.</b>	<b>TSP</b>
<b>HEARING DATE</b>	<b>OCTOBER 20, 2008 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338</b>
<b>OWNER</b>	<b>N/A</b>
<b>REQUEST</b>	<b>HOLD A PUBLIC HEARING ON THE TRANSPORTATION SYSTEM PLAN (TSP) AND ASSOCIATED COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENTS</b>
<b>LOCATION</b>	<b>CITYWIDE</b>
<b>RECOMMENDATION TO COUNCIL</b>	<b>APPROVAL</b>

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



**BACKGROUND:**

The City of Dallas began to develop the current TSP proposal in 2004. Throughout that time, there has been a number of meetings and workshops for the public and city officials. This final draft is a reflection of the policy choices that have been made to date. The formulation of goals and objectives is an important component of any transportation planning process. The goals and objectives outlined in this section are based on review of the July 1998 City of Dallas Comprehensive Plan and June 1995 Transportation Planning Rule (TPR) Compliance Document, as well as recently completed TSPs for other jurisdictions in western Oregon. They have been refined through agency and community input obtained during TSP preparation.

The Planning Commission held a public hearing on the TSP and recommended approval to the City Council. The City Council has reviewed the TSP during two work sessions, and the matter is now being brought to a public hearing.

The Dallas TSP is organized into nine sections as follows:

- Section 1 explains the purpose and benefits of the TSP, the regulatory requirements behind the plan, the plan's public involvement component, and the plan's goals and policies.
- Section 2 summarizes relevant information from state, regional, and local planning and policy documents and discusses its relation to the TSP.
- Section 3 describes the existing study area and its pedestrian, bicycle, transit, and roadway transportation network. This section analyzes current traffic operations and safety conditions, and identifies existing deficiencies by mode.
- Section 4 forecasts future (2025) growth in Dallas and distributes this growth onto the transportation network. An operational analysis of the future no-build network is conducted and a summary of future transportation needs is listed.
- Section 5 describes the roadway, bicycle, and pedestrian alternatives that were evaluated, and depicts the evaluation process.
- Section 6 summarizes current access spacing along the two state highways in the study area, and analyzes various access management treatments that could be adopted by the City.

- Section 7 details the modal plans for the roadway, transit, pedestrian, bicycle, rail, and air, water, and pipeline transport facilities.
- Section 8 provides planning-level cost estimates for recommended projects, lists current funding sources used by the City, and identifies potential revenue sources to fund recommended projects.
- Section 9 contains language to assist the City in revising local codes and ordinances to implement the TSP.

The inclusion of goals and objectives in the Dallas TSP serves two primary purposes: (1) to guide the development of the Dallas transportation system during the next 20 years and (2) to demonstrate how the TSP relates to other county, regional, and state plans and policies. The goal statements are general statements of purpose to describe how the city, through the TSP, intends to address the broad elements of the transportation system. The objectives will be specific steps that illustrate how each goal is to be carried out.

### **Goal 1: Multi-Modal Transportation System**

Develop a balanced transportation system that will meet the needs of all users, including youth, elderly, and those with physical disabilities. Such a transportation system does not depend solely on one mode of transportation, but rather provides a variety of transportation features to accommodate vehicle travel as well as public transportation, bicycling, and walking.

### **Objectives**

- Work with the Salem Area Mass Transit District to educate residents about existing CARTS transit service and to identify future service improvements, including schedules that better serve the commuting public.
- Encourage residents and business owners in Dallas, especially those that use the Dallas-Rickreall and Kings Valley highways on a daily basis, to make use of existing rideshare matching services provided by Mid-Valley Rideshare.
- Identify ways to encourage freight vehicles to use the existing signed truck route along Levens Street.
- Coordinate with the applicable railroad company to improve freight rail service and public right-of-way crossings.
- Develop, adopt, and enforce design standards for arterials and collectors describing minimum right-of-way width, pavement, pedestrian service, bicycle travel, and other parameters.
- Recognize the need for sufficient, but not excessive, parking for commercial development.

## **Goal 2: Mobility**

Provide a viable transportation system that meets state and local mobility standards. Such a transportation system allows different users of the network a reliable means of getting from origin to destination.

### **Objectives**

- Provide a network of arterials and collectors that are interconnected, appropriately spaced, and reasonably direct.
- Maintain mobility standards for each functional classification of street (e.g., arterial, collector, local).
- Accommodate local traffic and through travel.
- Minimize travel distances and vehicle-miles traveled.
- Encourage development patterns that offer connectivity and mobility options for all members of the community.

## **Goal 3: Economic Development and Viability**

Provide a transportation system that balances transportation system needs with the City's desire for economic development and viability.

### **Objectives**

- Minimize traffic congestion in the downtown commercial area.
- Discourage through-traffic and high speeds in residential areas.
- Use design techniques to slow traffic through downtown and in other areas of high pedestrian traffic
- Provide efficient street connections between industrial sites and the arterial street network.

## **Goal 4: Coordination**

Maintain a TSP that is consistent with the goals and objectives of the TPR and relevant state, regional, and local plans and policies.

### **Objectives**

- Produce a TSP that is consistent with the objectives of the TPR.
- Provide a transportation system that is consistent with the City of Dallas Comprehensive Plan.
- Ensure that elements of the plan involving or affecting OR 223 Kings Valley Highway and Dallas-Rickreall Highway are consistent with the Oregon Transportation Plan and Oregon Highway Plan.

- Coordinate with Polk County on elements of the plan involving or affecting County-owned roads.
- Coordinate with relevant local and regional partners on land use and transportation decisions.

### **Goal 5: Pedestrian and Bicycle Facilities**

Provide for an interconnected system of pedestrian and bicycle facilities in Dallas to serve commuter and recreational users.

#### **Objectives**

- Ensure and strengthen the presence of safe, attractive, and convenient pedestrian and bicycle access to and circulation in the downtown area.
- Develop or maintain safe, connected pedestrian and bicycle facilities near schools, residential districts, and commercial districts.
- Provide or require provision of sidewalks on all new public streets.
- Construct and maintain bike lanes, bike paths, and shared roadway shoulder routes.

### **Goal 6: System Preservation and Improvements**

Be consistent with the City's current strategy to preserve and extend the life of the existing transportation network.

#### **Objectives**

- Maintain consistent levels of maintenance to keep roadways, curbs, gutters, and sidewalks in acceptable condition.
- Identify and construct incremental improvement projects to meet future travel demand while minimizing impacts to residents, tourists, and businesses.
- Ensure that development does not preclude the construction of future street connections identified in this TSP.
- Consider transportation system impacts from relevant transportation impact studies when making land use decisions.
- Continue requiring developers to aid in the development of the transportation system by dedicating or reserving needed rights-of-way, by constructing street improvements to serve new development, and by providing bicycle or pedestrian improvements when appropriate.

### **Goal 7: Access Management**

Address state access management standards as outlined in OAR 734-051 for OR 223 Kings Valley Highway and Dallas-Rickreall Highway, and identify access management strategies for city collectors and arterials.

## **Objectives**

- Develop and apply access control measures (e.g., driveway and public road spacing, median control and signal spacing standards) that are consistent with the functional classification of roads and which limit development on rural land to rural uses and densities.
- Identify opportunities for and work with property owners to develop creative approaches to access management off the arterial street network.
- Require all new subdivision development to comply with access standards as described in City Ordinance.
- Ensure consistency with access management strategies outlined in this TSP.

## **Goal 8: Transportation Funding**

Identify reasonable potential funding sources and a funding strategy for transportation improvements included in this TSP.

## **Objectives**

- Identify a range of funding opportunities for transportation improvements, coordinating with County, State, and Federal agencies.
- Prepare a funding strategy that includes priorities and proposed timelines for transportation improvement projects.
- Develop proposed improvements to a sufficient level of detail to qualify for federal and/or state funding of engineering and construction phases.

## **Goal 9: Safety**

Provide a transportation system that maintains adequate levels of safety for all users.

## **Objectives**

- Identify safe connections for vehicles, bicycles, and pedestrians across OR 223 Kings Valley Highway and Dallas-Rickreall Highway.
- Improve safety at locations where roads cross bicycle, pedestrian, and rail facilities.
- Undertake, as needed, special traffic studies in problem areas, such as around schools, to determine appropriate traffic controls to effectively and safely manage vehicle and pedestrian traffic.

## **Goal 10: Environment**

Provide a transportation system that balances transportation services with the need to protect the environment and significant natural features.

## **Objectives**

- Promote a transportation system that encourages energy conservation, in terms of efficiency of the roadway network and the standards developed for street improvements.
- Balance transportation needs with the preservation of significant natural features and viewsheds.
- Encourage use of alternative modes of transportation such as transit, bicycling and walking that reduce impacts to the natural environment.
- Minimize transportation impacts on wetlands and wildlife habitat.

## **PUBLIC NOTICE:**

The City has provided public notice identifying and describing the project and the scheduled date of the public hearing in accordance with the Dallas Development Code.

## **PROCEDURE:**

The City Council is holding a public hearing on the proposed Transportation System Plan, as recommended by the Planning Commission. At the close of the hearing, the City Council may move to adopt the Transportation System Plan with or without changes to the current draft.

## **APPROVAL CRITERIA: SECTION 3.7.40(2) OF THE DALLAS DEVELOPMENT CODE**

*(2) Comprehensive Plan Map and Street Designation Amendments. Where a Comprehensive Plan Map amendment is proposed (including an urban growth boundary amendment), the applicant shall demonstrate conformance with the following criteria:*

- (a) Applicable Statewide Planning Goals.*
- (b) Applicable Goals and Policies of the Dallas Comprehensive Plan (Volume I).*
- (c) Amendments to collector and arterial street designations shall explicitly address the Transportation Planning Rule (OAR Chapter 660, Division 12) and the Transportation Policies of the Dallas Comprehensive Plan.*

## **1) Applicable Statewide Planning Goals:**

**FINDING:** Goal 12- Transportation is the applicable Statewide Planning Goal for the proposed TSP adoption. Goal 12 provides Planning and Implementation Guidelines for Transportation Planning for local jurisdictions. The TSP has been prepared in accordance with these guidelines.

**CONCLUSION:** It may be found that the TSP as proposed is in conformance with Statewide Planning Goal 12.

## **2) Applicable Goals and Policies of the Dallas Comprehensive Plan (Volume I):**

**FINDING:** The current Dallas Comprehensive Plan has policies related to transportation. Section 2 of the proposed TSP has examined and analyzed these policies against state and federal transportation rules. The proposed TSP will replace all existing transportation-related policies, projects, and requirements found in the Dallas Comprehensive Plan.

## **3) The Transportation Planning Rule (OAR 660-012)**

**FINDING:** The Transportation Planning Rule (TPR), OAR 660 Division 12, implements Oregon's Statewide Planning Goal 12 (Transportation) and promotes the development of safe, convenient, and economic transportation systems that reduce reliance on the automobile. The TPR requires the preparation of regional transportation systems plans by metropolitan planning organizations (MPOs) or counties and local TSPs by counties and cities. TSP requirements vary by type (regional vs. local) and community size. Through TSPs, the TPR provides a means for regional and local jurisdictions to identify long-range (20-year) strategies for the development of local transportation facilities and services for all modes, to integrate transportation and land use, to provide a basis for land use and transportation decision-making, and to identify projects for the State Transportation Improvement Program. TSPs need to be consistent with the State Transportation Plan and its modal and multimodal elements.

**CONCLUSION:** Preparation of the TSP follows the requirements of the TPR. The TPR requires the determination of transportation needs and the development of modal plans (the road system, public transportation, bicycles, pedestrians, and air, rail, water, and pipeline transportation) to meet those needs. The proposed TSP includes an inventory of existing services and facilities and a system of planned facilities, services and major improvements, indicating their location and who is responsible for providing them. This plan also includes the evaluation and selection of system alternatives, which include the following elements: improvements to existing facilities or services; new facilities and services; transportation system management measures; demand management measures; and a no build system alternative. The evaluation and selection of alternatives is based on consistency with the community's comprehensive plan; consistency with state and federal standards for the protection of air, water, and land; minimization of adverse social, economic and environmental impacts; minimization of conflicts and facilitation of connections between transportation modes; avoidance of relying on one principal transportation mode; and reduction of the reliance on the automobile. The TSP also includes a financing plan, which is included in the TSP. The TPR also requires communities to amend their land use regulations to implement the TPR and their TSPs. Table 1-3 in Section 1.4.6 evaluates the Dallas Development Code for consistency with the TPR. Where inconsistencies occur, changes are proposed for implementation. (See Section 2 of the proposed TSP for full findings)

**TRANSPORTATION PROJECTS AND FISCAL IMPACT:**

*Cost Estimates for Proposed Transportation Improvements—by Type of Improvement*

**Short-Term (Next Ten Years)**

•Roadway Improvements	\$ 3,381,000
•New Roadways	\$13,010,000
•Bicycle	\$ 553,500
•Pedestrian	\$ 5,814,000
• <b>Total</b>	<b>\$22,768,500</b>

**Ten to Fifteen Years**

•Roadway Improvements	\$ 0
•New Roadways	\$ 6,750,000
•Bicycle	\$ 61,700
•Pedestrian	\$1,938,000
• <b>Total</b>	<b>\$8,749,700</b>

**Fifteen to Twenty Years**

•Roadway Improvements	\$1,060,000
•New Roadways	\$15,370,000
•Bicycle	\$ 246,000
•Pedestrian	\$ 5,570,000
• <b>Total</b>	<b>\$22,246,000</b>

**Grand Total**  
**\$53,764,200**

**The total cost of projects recommended in the TSP is approximately \$53.7 million. Over the timeframe of this TSP, this figure represents an annual appropriation of \$2.65 million. While this figure is far greater than the total street fund and SDC budget combined for FY 2008-09 it is not an unreasonable target when considered with the anticipated growth, increases in fees over the planning horizon and mixture of federal, state, county and local sources that can be contributed to fund plan recommendations.**

- More than 1/3 of the total roadway improvement costs are recommended to serve future development in Dallas, as shown in Table 8-5. Most of this development is expected to occur in the three mixed use nodes. These roadway improvements are expected to be funded through a mixture of SDCs and developer costs.
- According to City of Dallas Development Code, the developer is responsible for that portion of new roadway required by the development, including 30 - 36 feet of roadway plus curb and sidewalk. Based on the recommended cross-sections for major and minor collector roads, this amounts to approximately 2/3 of total costs to build a new roadway (approximately \$14 million).

- It is recommended that residential SDCs be increased to at least \$5,000/edu, which would bring in approximately \$25 million over the 20 year planning horizon. \$8000/edu would fully fund the needed projects over the 20-year planning period. Assuming that commercial SDCs remain at the same rate, and that available commercial land is developed (see Section 5), another \$13 million is expected to be available for transportation projects from commercial SDCs. Commercial and residential SDCs would be sufficient to cover the leftover costs from building the recommended new roadway network.

**Implementation:** The TSP will be adopted as a Chapter of the Dallas Comprehensive Plan, supplanting all current transportation data, projects, language and policies. SECTION 9 of the TSP includes a number of proposed changes to the Dallas Development Code and Municipal Code to implement the changes contained in the TSP.

**RECOMMENDATION:**

Staff recommends that the City Council approve the Transportation System Plan and associated Comprehensive Plan and Development Code Amendments and direct staff to prepare the appropriate ordinances for adoption.

Respectfully submitted,

Jason Locke, Community Development Director  
October 10, 2008

RESOLUTION NO. 3173

A Resolution adopting an identity theft prevention program pursuant to the Oregon Identity Theft Protection Act of 2007 (OITPA) and the Federal Fair and Accurate Credit Transactions (FACT) Act.

WHEREAS, the Oregon Legislature has enacted an Oregon Identity Theft Protection Act (OITPA) giving consumers the ability to place a security freeze on their credit file and which contains standards to safeguard personal identifying information; and

WHEREAS, the Federal Government has enacted the Fair and Accurate Credit Transactions (FACT) Act and developed “Red Flag Rules” requiring financial institutions and creditors to adopt and implement programs to comply with the Act, and rules promulgated under the Act, by November 1, 2008; and

WHEREAS, municipal utilities are considered a creditor under these Acts and rules;  
NOW, THEREFORE,

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

Section 1. The Identity Theft Prevention Program, incorporated by reference herein and attached as ‘Exhibit A,’ is adopted.

Section 2. This Resolution shall take effect upon its passage and approval.

Adopted: October 20, 2008  
Approved: October 20, 2008

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER



# Identity Theft Prevention Program

Effective October 20, 2008

## ***I. PROGRAM ADOPTION***

The City of Dallas (“City”) developed this Identity Theft Prevention Program (“Program”) pursuant to the Federal Trade Commission's Red Flags Rule (“Rule”), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003 (FACT). 16 C. F. R. § 681.2 and Senate Bill 583 (2007), the Oregon Identity Protection Act (“OITPA”). It is the policy of the City of Dallas to protect personal information by complying with the OITPA and the Rule. After consideration of the size and complexity of the City of Dallas’s operations and account systems, and the nature and scope of its utility activities, this program was developed by City staff and was approved by City Council on October 20, 2008.

## ***II. PROGRAM PURPOSE AND DEFINITIONS***

### **Objectives:**

1. **Safeguarding Personal Information:** The City of Dallas shall implement and maintain reasonable safeguards to protect the security and confidentiality of personal information, including its proper disposal. Personal information includes an employee or customer’s name in combination with a SSN, Oregon driver’s license or Oregon identification card, financial, credit, or debit card numbers along with a security access code.
2. **Social Security Numbers (SSNs) Protection:** Printing SSNs on any mailed materials not requested by the employee or customer unless redacted; or on cards used to access products, services, or City buildings (such as ID cards); or publicly posting or displaying SSNs, is prohibited. Exemptions include requirements by the State of Oregon; federal laws, including requirements such as W2s, W4s, 1099s etc; records that are required by law to be made public; records for use for internal verification or administrative process; and records used for enforcing a judgment or court order.
3. **Notification of Security Breach:** In the event that personal identifying information has been subject to a security breach, the City will provide notification of the breach to the customer or the employee as soon as possible in writing, electronically if that is the primary manner of communication with the customer or employee, or by telephone if the person is contacted directly. The exception is if the notification would impede a criminal investigation.

### **Procedures:**

1. **Information Technology (IT)** is responsible to establish technical controls to safeguard personal information stored in electronic format and to document safeguard practices in writing.

2. Human Resources (HR) will provide a copy of the City’s Identity Theft Prevention Program and the State’s “Identity Theft – A Business Guide” publication to new employees. HR will obtain acknowledgement and agreement from new employees and document in employee personnel files.
3. Department directors are responsible to:
  - Be familiar with the Identity Theft Protection Act.
  - Establish and document department-specific safeguard practices needed to protect personal information (described in sections IV through VII of this document).
  - Provide department specific training to direct reports and to other non-City personnel working unescorted in department (volunteers, interns, community service personnel, etc). Obtain and document acknowledgment and agreement.
4. All employees are responsible to comply with this policy and any internal processes as directed by their department. Noncompliance may result in formal disciplinary action up to and including termination of employment, subject to the terms of any collective bargaining agreement. Employees should contact their supervisor if they have questions about compliance with this policy.

**A. Fulfilling Requirements of the Red Flags Rule**

Under the Red Flag Rule, every financial institution and creditor is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

**B. Red Flags Rule Definitions Used in this Program**

The Red Flags Rule defines “Identity Theft” as “fraud committed using the identifying information of another person” and a “Red Flag” as “a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.”

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

All the City’s utility accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “covered account” is:

1. Any utility account the City offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the City offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

### ***III. IDENTIFICATION OF RED FLAGS***

In order to identify relevant Red Flags, the City considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The City identifies the following red flags, in each of the listed categories:

#### **A. Notifications and Warnings From Credit Reporting Agencies**

##### **Red Flags**

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

#### **B. Suspicious Documents**

##### **Red Flags**

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;

3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

### **C. Suspicious Personal Identifying Information**

#### **Red Flags**

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required for identification); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

### **D. Suspicious Account Activity or Unusual Use of Account**

#### **Red Flags**

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the City that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

### **E. Alerts from Others**

#### **Red Flag**

1. Notice to the City from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

#### **IV. DETECTING RED FLAGS**

##### **A. New Accounts**

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, City utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

##### **Detect**

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

##### **B. Existing Accounts**

In order to detect any of the Red Flags identified above for an **existing account**, City utility personnel will take the following steps to monitor transactions with an account:

##### **Detect**

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

#### **V. PREVENTING AND MITIGATING IDENTITY THEFT**

In the event City utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

##### **A. Prevent and Mitigate**

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

## **B. Protect Utility Customer Identifying Information**

In order to further prevent the likelihood of Identity Theft occurring with respect to utility accounts, the City will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information when such information is no longer needed by the City;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Ensure computer virus protection is up to date; and
6. Require and keep only the kinds of customer information that are necessary for utility purposes.

## **VI. PROGRAM UPDATES**

The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the City from Identity Theft. In doing so, the Program Administrator will consider the City's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the City's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the City Council with his or her recommended changes and the City Council will make a determination of whether to accept, modify or reject those changes to the Program.

## **VII. PROGRAM ADMINISTRATION**

### **A. Oversight**

Responsibility for developing, implementing and updating this Program lies with the City Manager, who will be responsible for the Program administration, for ensuring appropriate training of City staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

### **B. Staff Training and Reports**

City staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Training will occur with designated employees on a need to know basis according to job responsibilities and be documented in the personnel file

upon employment, and on an on-going basis to ensure employees are kept up-to-date on new issues. Staff will provide reports to the Program Administrator on incidents of Identity Theft, the City's compliance with the Program and the effectiveness of the Program.

### **C. Steps to be Taken to Safeguard Sensitive Documents**

1. Review both electronic and hardcopy documents, forms, and processes that include or require personal information to determine if and when obtaining or retaining personal information is necessary:
  - If the personal information is not necessary, revise the forms and process to eliminate that information.
  - Redact personal information if no longer needed.
  - Shred documents with personal information when allowed by records retention schedules.
  
2. If personal information is necessary, take steps to ensure that information is secure from unauthorized access. Examples include:
  - Do not leave documents or electronic media (floppy discs, cd's, flash drives, etc) that contain personal information unattended at your desk.
  - When not needed for work purposes, documents or electronic media containing personal information should be stored in a secured area or locked file cabinet / drawer.
  - Only employees with a legitimate need will have keys to the secured area, file cabinet, or drawer.
  - Visitors who must enter areas where sensitive files are kept, must be escorted by an employee of the City.
  - Notary journals that contain personal information should be kept in a secured area, locked file cabinet, or drawer.
  - Sensitive information that is sent to third parties over public networks will be encrypted unless verified secured connections are used.
  - Any electronic media containing sensitive information shipped using outside carriers or contractors will be encrypted.
  - Any sensitive information shipped will be shipped using a shipping service that provides tracking of delivery.
  - Ensure that computers are password protected and that computer screens lock after a set period of time.
  - Laptops containing sensitive information are stored in a secure place. If a laptop containing sensitive information must be left in a vehicle, it is locked in the trunk.

### **D. Service Provider Arrangements.**

In the event the City engages a service provider or vendor to perform an activity in connection with utility accounts or other personal information, the City will take the following steps to

ensure the service provider or vendor performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator

**E. Responding to Notices of Address Discrepancies.**

1. The City will furnish a confirmed address to the consumer reporting agency (CRA) under the following conditions:
  - The City can form a reasonable belief the customer report relates to the customer in City's records.
  - The customer under review is a current customer with an active account.
  - The request involves a customer opening a new account.
  - CRA provides the request in writing.
  - Utility has established a relationship with the CRA.
2. Confirmation of address will be provided by City of Dallas to CRA in writing within 14 days of request.

**F. Properly Handling Reports of Suspected Identity Theft.**

1. When a customer suspects identity theft, they must notify the City in writing, completing the Federal Trade Commission Affidavit. Instructions for completion are a part of the form.
2. Customer must submit a copy of affidavit with police report to the City.
3. Customer Service staff will make a copy of the customer's photo ID and record the receipt of the documents.
4. Copies of the FTC affidavit, police report and photo ID will be submitted to the City to ensure reporting to proper organizations.

**G. Ensuring the Confidentiality of Medical Records.**

1. The City utility personnel will treat all medical information pertaining to utility customers as confidential.
2. Medical information is information or data, whether oral or recorded, in any form of medium, created by or derived from a health care provider or the consumer that relates to:
  - The past, present, or future physical, mental, or behavioral health care to an individual;
  - The provision of health care to an individual; or
  - The payment for the provision of health care to an individual.

3. Medical information will not be used in the determination of a customer's eligibility for services.
4. The City will not release medical information to third parties, except as otherwise authorized or required by law or consent.
5. Rescue squads, government entities that require the location of citizens on ventilators for planning purposes will be provided the information upon the written permission of the customer.

On a continual basis, the City shall review any new regulations or criteria on the issue of Identity Theft Prevention and make any necessary changes to the rules and procedures created to detect, prevent, and mitigate identity theft.

RESOLUTION NO. 3174

A Resolution declaring the City of Dallas' intent to apply for a Community Development Block Grant through the Oregon Economic and Community Development Department and authorizing the City Manager to submit and sign an application.

WHEREAS, the Oregon Economic and Community Development Department is accepting applications for grants through the Community Development Block Grant (CDBG) Program; and

WHEREAS, the City of Dallas desires to participate in this grant program to the greatest extent possible, as a means to construct a new Dallas Senior Center and related improvements; and

WHEREAS, the Dallas City Council has identified the construction of a new Dallas Senior Center as a high priority need in the City of Dallas; and

WHEREAS, the City of Dallas has received an invitation to apply for a CDBG Grant from the Oregon Economic and Community Development Department, NOW, THEREFORE,

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

Section 1. The City Manager is hereby authorized and directed to prepare, sign, and submit an application for a CDBG Grant to the Oregon Economic and Community Development Department to seek funding for construction of a new Dallas Senior Center and related improvements, as set forth in the foregoing recitals.

Section 2. This Resolution shall take effect upon its passage and approval.

Adopted: October 20, 2008  
Approved: October 20, 2008

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1692

An Ordinance establishing off-leash dog park regulations; and amending DCC 5.428.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The PUBLIC PROTECTION chapter of the Dallas City Code, Chapter 5, Park Regulations, is hereby amended by adding the following section thereto:

5.427 Off-leash dog park regulations.

In any city park or area of a city park designated by resolution as an off-leash dog park, the following regulations shall apply:

- (1) A dog within the dog park must be accompanied by an adult owner or custodian who must maintain visual contact and voice control of the dog at all times while within the enclosed area of the dog park. No person may accompany more than two dogs at the dog park.
- (2) Dogs must be kept on a leash and under direct control until the adult owner or custodian of the dog and the dog are within the enclosed area of the dog park and the entrance gates are fully closed.
- (3) Children under 12 shall be permitted within the enclosed area of the dog park only under adult supervision.
- (4) No dog may enter within the enclosed area of the dog park if:
  - (a) The dog does not have a current dog license.
  - (b) The dog is not wearing a current dog license tag. This requirement shall not apply if the adult having control of the dog has proof of a current rabies vaccination in the possession of the adult at the dog park.
  - (c) The dog is ill or has fleas.
  - (d) The dog is a female dog in its oestral period.

- (5) The owner or custodian of a dog that exhibits threatening or aggressive behavior, or engages in fighting or rough play, shall immediately leash the dog and remove it from the enclosed area of the dog park.
- (6) The owner or custodian of a dog shall not permit excessive barking, and shall immediately leash the dog and remove it from the enclosed area of the dog park if excessive barking occurs.
- (7) The owner or custodian of a dog shall not permit the dog to dig, except in areas designated for digging. If a dog digs outside a designated area the owner or custodian of the dog shall restore the area disturbed by the dog.
- (8) No owner or custodian of a dog shall groom or permit a dog to be groomed at the park.
- (9) The owner or custodian of a dog that defecates at the park shall immediately collect the waste and dispose of it in a safe and sanitary manner.
- (10) No smoking, food or alcoholic beverages shall be permitted within the enclosed area of the dog park; provided, that treats for dogs shall be permitted.
- (11) The dog park shall be open from dawn until dusk, unless otherwise directed by official signage.
- (12) The owner or custodian of a dog at the dog park shall be responsible for the behavior of the dog at the dog park and shall be deemed by use of the dog park to assume all risks associated with the use of the dog park with respect injuries sustained by the owner, any children under the age of 12 that are under the supervision of the owner or custodian, and the owner or custodian's dog.

Section 2. DCC 5.428 is hereby amended as follows:

5.428 Violations.

A peace officer may exclude a person who violates DCC 5.420 to 5.427,

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

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

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

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

Read for the first time: October 6, 2008  
Read for the second time: October 20, 2008  
Adopted by the City Council: October 20, 2008  
Approved by the Mayor: October 20, 2008

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER