



# Dallas City Council Agenda

Tuesday, February 17, 2009, 7:00 p.m.

Mayor Jim Fairchild, Presiding

Dallas City Hall

187 SE Court Street

Dallas, Oregon 97338

## City Council

Mayor  
Jim Fairchild

Council President  
Brian Dalton

Councilor  
Warren Lamb

Councilor  
Jackie Lawson

Councilor  
Kevin Marshall

Councilor  
Wes Scroggin

Councilor  
David Shein

Councilor  
David Voves

Councilor  
LaVonne Wilson

Councilor  
Ken Woods, Jr.

## Staff

City Manager  
Jerry Wyatt

Asst. City Manager  
Kim Marr

City Attorney  
Lane Shetterly

Community Development  
Director  
Jason Locke

Finance Director  
Cecilia Ward

Fire Chief  
Bill Hahn

Interim Police Chief  
Tom Simpson

Public Works Director  
Fred Braun

*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 Feb 2, 2009, Council meeting (p 3)	Action Requested
4. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
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. PUBLIC HEARINGS <i>(Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)</i>	
7. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS City Manager's Reports	
a. Senior Center update (p 7)	Discussion
b. Oregon 150 update (p 11)	Discussion
c. Allied Waste rate increase request (p 12)	Motion
d. Greenworks presentation of Downtown Streetscape	Presentation
e. County-wide seat belt enforcement efforts	Presentation
f. Federal Aid appropriations request	Discussion

# 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.*

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

- g. City Council meeting at Dallas High School (p 19) Motion
- h. Department Reports for the month of January (p 20) Information
- i. Other

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## 8. COMMUNICATIONS AND PETITIONS

- a. OLCC Application – Taters Café (p 39) Motion
- b. Dallas Arts Association Request for Art in the Park (p 43) Motion

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## 9. RESOLUTIONS

- a. Resolution No. 3176 - A Resolution consenting to the assignment of administrative and program management activities for the City of Dallas 2009 Community Development Block Grant Housing Rehabilitation Project to the Polk Community Development Corporation according to the current memorandum of understanding (MOU) among all members of the Polk Regional Collaborative (PRC). (p 44) Roll Call

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## 10. FIRST READING OF ORDINANCE

- a. Ordinance No. 1701 – An Ordinance amending provisions of the Dallas City Code Section 5.210, relating to smoking. (p 46) First Reading

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## 11. SECOND READING OF ORDINANCE

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## 12. OTHER BUSINESS

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## 13. ADJOURNMENT

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**PLEASE NOTE: Due to the Presidents' Day holiday, the Council meeting will be held on TUESDAY, February 17, 2009.**

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2  
3 **DALLAS CITY COUNCIL**  
4 **Monday, February 2, 2009**  
**Council Chambers**

5 The Dallas City Council met in regular session on Monday, February 2, 2009, at 7:00 p.m. in the  
6 Council Chambers of City Hall with Mayor Fairchild presiding.

7 **ROLL CALL**

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

11 Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City  
12 Manager Kim Marr, Fire Chief Bill Hahn, Interim Police Chief Tom Simpson, Community  
13 Development Director Jason Locke, Finance Director Cecilia Ward, and Recording Secretary  
14 Emily Gagner.

15 **PLEDGE OF ALLEGIANCE TO THE FLAG**

16 Mayor Fairchild led the Pledge of Allegiance to the Flag.

17 **APPROVAL OF MINUTES**

18 Mayor Fairchild declared the minutes of the January 20, 2009, Council meeting approved as  
19 presented.

20 **PUBLIC HEARINGS**

21 **CDBG HOUSING REHABILITATION GRANT APPLICATION 2009**

22 Mr. Locke stated one requirement of the CDBG Housing Rehabilitation Grant Application is to  
23 hold a public hearing. He indicated this program has benefited a lot of people countywide by  
24 helping people in substandard housing upgrade the housing stock. He reported that Polk CDC  
25 administers the entire program in-house, noting they have their own specialist, and process the  
26 required documents.

27 Diana Cvitanovich, Program Developer for the Polk CDC stated this is an important program for  
28 Polk County citizens. She reviewed the program's history.

29 Councilor Shein asked how people find out these funds are available. Ms. Cvitanovich stated  
30 they do a fairly extensive outreach program on a regular basis. They publish in the Itemizer,  
31 have brochures available in many places, and also advertise on the Spanish radio station. She  
32 noted they also have a list of 12 groups they work directly with to which they can refer any  
33 people who come to the Polk CDC.

34 Ms. Cvitanovich reported that at the close out hearing in Monmouth, a contractor testified that it  
35 was great to have these funds because they provided jobs for local contractors and kept the  
36 money in the community.

37 Mayor Fairchild closed the public hearing at 7:20 p.m.

38 Councilor Wilson made a motion to direct staff to prepare a resolution granting authority for the  
39 City of Dallas to be the applicant for the 2009 CDBG Housing Rehabilitation Program Grant, to  
40 be administered by the Polk Community Development Corporation. The motion was duly  
41 seconded and CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor  
42 Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin,  
43 Councilor David Shein, Councilor Dave Voves, Councilor LaVonne Wilson, and Councilor Ken  
44 Woods, Jr. voting YES.

45 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

46 Councilor Woods thanked the staff and Council for the flowers and cards after his surgery.

47 **COMMITTEE REPORTS OF JANUARY 27, 2009**

1 Public Safety Committee – Councilor LaVonne Wilson, Chair

2 Councilor Wilson reported on the topics presented to the Public Safety Committee as included in  
3 the agenda packet.

4 She explained the downtown parking permit topic had been forwarded from a previous Council  
5 meeting. She noted the Committee decided to leave the variance process as it is, adding Mr.  
6 Shetterly said conditions could be attached to a variance.

7 Administrative Committee Meeting – Councilor Warren Lamb, Acting Chair

8 Councilor Lamb reviewed the topics presented to the Administrative Committee meeting as  
9 presented in the agenda packet.

10 Councilor Lamb made a motion to accept the City Manager’s Performance Evaluation Procedure  
11 and Evaluation Form as presented. The motion was duly seconded and CARRIED  
12 UNANIMOUSLY with Council President Brian Dalton, Councilor Warren Lamb, Councilor  
13 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,  
14 Councilor Dave Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

15 Councilor Shein made a motion to formally adopt and implement the Public Involvement Policy.  
16 The motion was duly seconded. There was some discussion about putting all the Council  
17 policies together in one place. Councilor Lamb stated that should be added to the next  
18 Administrative Committee agenda. The motion CARRIED UNANIMOUSLY with Council  
19 President Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin  
20 Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, Councilor  
21 LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

22 APPROVAL OF CITY MANAGER’S 2009 PERFORMANCE EVALUATION FORM

23 Mayor Fairchild indicated this agenda item was taken care of under the Administrative  
24 Committee portion of the agenda.

25 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

26 There were no questions or comments from the audience.

27 **REPORTS OF SPECIAL COMMITTEES AND CITY OFFICER**

28 **MID-YEAR BUDGET REVIEW**

29 Cecilia Ward reviewed the revenues and expenditures for the budget funds for the first half of  
30 fiscal year 2008-09.

31 Councilor Lawson asked why the Community Development Recreation budget was at 73%. Ms.  
32 Ward explained that budget is for Sounds of Summer. Councilor Lamb reported he heard some  
33 cities expect 18% of their taxes to not be collected and asked if that was accurate for Dallas. Mr.  
34 Wyatt stated we do very well compared to other cities, and he thinks we will be at about 94%  
35 collected. He indicated we have been fortunate that we have not had too many foreclosures here.

36 Councilor Shein asked overall where the expenditures are tracking. Ms. Ward stated it is very  
37 close to where it should be. Mr. Wyatt commented that it is at 50.9%. Councilor Shein asked if  
38 they are projecting a 3.5% shortfall. Ms. Ward confirmed that was correct. Councilor Shein  
39 asked how confident she was of that number holding up to the end of the year. Ms. Ward stated  
40 she researched it and she is pretty comfortable.

41 **SET THE 2009/10 GOAL SETTING SESSION**

42 Mr. Wyatt stated he would like to hold the Goal Setting Session on March 4 at noon. He passed  
43 out the previous year’s goals to use as starting point. He noted the goals would also be discussed  
44 at the March 11 regular Council workshop.

45 **OLCC ANNUAL RENEWALS**

46 Councilor Dalton made a motion to endorse all OLCC renewal applications for existing

1 establishments. The motion was duly seconded and CARRIED UNANIMOUSLY with Council  
2 President Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin  
3 Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, Councilor  
4 LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

5 **DOG PARK NAMING CONTEST**

6 Mr. Wyatt stated the Park and Recreation Board discussed the need to name the dog park and  
7 hold a grand opening. Through their discussions, they decided they would like to hold a contest  
8 with the elementary school children, and Judy Boustead volunteered to coordinate the contest.  
9 Mr. Wyatt reported the fence has been constructed and the dog park is being used. Plans are to  
10 construct a gravel parking lot in March or April and that is when the City will hold the official  
11 grand opening. Councilor Scroggin asked if all the signage that is required is in place. Mr.  
12 Wyatt confirmed that it was. Councilor Lawson pointed out the Park Board talked about the  
13 grand opening on Arbor Day on April 10.

14 Councilor Lawson moved to direct staff to work with the School District to hold a contest for the  
15 students to name the dog park. The motion was duly seconded and CARRIED  
16 UNANIMOUSLY with Council President Brian Dalton, Councilor Warren Lamb, Councilor  
17 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,  
18 Councilor Dave Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

19 **OTHER**

20 Mr. Wyatt indicated the next Council workshop planned for Feb 11 would go over a Street SDC  
21 analysis and the outside water policy. He noted they would also revisit the street utility fee and  
22 talk about the fees for retail space.

23 Mr. Wyatt asked if the Council would like to start bringing their own lunch to the Council  
24 workshops. It was decided that the City would continue to provide lunch.

25 **COMMUNICATIONS AND PETITIONS**

26 **COMMUNITY ACTION LETTER**

27 Mr. Wyatt reviewed the letter of appreciation from P.J. Johnson about the Community Holiday  
28 Dinner.

29 **MASONIC LODGE OPEN HOUSE INVITATION**

30 Mr. Wyatt reviewed the invitation to the Masonic Lodge open house. Mayor Fairchild stated he  
31 did attend.

32 **RESOLUTIONS**

33 **FIRST READING OF ORDINANCE**

34 **Ordinance No. 1700:** An Ordinance amending provisions of the Dallas City Code Section  
35 5.102, relating to the discharge of weapons; and declaring an emergency.

36 Mr. Wyatt stated this Ordinance is to allow the National Guard to be able to hold their training at  
37 the old pool and use paintball guns. Councilor Scroggin indicated he would like to pass this  
38 Ordinance after one reading as allowed in the Charter with a unanimous vote.

39 Mayor Fairchild declared Ordinance No. 1700 to have passed its first reading. A roll call vote  
40 was taken and Mayor Fairchild declared Ordinance No. 1700 to have PASSED BY A  
41 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb, Councilor  
42 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,  
43 Councilor Dave Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

44 **SECOND READING OF ORDINANCE**

45 **Ordinance No. 1697:** An Ordinance amending provisions of the Dallas City Code Section

1 2.005, relating to council meetings.

2 Mayor Fairchild declared Ordinance No. 1697 to have passed its second reading. A roll call vote  
3 was taken and Mayor Fairchild declared Ordinance No. 1697 to have PASSED BY A  
4 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb, Councilor  
5 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,  
6 Councilor Dave Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

7 **Ordinance No. 1698:** An Ordinance amending provisions of the Dallas City Code Section  
8 5.386, relating to wild animals; and repealing conflicting provisions.

9 Mayor Fairchild declared Ordinance No. 1698 to have passed its second reading. A roll call vote  
10 was taken and Mayor Fairchild declared Ordinance No. 1698 to have PASSED BY A  
11 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb, Councilor  
12 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,  
13 Councilor Dave Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

14 **OTHER BUSINESS**

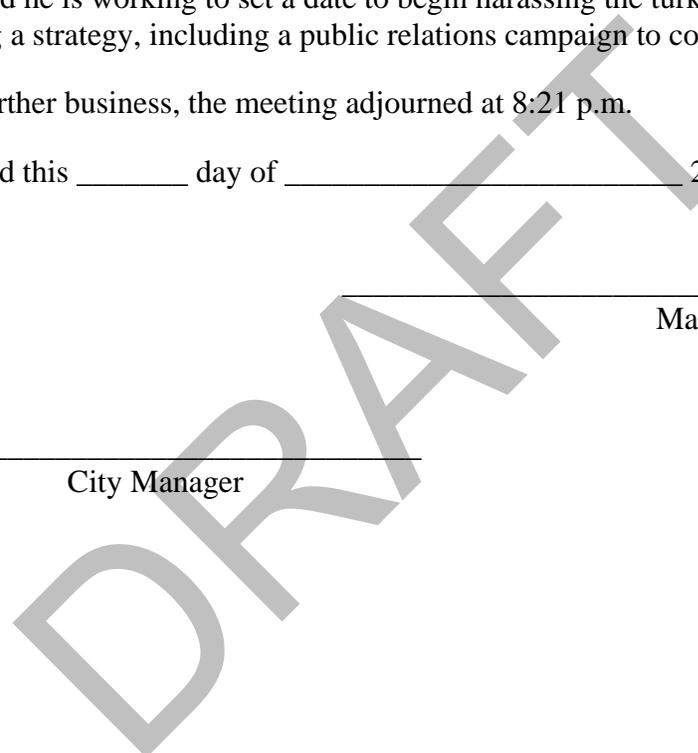
15 Mr. Wyatt reported he is working to set a date to begin harassing the turkeys. He stated he and  
16 staff are preparing a strategy, including a public relations campaign to contact the neighbors.

17 There being no further business, the meeting adjourned at 8:21 p.m.

18 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

19  
20  
21  
22 \_\_\_\_\_  
23 Mayor

24 ATTEST:  
25 \_\_\_\_\_  
26 City Manager



# DALLAS CITY COUNCIL

## REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>7 a</b>	<b>Topic:</b> Senior Center Update
<b>Prepared By:</b> Jerry Wyatt	<b>Meeting Date:</b> February 17, 2009	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

RECOMMENDED MOTION:

None

BACKGROUND:

Staff met with the Senior Center Advisory Board to discuss the current funding situation and the following options.

**Review of Funding Strategy:** The capitalization strategy that was discussed for the Dallas Senior Center project has four primary funding components, they are:

1. CDBG Approval

*Strategy:* Utilize the \$800,000 CDBG grant as the foundation on which other funders will build.

*Status:* Oregon Economic and Community Development Department has provided preliminary approval on the grant but will not entertain a full-application until the balance of funds have been raised.

2. Initiate Early-In Grant Writing

*Strategy:* Approach foundations who require a Letter of Inquiry (LOI) process or are located locally as a way to develop baseline grant funding and/or challenge grants.

*Status:* The following grants and/or LOI's have been submitted

- Spirit Mountain Community Fund (\$50,000) – full application submitted, site visit conducted, decision pending should be announced in February 2009.
- Meyer Memorial Trust (\$175,000) – LOI submitted, invitation to submit full application should be made by February (assuming full application invited, the decision on awarding a grant will be made in May)
- Collins Foundation (\$50,000) – full application submitted, decision should be made by March.
- Oregon Community Foundation (\$35,000) – full application submitted, decision should be made by June.
- Ford Family Foundation (\$175,000) – LOI has been submitted, the foundation responded that they would not be able to make any cash dispersals in 2009, therefore if we could wait until 2010 for the money they will continue to consider this grant request.
- Paul Allen Foundation (\$50,000) –LOI submitted and full grant application was not invited. Subsequently Paul Allen Foundation announce that they were cutting their

funding by 24% and would focus on intervention programs instead of capital during this financial crisis.

- MJ Murdock Charitable Trust (\$100,000) – LOI was submitted and full grant application was not invited.
- Wal Mart Community Foundation (\$15,000) – Full application was submitted and grant request was denied.

Total Requests Submitted - \$650,000

Request Pending - \$485,000 / (74.6%)

Requests Denied - \$165,000 / (35.4%) Ford Foundation 2010 possibility

### 3. Local Fundraising and In-Kind Donations:

*Strategy:* The Dallas Area Seniors would attempt to raise \$50,705 in cash locally to pay for furniture, fixtures, and equipment (FF&E), the City would attempt to get the National Guard to donate the demolition of the old pool site (\$35,000 in-kind), and the DAS and/or City would try to get another \$15,000 of in-kind labor or materials donated to the project.

*Status:* To-date, this is what is being reported:

- Local cash fundraising – DAS reports it has raised \$30,000 towards the \$50,705 goal (59.16%)
- National Guard – The City has met the goal of securing the National Guard for demolition and site work
- Local In-Kind donations – The City will initiate conversations with Weyerhaeuser on donation of building materials.

### 4. Additional Grant Writing:

*Strategy:* The capitalization will be completed by submitting grants to “general purpose” funders within the state.

*Status:* A list of funders has been identified to pursue between February and May, they include

- Autzen Foundation – request for \$15,000
- Ann and Bill Swindells Charitable Trust – request for \$35,000
- Plum Creek Lumber Foundation – request for \$15,000
- Rose E. Tucker Charitable Trust – request for \$15,000
- Henry Hillman Foundation – request for \$20,000 (note award will not be made until December)
- Safeway Foundation – request for \$10,000
- Bridges Foundation – request for \$10,000 (a preliminary call has been made to the foundation to gauge interest).
- Jeld Wen Foundation – request of \$30,000 (a preliminary call has been made to the foundation to gauge interest).

**Situational Assessment:** Due to the uncertainty of the economic times it is likely that raising the necessary capital to complete this project as conceptualized may take longer than anticipated. For instance, the Ford Family Foundation’s interest to entertain a full grant application for \$175,000 is promising. However, the statement that they have already ran out of cash for 2008 is unprecedented and daunting. Additionally, to raise the requisite funds it may require approaching some funders (MJ

Murdock, Paul Allen, etc.) a second time. Guidelines prevent this from occurring until a one-year period from the last grant denial has elapsed. Therefore, it is unlikely that all funds needed will be raised by the targeted goal of April 2009. Thus it is equally as unlikely that construction can begin on this project in the Summer of 2009 as the project is basically conceptualized.

Therefore, to proceed with this project it is likely that either the project timeline must be altered, the scale of the project must be altered, or both timeline and scale must be altered. Below is a summary of the six most likely scenarios on how this project may proceed to a successful conclusion:

### **Scenario 1: New Construction / 4,000 Square Feet / Flexible Timeline**

Key elements of this scenario include:

- The building as conceptualized remains the same
- Basic fundraising strategy enunciated above continues and expands or extends as needed
- Timeline changes to where construction begins only after all funds needed are raised (regardless of how long it takes).

### **Scenario 2: New Construction / Building Scaled to Match Funds Raised / Fixed Timeline**

Key elements of this scenario include:

- Basic Fundraising strategy enunciated above continues.
- Fundraising continues until some fixed date (recommend no earlier than July 1)
- Based on funds raised at that date, a scaled down version of the building is designed and construction is initiated.
- Future building expansion is done under a “Phase II” strategy.

### **Scenario 3: New Construction / Non-City Partner / Timeline Fixed or Flexible**

Key elements of this scenario include:

- Partnering with another non-profit such as Dallas Retirement Village, I have contacted Dave Parrett and we will be looking into options for a shared use.
- Provide the funds that have been raised to-date towards their project.
- Negotiate the issue of a timeline with the project partner.
- Jointly building and operating a Senior Center, without the City.
- *Note: The CDBG funds would likely drop-out of the funding scenario unless Dallas Retirement Village would give the City a 5-year trust deed on the property and building (this possibility only occurs if the partner in the project is a 501(c)(3) organization and would not extend to a private/non-profit partnership).*

### **Scenario 4: Remodel-Rehabilitate a Building / Timeline Fixed**

Key elements of this scenario include:

- Focusing on remodeling an existing building owned by the City (such as the Carnegie Building)
- Basic Fundraising strategy enunciated above continues.
- Fundraising continues until some fixed date (recommend no earlier than July 1)
- Based on funds raised at that date, the scope of the remodel developed and remodeling begins.
- Additional work needed is done under a “Phase II” strategy.

### **Scenario 5: Remodel-Rehabilitate a Building / Flexible Timeline**

Key elements of this scenario include:

- Focusing on remodeling an existing building owned by the City (such as the Carnegie Building)
- Basic Fundraising strategy enunciated above continues and expands or extends as needed
- Fundraising continues until all funds necessary to fully remodel or rehabilitate the building are raised.
- Remodeling is imitated after all funds are raised.

### **Scenario 6: Bond Measure**

Key elements of this scenario include returning to the concept of a bond-measure to fund this building. The next date a bond measure can be presented to the voters without being subject to the “double-majority” law is May of 2009 or November 2009, now that Measure 56 passed (also would be eligible in any regularly scheduled May or November election).

#### FISCAL IMPACT:

None

#### ATTACHMENTS:

None



February 10, 2009

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

Dear Mr. Wyatt,

As the contact for our community in regards to Oregon 150 celebration and planning, I have been gathering information on potential projects and resources for projects in Dallas. Knowing that everyone's budgets are tight, I am trying to focus on projects that are low cost, high impact and that are really focused to pull the people of our community together.

Those that are currently under consideration are;

- Summerfest will boast the theme "Happy Birthday Oregon"
- Sounds of Summer will also pull in the theme
- Playground equipment upgrades at Rotary Park
- Playground equipment upgrades at Birch Park
- Football Stadium/Track – painting, roof, siding, board, restrooms, concession stand plumbing
- Baseball – dugouts, team room and concessions need to be painted
- Business Block Parties – to clean the exterior; pressure wash, paint, clean windows, plant something...
- Essay/Art Contest from kids – What do you think Dallas looked like 150 years ago? What do you think Dallas will look like in 150 years?
- Celebrate the Creek – creek cleanups
- Library Contest – read 150 books
- Aquatic Center – swim 150 laps...or 150 minutes
- Fun Run
- Softball Tournament
- Basketball Tournament
- We are also considering a monthly 'old fashioned family game night' and hosting games like; potato sack races, egg toss, tug of war, cards, etc.

I am open to comments, suggestions and additional events! We will need to pull the PEOPLE in our community together to get this all done!!

Sincerely,

A handwritten signature in black ink that reads "Chelsea".

Chelsea Pope  
Executive Director

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>7 c</b>	<b>Topic:</b> Allied Waste Rate Increase Request
<b>Prepared By:</b> Jerry Wyatt	<b>Meeting Date:</b> February 17, 2009	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**RECOMMENDED MOTION:**

If the Council chooses to allow the requested rate increase, the Council would direct the City Attorney to draft a resolution which authorizes the request from Allied Waste for a rate increase for solid waste disposal.

**BACKGROUND:**

May 2008 Allied Waste requested an overall rate increase of 7.6% with the residential rate increase of 12.6% and the average commercial increase would be 4%. Prior to that request Dallas Disposal requested a rate increase in 2004. On behalf of the Company, Chuck Lerwick has requested the Council approval an increase.

I have spoken with Chuck and reviewed the Company's revenues and expenditures to ensure a solid financial need, and to determine that the rates are justified and provide the company with a reasonable rate of return and profit. I have completed that review and feel the increase is justified and necessary under the terms of the franchise. The requested overall rate increase is projected to be 11.8% with the residential rate increase at 13.9% and the average commercial increase would be 6.5%.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

Allied Waste Rate Increase Request



January 30, 2009

City of Dallas  
187 S.E. Court St.  
Dallas, OR 97338

Dear Mr. Jerry Wyatt, Mayor Jim Fairchild and Members of the Council:

Enclosed is a request for an increase in garbage and collection rates in the City of Dallas. Pending approval, we are requesting an effective date of April 1, 2009

The new rates represent an overall increase of 11.8%. Under this proposal residential rates would increase 13.9%, commercial rates an average of 6.5%, and industrial rates an average of 3.8%.

This request is the result of several factors:

- As I reported to council, recycling commodity prices have fallen precipitously leading to a 9% increase in our recycling disposal costs
- The commingle recycling and yard debris recycling programs lead to customers downsizing their garbage cart size at a greater percentage than anticipated
- The disposal rate at the landfill is increasing 4% on March 1
- CPI was 4% according to the BLS as of mid year 2008
- The yard debris and automated recycling program resulted in higher than anticipated labor and operating costs

Included in the attached information is the following:

- Financial statements showing actual 2008 results, and proforma results for 2009 and 2010, assuming the rate increase is approved and effective on April 1, 2009
- Tables showing current and proposed rates for the services offered in Dallas.
- A table comparing a sample of AW of Dallas' current and proposed rates with those in other Cities of Oregon.

I appreciate the opportunity to present this rate change proposal and look forward to your questions and comments.

Best Regards,

A handwritten signature in cursive that reads 'Chuck Lerwick'.

Chuck Lerwick  
Operations Manager  
Allied Waste of Dallas



Dallas Disposal  
City of Dallas  
Proforma Schedule of Direct Expenses  
For the twelve months ended December 31, 2008, 2009, and 2010

	2008	2009 Projected	2010 Projected	Annualized % Increase
<b>COST OF OPERATIONS</b>				
Labor	383,691	397,341	411,477	3.6%
Repairs and Maintenance	138,062	136,537	141,322	1.2%
<sup>1</sup> Vehicle Operating Costs	141,870	114,667	123,543	-6.5%
Equipment Rent	1,737	1,805	1,875	4.0%
Facility Operating	43,456	45,154	46,919	4.0%
Safety, Insurance and Claims	33,430	34,733	36,088	4.0%
<sup>2</sup> Disposal	341,355	380,623	401,157	8.8%
Recycling Purchases	-	-	-	0.0%
Franchise Fees	66,186	71,791	73,413	5.5%
Other Operating Costs	(554)	3,113	3,234	-341.7%
<sup>3</sup> Depreciation	58,563	135,631	136,753	66.8%
<b>TOTAL COST OF OPERATIONS</b>	<b>1,207,795</b>	<b>1,321,396</b>	<b>1,375,782</b>	<b>7.0%</b>
<b>SALARIES, GENERAL &amp; ADMINISTRATIVE</b>				
Salaries	56,967	58,986	61,077	3.6%
Rent and Office Expense	7,460	7,749	8,050	4.0%
Travel and Entertainment	3,617	3,758	3,904	4.0%
Professional Fees	2,254	2,342	2,434	4.0%
Bad Debt Expense	22,549	24,189	24,735	4.8%
Management Services	70,448	71,363	72,296	1.3%
Other Expenses	42,081	43,696	45,400	3.9%
Depreciation	245	245	245	0.0%
<b>TOTAL SALARIES, GENERAL &amp; ADMINISTRATIVE</b>	<b>205,620</b>	<b>212,328</b>	<b>218,141</b>	<b>3.0%</b>

Explanation of Significant Inflationary Costs:

1) **Fuel Prices** averaged \$3.84 per gallon in 2008. We are projecting fuel rates to average \$3.00 and \$3.25 in 2009 and 2010 respectively.

2) Effective January 1, 2008, **disposal rates** at Coffin Butte increased to \$31.75. The rates will change to \$33.00 on March 1, 2009. Disposal expense includes processing fees charged by Materials Recycling Facilities to bale and ship recycled material. These fees increased as a result of the drop in commodities markets.

3) **Depreciation Expense** on operating equipment is expected to grow in 2009 due a full year's worth of expense related to the capital investment in the co-mingle and yard debris programs. We purchased an additional automated side load vehicle and 8,000 carts.

Dallas Disposal  
City of Dallas  
Proforma Statement of Income  
For the twelve months ended December 31, 2008, 2009, and 2010

	2008	2009 Projected	2010 Projected	Annualized % Increase
Revenue	1,673,103	1,794,778	1,835,337	4.8%
Cost of Operations	1,207,795	1,321,396	1,375,782	7.0%
Gross Profit	465,308	473,383	459,555	-0.6%
Salaries, General and Administrative	205,620	212,328	218,141	3.0%
Operating Income	259,688	261,054	241,413	-3.5%
Provision for Income Taxes	89,592	90,064	83,288	-3.5%
<b>Net Income</b>	<b>170,096</b>	<b>170,991</b>	<b>158,126</b>	<b>-3.5%</b>
Net Income as a Percent of Sales	10.2%	9.5%	8.6%	

Rate Increase Summary:

Commercial = 6.5%  
Industrial = 3.8%  
Residential = 13.9%  
Overall = 9.7%

# Allied Waste of Dallas Proposed Rates February 1, 2009

## Commercial Container Rates for City of Dallas

Size	Current 1/week	Proposed 1/Week	Current 2/week	Proposed 2/Week	Proposed 3/Week	Proposed 3/Week	Current 4/week	Proposed 4/Week	Current 5/week	Proposed 5/Week
1 yd	\$ 76.50	\$ 81.50	\$ 139.50	\$ 148.60	\$ 204.00	\$ 217.30	\$ 268.00	\$ 285.40	\$ 332.00	\$ 353.60
1.5 yd	\$ 95.00	\$ 101.20	\$ 178.90	\$ 190.50	\$ 262.50	\$ 279.60	\$ 346.50	\$ 369.00	\$ 430.40	\$ 458.40
2 yd	\$ 115.50	\$ 123.00	\$ 219.50	\$ 233.80	\$ 323.25	\$ 344.30	\$ 427.00	\$ 454.80	\$ 531.00	\$ 565.50

Additional dumps	Current	Proposed
1 yd	\$ 19.13	\$ 30.38
1.5 yd	\$ 28.69	\$ 35.30
2 yd	\$ 38.25	\$ 40.75

### Locking Containers

One time setup fee of \$40 applies to all locking containers--no proposed change

## Monthly Residential Service Rates for City of Dallas

	Current	Proposed
1 Can	\$ 14.25	\$ 16.20
Each add can	\$ 14.00	\$ 15.30
32 gal cart	\$ 12.75	\$ 14.80
90 gal cart	\$ 21.25	\$ 24.00
2 can special	\$ 6.50	\$ 7.00
Up-drive fee	\$ 15.00	\$ 17.00
On call	\$ 6.50	\$ 8.00
Add'l Can, Bag, Box or overfilled cart	\$ 5.00	\$ 5.50
Yard Cart Only	\$ 7.00	\$ 8.00
Extra Yard Cart	\$ 7.00	\$ 8.00

Additional 32 gallon carts are \$14.80 per month

Additional 90 gallon carts are \$24.00 per month

### Off route service fee

Current - \$17.50 Off route service fee	Proposed \$20.00
---	------------------

### Temporary Containers - 2 cubic yards

Current - \$46.00 (includes delivery, pickup, and seven days use)"	Proposed \$50.00
Current - \$38.25 per additional dump	Proposed \$40.00

## Industrial Drop Box Rates for City of Dallas

Size	Current Haul Fee	Proposed Haul Fee	Current Delivery Fee	Proposed Delivery Fee	Current Daily Rent	Proposed Daily Rent	Current Monthly Rent	Proposed Monthly Rent
10	\$ 160.00	\$ 166.00	\$ 35.00	\$ 39.00	\$ 12.00	\$ 14.00	\$ 89.00	\$ 92.00
20	\$ 160.00	\$ 166.00	\$ 35.00	\$ 39.00	\$ 12.00	\$ 14.00	\$ 89.00	\$ 92.00
30	\$ 160.00	\$ 166.00	\$ 35.00	\$ 39.00	\$ 12.00	\$ 14.00	\$ 89.00	\$ 92.00
40	\$ 171.50	\$ 178.00	\$ 35.00	\$ 39.00	\$ 12.00	\$ 14.00	\$ 89.00	\$ 92.00

Current \$47.00 to relocate drop box onsite	Proposed \$50
---	---------------

### Drop Box Compactors

Size	Current Haul Fee	Proposed Haul Fee
30 Cu yd or less	\$ 211.50	\$ 220.00
Greater than 30 Cu yd	\$ 211.50	\$ 220.00

	Current Hourly	Proposed Hourly
Labor Charges	\$ 85.00	\$87.50

### Notes

All drop box rates pay current disposal fees at Coffin Butte Landfill.

All industrial rates are maximum allowable rates charged

All drop box rates pay current Environmental Fee per load at Coffin Butte

Allied Waste  
City of Dallas  
Special Charges

Average Load		Medium Load		Large Load		Extra Large Load	
Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
<b>\$19.50</b>	<b>\$22.00</b>	<b>\$22.50</b>	<b>\$24.50</b>	<b>\$25.00</b>	<b>\$27.50</b>	<b>\$30.00</b>	<b>\$33.00</b>
Large Chair or <i>Dishwasher</i> <i>Dryer</i> Kitchen table Push lawn mower Mattress – twin/double Rototiller <i>Hot water heater</i>	Console TV Love seat Mattress – Queen/king <i>55 gallon drum</i>	Couch <i>Stove/Range</i> <i>Washing machine</i>	Bathtub <i>Freezer</i> Hide-a-bed <i>Refrigerator</i> Lawn mover –riding				
\$13	\$15	\$16	\$18	\$19	\$21	\$23.80	\$26

*Items in italics delivered to Dallas Office for prices in italics above*

**Tires**

Car –(Current \$4.50) \$10 each off rim, (Current \$9) \$15 each with rim  
Truck –(Current \$17) \$25 each off rim, (Current \$22) \$30 each with rim

**Other items or piles:**

(Current \$18.00/cubic yard) \$21.00 per cubic yard of material  
plus (current \$1.50) \$1.55 per minute for one person to load (5 minute minimum)  
and (current \$0.65) \$0.80 per minute for 2nd person if required

Service Interrupt Fee -- \$30 (due to non-payment) no proposed change

Late Payment Fee – 0.75% of overdue balance/maximum of 9% per year no proposed change

Payments returned for nonsufficient funds-\$20 no proposed change

## Rate Comparison

Hauler Name	Current AW Dallas	Proposed AW Dallas	*OR City	**Gresham	Jackson Co.	Ashland	***Rogue Disp (Central Point)	****High Country (Redmond)	Bend Garbage & Rec.
<b>Service Type</b>									
32 gallon cart	\$12.75	\$14.80		\$26.60	NA	NA	\$14.96	\$13.10	\$15.60
90 gallon cart	\$21.25	\$24.00		\$39.05	NA	NA	\$35.18	\$23.67	\$28.80
2 yd 1 X wk	\$115.50	\$123.00		\$139.00	\$109.16	\$111.82	\$130.52	\$115.61	\$138.52
30 yd drop box	160.00 + disp/del	\$166.00 + disp/del	\$338.80	\$185.75 + disp	\$258.99 (25 yd)	\$264.37 (25 yd)	\$409.29 + rent	\$195.00 + disp/rent	\$139.00 + disp/rent

Hauler Name	Salem UGB	Salem Rural	Salem Sparse	City of Salem	Sanipac (Eugene)	Sunset (Aloha)	Sweet Home
<b>Service Type</b>							
32 gallon cart	\$19.10	NA	NA	\$20.10	\$19.70	\$26.50	\$20.00
90 gallon cart	NA	\$32.65	\$34.40	NA	\$44.20	\$36.50	\$24.70
2 yd 1 X wk	\$120.95	\$132.75	\$150.00	\$110.85	\$127.20	\$134.65	\$156.05
30 yd drop box	\$125.00 + disp	\$125.00 + disp	\$125.00 + disp	\$449.50 + mileage	\$181.40 + disp	NA	\$190.00 + disp

\*Oregon City collects YD weekly and has a rate of \$88.20 per year for yard debris only or additional yard debris

\*\* Gresham has an additional weekly yard debris cart collection rate of \$8.35 per month for a 60 gallon cart, otherwise, cart is 32 gallon.

\*\*\*Rogue disposal service includes bi-weekly yard debris at an additional rate of 3.94 per month and weekly recycling

\*\*\*\*High Country in Redmond has a bi-weekly yard debris fee of \$5.14 per month with weekly recycling at no additional charge.

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>7 g</b>	<b>Topic:</b> Council Meeting At DHS
<b>Prepared By:</b> Jerry Wyatt	<b>Meeting Date:</b> February 17, 2009	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

RECOMMENDED MOTION:

Motion to hold the April 6<sup>th</sup> City Council meeting at the Dallas High School Little Theatre at 7:00 p.m.

BACKGROUND:

None

FISCAL IMPACT:

None

ATTACHMENTS:

None

## 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		

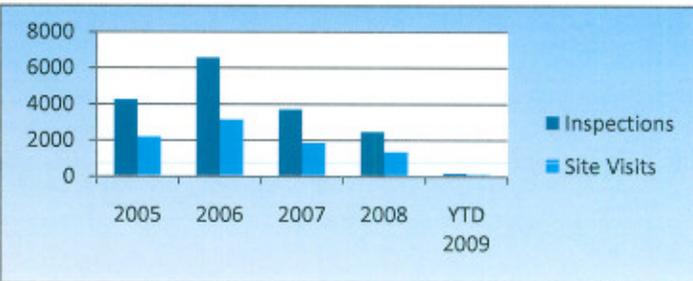
### January 2009 Monthly Report - Planning & Building

REVENUES		Month	Fiscal YTD
Planning	Jan-09	\$ 200	\$ 14,775
Building	Jan-09	\$ 38,891	\$ 145,194

#### LAND USE APPLICATIONS

	Sign	Home Occupation	Conditional Use	Variance	Partition / Replat	Subdivision	Street Plan	Annexation	Zone Change
Jan-09	0	0	0	0	0	0	0	0	0
YTD 2009	0	0	0	0	0	0	0	0	0
Jan-08	0	1	0	1	0	0	0	0	0
Total 2008	13	8	4	4	5	1	0	0	1

#### INSPECTIONS AND SITE VISITS

Monthly: Inspections - 158	Site Visits - 80	Year to Date: Inspections - 158	Site Visits - 80
			

#### BUILDING PERMIT SUMMARY

Permit Use	Jan-09	Jan-08	YTD Total 2009	Annual Total 2008	YTD Valuation 2009	Annual Valuation 2008
New Single Family	1	2	1	30	\$ 83,661	\$5,896,612
New Duplexes	0	0	0	0	0	0
New Multifamily	1	0	1	1	3,759,944	390,000
Residential Remodel	2	8	2	61	9,000	1,652,102
Residential Accessory Building	0	0	0	4	0	59,891
New Commercial	0	1	0	16	0	4,283,623
Commercial Remodel	0	4	0	49	0	982,441
New Industrial	0	0	0	1	0	1,302,945
Industrial Remodel	0	0	0	0	0	0
Public Building	1	0	1	6	1,200	1,627,415
Mobile Home Accessory	0	0	0	0	0	0
Misc./No Fee Permits	0	0	0	0	0	0
<b>Total All Categories</b>	<b>5</b>	<b>15</b>	<b>5</b>	<b>168</b>	<b>\$ 3,853,805</b>	<b>\$16,195,028</b>

# DALLAS AQUATIC CENTER

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

## JANUARY 2009 MONTHLY REPORT

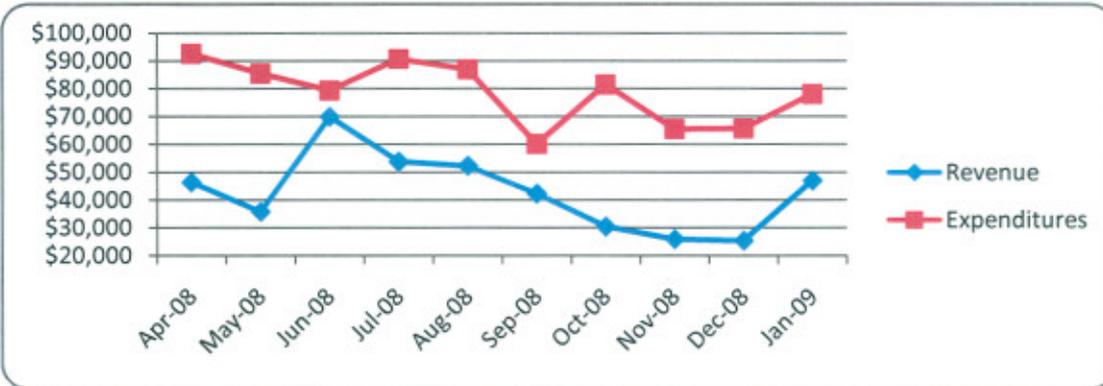
REVENUE	Jan-09	Fiscal YTD
General Admission	\$14,719	\$108,696
Annual Membership	15,289	61,347
Concessions	4,640	38,262
Pool Rental/Parties	1,875	13,830
Other	10,237	45,519
Jan-09	\$46,760	\$267,655
Jan-08	\$46,546	\$237,633

Current Members:	
Annual	766
3-month Water Aerobics	24

Monthly Attendance:	
January	13,523

EXPENDITURES	Month	Fiscal YTD
Jan-09	\$77,944	\$539,464
Jan-08	\$102,791	\$551,165

**R/E Ratio = 49.6 %**  
 (Revenue/Expenditure)



Utility Costs:	Jan-09	Fiscal YTD
Natural Gas	\$23,760	\$90,930
Electricity	\$8,216	\$55,177

**Dallas Public Library  
Monthly Report for January 2009**

**Circulation Statistics**

<b>Adult</b>	<b>Jan 2009</b>	<b>Jan 2008</b>		<b>Children</b>	<b>Jan 2009</b>	<b>Jan 2008</b>
<b>Print Materials</b>	7513	8462		<b>Print Materials</b>	2638	2978
<b>Books on Tape/CD</b>	564	501		<b>Books on Tape/CD</b>	170	215
<b>AV Materials</b>	1580	1403		<b>AV Materials</b>	857	814
<b>Misc. items</b>	1051	1597				
<b>2009 Year to Date 10,708</b>				<b>2009 Year to Date 3665</b>		
<b>Remote Renewals 757</b>				<b>2009 Year to Date 757</b>		
<b>Combined Total 15,130</b>						

**Additional Activity**

	<b>January 2009</b>	<b>January 2008</b>	<b>Year to Date 2009</b>
<b>Non-Resident User Fees</b>	\$ 1020.00	\$ 1175.00	\$ 1020.00
<b>Fines Collected</b>	\$ 734.45	\$ 1096.62	\$ 734.45
<b>Photocopies</b>	\$ 57.40	\$ 195.15	\$ 57.40
<b>Reference Questions</b>	1104	1357	1104
<b>Volunteer Hours</b>	249	243.5	249

**Registered Patrons – January 2009**

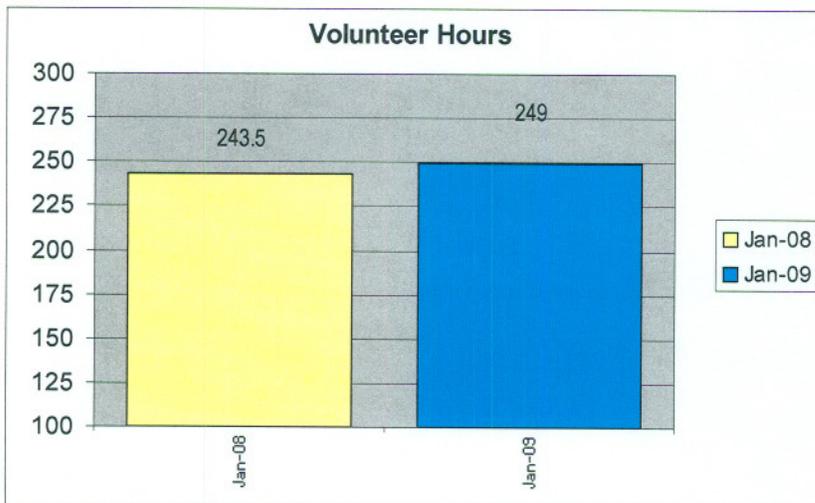
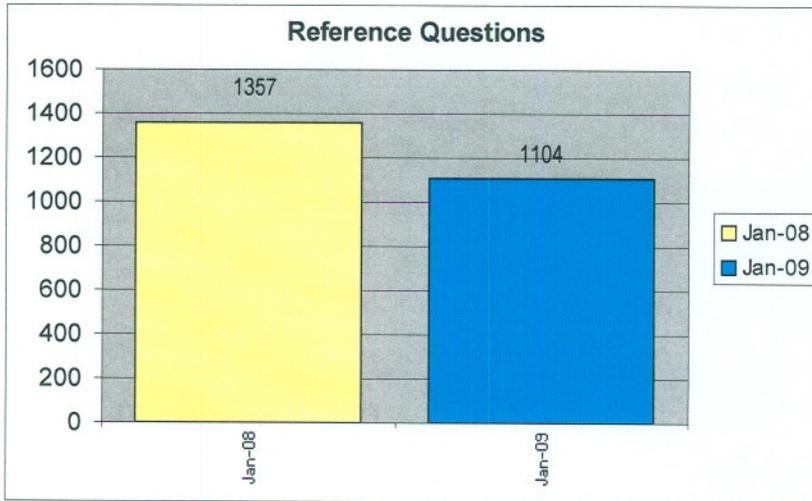
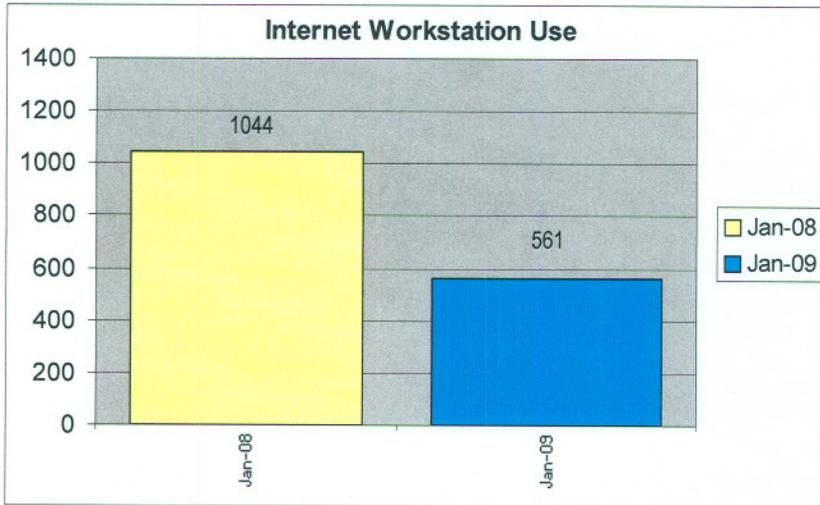
<b>City Residents</b>		<b>Non-Resident – Fee Paid</b>		<b>Non-Resident - Restricted</b>	
<b>Adult</b>	5678	<b>Adult</b>	363	<b>Adult</b>	1267
<b>Child</b>	1644	<b>Child</b>	79	<b>Child</b>	432
<b>YA (12-17)</b>	523	<b>YA (12-17)</b>	36	<b>YA (12-17)</b>	162
<b>Total</b>	<b>7845</b>	<b>Total Fee</b>	<b>478</b>	<b>Kids C.A.R.E.</b>	442
				<b>Total Restricted</b>	<b>2343</b>
<b>Non-Resident Total 2821</b>					
<b>Total Registered Patrons 10,666</b>					

In the Children's Room, Winter Sessions of Infant/Toddler and Preschool Storytimes have begun, and, are off to a great start. A total of 247 attendees participated in these fun, interactive programs for children and their parents/caregivers.

The Self Check system continues to be popular with patrons of all ages. Volunteers have been working with patrons, assisting them with learning about this wonderful new resource.

EBSCO, our magazine database, logged 169 searches in January. This easy to user friendly resource is well used by patrons of all ages.

# Dallas Public Library Monthly Report for January 2009



**DALLAS LIBRARY BOARD  
CITY HALL  
January 20, 2009**

The Library Board met on Tuesday, January 20, 2009 at 4:10 pm in the City Hall Conference Room. Board members present were Grace Scatterday, Darla Newton, Marianne Moore, Gwen VanDenBosch, and Morty Feder. In addition to the Board, Library Supervisor Donna Zehner was present.

The minutes from the October meeting were reviewed and approved by the Board.

The Library Supervisor provided the Board with a report on the current status of the Library. The discussion focused primarily on physical changes that have occurred in the Library. The re-arrangement of various collections, such as the Local History collection, and materials located on the Index Table. The Library received another oak bookcase, as part of the continuing donation from the estate of one of our former patrons, which also included hundreds of music cds. A former Reference Librarian, Elinor Thiel passed away recently, and memorial funds are coming in to honor her.

Everyone on staff is looking forward to some additional shelving. The shelving is on order, and should arrive mid to late January. This shelving will help to alleviate overcrowding in a number of areas. As mentioned at the last meeting, the Self-Check system was almost completed and hopefully, error free. Self Check is here and is very popular with patrons and staff. We've been fortunate in having a dedicated volunteer coming in 2-3 times per week to show patrons the ins & outs of this great new feature. Circulation statistics show a marked increase in use of this new feature when our volunteer has been available to provide guidance. Both staff and volunteers will continue to be available to show patrons how to use this new program.

A short discussion was held to review the enclosed handouts. These handouts were updates from the previous meeting, during which Board Member's notebooks were reviewed. The annual circulation statistics were discussed, and the increase in circulation noted.

Friends update on activities at the Library included a wrap up of the November 2008 Volunteer Recognition, which showed that the Friends purchased 41 books and spent \$1180. It should be noted that this amount reflects the Library's discount on materials. In addition, a final update on the Chautauqua program held in November 2008 was provided. A total of 37 people attended this event. The Friends will be applying for a second program, to be held in May. However, due to Oregon Council for the Humanities guidelines, they cannot even apply for this program until February 1, 2009.

In the meantime, the Friends have invited Curt Yehnert, a professor from WOU to present his program "Trickster at the Crossroads of the World" on Saturday, February 7, 2009 at 11:15am.

Hobby Day 2009 will be coming up in March. On Saturday, March 7, 2009 from 11-1pm, patrons and other members of the community will once again share their hobbies and collectibles with others.

Membership dues for the Friends of the Library are on an annual calendar basis, and are now due. The Friends will be sending out a newsletter that will include the Membership Form for renewal.

The Friends will be applying for a grant from Trust Management. This opportunity comes around during “odd” numbered years for Polk County. At this time, the Friends are planning on applying for funds to expand the DVD and Books on CD collections in both the adult and children’s areas.

There being no further business, the next meeting date was set for April 21, 2009

The meeting was adjourned at 4:50 pm.

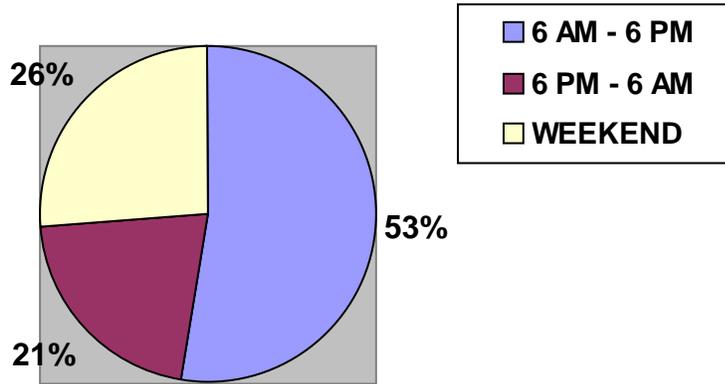
COUNCIL REPORT – JANUARY 2009

To: Mayor & City Council Members

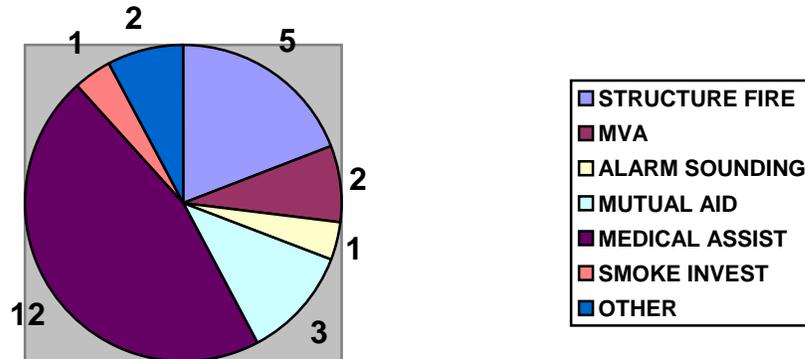
From: Fire Chief

Dallas Fire Department:

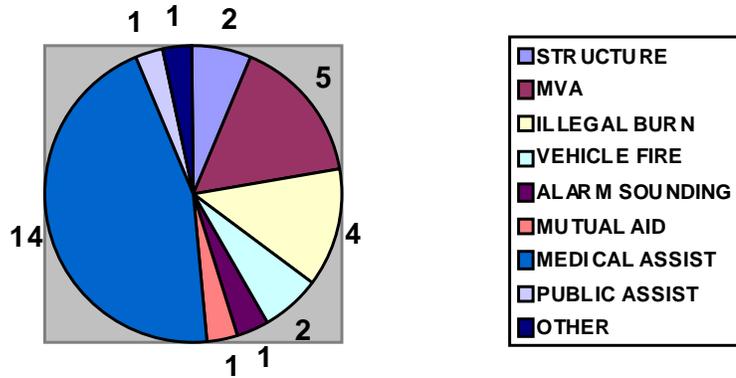
Station 100 responded to 57 calls of which 30 were between 6 AM – 6 PM, 12 between 6 PM – 6 AM and 15 during the weekend.



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.



Chief Hahn attended a 911 Budget meeting at Willamette Valley Communications Center. The increase cost for the upcoming year is due to the installation of a new cad system. The vender will no longer support the present cad system.

Six of the fire department members attended the three day Firefighter Safety and Survival Symposium for 2009 at the Department of Safety Standards and Training.

Chief Hahn and his wife attended the retirement of Al Blodgett, Fire Chief for Newberg Fire Department, ending a 48-year career.

Members of the department were able to conduct a "burn-to-learn" on Thursday, January 8 on North Kings Valley Highway. The home was damaged during the ice and snowstorm when a tree fell into the living room.

Association members attended their annual New Years Eve dinner followed by bowling, swimming, games and dessert while welcoming the New Year.

Association members attended the funeral of Steve Lyell, a member of the association for 15 years.

Dallas Emergency Medical Service:

Dallas Medics have been stopped and asked if the Springfield unit is lost. They have explained the need for borrowing the unit.

Todd Brumfield will be leaving for Iowa on the 2<sup>nd</sup> of February to check out the new medic unit for acceptance. This is the unit that we have been working for over two years to acquire and we have decided to lease to obtain a new unit.

# MEMORANDUM

*DALLAS POLICE DEPARTMENT  
MONTH OF JANUARY '09*

**TO: JERRY WYATT**

**February 17, 2009**

**FROM: INTERIM CHIEF TOM SIMPSON**

During the New Year's holiday, Officer's were able to remove seven intoxicated drivers off the streets.

Officer Sunny McKnight was released to solo status on January 26, 2009. We have received positive feedback in her work ethic and professionalism.

CSO Todd Pendley was awarded the Joseph Maniaci scholarship to attend the National Animal Control Training to be held in Portland on February 23 –27<sup>th</sup>. This is an excellent training resource that will offer coursework in animal identification, report writing and interviewing, court testimony, animal capture techniques. This academy is the first of a two-part series offered in preparation for a national certification.

DPD Reserve Candidate Hugh Genualdi was acknowledged through the Employee Recognition Program as the Outstanding Volunteer for the fourth quarter of 2008.

Completed the mid-year budget review with the City Manager and Finance Director, with the police department currently at approximately 52% expended.

Met with representatives from FEMA and OEM regarding submission of the Initial Primary Damage Assessment, relative to the ice & snowstorm we experienced.

JANUARY 2009

The following is a summary of traffic violations committed:

- 17 Speeding Violations
- 06 License Violation
- 30 Insurance Violations
- 10 Moving Violations
- 07 All Other

Investigations / Calls for Service by this Department

- 37 Animal Ordinance Offenses Clear by Arr 14
- 10 Assaults Clear by Arr 04
- 05 Burglary Clear by Arr 00
- 27 Criminal Mischief Clear by Arr 02
- 04 Disorderly Conduct Clear by Arr 04
- 07 DUII Clear by Arr 07
- 04 Driving While Suspended Clear by Arr 04
- 02 Drug Offenses Clear by Arr 02
- 03 Fail Carry Present License Clear by Arr 03
- 02 Furnishing Alcohol to Minor Clear by Arr 02
- 04 Harassment Clear by Arr 04
- 01 Interference Police Officer Clear by Arr 01
- 08 Minor in Possession Alcohol Clear by Arr 08
- 01 Menacing Clear by Arr 01
- 02 Ordinance Offenses Clear by Arr 02
- 01 Reckless Driving Clear by Arr 01
- 07 Runaway Clear by Arr 07
- 26 Thefts Clear by Arr 05
- 09 Trespass Clear by Arr 09
- 02 Unnecessary Noise Clear by Arr 01
- 09 Warrants Clear by Arr 09

- 118 Assist Public
- 63 Assist Law
- 22 Suspicious Activity
- 12 Suspicious Vehicles
- 08 Suspicious Persons
- 13 False Alarms
- 14 Civil Issues
- 07 Hit & Run Accidents
- 14 Accidents (other)
- 34 Disturbances

- 10 Disturbances
- 23 Domestic Disturbances
- 15 911 Hangup
- 18 Welfare Checks
- 19 Assist Traffic
- 26 False Alarms
- 21 Civil Complaints
- 08 Noise Complaints
- 27 FIR (Field Investigation Report)

**Arrests by this Department**

- 14 Animal Ordinance Offenses
- 04 Assault
- 02 Criminal Mischief
- 04 Disorderly Conduct
- 07 DUI's
- 02 Drug Offenses
- 03 Driving While Suspended
- 03 Fail Carry & Present License
- 02 Furnishing Alcohol to Minor
- 04 Harassment
- 01 Interference Police Officer
- 01 Menacing
- 08 Minor in Possession Alcohol
- 03 Ordinance Offenses
- 01 Reckless Driving
- 07 Runaway
- 05 Thefts
- 02 Trespass
- 09 Warrants

**82 TOTAL ARRESTS** (Arrests for January '08: 98)

**TOTAL CALLS FOR SERVICE: 977 (Last yr: 970 )**  
   180 Incident Reports  
   797 Event Reports

**JUVENILES**

Ten juveniles were referred to juvenile authorities for their actions

# COMMUNITY PROGRAMS

*Community Service Officer ~ Jennifer Croll*

January 6th, CSO Croll attended the monthly Safety Committee meeting. There was no new business to mention.

On January 7th, CSO Croll and Carlot Hall held Volunteer In Policing interviews from 0930-1100 hours in the Conference Room. There were four possible candidates being interviewed. At this time, one candidate will be added to the VIP Roster, pending a successful background process.

CSO Croll attended a Safety Kids Committee Meeting, which was held on January 12th at Polk County Fire Station District #1. Discussed were upcoming Safety Fairs and Car Seat Clinics.

On January 14, CSO Croll attended the monthly After Darc meeting held at Starbucks. The upcoming 2009 proposed budget was discussed with events scheduled in the near future for the kids.

A Neighborhood Watch Meeting was held at Ceres Gleann. CSO Croll gave a Neighborhood Watch Power Point Presentation at the Clubhouse. Approximately 30 people attended.

On January 27<sup>th</sup>, an unscheduled After Darc meeting was held at Starbucks. The meeting was called to discuss the unexpected cancellation of January 17th After Darc Event. The agenda also covered meeting further discussed ways to prevent future cancellations due to other events taking place on the same day.

--o0o--

## CODE ENFORCEMENT REPORT

*Community Service Officer ~ Ed Totten*

<b>NUMBER OF TOWED VEHICLES</b>	<b>1</b>
<b>NUMBER OF CITATIONS ISSUED</b>	<b>14</b>
<b>NUMBER OF FOLLOW-UP ACTIVITIES COMPLETED</b>	<b>127</b>

### NEW CASES STARTED:

<b>DCC # 5.584-INOPERABLE VEHICLES (PRIVATE PROPERTY)</b>	<b>10</b>
<b>DCC # 6.320-VEHICLES STORED ON STREET/PARK STRIP</b>	<b>27</b>
<b>DCC # 6.505-ABANDONED VEHICLES</b>	<b>8</b>
<b>DCC # 5.582-JUNK</b>	<b>1</b>
<b>DCC # 5.556-SCATTERING RUBBISH (PRIVATE PROPERTY)</b>	<b>13</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>0</b>
<b>DCC # 6.125-OBSTRUCTING STREETS OR SIDEWALKS</b>	<b>2</b>
<b>DCC # 5.588-GRAFFITI</b>	<b>3</b>
<b>DCC # 5.552- ATTRACTIVE NUISANCES</b>	<b>0</b>

### HABITUAL PROBLEMS/OTHER ISSUES:

### NARRATIVE:

**Fourteen citations were issued for parking violations.**

# **Animal Control Program**

*Community Service Officer ~ Todd Pendley*

**A total of 78 dog licenses were issued for the month and 11 citations were issued for various dog ordinance violations.**

**We have received positive feedback from citizens concerning the new courtesy renewal notices being mailed beginning in January.**

# DEPARTMENT OF PUBLIC WORKS

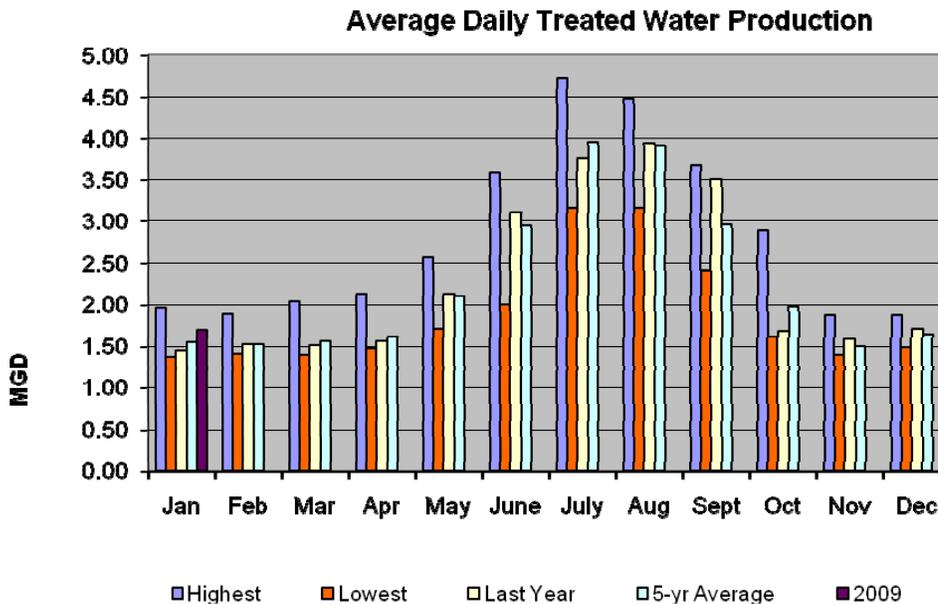
## Monthly Report for January 2009

### Water Division

	<u>2009</u>	<u>Unit</u>		<u>2008</u>	<u>Unit</u>
Total Discharge to Town	52.34	MG		51.46	MG
Total Water Raw	57.47	MG		59.95	MG
Peak Day	(Jan. 14) 3.25	MG	(Jan. 2)	2.39	MG
Daily Average-Raw	1.85	MGD		1.93	MGD
Daily Average-City	1.69	MGD		1.66	MGD
Backwash Water	3.24	MG		3.08	MG
Filter to Waste	107	MG		0.29	MG
Flushing		MG		0.10	MG
Discharge Water		MG		0.10	MG
ASR Injection		MG		7.35	MG
Average High Temp	47 ° F			42.8 ° F	
Average Low Temp	33 ° F			31.4 ° F	
Total Precipitation	3.56	Inches		8.34	Inches

### Mercer Dam and Watershed:

Reporting normal. Visual inspections were done on January 9, 16, and 27. Walking inspections were done on January 2.



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

## Water Division – Continued

**Intake Pump Station:** Reporting normal. Replaced the “Y” Strainer with temporarily with a spool from the old screen wash pump and ordered a replacement.

**Water Treatment Plant:** Reporting normal

**Reservoirs:** Reporting normal. Dewatering pumps for south square have been reset, are upright and working.

**New Services:** One new service this month:  
¾” 1550 SW Ellis Street

**Leak Repairs:** A leak at the 500 block of LaCreole had a break in the 8” main and was repaired with a full circle clamp.

**Worked on:** Valves were turned, the Main street tank is online, and the meters in book 15 have been changed for the new EVO system.

# Wastewater Division

## Effluent Flow

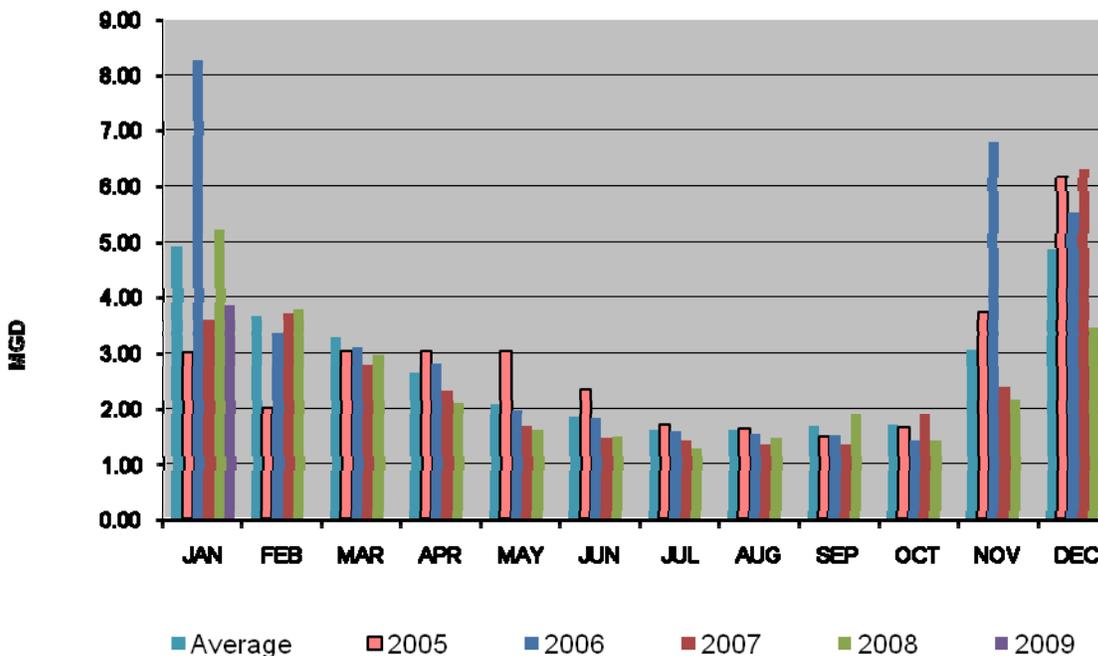
	<u>2009 Units</u>		<u>2008 Units</u>	
Monthly Total Flow	119.23	MG	162.22	MG
Peak Day Flow	(Jan. 1) 11.94	MG	(Jan. 8) 10.93	MG
Daily Average Flow	3.85	MG	5.23	MG

## Plant Maintenance

- ✓ Ultraviolet (UV) System issues that are being addressed with manufacturer.
- ✓ Headworks screen has failed and needs repair.
- ✓ Permitted overflow to Rickreall Creek, January 2.
- ✓ Remove buildup of groundwater from electrical manholes throughout plant.
- ✓ Replace UV System modem to connect remotely technical service representatives.

## Plant Performance

**Effluent - Average Daily Discharge by Month**



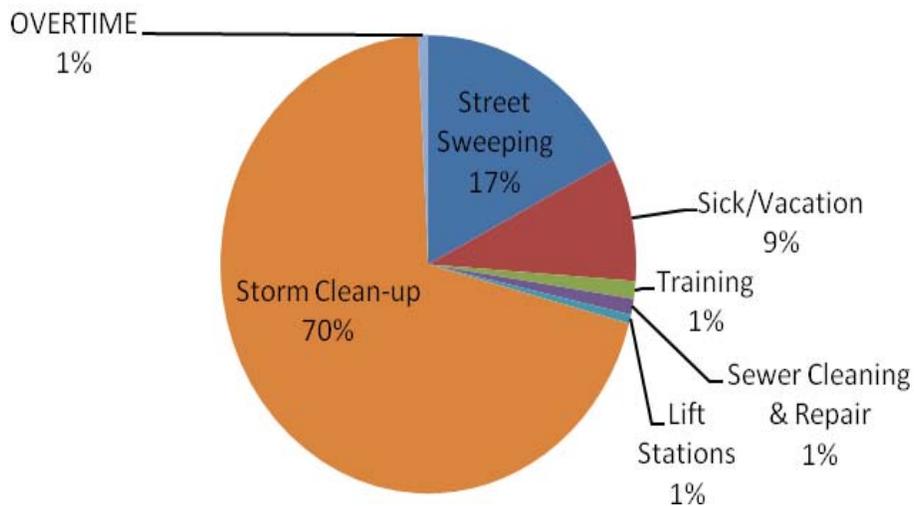
The night of New Year's Day saw high flows from rain melting snow in the surrounding hills. The Ultraviolet (UV) disinfection system experienced technical difficulties. The problems arose after the December storm provided multiple losses of power to the UV disinfection system. The problems are being troubleshot from technical service representatives from the manufacturer. A headworks screen failed during the high flow storm in early January and the screen is being repaired.

# 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.

## January Hours



## Parks

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

- ✓ Prepare restrooms for opening
- ✓ Cleaned leaves from shrub beds
- ✓ Repaired damage caused by vandalism to buildings on the old side of the Park
- ✓ Regular mowing of all parks
- ✓ Performed monthly safety check of playground equipment on January 16, 2009
- ✓ Repair irrigation lines
- ✓ Mulch or accumulate leaves from lawn areas
- ✓ Removed leaves from trails
- ✓ Prune or remove trees
- ✓ Pick up fallen limbs
- ✓ Prune shrubs
- ✓ Winter table maintenance and equipment repairs
- ✓ Equipment service checked and/or repaired
- ✓ Removed leaves from park building roofs
- ✓ Prepared the new dog park for grand opening
- ✓ Received replacement trees for Ellendale Avenue
- ✓ Chipped debris in Main Park
- ✓ J & J Tree and Stump Service in Park from January 12-30
- ✓ Removal of hazards in trees in the Park
- ✓ Working with National Guard to demo old pool building
- ✓ Worked with DC Electric to repair down power lines in main Park

# Engineering

## Subdivisions:

- Cynthian Oaks, Phase 2: Waiting for detention as-builts
- Oak View Estates: Construction Underway
- Riverview Phase 1: Plans under review

## Commercial Developments:

- Trinity Lutheran Church: Plans approved, waiting for construction
- DRV Ellendale Duplexes: Construction underway
- Jasper Crossing Phase I: Punch list generated
- Ellendale Manor: Construction underway
- MAK Metals: Construction underway
- Miller Avenue Apartments: Plans under review

## Programs / Projects:

- Phase II/ Monitoring: Fifth sampling event completed, preliminary results reviewed
- Levens Street Bridge Replacement: Fixes completed, disputing with contractor
- SE Monmouth Cut-off / Uglow Ave Intersection: Project review scheduled
- Main St Water Reservoir: Electrical and telemetry work underway, waterlines disinfected, tank disinfection and some site work including fencing remain
- Downtown Parking Lot: Preliminary design and estimate completed
- Maple Street Sewer: Project on hold
- 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 completed
- Loan funding approved for Mercer Dam outlet pipe repair

## 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: Received ASR grant from WRD
- Tracking Backflow testing
- Pavement Management: Information analysis complete
- Sidewalk Inspections: Ongoing
- Weed Abatement: Season Completed

# DALLAS CITY COUNCIL

## REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>8 a</b>	<b>Topic:</b> OLCC Liquor License Application for New Outlet
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> February 17, 2009	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Recommend to the OLCC to grant the license for limited on-premises sales and new outlet at 683 SE Jefferson St for Taters Café LLC.

BACKGROUND:

The City received an OLCC application for a new outlet at 683 SE Jefferson Street for Taters Café LLC.

The Interim Police Chief has reviewed the application and has no items of concern. I recommend endorsement of this application.

FISCAL IMPACT:

None

ATTACHMENTS:

OLCC License Application for Taters Café LLC



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

**PLEASE PRINT OR TYPE**

Application is being made for:

**LICENSE TYPES**

Full On-Premises Sales (\$402.60/yr)

Commercial Establishment

Caterer

Passenger Carrier

Other Public Location

Private Club

Limited On-Premises Sales (\$202.60/yr)

Off-Premises Sales (\$100/yr)

with Fuel Pumps

Brewery Public House (\$252.60)

Winery (\$250/yr)

Other: \_\_\_\_\_

**ACTIONS**

Change Ownership

New Outlet

Greater Privilege

Additional Privilege

Other \_\_\_\_\_

Applying as:

Limited Partnership

Corporation

Limited Liability Company

Individuals

**FOR CITY AND COUNTY USE ONLY**

The city council or county commission:

\_\_\_\_\_

(name of city or county)

recommends that this license be:

Granted  Denied

By: \_\_\_\_\_

(signature) (date)

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

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

---

**OLCC USE ONLY**

Application Rec'd by: C. Agan

Date: 1/22/09

90-day authority:  Yes  No

- Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
- Trade Name (dba): Taters Cafe
- Business Location: 683 SE Jefferson St. Dallas OR 97338  
(number, street, rural route) (city) (county) (state) (ZIP code)
- Business Mailing Address: 683 SE Jefferson St. Dallas OR 97338  
(PO box, number, street, rural route) (city) (state) (ZIP code)
- Business Numbers: 503-623-3335 N/A  
(phone) (fax)
- Is the business at this location currently licensed by OLCC?  Yes  No
- If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_
- Former Business Name: Barling Penguin
- Will you have a manager?  Yes  No Name: \_\_\_\_\_  
(manager must fill out an individual history form)
- What is the local governing body where your business is located? Dallas - Polk county  
(name of city or county)
- Contact person for this application: Angela Harritt 503-510-1060  
(address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① [Signature] Date 1-15-09 ③ \_\_\_\_\_ Date \_\_\_\_\_

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

**RECEIVED**

OREGON LIQUOR CONTROL COMMISSION

JAN 22 2009

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

SALEM REGIONAL OFFICE  
(rev. 12/07)



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): Taters Cafe LLC City: Dallas

1. Name: Harritt (last) Angela (first) marie (middle)

2. Other names used (maiden, other): \_\_\_\_\_

3. Residence Address: \_\_\_\_\_ (number and street) \_\_\_\_\_ (city) \_\_\_\_\_ (state) \_\_\_\_\_ (ZIP code)

4. Home Phone: ( \_\_\_\_\_ Business Phone: (503) 623-3335

5. \*SSN: \_\_\_\_\_ Place of Birth: \_\_\_\_\_ DOB: \_\_\_\_\_ Sex: M \_\_\_\_\_ F

6. Driver License or State ID #: \_\_\_\_\_ State: \_\_\_\_\_ Spouse's name: \_\_\_\_\_

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

Oregon

8. Do you currently hold, or have you ever held a liquor license in this or any other state? \_\_\_ Yes  No  
If yes, when, where and name of premises? \_\_\_\_\_

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? \_\_\_ Yes  No  
If yes, what, when and where? \_\_\_\_\_

10. Have you ever entered into a diversion agreement? \_\_\_ Yes  No  
If yes, when and where? \_\_\_\_\_

11. Do you have any arrests or citations that have not been resolved? \_\_\_ Yes  No  
If yes, arrested/cited for: \_\_\_\_\_ Date \_\_\_\_\_ County/City/State/ \_\_\_\_\_

12. If you are applying for a retail liquor license:

a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? \_\_\_ Yes \_\_\_ No If yes, what and where: \_\_\_\_\_

b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? \_\_\_ Yes  No If yes, who? \_\_\_\_\_

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? \_\_\_ Yes  No If yes, when: \_\_\_\_\_ where: \_\_\_\_\_

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [Signature] Date: 1-15-09

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

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

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



4 5 1 0 0 1 A 1

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

(rev. 12/07)



# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Angela Harritt Phone: 503-623-3335

Trade Name (dba): Taters Cafe LLC

Business Location Address: 6835E Jefferson St.

City: Dallas ZIP Code: 97338

### DAYS AND HOURS OF OPERATION

#### Business Hours:

Sunday	<u>6am</u> to <u>9pm</u>
Monday	<u>6am</u> to <u>2pm</u>
Tuesday	<u>6am</u> to <u>2pm</u>
Wednesday	<u>6am</u> to <u>2pm</u>
Thursday	<u>6am</u> to <u>2pm</u>
Friday	<u>6am</u> to <u>10pm</u>
Saturday	<u>6am</u> to <u>10pm</u>

#### Outdoor Area Hours:

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

The outdoor area is used for:

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

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

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

### ENTERTAINMENT

Check all that apply:

- |  |   |
|--|---|
| <input type="checkbox"/> Live Music        | <input type="checkbox"/> Karaoke                |
| <input type="checkbox"/> Recorded Music    | <input type="checkbox"/> Coin-operated Games    |
| <input type="checkbox"/> DJ Music          | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing           | <input type="checkbox"/> Social Gaming          |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables            |
|  | <input type="checkbox"/> Other: _____           |

### DAYS & HOURS OF LIVE OR DJ MUSIC

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

### SEATING COUNT

Restaurant: 4243 Outdoor: \_\_\_\_\_  
 Lounge: \_\_\_\_\_ Other (explain): a.m.  
 Banquet: \_\_\_\_\_ Total Seating: 4243

**OLCC USE ONLY**

Investigator Verified Seating: \_\_\_\_\_ (Y) \_\_\_\_\_ (N)

Investigator Initials: \_\_\_\_\_

Date: \_\_\_\_\_

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

Applicant Signature: Angela Harritt Date: 1-15-09

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

(rev. 12/07)



# Dallas Arts Association

P.O. Box 192  
Dallas, Oregon 97338

February 9, 2009

02-10-09P03:06 RCVD

Jerry Wyatt  
Office of the City Manager  
City of Dallas  
P.O. Box 67  
Dallas, OR 97338

Dear Mr. Wyatt,

This letter is to request permission to hold the "Art in the Park" event on Sunday, July 26, 2009 at the Academy street side of the Dallas City Park. The event is being planned from 8:00am to 4:00pm. Entertainment has been scheduled from 10:00am to 4:00pm. Approximately 40 craftsmen/artists will participate. All food services will be asked to comply with local regulations.

We would appreciate it if the gate to the park was opened at 6:00am on Sunday.

Thank you for your consideration of this request. I want to let you know that your staff has been so helpful and we greatly appreciate the city's part in making this event so successful over the years.

Sincerely,

Sally Clark,  
President  
Dallas Arts Association

RESOLUTION NO. 3176

**A Resolution consenting to the assignment of administrative and program management activities for the City of Dallas 2009 Community Development Block Grant Housing Rehabilitation Project to the Polk Community Development Corporation according to the current memorandum of understanding (MOU) among all members of the Polk Regional Collaborative (PRC).**

WHEREAS, there exists a Memorandum of Understanding dated July, 2006, between all Polk County jurisdictions and the Polk Community Development Corporation (Polk CDC), to form the Polk Regional Collaborative (PRC), of which each shall be a member, and to outline the roles of the jurisdictions and Polk CDC with regard to the PRC and related funding from the Community Development Block Grant (CDBG) Program; and

WHEREAS, the PRC was initially formed for the purpose of providing an on-going regional resource to address the housing rehabilitation needs of low-moderate income homeowners in Polk County; and

WHEREAS, pursuant to the Housing & Community Development Act, Rule Revision of 1995 and the related program rules of the State of Oregon, applicants for CDBG funds for this purpose must partner with a 501 (c) (3) non-profit organization such as Polk CDC who would use said funds to make loans, the repayment of which become defederalized, allowing the non-profit to retain said funds for further use to support affordable housing needs within the region as defined by the PRC governing Board, and

WHEREAS, the governing Board of the PRC has reaffirmed the need to be the growth of the Regional Revolving Loan Fund available to low to moderate income families for housing rehabilitation by agreeing to submit a CDBG application in 2009; and

WHEREAS, an application on behalf of the PRC for CDBG funds must be submitted within a region by one lead applicant;

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

Section 1. That the City of Dallas does hereby consent to be the lead applicant for the Polk Regional Collaborative (PRC) and will submit said application to Oregon Housing and Community Services for a Community Development Block Grant in the amount of \$400,000, the assignment of which will be to Polk CDC as the sub-recipient to administer said grant and retain related earnings in compliance with all governing federal and State of Oregon rules, in compliance with the Community Development Guide for the Housing Rehabilitation Loan Program in Polk County, and to use said earnings to

support affordable housing needs within the region as defined by the PRC governing Board.

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

Adopted: February 17, 2009  
Approved: February 17, 2009

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

MEMORANDUM

To: Mayor James Fairchild and City Council  
From: Lane Shetterly, City Attorney  
Date: February 17, 2009  
Re: Ordinance amending DCC 5.210 (No Smoking)

Below is the text of the proposed ordinance amending DCC 5.210, in "compared" format, which addressed amendments regarding to smoking regulations. These amendments will resolve inconsistencies between the current code provisions and new requirements of state law, effective January 1, 2009.

Subsection (1) of the ordinance is expanded to include all places of employment within the city, as defined in ORS 433.835(3). That statute defines "place of employment" to include "every enclosed area under the control of a private or public employer that employees frequent during the course of employment," including vehicles that are not used exclusively by one employee.

Paragraph (2) (h) is new, to cover the new bus shelters in the city. Those shelters may be covered by (2) (g), "other public places," which state law defines as "any enclosed area open to the public," but it's not entirely clear that they would be, so I suggest they be expressly added to the scope of the ordinance. (The covered bus shelters are similar in nature to the park structures described in paragraph (2) (e).)

**5.210 No Smoking.**

Smoking is prohibited and no person shall smoke:

(1) In any ~~city building~~place of employment within the city, as defined in ORS 433.835(3), including public restrooms located on city property.

(2) On or within 10 feet of the external boundaries of the following areas:

(a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including but not limited to, spectator areas and bleachers.

(b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.

Memorandum -- Page 1

(c) The entrances(s) to and exit(s) from all ~~city buildings~~places of employment within the city, as defined in ORS 433.835(3), windows on such places of employment that open, and ventilation intakes that serve an enclosed area within any place of employment.

(d) All playground equipment in any city park.

(e) All roofed enclosures in city parks, including, but not limited to, restrooms and covered picnic areas.

~~(f)~~ ~~\_\_\_\_\_~~ ~~(f)~~ The Dallas Rotary amphitheater stage, on the grass on the sides

and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.

~~(g)~~ Any bus shelter structure.

~~(g)~~ ~~(h)~~ All other public places within the meaning of ORS 433.835(4).

(3) The restrictions of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(4) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

(5) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited, provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section.

(6) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section 5.428.

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ORDINANCE NO. 1701

An Ordinance amending provisions of the Dallas City Code Section 5.210, relating to smoking.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.210 is hereby amended to read as follows:

**5.210 No Smoking.**

Smoking is prohibited and no person shall smoke:

- (1) In any place of employment within the city, as defined in ORS 433.835(3).
- (2) On or within 10 feet of the external boundaries of the following areas:
  - (a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including but not limited to, spectator areas and bleachers.
  - (b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.
  - (c) The entrances(s) to and exit(s) from all places of employment within the city, as defined in ORS 433.835(3), windows on such places of employment that open, and ventilation intakes that serve an enclosed area within any place of employment.
  - (c) All playground equipment in any city park.
  - (e) All roofed enclosures in city parks, including, but not limited to, restrooms and covered picnic areas.
  - (f) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.
  - (g) Any bus shelter structure.

Ordinance -- Page 1

(h) All other public places within the meaning of ORS 433.835(4).

(3) The restrictions of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(4) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

(5) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited, provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section.

(5) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section 5.428.

Section 2. All prior and conflicting ordinances are hereby repealed.

Read for the first time: February 17, 2009  
Read for the second time: March 2, 2009  
Adopted by the City Council: March 2, 2009  
Approved by the Mayor: March 2, 2009

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER