



# Dallas City Council Agenda

Monday, June 15, 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

Police Chief  
 John Teague

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 June 1, 2009 Council meeting <b>p. 3</b>	Approval
4. 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>	
5. PUBLIC HEARINGS <i>(Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)</i>	
a. A public hearing for the City Council of Dallas to obtain citizen views and to respond to questions and comments about Community development and housing needs; especially the needs of low and moderate income persons as well as other needs in the community that might be assisted with a Community Development Block Grant project and the Polk Regional Housing Rehabilitation Program, the proposed project. <b>p. 6</b>	Public Hearing
6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
7. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS City Manager's Reports	
a. Discussion concerning City insurance coverage <b>p. 7</b>	Motion(s)
b. Lead Update <b>p. 22</b>	Information

# 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.

- c. Discussion concerning appointments/reappointments to the Dallas Economic Development Commission [p. 23](#) Motion
- d. Proposed dog ordinance updates [p. 24](#) Motion
- e. Proposed noise ordinance updates [p. 34](#) Motion
- f. Discussion concerning upcoming meetings Motion
- g. Blue Garden Update [p. 37](#) Information
- h. Department reports for the month of May [p. 39](#) Information
- i. Other

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## 8. COMMUNICATIONS AND PETITIONS

- a. Summerfest letter from Chamber [p. 49](#) Motion

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## 9. RESOLUTIONS

- a. Resolution No. 3185 – A Resolution authorizing the transfer of budgetary funds. [p. 51](#) Roll Call Vote
- b. Resolution No. 3186 – A Resolution creating the fund 17 Debt Service Fund – Public Works. [p. 52](#) Roll Call Vote
- c. Resolution No. 3187 – A Resolution adopting the budget of the City of Dallas, Oregon for the fiscal period beginning July 1, 2009 and ending June 30, 2010, making budget appropriations and levying taxes for said fiscal period. [p. 53](#) Roll Call Vote
- e. Resolution No. 3188 – A Resolution declaring the City of Dallas's election to receive State Revenues. [p. 57](#) Roll Call Vote

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## 10. FIRST READING OF ORDINANCE

- a. Ordinance No. 1703 – An Ordinance granting to Qwest Corporation a telecommunications franchise. [p. 58](#) 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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**DALLAS CITY COUNCIL**  
**Monday, June 1, 2009**  
**Council Chambers**

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The Dallas City Council met in regular session on Monday, June 1, 2009, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

**ROLL CALL**

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

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Fire Chief Bill Hahn, Community Development Director Jason Locke, Police Chief John Teague, Finance Director Cecilia Ward, Assistant City Manager Kim Marr, and Recording Secretary Emily Gagner.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF MINUTES**

Mayor Fairchild declared the minutes of the May 18, 2009, Council meeting approved as presented.

**QUESTIONS OR COMMENTS FROM THE AUDIENCE**

Mayor Fairchild welcomed Boy Scout Troop 288.

Michele Campione, Program Director for Dallas ICAN, announced it is celebrating its first birthday today. She invited the Council to the ICAN Extravaganza party this Saturday. She thanked the Mayor for his kind comments about ICAN in the Statesman Journal.

**PUBLIC HEARINGS**

**PUBLIC HEARING ON THE 2009-2010 CITY OF DALLAS BUDGET AND USE OF STATE REVENUE SHARING FUNDS**

Mayor Fairchild opened the public hearing at 7:05 p.m. Mr. Wyatt explained that based on a recommendation from the May 18 Budget Committee meeting, staff is submitting the 2009-2010 City Budget and recommending use of State Revenue Sharing Funds. Mayor Fairchild stated the property tax rate to be imposed is the permanent rate of 4.1954 per \$1,000 of assessed value. The levy to be imposed for debt service on General Obligation bonds is \$707,091.

There was no testimony from the public and Mayor Fairchild closed the public hearing at 7:07 p.m.

Councilor Dalton moved to approve the 2009-2010 City of Dallas Budget as approved by the Budget Committee and approve the use of State Revenue Sharing funds and direct the City Attorney to prepare the required resolutions for the June 15, 2009, City Council meeting. The motion was duly seconded and CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, Councilor LaVonne Wilson and Councilor Ken Woods, Jr. voting YES.

**REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

Councilor Dalton stated crews have begun the streetscape demonstration project on Mill Street in front of Fox Theater. They will be adding inlaid pavers when they repour the sidewalk, placing park benches and adding other decorative features. He indicated this will allow the City to see how everything works and to streamline the process before we do the big Main Street project. He welcomed everyone to look at the project and make comments, both pro and con, to the City.

Councilor Lamb reported that the Rickreall Watershed Council, on which he is the Council representative, met last week, and he reviewed the agenda from that meeting.

1 Councilor Lawson commented that the scholarship money provided by the Council for the  
2 outdoor school was greatly appreciated.

3 **COMMITTEE REPORTS OF MAY 26, 2009**

4 **Administrative Committee – Councilor Ken Woods, Chair**

5 Councilor Woods reviewed the Administrative Committee agenda and minutes.

6 **Public Safety Committee – Councilor Warren Lamb, Acting Chair**

7 Councilor Lamb reviewed the Public Safety Committee agenda and minutes.

8 There was some discussion about the solicitor’s license and Mr. Shetterly stated he would get  
9 back with the Council after further research.

10 There was some discussion about the proposed burn ban. Councilor Wilson asked if there was  
11 any possibility to have a special burn for those citizens with large amounts of yard debris that  
12 couldn’t be taken away easily by Allied Waste. Councilor Scroggin asked if the City could have  
13 a designated area where the public can always bring their debris. Mr. Wyatt stated staff can look  
14 into those options.

15 Councilor Woods made a motion to recommend the Council direct staff to continue working on  
16 an ordinance to impose a burn ban. The motion was duly seconded and **PASSED BY A**  
17 **MAJORITY** with Council President Brian Dalton, Councilor Warren Lamb, Councilor Jackie  
18 Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor  
19 Dave Voves, and Councilor Ken Woods, Jr. voting YES and Councilor Wilson voting NO.

20 Regarding the Academy Street parking, Mr. Wyatt reported that staff will remove the time-  
21 limited parking signs on SW Academy Street. They will then complete a street-by-street  
22 analysis of parking in the core area and come back to the Council with a modified resolution to  
23 best fit the actual parking.

24 **REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS**

25 **DALLAS AQUATIC CENTER TOUR**

26 Mr. Wyatt stated the Dallas Aquatic Center is closed this week with major improvements  
27 underway, noting he wanted to schedule a tour of the upgrades once they are finished. He  
28 discussed the fact that he wanted to move the regularly scheduled Council Workshop from the  
29 10<sup>th</sup> to the 17<sup>th</sup> of June, and asked if it would work to meet before the workshop for the tour. He  
30 asked the Council to meet at the Aquatic Center at 11:00 a.m.

31 **APPOINTMENT TO LIBRARY BOARD**

32 Mr. Wyatt stated Gwen VanDenBosch has been on the Library Board for a long time, and  
33 indicated he had talked to her to thank her for her years of service. Mr. Wyatt recommended the  
34 Council appoint Marge Hilts to replace Ms. VanDenBosch.

35 Councilor Lawson made a motion to appoint Marge Hilts to a 4-year term on the Library Board.  
36 The motion was duly seconded and **CARRIED UNANIMOUSLY** with Council President Brian  
37 Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall,  
38 Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, Councilor LaVonne  
39 Wilson and Councilor Ken Woods, Jr. voting YES.

40 **OTHER**

41 Mr. Wyatt stated the City completed the intake application through OECDD and we received an  
42 invitation to apply for the Community Development Block Grant. He indicated the City is  
43 required to have a community meeting, which staff will schedule and hold in the Civic Center.

44 Mr. Wyatt stated he has attempted to contact the owner of the Blue Garden by mail and phone  
45 with no success. He indicated the roofing permit needs a final inspection or it will expire next

1 week. Mr. Wyatt indicated staff feels it is appropriate to go forward with the expiration, move  
2 forward with the dangerous building resolution and outline a plan to bring the building into  
3 compliance. It was the consensus of the Council to move forward.

4 Councilor Dalton asked what issues need to be addressed. Mr. Wyatt reported that one issue is  
5 the roofing and sealing the exterior of the building. He noted the Resolution addresses mold and  
6 the condition of the interior as well, which is separate from the building permit. In response to a  
7 question, Mr. Wyatt indicated the Building Official was the last staff member in the building and  
8 that was a few months ago. Councilor Voves asked what actions could be taken once the  
9 building permit expires. Mr. Wyatt stated the Dangerous Building Resolution outlines a list of  
10 violations. City Attorney Shetterly stated the remedy would be to seek bids and abate the  
11 dangerous conditions. The City would then need to lien the property and hope it is worth the  
12 amount of the lien. Mr. Shetterly pointed out that recourse is limited to the Code conditions,  
13 adding the City does not have a code that addresses anything like aesthetics. He stated the City  
14 could only repair the code violations; it would still be a closed store front.

15 There was discussion about the need for a motion to have something for the next Council  
16 meeting. Mr. Wyatt assured the Council the Blue Garden issue would be on the June 15 agenda,  
17 even if staff is allowed in the building within the next two weeks.

18 Mr. Wyatt reported that the new playground equipment at Gala Park has been installed.

19 Mr. Wyatt indicated Kev Kohler will begin working on the mural on the Riverside Inn this  
20 weekend.

21 Mr. Wyatt stated the City applied for an Oregon Parks and Recreation Trail Grant for a little over  
22 \$200,000, and staff will be giving a presentation on it next Wednesday.

23 Mr. Wyatt advised the dead street trees on Main and Court Streets will be removed on June 15.  
24 He reported the arborist has taken soil samples from around the trees and sent them to a lab in  
25 Portland. The lab should have results within two weeks.

26 **COMMUNICATIONS AND PETITIONS**

27 **RESOLUTIONS**

28 **FIRST READING OF ORDINANCE**

29 **SECOND READING OF ORDINANCE**

30 **OTHER BUSINESS**

31 There being no further business, the meeting adjourned at 8:06 p.m.

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

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Mayor

ATTEST:

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

## PUBLIC NOTICE AND NOTICE OF PUBLIC HEARING

The City of Dallas is eligible to apply for a 2009 Community Development Block Grant from the Oregon Economic and Community Development Department. Community Development Block Grant funds come from the U.S. Department of Housing and Urban Development. The grants can be used for public facilities and housing improvements, primarily for persons with low and moderate incomes. Approximately \$14 million will be awarded to Oregon non-metropolitan cities and counties in 2009. The maximum grant that a city or county can receive is \$1,000,000.

The City of Dallas is preparing an application for a 2009 Community Development Block Grant from the Oregon Economic and Community Development Department to develop off-site public infrastructure that will support Jen's Place, located at 453 E Ellendale Avenue in Dallas, to provide five-units of alcohol and drug free affordable rental housing for households at or below 50% of area median income with an affordability commitment of 30 years. The project is designed to provide alcohol and drug free housing for parents, with children, who are in recovery. It is estimated that the proposed project will benefit at least 80 persons over the thirty year period, of whom 100% will be low income.

A public hearing will be held by the City Council of Dallas at 7:00PM on June 15, 2009 in Dallas City Hall at 187 SE Court Street in Dallas, OR. The purpose of this hearing is for the City Council of Dallas to obtain citizen views and to respond to questions and comments about Community development and housing needs; especially the needs of low and moderate income persons as well as other needs in the community that might be assisted with a Community Development Block Grant project and the Polk Regional Housing Rehabilitation Program, the proposed project.

Written comments are also welcome and must be received by June 15, 2009, at Dallas City Hall, 187 SE Court Street in Dallas, OR 97338 or at the public hearing. Both oral and written comments will be considered by City Council in deciding whether to apply. The location of the hearing is accessible to persons with disabilities. Please let Emily Gagner in City Hall at 503-831-3502 know if you will need special accommodations in order to attend or participate in the meeting. TDD 503-623-7355

More information about Oregon Community Development Block Grants, the proposed project, and records about the City of Dallas past use of Community Development Block Grant funds is available for public review at City Hall, 187 SE Court Street in Dallas, OR during the regular Monday-Friday office hours of 8:00AM-5:00PM. Advance notice is requested if special accommodations are needed. Please notify Emily Gagner at 503-831-3502 so that appropriate assistance can be provided.

Permanent involuntary displacement of persons or businesses is not anticipated as a result of the proposed project. If displacement becomes necessary, alternatives will be examined to minimize the displacement and provide required and reasonable benefits to those displaced. Any low and moderate-income housing which is demolished or converted to another use will be replaced.



# 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> City insurance coverage
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 15, 2009	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Motion to authorize the City Manager to sign the recommended general liability, property, and automobile insurance proposal from CIS.

Motion to authorize the City Manager to sign the workers' compensation insurance proposal from CIS.

BACKGROUND:

Ken Woods, the City's Insurance Agent of Record, has submitted renewal quotes for the city's general liability, property, and automobile insurance, as well as the city's workers compensation insurance.

FISCAL IMPACT:

There is a reduction of \$9,627 in the cost of premium for the city's general liability, property, and automobile insurance for the 2009-10 fiscal year. By having a \$35,000 deductible, the City will receive a liability aggregate deductible credit of \$26,250.

There is an increase of \$387 for the workers' compensation insurance for the 2009-10 fiscal year.

ATTACHMENTS:

Insurance Agent of Record Ken Woods' renewal proposals for General Liability, Property, & Automobile Insurance and Workers' Compensation Insurance.

# **CRAVEN-WOODS INSURANCE**

398 E. Ellendale Avenue  
PO Box 1130  
Dallas OR 97338-1047  
503-623-8143  
fax: 503-623-9020  
email: ken.woods@cravenwoodsins.com

June 11, 2009

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

Re: General Liability, Property, & Automobile Insurance  
Renewal Quote: 2009-10

Dear Jerry,

Please find enclosed the renewal quote with City/County Insurance Services (CIS). In the past several years, Dallas has chosen the Annual Aggregate Deductible program with CIS. With this program, Dallas would elect to assume the first \$35,000 in liability losses and loss adjusting expenses for the policy year. In exchange, you'll see your initial contribution for the year reduced by \$26,250. Once into the program, the City would continue to submit claims just as though there was no deductible, claims work would be done, as always, through CIS Claims Department. As handling of a claim progressed, the City would be billed for indemnity payments made and claim expenses incurred, outside those of CIS's claims administrator, until the annual deductible amount was met.

Included is a copy of the City's claims overview and comparison for Auto Liability, Auto Physical Damage, General Liability, and Property.

Also included in this year's quote is optional coverage for Excess Crime Coverage. The basic coverage of \$50,000 is included in the quote at no charge. The optional quote for \$500,000 is \$1,041. Attached is a summary explaining the difference between Crime Coverage and Public Employee Fidelity Bonds.

With the passage of SB 311, the Oregon Tort Claims Act will change effective July 1, 2009. This will increase the limitations on tort liability for General Liability (bodily and personal injury, death and property damage). It will adjust the limitations upward annually and there will be different limits for local governments and the state government.

Effective July 1, 2009, the Oregon Tort General Liability caps for city government will be increased to \$500,000 per claim and \$1,000,000 per occurrence. Effective July 1, 2010, these caps will be increased by \$33,333 per claim and \$66,666 per occurrence annually

for the next five years. After the caps reach \$666,666 per claim and \$1,333,333 per occurrence, the caps will be increased annually by 3% or the Portland-Salem CPI, whichever is lower.

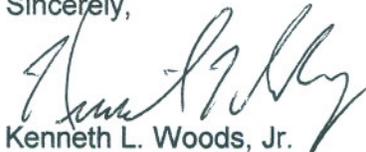
As for Property Damage, effective July 1, 2009 the caps for city government will be increased to \$100,000 per claim and \$500,000 per occurrence. Effective July 1, 2015, these limits will be increased annually by 3% or the Portland-Salem CPI, whichever is lower.

Should city governments increase coverage? The Tort exposure has increased, but few tort cases will reach tort limits based on past experience, per CIS. Federal claims have been and remain uncapped with employment and civil rights claims potentially the highest cost. This past year, the CIS Board of Trustees increased the minimum limit of liability required for all public entities to \$5,000,000.

Repeating a pattern seen in previous insurance market cycles, commercial insurance companies continue to withdraw from the Oregon market place relating to public entity insurance. Unable or unwilling to match pricing for the combination of coverage and risk management services offered by CIS, the scarcity of liability and property insurers leaves CIS as the clear alternative for entities seeking insurance coverage.

Please don't hesitate to call me if there are any questions.

Sincerely,



Kenneth L. Woods, Jr.  
Insurance Agent of Record, City of Dallas  
KLW:ekb

enclosures

## GENERAL LIABILITY, PROPERTY, AUTOMOBILE INSURANCE

	<u>2008-2009</u>	<u>2009-2010</u>
General Liability \$5,000,000 Aggregate Deductible \$35,000	\$ 96,323	\$ 90,842
Automobile Liability \$5,000,000	16,855	15,832
Liability Aggregate Deductible Cr Deductible: \$35,000	-26,250	-26,250
Automobile Physical Damage Deductibles:	13,112	12,165
Comprehensive \$100		
Collision \$1,000		
Property Coverage	40,611	37,250
\$5,000,000 Limit EQ & Flood		
\$50,000 Limit Crime		
Deductibles:		
Buildings & Contents \$ 2,500		
Mobile Equipment 2,500		
Earthquake (see below)		
Flood (see below)		
Boiler & Machinery	incl	incl
Deductible: \$ 2,500		
Optional Excess Crime \$500,000	n/a	1,041
Multi-Line Credit	-2,741	-2,597
Total Annual Premium	\$137,910	\$128,283

### Earthquake Deductible:

2% of combined value of property damaged, subject to a \$5,000 minimum and \$50,000 maximum.

### Flood Deductible:

- \$500,000 deductible for properties in flood zones A, AE or V.
- 2% of the value of property damaged for properties in flood zones other than A, AE or V, subject to \$5,000 minimum and \$50,000 maximum.
- 5% of the value of properties in flood zones A, AE or V and are not eligible for coverage by NFIP, subject to a \$100,000 minimum and \$500,000 maximum.
- The maximum value of coverage NFIP offer in flood zones A, AE or V is \$500,000 per location.
- For property in flood zones A, AE or V valued over \$500,000, by buying coverage through NFIP, you satisfy the CIS deductible of \$500,000.

CITY OF DALLAS  
 Liability, Property Claims  
 As of April 2, 2009

**General Liability**

**Property**

Year	Cost of Claim	Closed Claims	Open Claims	Cost of Claim	Closed Claims	Open Claims
1983-84	\$ 651.00	2	0	\$ -	0	0
1984-85	\$ 3,586.00	1	0	\$ -	0	0
1985-86	\$ 7,762.00	8	0	\$ -	0	0
1986-87	\$ 8,239.00	7	0	\$ -	0	0
1987-88	\$ -	5	0	\$ -	0	0
1988-89	\$ 1,341.00	7	0	\$ -	0	0
1989-90	\$ 10,617.00	5	0	\$ -	0	0
1990-91	\$ 3,626.00	4	0	\$ -	0	0
1991-92	\$ 8,583.00	7	0	\$ -	0	0
1992-93	\$ 1,825.00	8	0	\$ -	0	0
1993-94	\$ 132,263.00	10	0	\$ -	0	0
1994-95	\$ 44,923.00	8	0	\$ -	0	0
1995-96	\$ 29,180.00	9	0	\$ -	0	0
1996-97	\$ 5,042.00	10	0	\$ -	0	0
1997-98	\$ 104,428.00	3	0	\$ -	0	0
1998-99	\$ 8,379.00	4	0	\$ -	0	0
1999-00	\$ 5,185.00	10	0	\$ -	0	0
2000-01	\$ 16,263.00	5	0	\$ 450.00	1	0
2001-02	\$ 275.00	2	0	\$ -	0	0
2002-03	\$ 257,286.00	4	0	\$ -	1	0
2003-04	\$ 4,345.00	8	0	\$ -	0	0
2004-05	\$ 30,000.00	1	1	\$ -	0	0
2005-06	\$ -	4	0	\$ -	0	0
2006-07	\$ -	2	0	\$ -	0	0
2007-08	\$ 36,309.00	16	0	\$ -	0	0
2008-09	\$ -	1	0	\$ -	0	0
	\$ 720,108.00	151	1	\$ 450.00	2	0
Average	\$ 27,696.00					

CITY OF DALLAS  
Auto Liab, Auto Property Claims  
As of April 2, 2009

**Auto Liability**

**Auto Property/Collision**

Year	Cost of Claim	Closed Claims	Open Claims	Cost of Claim	Closed Claims	Open Claims
1983-84	\$ 330.00	0	0	\$ -	0	0
1984-85	\$ -	0	0	\$ -	0	0
1985-86	\$ -	0	0	\$ -	1	0
1986-87	\$ -	0	0	\$ -	0	0
1987-88	\$ 450.00	1	0	\$ -	0	0
1988-89	\$ 350.00	1	0	\$ -	0	0
1989-90	\$ -	0	0	\$ -	0	0
1990-91	\$ 1,944.00	1	0	\$ -	1	0
1991-92	\$ -	0	0	\$ -	2	0
1992-93	\$ -	1	0	\$ -	1	0
1993-94	\$ -	0	0	\$ -	0	0
1994-95	\$ -	0	0	\$ -	0	0
1995-96	\$ 121.00	2	0	\$ -	1	0
1996-97	\$ 545.00	1	0	\$ 2,528.00	3	0
1997-98	\$ 715.00	2	0	\$ -	1	0
1998-99	\$ 101,477.00	3	0	\$ 5,373.00	3	0
1999-00	\$ -	0	0	\$ -	0	0
2000-01	\$ 5,610.00	2	0	\$ -	0	0
2001-02	\$ 266.00	1	0	\$ -	1	0
2002-03	\$ -	0	0	\$ -	1	0
2003-04	\$ 58,986.00	1	0	\$ 18,404.00	5	0
2004-05	\$ -	0	0	\$ -	1	0
2005-06	\$ -	0	0	\$ -	2	0
2006-07	\$ -	0	0	\$ 10,275.00	6	0
2007-08	\$ -	0	0	\$ 2,950.00	2	0
2008-09	\$ 5,817.00	6	0	\$ 2,867.00	3	0
	\$ 176,611.00	22	0	\$ 42,397.00	34	0
Average	\$ 6,793.00			\$ 1,631.00		



## Crime Coverage and Public Employee Fidelity Bonds

### What is Crime Coverage?

Crime coverage is a form of property insurance designed particularly to address theft of money and theft by employees, both of which are commonly excluded in a standard property insurance policy. Like any insurance, crime coverage is written to protect the entity purchasing the coverage in the event of loss. Government Crime Coverage policies will typically pay for 1) loss of money, securities, and property resulting from theft committed by an employee, 2) burglary, robbery, or theft of money or securities either in or outside the entity's premises, 3) theft by computer fraud, and 4) loss resulting from accepting counterfeit paper currency.

### Why Crime Coverage?

Typically property coverage forms which protect buildings and contents do not include coverage either for theft by employees or loss of money. Also, compared to a bond, crime coverage provides this protection in a comprehensive manner and with a much lower burden of proof on the insured party who suffered the loss. It is insurance against loss of a specific kind of property vs. a guarantee of personal integrity.

### What is a Bond?

Unlike insurance, a bond is a guarantee of the integrity of an individual and is purchased by or on behalf of a person, such as a city treasurer, who would be expected to personally repay the amount missing in the event of the anticipated loss. This is a fair expectation since if the anticipated loss occurs, it will be the result of that person's failure to do the things he or she was "bonded" to do. It is only in the event that person cannot or will not pay their obligation to the city that the bond company is required to pay. Obviously it is necessary to establish beyond a doubt that it was the failure of the bonded person before the bond company will pay on that person's behalf.

### Why a Bond?

Going back hundreds of years, a bond has been the legal instrument designed to provide for protection of the injured party in the event of dishonesty by a person working in a position of trust. As a result, there are obligations in the Oregon Revised Statutes (ORS 221.903 Bond and Oath of officers, and ORS 210.120 Oath of accountant, bond or letter of credit; requirements of sureties....) describing the certain protections to be undertaken by cities and counties. In addition many local entities, within their own by-laws, require bonds for certain positions or individuals.

It is very possible that the reason bonds are specified more commonly in these documents than crime coverage is that crime coverage, by comparison, is a more recent form of protection having come into more common use only in the past 30 or 40 years.

### What is "Faithful Performance?"

The Oregon Revised Statutes, and typically local ordinances as well, commonly stipulate the bond, or insurance, is to include coverage "for the faithful performance" of the duties

<https://www.cciservices.com/webportal/Services/RML.aspx>

of the identified party. Faithful performance is not a synonym for honesty. It includes honesty but also a lot of other factors in which honesty may not be a factor. For example, a county treasurer who has lost the county's money in a bank he/she thought was sound but which did not comply with state depository laws would have a difficult time proving they had faithfully performed their duties. Likewise the failure of a bonded supervisor to properly oversee the actions of one of their employees when such failure has as its direct and immediate result the loss of the city or county's covered property.

What coverage does CIS provide?

The current CIS property coverage agreement automatically includes \$50,000 of crime coverage for members in the property program. This \$50,000 coverage does include faithful performance of duties. CIS members also have access to an optional Excess Crime Policy above the \$50,000 limit which extends their protection up to what ever limit of coverage is purchased. Faithful Performance of duties is included in the excess coverage form as well. However, it should be noted the faithful performance coverage offered is limited as available only to "any of your officials who are required by law to give bonds for the faithful performance of their duties..." and to the limit so required for those officials.

Coverage automatically included under the CIS Trust's \$50,000 coverage also includes 1) direct loss of money or securities by theft or forgery by an employee, agent or officer of the member, 2) direct loss by destruction, disappearance, or wrongful abstraction of money or securities within of from the member's premises or the premises, safe or night deposit of a bank, or trust company, 3) direct loss by destruction, disappearance, or wrongful abstraction of money or securities outside the member's premises while being conveyed by an officer, employees agent of the member or an authorized armored motor vehicle company, 4) direct loss caused by alteration or forgery of, on, or in any check, draft, or promissory note, bill of exchange or similar promise.

For a full reading of these coverages, including extensions, exceptions, and exclusions refer to section 10, CRIME COVERAGE, in the CIS Trust property coverage agreement and the Excess Crime Coverage policy.

Can CIS provide a Bond upon request?

Because CIS is not an insurance company, we are not able to provide bonds. However, the member's local insurance agent is well qualified to easily access markets which can meet this need.

Does Crime coverage satisfy a member's Bond requirement?

As discussed earlier, while both methods are intended to protect the entity from loss, they achieve their result by different means and are not the same thing. Not surprisingly, we have seen opinions which affirm each option, i.e. yes, crime coverage satisfies the bond obligation, and no, it does not. Our position is that we encourage members to rely upon the opinion of their City Attorney or County Counsel in this matter.

rwk/2-9-09

<https://www.cciservices.com/webportal/Services/RML.aspx>



## FY 2008-2009 Information Overview

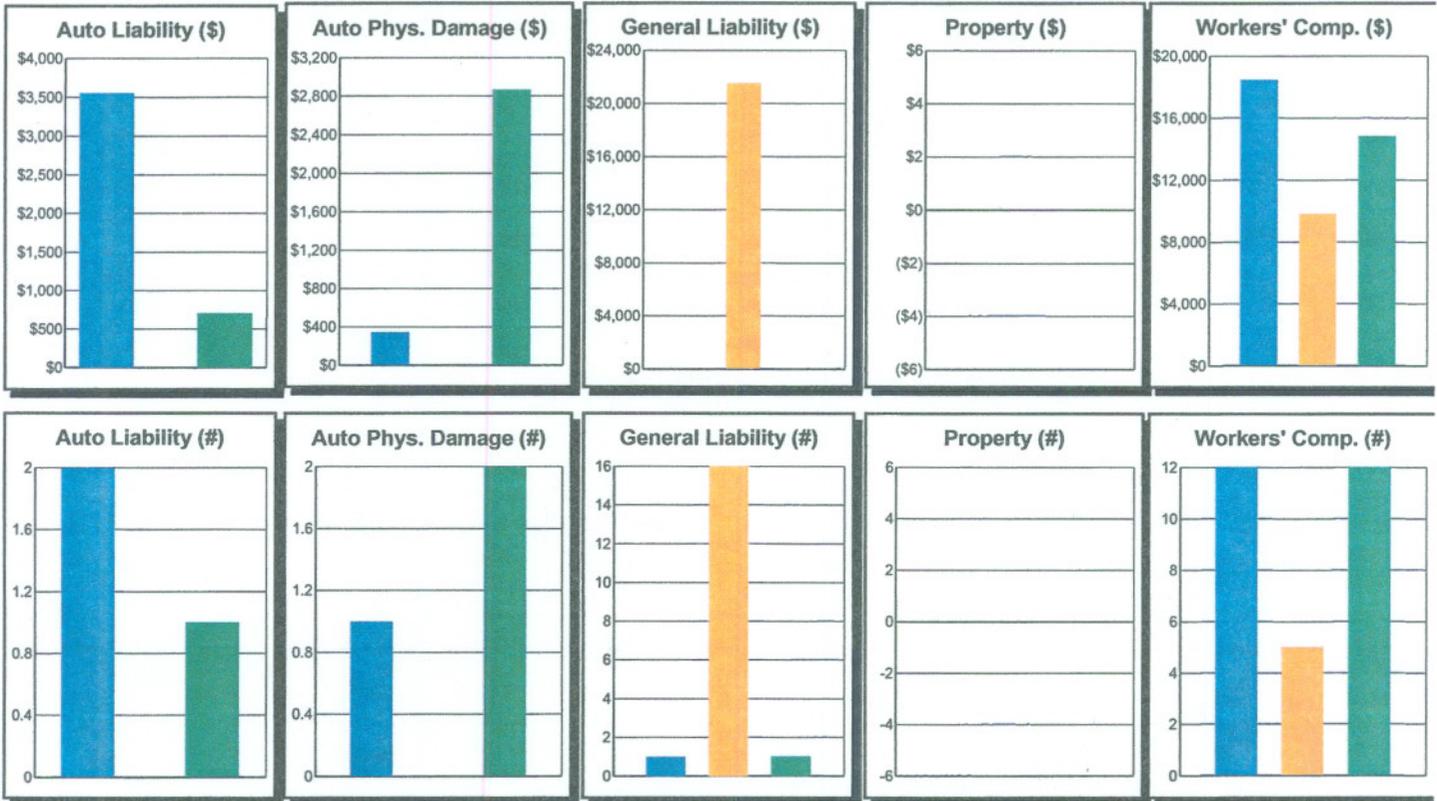
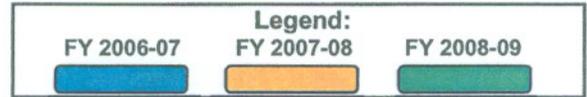
### City of Dallas

#### Exposure Trends

Coverage	Exposure	FY 2006-07	FY 2007-08	FY 2008-09
Auto Liability	Vehicle Count:	73	76	79
Auto Physical Damage	Vehicle Count:	54	57	51
General Liability	Materials & Services:	\$ 13,463,876	\$ 15,000,802	\$ 15,169,442
Property	Total Insured Value:	\$ 44,595,234	\$ 47,213,442	\$ 48,605,168
Workers' Compensation	Payroll:	\$ 6,072,160	\$ 6,137,635	\$ 6,476,627

#### Fiscal year-to-date Claims Activity

Comparing claims activity at 6 months (12/31)  
for FY 2006-07, 2007-08 and 2008-09



**Risk Management Advisor/Agent**  
Craven-Woods Insurance

**CIS Risk Management Consultant**  
Valerie Saiki  
(503) 763-3854 / (800) 922-2684 x3854  
vsaiki@cciservices.com

**Visit the CIS Members Only Web Portal for a broad selection of claim reports and risk management tools.**

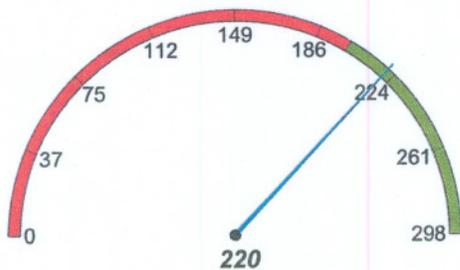
# City of Dallas

## Best Practices (BP) Scores and Comparison to All CIS Members

Marked Score in Red shaded area = BP Score is below average score of all CIS members  
 Marked Score in Green shaded area = BP Score is above average score of all CIS members

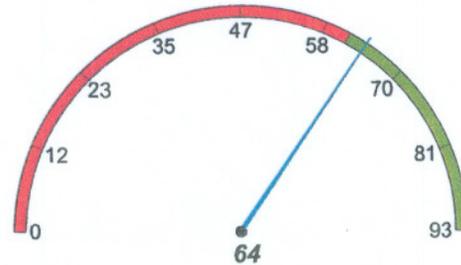
**General Liability BP Score**

Average Member Score = 199



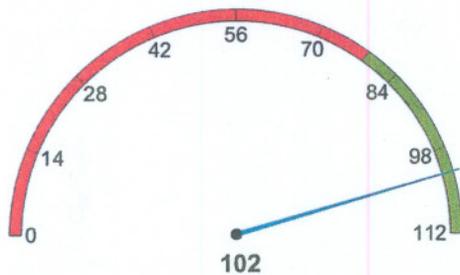
**Auto Liability BP Score**

Average Member Score = 61



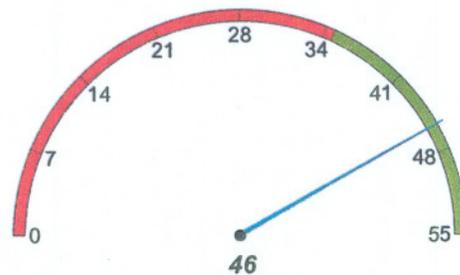
**Property BP Score**

Average Member Score = 78



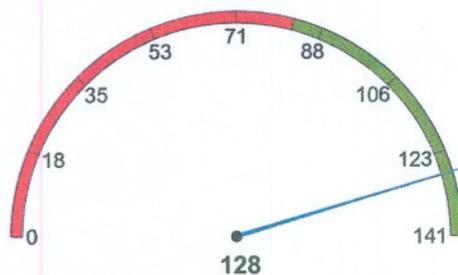
**Auto Physical Damage BP Score**

Average Member Score = 35



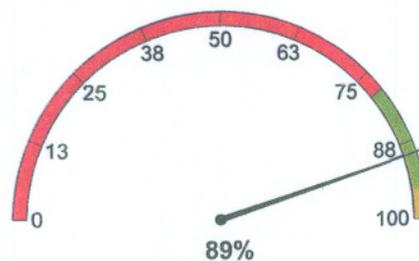
**Workers' Compensation BP Score**

Average Member Score = 81



**HSQ Completion Percentage through 12/31/09**

Average Member Completion Percentage = 78%



*Health Status Questionnaire (HSQ)  
 Completion Percentage and  
 Comparison to All CIS Members*

# CRAVEN-WOODS INSURANCE

398 E. Ellendale Avenue  
PO Box 1130  
Dallas OR 97338-1047  
503-623-8143  
fax: 503-623-9020  
email: ken.woods@cravenwoodsins.com

June 11, 2009

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

Re: Workers Compensation Insurance  
Renewal Quote: 2009-10

Dear Jerry,

The CIS renewal quote this year for the City of Dallas' workers compensation policy is the Paid Loss Retrospective Plan (Retro) for \$39,318. The City has been on the Retro Plan for years and it has been very successful for the City. The City's estimated annual contribution is up slightly from \$38,931 in 2008, an increase of \$387. This increase is influenced by the following factors:

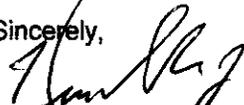
- (+) Payrolls increased from \$6,476,627 in 2008 to \$6,954,900 in 2009.
- (+) Experience modification increased from .88 in 2008 to .89 in 2009.
- (-) Overall rates have slightly decreased from 2008 to 2009.

Experience mod factors are figured on the current three-year experience period. For this renewal period, the experience period is from 2005-06 through 2007-08. The coverage year of 2004-05 came off while the coverage year of 2007-08 was added. Even though accrued claims of \$20,781 were removed and accrued claims of \$13,128 were added, the overall difference in the total accrued claims for the 2007-08 three-year period increased \$562 from the 2009-10 three-year period causing the .01 increase in the experience mod (see the following detail).

2008-09	.88	2004-05	\$10,514	2009-10	.89	2005-06	\$ 9,902
		2005-06	\$ 9,439			2006-07	\$22,066
		2006-07	\$21,692			2007-08	\$10,239
			\$41,645				\$42,207

Losses will need to exceed \$88,395 to meet the total estimated cost of the Guaranteed Cost Plan. Enclosed is a Worker's Compensation overview and comparison.

Sincerely,

  
Kenneth L. Woods, Jr.  
Insurance Agent of Record, City of Dallas  
KLW:ekb

enclosures



**CIS Paid Loss Retrospective Plan  
for City of Dallas  
Payroll Display and Contribution Estimate**

Class Code	Description	Payroll	Manual Rate	Contribution	Budget Rate
5506	Street/Road Maintenance	\$70,000	7.78	\$5,446.00	7.32
7520	Water	\$328,000	4.28	\$14,038.40	4.03
7580	Sewer	\$200,000	3.91	\$7,820.00	3.68
7710	Firefighters & Drivers	\$825,300	3.06	\$25,254.18	2.88
7720	Law Enforcement	\$1,480,000	3.53	\$52,244.00	3.32
8380	Garage/Shop	\$101,000	3.24	\$3,272.40	3.05
8411	Public Safety Volunteers	\$210,000	0.78	\$1,638.00	0.73
8411F	Volunteer Fire Fighters	\$1,575,000	0.78	\$12,285.00	0.73
8742V	Volunteer Boards/Commissions/Public Officials	\$32,100	0.27	\$86.67	0.25
8810	Clerical	\$803,000	0.17	\$1,365.10	0.16
8820	Attorneys/Judges/Bailiffs/Court Clerks	\$110,000	0.14	\$154.00	0.13
8831	Animal Control/Dog Catchers	\$20,000	1.31	\$262.00	1.23
9015	Building Maintenance & Lifeguards	\$403,000	3.01	\$12,130.30	2.83
9102	Parks Maintenance	\$121,000	4.19	\$5,069.90	3.94
9402	Street/Sewer Cleaning & Snow Removal	\$46,000	5.98	\$2,750.80	5.63
9410	Municipal/County Employees NOC	\$630,500	1.66	\$10,466.30	1.56

<b>Estimated Manual Contribution</b>		\$154,283.05
<b>Increased Limits Factor</b>	x	1.03
<b>Experience Rating Modification Factor</b>	x	0.89
<b>Estimated Standard Contribution</b>	=	\$141,431.27
<b>Transition Adjustment</b>	x	1.00
<b>Estimated Adjusted Contribution</b>	=	\$141,431.27
<b>Initial Contribution Factor</b>	x	0.250
<b>State Assessment (4.80%)</b>	+	\$6,788.70
<b>Multi-Line Credit</b>	-	\$2,828.63
<b>Estimated Annual Contribution</b>	=	<b>\$39,317.89</b>

**"Budget Rate" and "Budget Estimate"**

"Budget Rate" is intended as a simple option for you to easily calculate "Budget Estimate" by class of employee and/or volunteer. Unlike the manual rate shown above, it has been modified by all applicable rating factors, discounts and assessment.

Due to rounding of decimal points, "Budget Estimate" of all class codes does not equal Estimated Annual Contribution.



## CIS PAID LOSS RETROSPECTIVE RATING PLAN

**YOUR ENTITY: City of Dallas**

**YEAR: 2009**

**YOUR PLAN**

Your Retro Plan is a **PAID LOSS** Retro plan.

Based on your projected payroll, operations, Experience Modification, we develop your **ADJUSTED CONTRIBUTION**.

From your **ADJUSTED CONTRIBUTION**, your **RETRO CONTRIBUTION** is calculated based on the following factors:

<b>MINIMUM FACTOR:</b>	to determine the minimum contribution you pay
<b>MAXIMUM FACTOR:</b>	to determine the maximum contribution you pay
<b>BASIC FACTOR:</b>	to fund for expenses needed to administer the plan
<b>PAID LOSS:</b>	actual loss amounts that we pay
<b>LOSS CONVERSION FACTOR (LCF)</b>	to fund for claim handling and adjustment expenses

**HOW IT WORKS**

Your **RETRO CONTRIBUTION** is calculated based on a **RETRO FORMULA**:

$$\text{RETRO CONTRIBUTION} = (\text{ADJUSTED CONTRIBUTION} \times \text{BASIC FACTOR}) + (\text{PAID LOSS} \times \text{LCF})$$

At inception, you pay an **INITIAL CONTRIBUTION** based on a factor that is equal to the **MINIMUM FACTOR** plus the **WCD Assessment**.

Each quarter, we bill you an amount based on the actual **PAID LOSS** x **LCF**.

Loss reserves are not used in calculations until **BUY-OUT OR MANDATORY FINAL CLOSE-OUT**.

**EVALUATION, BUY-OUT AND CLOSE-OUT**

We do **RETRO EVALUATIONS** for the plan duration until plan **BUY-OUT** or **MANDATORY FINAL CLOSE-OUT**, whichever takes place first.

**1ST, 2ND AND 3RD EVALUATIONS** are at **24, 36 and 48 months** from plan inception as illustrated by the Time Line below.

You can opt to have early **BUY-OUT** on any of the Evaluation dates by sending us a request.

The plan will have its **MANDATORY FINAL CLOSE-OUT** at **60 months** from inception.

In addition, early **BUY-OUT** and **MANDATORY FINAL CLOSE-OUT** calculations will include loss reserves.

Coverage Year 12 mo		1st Evaluation 24 mo*	2nd Evaluation 36 mo*	3rd Evaluation 48 mo*	Mandatory Final Close-out 60 mo*
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\* We will incorporate actuarial factors for **Loss Development** and **Incurred But Not Reported (IBNR)** in the calculations. at regular evaluations, early buy-outs and mandatory final close-out.

**EXAMPLE FOR YOUR COST PROJECTION**

<b>ADJUSTED CONTRIBUTION</b>	200,000
<b>MINIMUM FACTOR</b>	0.300
<b>MAXIMUM FACTOR</b>	1.300
<b>BASIC FACTOR</b>	0.300
<b>LOSS CONVERSION FACTOR</b>	1.200
<b>INITIAL CONTRIBUTION</b>	60,000

PAID LOSS PROJECTED	RETRO CONTRIBUTION**	
0	60,000	<i>Plan Minimum</i>
50,000	120,000	
75,000	150,000	
100,000	180,000	
125,000	210,000	
150,000	240,000	
166,667	260,000	<i>Plan Maximum</i>

\*\* Does not include Tax Assessment, any applicable Multi-line Credits and Risk Management Advisor Allowance

CITY OF DALLAS  
Workers Comp Loss Summary  
As of June, 9, 2009

	YEAR	COST OF CLAIM	CLOSED CLAIMS	OPEN CLAIMS
1.	CIS 1987-88	\$4,081.00	27	0
2.	CIS 1988-89	\$6,359.00	17	0
3.	CIS 1989-90	\$47,243.00	8	0
4.	CIS 1990-91	\$37,783.00	10	0
5.	CIS 1991-92	\$784.00	4	0
6.	SAIF 1992-93	\$1,548.00	?	0
7.	SAIF 1993-94	\$34,467.00	?	0
8.	SAIF 1994-95	\$9,718.00	?	0
9.	SAIF 1995-96	\$25,481.00	?	0
10.	CIS 1996-97	\$17,141.00	14	0
11.	CIS 1997-98	\$426.00	7	0
12.	CIS 1998-99	\$10,216.00	5	0
13.	CIS 1999-00	\$4,475.00	21	0
14.	CIS 2000-01	\$31,163.00	15	0
15.	CIS 2001-02	\$30,095.00	9	0
16.	CIS 2002-03	\$20,094.00	13	0
17.	CIS 2003-04	\$51,233.00	19	0
18.	CIS 2004-05	\$20,781.00	16	0
19.	CIS 2005-06	\$17,304.00	13	0
20.	CIS 2006-07	* \$59,215.00	18	1
21.	CIS 2007-08	* \$13,128.00	10	1
22.	CIS 2008-09	* \$54,481.00	11	3
		\$497,216.00	237	5

Total Average = \$22,601

Last Five Year Average (not including current year) = \$32,332

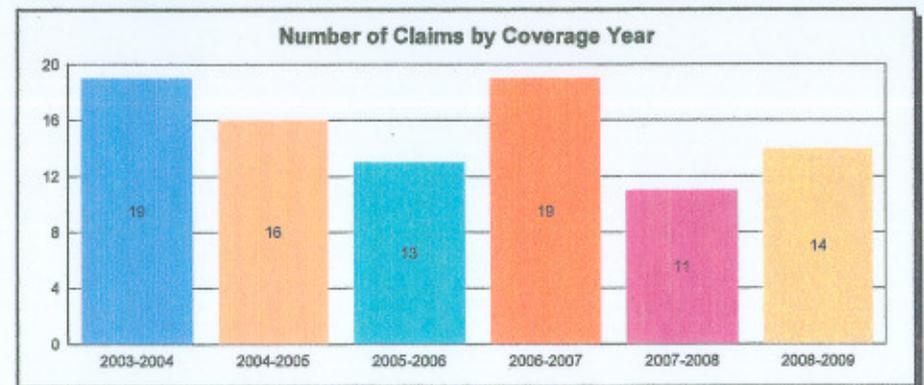
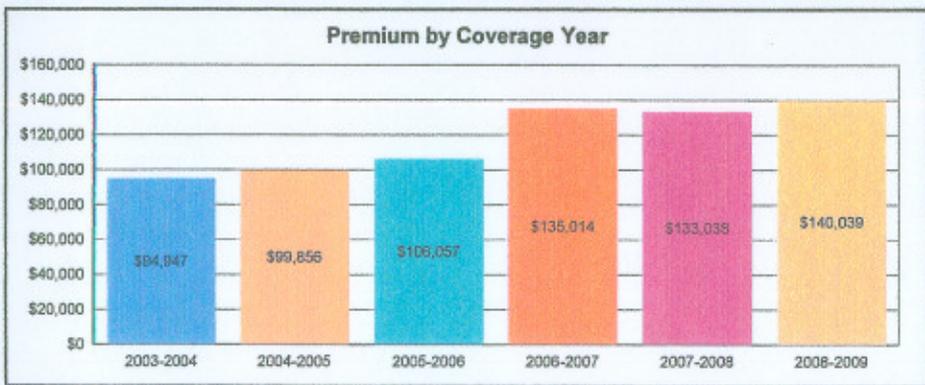
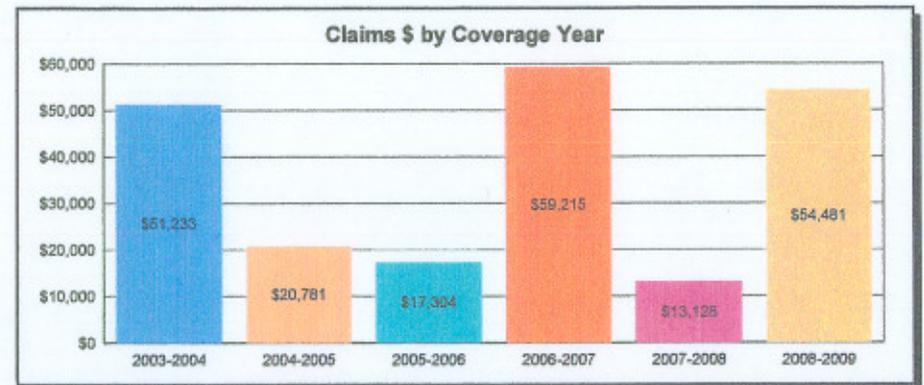
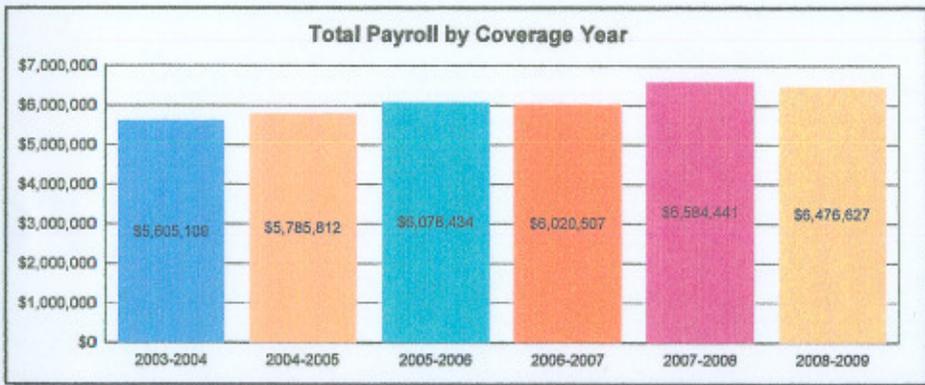
\* = includes reserves on open claims

Workers' Compensation (WC) Overview and Comparison to CIS Group (03-04 to 08-09 through 6/9/2009)

Dallas

Red = Higher than Average of All Entities; Blue = Lower than Average of All Entities

Coverage Year	Total Payroll	Total Premium	Total Claims \$	Total # of Claims	Average Cost of a Claim		Claims as % of Total Payroll		Loss Ratio	
					Entity	All Entities	Entity	All Entities	Entity	All Entities
2008-2009	\$6,476,627	\$140,039	\$54,481	14	\$3,892	\$6,476	0.84%	0.87%	39%	42%
2007-2008	\$6,584,441	\$133,038	\$13,128	11	\$1,193	\$4,400	0.20%	0.73%	10%	34%
2006-2007	\$6,020,507	\$135,014	\$59,215	19	\$3,117	\$3,619	0.98%	0.60%	44%	28%
2005-2006	\$6,078,434	\$106,057	\$17,304	13	\$1,331	\$4,206	0.28%	0.79%	16%	40%
2004-2005	\$5,785,812	\$99,856	\$20,781	16	\$1,299	\$5,353	0.36%	1.07%	21%	52%
2003-2004	\$5,605,109	\$94,947	\$51,233	19	\$2,696	\$5,127	0.91%	1.09%	54%	58%
<b>Total</b>	<b>\$36,550,930</b>	<b>\$708,952</b>	<b>\$216,143</b>	<b>92</b>						
<b>Average</b>	<b>\$6,091,822</b>	<b>\$118,159</b>	<b>\$36,024</b>	<b>15</b>	<b>\$2,349</b>	<b>\$4,814</b>	<b>0.59%</b>	<b>0.83%</b>	<b>30%</b>	<b>41%</b>



# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 7 b</b>	<b>Topic:</b> Lead Update
<b>Prepared By:</b> Fred Braun	<b>Meeting Date:</b> June 15, 2009	<b>Attachments:</b> Yes No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED MOTION:**

None – Informational.

**BACKGROUND:**

The City of Dallas sampled for lead and copper in August 2008 in accordance with State and Federal requirements. Lead levels above the Federal Action Levels were found in some of the homes tested. Lead was not detected in the drinking water system, but was found at the tap of some of the older homes tested. The lead was due to corrosion of the home plumbing when the home had copper piping that was assembled with lead solder.

The City contracted with a consultant to determine the best course of action in order to mitigate possible corrosion of the older home plumbing systems. The consultant recommended changing from lime to soda ash in the treatment process. It was also recommended that an Orthophosphate be added to the process.

The City retested 3 of the homes with the highest lead concentrations in November 2008. Shortly thereafter, the City changed from lime to soda ash in the treatment process. To verify the effect of this change, the City retested the 3 homes in April 2009. Lead levels decreased significantly as follows:

Lead Levels in ppb (parts per billion)

<u>Location</u>	<u>November 2008</u>	<u>April 2009</u>
Walnut Ave	51.6	17.5
SW Fairlawn Ave	36.0	21.5
SW Kings Place	103.0	2.4

The City is in the process of completing the improvements to add Orthophosphate to the system. This will further reduce the potential of corrosion in the plumbing of the older homes. The City plans to formally resample in August or September of this year.

**FISCAL IMPACT:**

Cost of consultant services and modifications to the treatment system is approximately \$75,000. On-going testing and chemical costs will increase by approximately \$15,000 annually.

**ATTACHMENTS:**

None



AGENDA ITEM 7 c

June 8, 2009

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

Dear Mr. Wyatt, Mayor Fairchild and Council Members,

On behalf of the Board of Directors, I would like to submit the following 5 people for appointment to the Chamber of Commerce seats on the Dallas Economic Development Commission.

1. Nancy Adams, Itemizer Observer {renewal}
2. Bob Ottaway, Westview Products {renewal}
3. Peggy Mehl, OSU Federal Credit Union
4. Reine Thomas, Chemeketa/Dallas Center
5. Jim Fowler, Fowler Affiliates

Please let me know if you have any questions, comments, concerns.

Sincerely,

Chelsea Pope  
Executive Director

cc: Chamber Board of Directors

MEMORANDUM

To: Mayor James Fairchild and City Council  
From: Lane Shetterly, City Attorney  
Date: June 1, 2009  
Re: Ordinance amending DCC 5.380 (Dogs at Large), 5.387 (Dangerous Dogs) and 5.388 (Penalties)

Below is the text of the proposed ordinance amending DCC 5.102, in “compared” format, which addresses an amendment to the Dallas City Code sections relating to “Dogs at Large” and “Dangerous Dogs,” as well as the “Penalties” provision for that sequence of code sections.

The amendments to DCC 5.380 (Dogs at Large) are intended to create two new levels of offense by minimum penalty amount. (See the new subsection (6).) Currently, any violation of DCC 5.380 is a civil infraction, punishable by a fine up to \$500, subject to a minimum bail of \$142. The code section does not differentiate between levels of “dog at large” violations. As amended, in the case of a second dog at large offense within six months, or if the dog engages in “menacing” behavior while at large (defined as “lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person’s safety) the offense would still be a civil infraction, but subject to an enhanced minimum bail of \$242. If the dog attacks, bites or injures a person or other domestic animal while at large, the minimum bail would be increased to \$427. In all other cases, the minimum bail would be \$142, which is the current level of minimum bail for all dog at large violations.

The amendments to DCC 5.387 (Dangerous Dog) would change the definition of “dangerous dog” (in subparagraph (2) (a)) to include a dog that attacks, bites or otherwise injures a domestic animal. The current definition only applies to dogs that attacks, bites or injures a person.

The amendment to DCC 5.388 corrects a typographical error in the printed code.

### 5.380 Dogs at Large

(1) No owner or custodian of a dog shall permit the dog to run loose or be at large.

(2) The owner or custodian of an unspayed female dog shall keep the dog confined within an enclosure inaccessible to other dogs during the female dog's oestral period.

(3) The owner or custodian of a dog shall keep the dog on a leash and under direct control when the dog is not on the private property of the owner or custodian.

(4) A police officer or dog control officer may impound a dog found to be loose or running at large.

(5) Sections (1) and (3) shall not apply in any enclosed area of a city park officially designated as an off-leash dog park.

(6) Violation of this section is a civil infraction, subject to a minimum bail amount of \$142, except as provided below:

(a) For a second or successive violation of this section within a six-month period, or if the dog has engaged in menacing behavior, as defined in section 5.387(1), while at large, the minimum bail amount shall be \$242.

(b) If the dog has attacked, bit or otherwise injured any person or other domestic animal while at large, the minimum bail amount shall be \$427.

### 5.387 Dangerous Dogs.

(1) Definitions: For purposes of this section, the following mean:

Business day. A day the Dallas City Hall is open for business.

Chief. The Chief of the Dallas Police Department, or the Chief's designee.

City. City of Dallas, Oregon.

Keeper. The person in actual or constructive charge of a dog at the time an alleged dangerous act occurs.

Menaces or menacing. Lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person's safety.

Notice. A dangerous dog notice.

Officer. A police officer, the City of Dallas Animal Control Officer, and the Polk County Animal Control Officer.

Order. A dangerous dog order.

Owner. The person(s) named on the dog's license as the owner, and if a dog is not licensed, the person(s) who claim ownership of the dog.

Provoking. Acting in a manner which a reasonable person would believe would cause the dog to act as a dangerous dog.

(2) A dog is a dangerous dog if it:

(a) Attacks, bites or otherwise injures any person or other domestic animal; or

(b) Menaces any person.

(3) Exception to dog as a dangerous dog. A dog is not a dangerous dog if it commits an act described in subsection (2) herein against a person:

(a) Wrongfully assaulting the dog, the dog's owner, or another person;

(b) Provoking the dog;

(c) Trespassing upon premises occupied by the dog's owner, or upon other premises where the dog is present with the consent of the person(s) in charge of that premises; and

(i) Provoking the dog;

(ii) Intending to commit an additional crime; or

(iii) After climbing over a fence or other enclosure with knowledge that the dog is enclosed.

(4) Reasonable restrictions. Upon a finding that a dog is a dangerous dog, the owner of the dog can be ordered to impose reasonable restrictions on the dog, including, but not limited to the following:

(a) Posting signs with "Beware!! Dangerous Dog!!" in letters not less than three inches high, which clearly contrast with the background color of the sign, on each portion of a fence or other enclosure that faces a sidewalk, street, or alley and encloses the dog, and one sign in any unenclosed area accessible to the dog when not under the direct control of the owner;

(b) Confining the dog in an outdoor kennel constructed of not less than nine gauge chain link with each side panel and roof panel reinforced on all four sides with a tension bar. The kennel shall be kept locked at all times the dog is in the kennel;

(c) Requiring the dog to be restrained by an adequate leash and muzzle and be under the direct control of the owner at all times when off the owner's property;

(d) Requiring any area to which the dog has access when not under the direct control of the owner to be enclosed by fencing not less than six feet high or such other height as is allowed by the Dallas Development Code, and constructed of materials and in a manner adequate to prevent escape;

(e) Impounding the dog, at the owner's expense, until other imposed reasonable restrictions are in place;

(f) Prohibiting the dog from remaining in and/ or returning to the city;

(g) Implantation of an identifying microchip in accordance with the rules of the State Department of Agriculture. Implantation shall be made prior to any adoption or relocation of the dog. The microchip information and the record of the dog shall be forwarded to the Department of Agriculture. City and the Department of Agriculture may charge reasonable fees to the dog owner to cover the cost of conducting and administering the microchip implantation program.

(h) Requiring the dog to be euthanized in a humane manner. In

determining whether a dangerous dog should be euthanized, the Chief shall consider the following factors:

- (i) The circumstances of the bite, including whether the dog was provoked by the person bitten or any other person;
  - (ii) Whether the owner has a history of owning or keeping dangerous dogs, or a history of allowing dog(s) to run at large, within the city or at any other location;
  - (iii) The impact of owner's actions on the behavior of the dog;
  - (iv) The severity of the bite;
  - (v) The ability and inclination of the owner to prevent the dog from behaving as a dangerous dog;
  - (vi) Whether the dog can be relocated to a secure facility;
  - (vii) The effect that a transfer of ownership would have on ensuring public safety;
  - (viii) Whether the dog acted as a dangerous dog prior to or after the notice and/or order; and
  - (ix) Any other factors the decision maker may deem relevant.
- (i) Any other restrictions which, under the circumstances presented, are reasonably necessary to prevent the dog from committing further dangerous acts as defined herein.

(5) Bite of persons. In addition to the provisions of this chapter, a dog which bites a person shall be dealt with under rules of the Oregon Health Division Acute and Communicable Diseases Program.

(6) Dangerous dog notice. Any officer with reasonable grounds to believe a dog is a dangerous dog may issue the dog's owner written notice which includes the following:

- (a) That the dog is considered dangerous;

(b) A description of the alleged dangerous act, including the date, time, and approximate location where the dangerous act occurred;

(c) Temporary restrictions which are immediately effective;

(d) The penalties for failures to institute and/or maintain temporary and/or permanent restrictions;

(e) The name, address, and telephone number of the owner;

(f) That the owner may request a hearing on the notice by submitting a request to the Chief within ten business days of the date the notice was issued and if a hearing is not requested, that the notice shall, without further action, constitute a dangerous dog order.

(g) Owner to be served. If not initially served, the person named as the dog's owner on the dog's license shall be served the notice. If the dog is not licensed, or the owner cannot be determined or found, the dog may be impounded and notice of the impoundment shall be served personally or by mail upon the owner at the owner's last know address. The dog shall remain impounded until the owner redeems the dog, complies with all regulations for the redemption of impounded dogs, and the owner is served the notice, if not previously served. If the owner fails to redeem the dog within 15 business days from the date of impoundment or within 15 business days of the date the final dangerous dog order was issued, the dog may be euthanized in a humane manner or adopted if the Chief is of the opinion that public safety will not be jeopardized by the adoption. Failure to serve the owner shall not preclude a dangerous dog proceeding.

(7) Emergency temporary restrictions. If an officer issuing a notice has reasonable grounds to believe the dog alleged to be dangerous will, before an order can be entered, commit another act described in subsection (2) herein, the officer, at any time prior to the entry of an order, may, in the original notice or in an amended notice, impose temporary reasonable restrictions, except euthanasia, to keep the dog from committing another such act. The temporary restrictions shall be effective upon service of such notice.

(8) Conduct of hearing. The hearing before the Chief shall be held within ten business days of the date the notice was issued, and shall be informal, with

such rules of evidence and procedure as the Chief believes are necessary for the reliability and expediency of the hearing, subject to the following:

(a) Proof of payment required. Before a hearing is scheduled, the owner must present written proof that all kennel, licensing, and veterinary costs of the dog have been paid in full. Additionally, if the dog will be impounded until the hearing takes place, kennel costs must be pre-paid for a period of time which ends 14 calendar days after the date of the hearing;

(b) The officer who issued the notice may appear by report only. The person requesting the hearing, and any witnesses, may appear personally, by telephone, or by written statement;

(c) The Chief shall cause notice of the date of the hearing to be mailed to the owner on the same day the Chief sets the hearing. The owner shall be entitled to one rescheduling by submitting a written request to the Chief which includes acknowledgment that any temporary restrictions will continue until the Chief's decision is issued;

(d) The Chief shall issue a written decision which affirms, modifies, or dismisses the notice and, unless dismissed, which sets forth any modifications to the reasonable restrictions set forth in the notice, within five business days of the hearing. The notice and the Chief's decision shall constitute an order;

(e) The Chief may only recommend euthanasia as a reasonable restriction. There shall be automatic review by the Municipal Court pursuant to subsection (10) herein, without a filing fee, of each case where the Chief recommends euthanasia.

(f) The order shall be mailed to the owner within five business days after the hearing. The decision shall include a statement that the recipient of the Chief's decision is entitled to appeal the Chief's decision to the Municipal Court by filing a notice of appeal and a \$150 non-refundable filing fee with the Municipal Court within ten business days after the date the decision and dangerous dog order is mailed; and

(g) Failure to serve the owner shall not preclude the availability of a hearing nor the effectiveness of the order.

(9) Proof of compliance. The owner shall provide acceptable proof of compliance with the emergency temporary restrictions, and/or the terms of an

order to the Chief on or before the tenth business day after service of the notice or order.

(a) If proof of compliance is not provided within said ten days, there is a rebuttable presumption of a failure to comply. If the Chief finds the proof which was submitted is unacceptable, the Chief shall send notice of that finding to the owner within five business days after the proof was submitted and the owner shall have ten business days from the date the finding was mailed to provide acceptable proof of compliance and upon a failure to do so, there is a rebuttable presumption of a failure to comply and the owner may then be cited into the Dallas Municipal Court under subsection (11)(a) herein.

(b) A dog which is subject to emergency temporary restrictions and/ or an order may be seized and impounded by an officer until proof of compliance under subparagraph (a) above is received.

(10) Appeal. The owner may appeal the Chief's decision to the Municipal Court by filing a written request, with the owner's name, address, telephone number, and the address where the dog is kept, if different, and except when euthanasia is recommended, a \$150 fee with the court within ten business days after the Chief's order was mailed. The appeal to the Municipal Court shall be de novo. The filing of an appeal does not stay the order.

(a) The Municipal Court shall schedule the hearing on the appeal for a date which is not more than ten business days after the Municipal Court receives the record, if the dog is impounded, or otherwise within 30 calendar days, and shall immediately provide written notice to the appellant, the Chief, and to the officer who issued the notice, of the hearing date.

(b) The Municipal Court's decision shall be issued and mailed to owner and the Chief within five business days of the date of the hearing, if the dog is impounded, or otherwise within 30 calendar days, and shall be effective when personally served upon the owner, or three business days after it is mailed to the owner at the address in the appeal request, whichever first occurs.

(11) Violations.

(a) An owner who is served a notice and/or order, or who otherwise is aware of the restrictions in the notice and/or order, and fails to immediately institute and maintain such restrictions shall be guilty of a violation punishable

by a fine of not to exceed \$1,000 and an additional fine of not to exceed \$250 for each day the failure to institute continues.

(b) The owner of a dog subject to reasonable restrictions who has knowledge of the restrictions and transfers possession and/or ownership of that dog to a keeper and/or new owner without notifying the new owner/keeper of the restrictions shall be guilty of a violation, punishable by a fine of not to exceed \$1,000.

(c) Any owner and/or keeper knowingly hiding or harboring a dog with the intent to hinder an investigation into whether the dog is a dangerous dog or into whether reasonable restrictions have been implemented and/or maintained shall be guilty of a violation, punishable by a fine of not to exceed \$1,000 and an additional fine of not to exceed \$250 per day for each day the dog is hid or harbored.

(d) An order of the Polk County Dog Board regarding a dangerous dog shall be considered an order subject to the provisions of this subsection (11) if the dog is within the city regardless of whether the restrictions in that order are set forth in subsection (4) herein. Such violations are enforceable and punishable in the Dallas Municipal Court in the same manner as if the order had been issued by the city, including the enhanced penalty under subsection (11)(e) herein.

(e) If a dog subject to a notice and/or order bites a person while the owner is in violation of the provisions of subsection (11)(a), (b), or (c) herein, the owner shall be guilty of a Class C misdemeanor.

(f) If a dog subject to a notice and/or order bites a person while a keeper of the dog is aware of non-compliance with the restrictions and exposes the dog to the person who was bitten, that keeper shall be guilty of a Class C misdemeanor.

(12) Nothing herein shall prevent or prohibit an officer from referring an alleged dangerous dog to Polk County.

(13) Concurrent jurisdiction to enforce the terms of this section is granted to Polk County.

**5.388 Penalty.**

(1) Violation of sections 5.380 to ~~53~~.386 is a civil infraction.

(2) Violation of section 5.386 is a civil infraction, unless a carnivorous wild animal is unlawfully in the city and that animal injures a person, in which case the violation shall be a Class B misdemeanor.

MEMORANDUM

To: Mayor James Fairchild and City Council

From: Lane Shetterly, City Attorney

Date: June 1, 2009

Re: Ordinance amending DCC 5.020 (Unnecessary Noise)

Below is the text of the proposed ordinance amending DCC 5.020, in “compared” format, which addresses an amendment to the Dallas City Code section relating to “Unnecessary Noise.”

The amendment to subsection (2) is intended to create two new levels of offense by minimum penalty amount. Currently, any violation of DCC 5.020 is a civil infraction, punishable by a fine up to \$500, subject to a minimum bail of \$142. As amended, in the case of a second offense within six months, the offense would still be a civil infraction, but subject to an enhanced minimum bail of \$242. In the case of a second offense within three months, the offense would still be a civil infraction, but subject to an enhanced minimum bail of \$242. In all other cases, the minimum bail would be \$142, which is the current level of minimum bail for all dog at large violations.

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**5.020 Unnecessary Noise.**

(1) No person shall create, assist in creating, or permit the continuance of, unreasonable noise that annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others. The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this section, but the enumeration of them shall not be construed to be exclusive:

(a) Keeping a bird or animal that, by causing frequent or continued noise, disturbs the comfort and repose of a person in the vicinity.

- (b) Attaching a bell to an animal or allowing a bell to remain on an animal that is disturbing to a person in the vicinity.
- (c) Using a vehicle or engine, either stationary or moving, that is operated to create loud or unnecessary grating, grin ding, rattling, or other noise.
- (d) Excessive sounding of a horn or signaling device on a vehicle on a street or public or private place.
- (e) Blowing a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or upon request of city officials.
- (f) Erecting, including excavating, demolishing, altering, or repairing a building in residential districts, other than between the hours of 6:00 a.m. and 9:00 p.m., except in case of urgent necessity in the interest of public welfare and safety, and then only with a permit granted by city officials.
- (g) Using a gong or siren upon a vehicle, other than police, fire, or other emergency vehicle.
- (h) Discharging in the open air the exhaust of a steam engine, internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises and the emission of annoying smoke.
- (i) Using or operating an automatic or electric piano, phonograph, radio, television, loudspeaker or an instrument for sound producing or a sound amplifying device so loudly as to disturb persons in the vicinity or in a manner that renders the use a nuisance. However, upon application to the City Manager, permits may be granted for the broadcast or amplification of entertainment programs of music, speeches, news, or general entertainment programs of a national, state, or city event, provided that the broadcast or amplification shall not be audible for a distance of more than 1,000 feet from the instrument or speaker. The decision of the City Manager on a permit application may be appealed to the City Council by filing a written notice of appeal with the City Manager within ten days of the City Manager's decision.
- (j) Conducting, operating, or maintaining a commercial garage within 100 feet of a private residence, apartment, rooming house, or hotel in a manner

that causes loud or offensive noises to be emitted between the hours of 11:00 p.m. and 7:00 a.m.

(k) The use of unmuffled engine brakes, commonly known as "Jake Brakes."

(2) Violation of this section is a civil infraction, subject to a minimum bail amount of \$142, except as provided below:

(a) For a second or successive violation of this section within a six-month period the minimum bail amount shall be \$242.

(b) For a second or successive violation of this section within a three-month period the minimum bail amount shall be \$427.-

Blue Garden Building  
Condition and Repairs

Date: June 15, 2009  
Location: 827 Main Street  
Owners: Jenifer Goodman

## Original Site Visit List of Repairs

- Extensive water damage to floors, walls, ceiling, and roof
  - Remove floor, wall and ceiling finishes to inspect and repair structural members as needed.
    - ***Some of the floor, ceiling tile and debris has been removed from the inside of the building***
- Roof deck openings and leaks, roof and floor diaphragms not tied into the wall for resistance to seismic events – roof is voided and failing, repair holes in the roof, extensive roof repair or a new roof system needs to be built.
  - Properly repair roof and floor diaphragms.
    - ***Final inspection on the Roof repair is scheduled for Monday, June 15***
- Air conditioning units have been removed
  - Repair or install approved heating and cooling system.
    - ***Complete***
- Roof rafters have been severely notched. Rafters show sign of splitting and sagging
  - Repair or replace the rafters as needed.
    - ***Complete for rear portion of the building***
- Mold, mildew, fungi growth throughout the building on the floor, furniture, and roof deck - remove moisture from the interior and eliminate odor. Complete environmental assessment to determine the level of mold, mildew, fungi, asbestos and lead paint in the building.
  - Abatement of mold, mildew, fungi, asbestos and lead paint in the building where identified.
- Exterior wall damage
  - Repair the hole in the southwest wall, paint or seal building to prevent further deterioration.
    - ***Non structural item***
- Unsafe electrical wiring and panels– rewire a minimum of 60%, and possibly 100%, of the building to meet code requirement.
  - Replace all electrical panels.
- Front entrance cracked, warped and buckled tile
  - Repair and secure the front tile to the front of the building.
- Open sewer pipe in the alley
  - Cap open sewer pipe in the alley.
- Interior ceiling failure, ceiling tiles saturated and deteriorating
  - Remove and replace all ceiling tiles and dispose of waste.
    - ***Several loads of debris has been removed from the building***
- Insulation removed and placed in the middle of room

- Remove and replace insulation and dispose of waste.
  - *Most debris has been removed*
- Exit doors have unacceptable locks or latches
  - Replace locks and latches with approved egress devices.
    - *Locks have been secured*
- Remove trash, debris and opened food items
  - Remove and properly dispose of the old furniture, trash, debris, food items and material piled in the building.
    - *Some debris has been removed*
- Floor joists saturated and show signs of mold and decay
  - Repair or replace saturated floor joists as needed.
    - *Some floor joists have been removed*
- Floor sheathing on second floor is voided due to moisture and decay
  - Replace floor sheathing on the second floor as needed.

## 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	<b>Code Enforcement</b>	Ed Totten

### May 2009 Monthly Report - Planning, Building, Code Enforcement

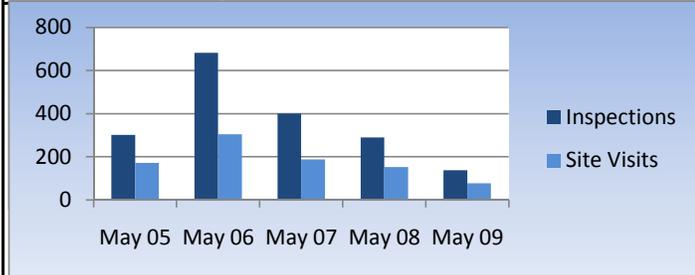
REVENUES		Month	Fiscal YTD
Planning	May-09	\$ 7,936	\$ 26,625
Building	May-09	\$ 7,496	\$ 177,414

#### LAND USE APPLICATIONS

	Sign	Home Occupation	Conditional Use	Variance	Partition / Replat	Subdivision	Street Plan	Annexation	Zone Change
May-09	3	2	0	0	0	1	0	0	0
YTD 2009	8	7	0	0	0	1	0	0	0
May-08	0	1	0	1	1	0	0	0	0
Total 2008	13	8	4	4	5	1	0	0	1

#### INSPECTIONS AND SITE VISITS

<b>Monthly:</b> Inspections - 138	Site Visits - 77
<b>Year to Date:</b> Inspections - 701	Site Visits - 356



#### CODE ENFORCEMENT

Current Open Cases:	12
New Cases processed in May:	
6.505 Abandoned Vehicles	12
6.32 Vehicles Stored on Street	12
5.584 Vehicles Stored on Prop	11
5.582 Junk	3
5.556 Scattering Rubbish	5
5.588 Graffiti	6
Other Ordinances	5
Number of Followups	120
Number of Parking Citations	15

#### BUILDING PERMIT SUMMARY

Permit Use	May-09	May-08	YTD Total 2009	Annual Total 2008	YTD Valuation 2009	Annual Valuation 2008
New Single Family	0	4	3	30	\$ 522,451	\$5,896,612
New Duplexes	0	0	0	0	0	0
New Multifamily	0	0	1	1	3,759,944	390,000
Residential Remodel	5	7	17	61	435,488	1,652,102
Residential Accessory Building	0	0	4	4	55,388	59,891
New Commercial	0	1	0	16	0	4,283,623
Commercial Remodel	8	6	16	49	374,880	982,441
New Industrial	0	0	1	1	46,530	1,302,945
Industrial Remodel	0	0	0	0	0	0
Public Building	0	0	2	6	6,533	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>13</b>	<b>18</b>	<b>44</b>	<b>168</b>	<b>\$ 5,201,214</b>	<b>\$16,195,028</b>

# DALLAS AQUATIC CENTER

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

## MAY 2009 MONTHLY REPORT

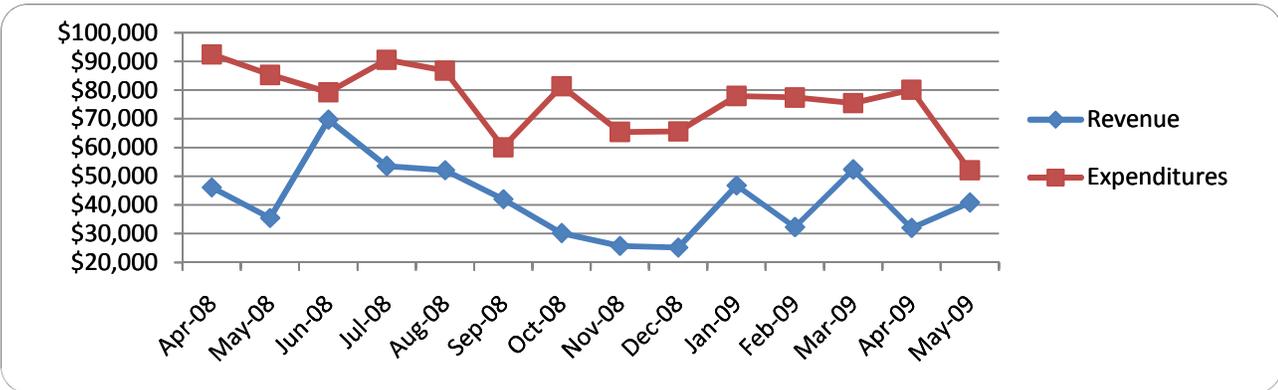
REVENUE	May-09	Fiscal YTD
General Admission	\$15,994	\$164,873
Annual Membership	7,949	86,959
Concessions	5,593	75,359
Pool Rental/Parties	5,470	34,330
Other	5,629	63,794
May-09	\$40,814	\$425,064
May-08	\$35,453	\$398,529

Current Members:	
Annual	904
3-month Water Aerobics	28

Monthly Attendance:	
May	10,784

**R/E Ratio = 50.6 %**  
 (Revenue/Expenditure)

EXPENDITURES	Month	Fiscal YTD
May-09	\$52,070	\$840,744
May-08	\$85,273	\$879,645



Utility Costs:	May-09	Fiscal YTD
Natural Gas	\$13,345	\$161,308
Electricity	\$7,580	\$87,168

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

**Circulation Statistics**

<b>Adult</b>	<b>May 2009</b>	<b>May 2008</b>		<b>Children</b>	<b>May 2009</b>	<b>May 2008</b>
<b>Print Materials</b>	9849	7170		<b>Print Materials</b>	2651	3050
<b>Books on Tape/CD</b>	466	507		<b>Books on Tape/CD</b>	145	179
<b>AV Materials</b>	1147	1100		<b>AV Materials</b>	801	861
<b>Misc. items</b>	706	1225				
<b>2009 Year to Date 50,786</b>				<b>2009 Year to Date 18,156</b>		
<b>Remote Renewals 798</b>				<b>2009 Year to Date 4219</b>		
<b>Combined Total 73,161</b>						

**Additional Activity**

	<b>May 2009</b>	<b>May 2008</b>	<b>Year to Date 2009</b>
<b>Non-Resident User Fees</b>	\$ 290.00	\$ 530.00	\$ 2910.00
<b>Fines Collected</b>	\$ 349.44	\$ 955.21	\$ 3525.17
<b>Photocopies</b>	\$ 83.45	\$ 152.10	\$ 469.62
<b>Reference Questions</b>	1100	1184	5619
<b>Volunteer Hours</b>	256.25	217	1345.50

**Registered Patrons – May 2009**

<b>City Residents</b>		<b>Non-Resident – Fee Paid</b>		<b>Non-Resident - Restricted</b>	
Adult	5848	Adult	377	Adult	1394
Child	1430	Child	61	Child	396
YA (12-17)	800	YA (12-17)	35	YA (12-17)	216
<b>Total</b>	<b>8078</b>	<b>Total Fee</b>	<b>473</b>	Kids C.A.R.E.	438
				<b>Total Restricted</b>	<b>2444</b>
<b>Non-Resident Total 2917</b>					
<b>Total Registered Patrons 10,995</b>					

The Children's Room welcomed 40 young people to the final Spring sessions of both Infant/Toddler and Preschool Storytimes. Both Storytimes will be taking a break, to enable the Children's Librarian to visit with classes about the upcoming Summer Reading Program. Indeed, during May class visits, both to the Library and onsite at local schools, 1175 children learned about the Library and the fun in store for them when they participate in the upcoming Summer Reading Events. As a result, a total of 1215 area children participated in these fun and energetic programs. Summer sessions of both Infant/Toddler and Preschool Storytimes will resume in mid-June.

EBSCO, our magazine database, logged 441 searches in May. This easy to use and definitely user friendly resource continues to be well used by patrons of all ages, both at home and in the Library.

The Library held it's first Food For Fines event during May. Throughout the month, patrons paid off \$650 worth of fines, and we brought in a total of 1075 pounds of food for our local Food Bank. A very successful program, for both our patrons and for the Food Bank.

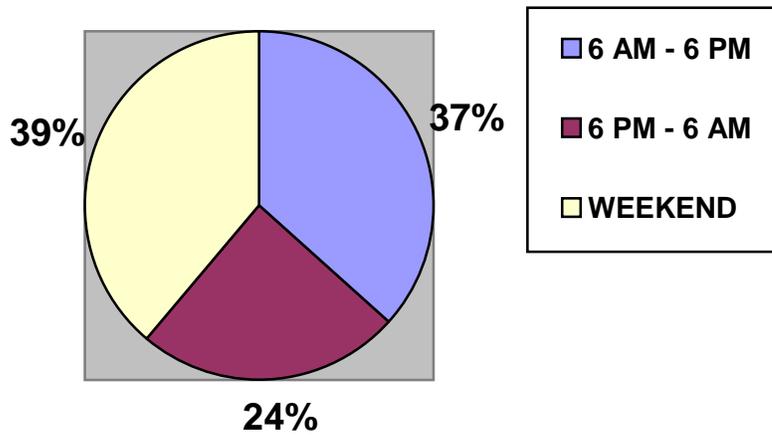
# COUNCIL REPORT – MAY 2009

**To:** Mayor & City Council Members

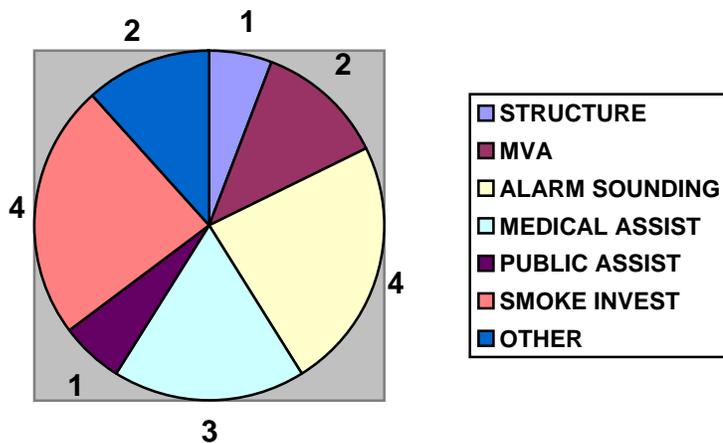
**From:** Fire Chief

## Dallas Fire Department:

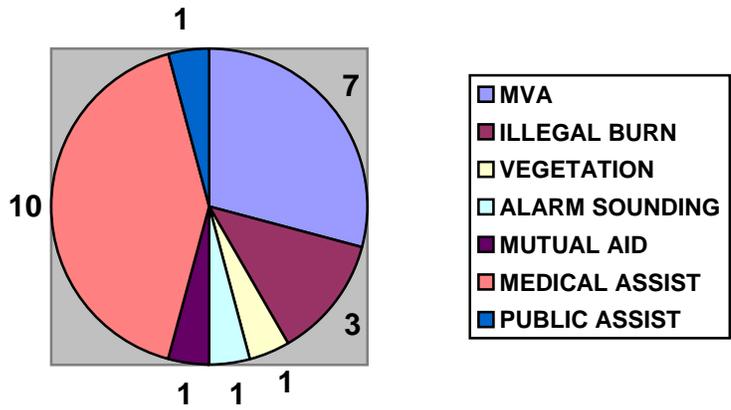
Station 100 responded to 41 calls of which 15 were between 6 AM – 6 PM, 10 between 6 PM – 6 AM and 16 during the weekend.



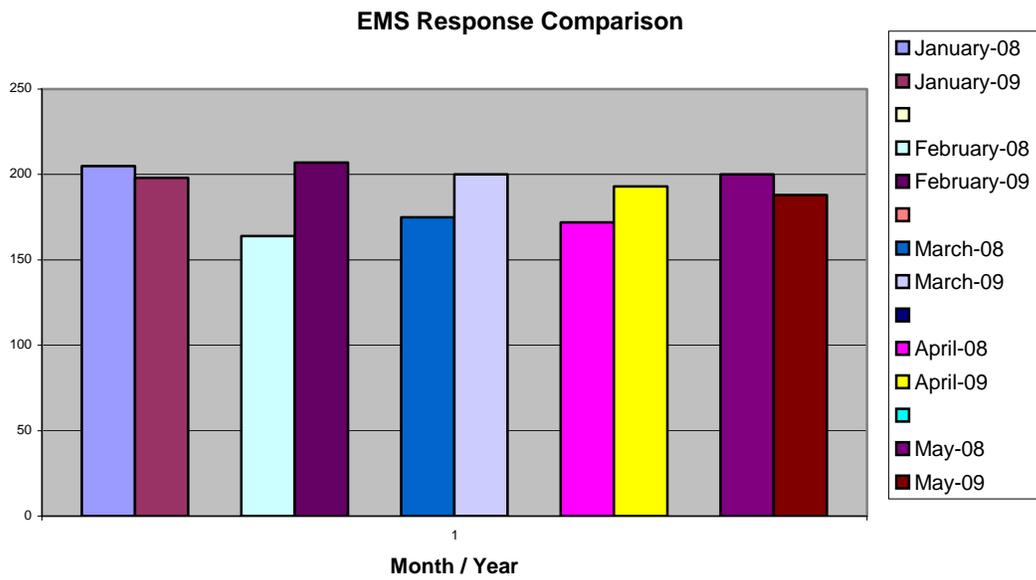
City responded to the following incidents during the month from station 100:



Rural responses by Station 110 during the month were for the following incidents:



### Dallas Emergency Medical Service:



**DALLAS POLICE DEPARTMENT**

**MAY 2009**

Investigations / Arrests

Animal Ordinance Offenses	Clear by Arr	12
Assaults	Clear by Arr	07
Carrying Concealed Weapon	Clear by Arr	01
Criminal Mischief	Clear by Arr	02
Curfew	Clear by Ref	02
Disorderly Conduct	Clear by Arr	02
DUII	Clear by Arr	02
Driving While Suspended	Clear by Arr	01
Drug Offenses	Clear by Arr	01
Fail Carry Present License	Clear by Arr	06
Furnishing Alcohol Minor	Clear by Arr	01
Harassment	Clear by Arr	03
Initiating False Report	Clear by Arr	01
Minor in Possession Alcohol	Clear by Arr	11
Misrepresentation Age	Clear by Arr	01
Police Officer Custody – Mental	Clear by Arr	01
Runaway	Clear by Ref	03
Sex Offenses	Clear by Arr	02
Thefts	Clear by Arr	03
Trespass	Clear by Arr	01
Unlawful Entry Motor Vehicle	Clear by Arr	08
Warrants	Clear by Arr	05

**76 TOTAL ARRESTS** (May '08 Arrests: 165)

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

12	Speeding Violations
06	License Violation
09	Insurance Violations
19	Moving Violations
07	Fail Wear Seat Belt
05	All Other

**JUVENILES**

Twelve juveniles were referred to juvenile authorities for their actions

**TOTAL CALLS FOR SERVICE: 911 (Last yr: 992 )**

148	Incident Case No.'s
763	Event Reports

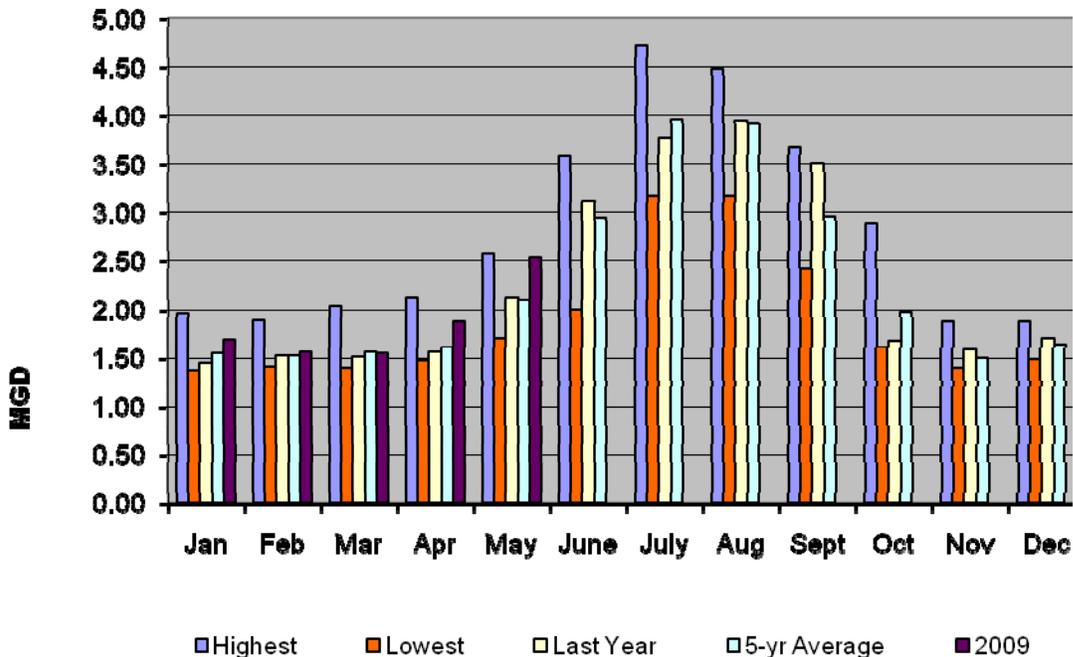
# DEPARTMENT OF PUBLIC WORKS

## Monthly Report for May 2009

### Water Division

	<u>2009</u>	<u>Unit</u>		<u>2008</u>	<u>Unit</u>	
Total Discharge to Town	78.5	MG		79.81	MG	
Total Water Raw	81.5	MG		80.50	MG	
Peak Day	5-31	4.01	MG	5-17	2.57	MG
Daily Average-Raw	2.63	MGD		2.60	MGD	
Daily Average-City	2.53	MGD		2.57	MGD	
Backwash Water	3.56	MG		.236	MG	
Filter to Waste	.52	MG		.24	MG	
Flushing		MG			MG	
Discharge Water	.10	MG		.10	MG	
ASR Injection	7.41	MG		7.36	MG	
Average High Temp	70 °	F		67.0 °	F	
Average Low Temp	44 °	F		47.7 °	F	
Total Precipitation	3.03	Inches		.43	Inches	

**Average Daily Treated Water Production**

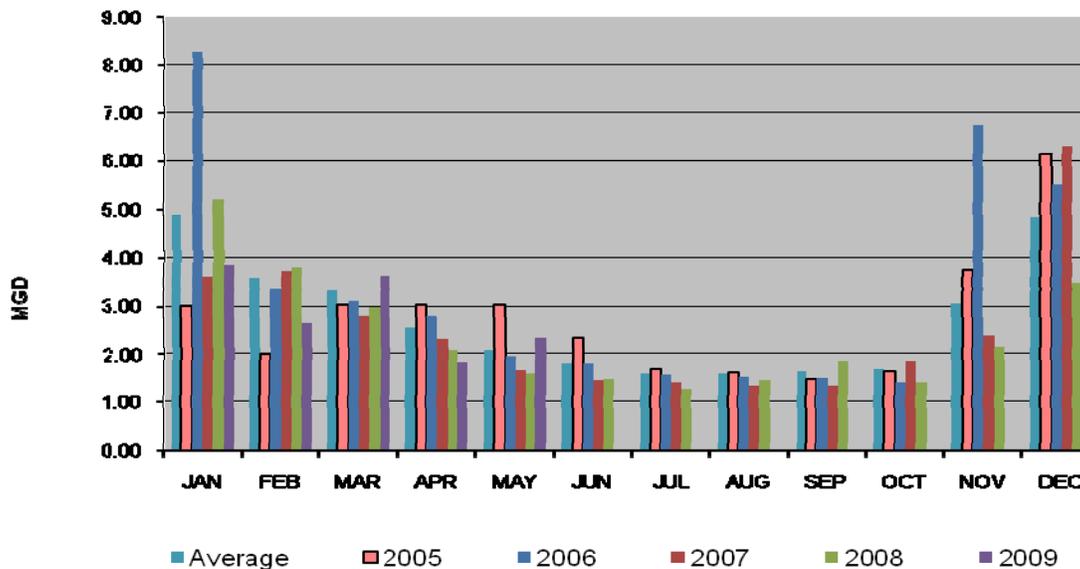


# Wastewater Division

## Effluent Flow

	<u>2009 Units</u>	<u>2008 Units</u>
Monthly Total Flow	73.0 MG	49.97 MG
Peak Day Flow	(May 6) 4.63 MG	(May 21) 1.97 MG
Daily Average Flow	2.35 MG	1.61 MG

**Effluent - Average Daily Discharge by Month**



## Plant Maintenance

- ✓ The Kubota lawn mower required extensive repairs this month.
- ✓ The East headworks screen has been temporarily repaired.
- ✓ The old chlorine contact basin continues to be filled with demolition debris by City Public Works.
- ✓ John Deere tractor hydraulic leak - in need of repair.

## Plant Performance

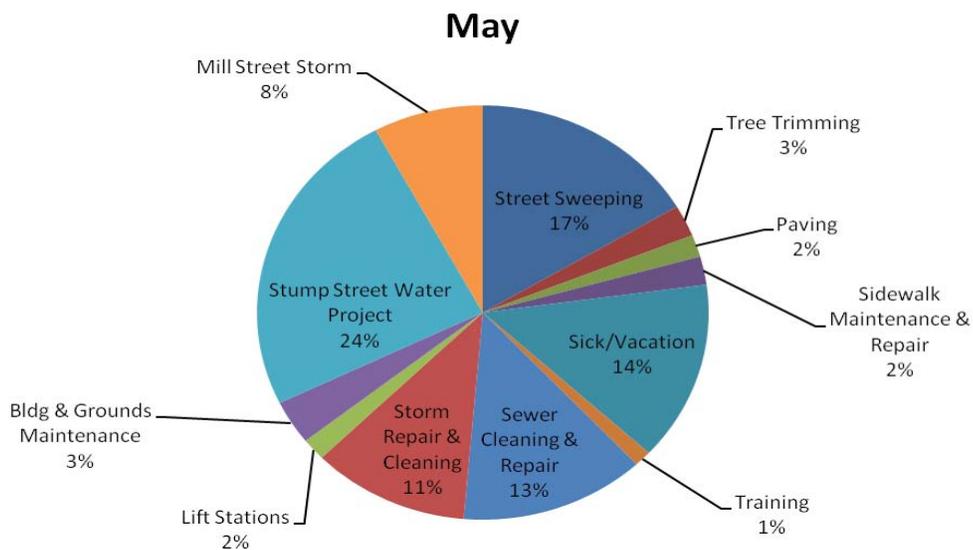
The wastewater treatment plant continues to meet the summer NPDES permit requirements that lasts from the beginning of May until the end of October. Plant grounds upkeep requirements have been increasing as summer weather approaches. Operations have begun stirring the humus ponds to increase biosolids drying. Haul-outs of biosolids are predicted to begin in late August.

# Parks

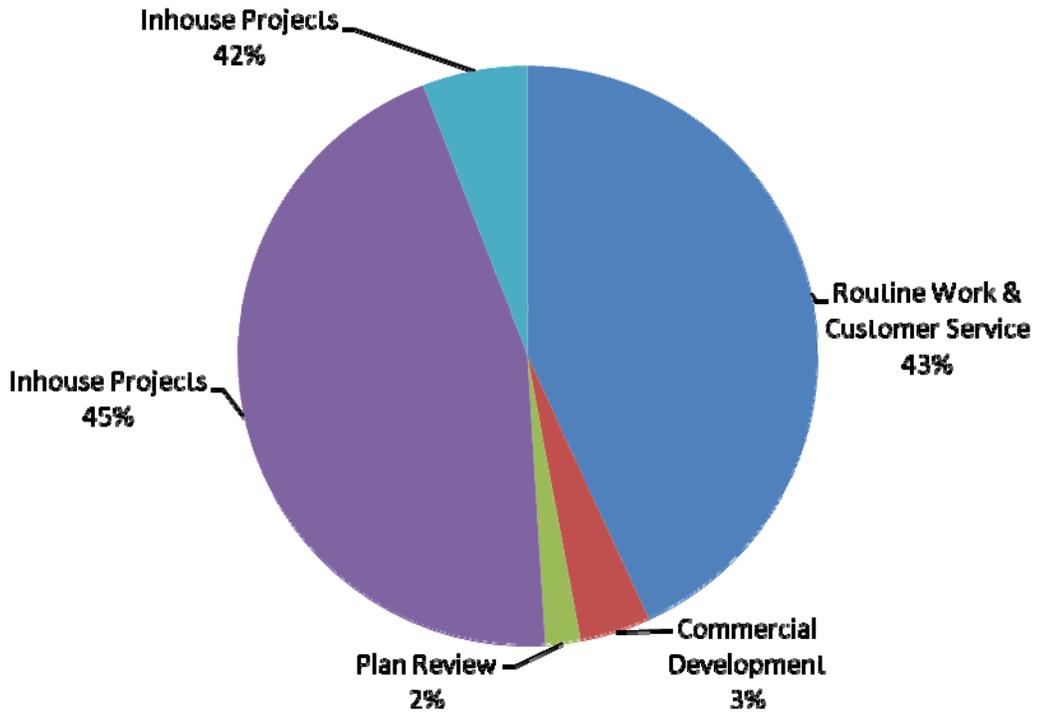
## The Parks department provided the following routine services:

- ✓ Started full-time garbage service on May 5, 2009
- ✓ Cleaned and opened new side kitchen area for use
- ✓ Repaired damage caused by vandalism
- ✓ Charge Water lines in parks for irrigation
- ✓ Put tables out for picnic use
- ✓ Wash outside of park buildings
- ✓ Regular mowing of all parks
- ✓ Weed shrub beds and landscape areas
- ✓ Performed monthly safety check of playground equipment on May 15, 2009
- ✓ Repair irrigation lines
- ✓ Pick up fallen limbs
- ✓ Prune shrubs
- ✓ Equipment service checked and/or repaired
- ✓ Volunteer groups helped with storm clean up
- ✓ Continued spray program
- ✓ Continuous weed removal in various shrub beds
- ✓ Installation of Central Bark sign
- ✓ Water street trees
- ✓ Install play ground equipment & fall protection at Gala Park
- ✓ Fill hole and grade dirt at old pool site
- ✓ OSHA walk-through

# Street and Construction Division

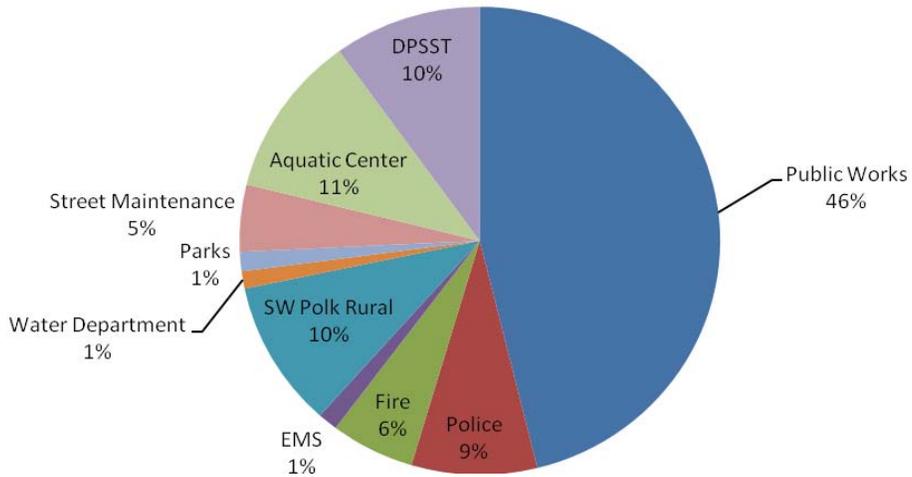


# Engineering



# Shop Services

## May





June 8, 2008

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

Dear Mr. Wyatt,

Thank you, the City Council and all of the City of Dallas staff for your continued support of the annual Summerfest activities, hosted by the Dallas Area Chamber of Commerce.

We have previously received date approval from the City Council of Thursday, July 23<sup>rd</sup> thru Sunday, July 26<sup>th</sup> recognizing that all downtown activities are Thursday thru Saturday then the focus shifts to the City Park for activities planned by the Dallas Rotary, Dallas Arts Association and the Delbert Hunter Arboretum.

As has happened in the past, we are making the following detailed requests:

**Street Closures:** *For all day Thursday, Friday & Saturday*

- Court Street from Main to Shelton
  - Trailer vendors will be positioned along the northwest side of Court Street.
  - The Fire Department will host 'Hydro Cart Races' on Friday and the 'Vehicle Rescue Competition' on Saturday along Court Street from Shelton to Jefferson.
- Mill Street from Main to Jefferson
  - The National Guard will have specialty vehicles for display, as well as the rock climbing wall.
  - We also have a vendor that will be bringing a game trailer, inflatable slide and bouncy house.

**Closures for the Parade:** *For Saturday only, July 25<sup>th</sup> from 8:00AM-1:00PM*

We anticipate the parade completing at 12:30PM and will need approximately a half hour to clean up and allow the crowds to disperse.

The parade route will be back to the 'original route'. Officially starting at Washington & Jefferson, completing the loop, ending at Main & Washington {parade entries will be directed to Clay for dispersal}.

- Main and Jefferson Streets, between Walnut and Clay.
  - No traffic should be allowed on Main and Jefferson Streets from 9:30AM-1:00PM due to the presence of parade performers and the large number of children.
  - Please allow Parade and Summerfest Personnel access. All will be identified with badges and some will be operating golf cart-type vehicles in the area.
- Thru traffic on Washington Street from Uglow to Jefferson from 8:00AM-1:00PM

**Parking:**

- Barricade parking stalls along the Courthouse Lawn; Main, Mill and Court Streets from 5:00PM on Wednesday, July 21<sup>st</sup> to 9:00PM on Saturday, July 25<sup>th</sup>.
  - Informational signs to be posted on Tuesday afternoon to alert folks of the Wednesday deadline, to prevent from having to locate or tow a downtown patron.
- Vendors & Entertainers will again have 'Parking Passes' - as it's proven helpful to the Police Department for the last 4 years.
- We would also like to set aside handicap accessible parking close to downtown and will need assistance in identifying those locations to the public.

**Additional:**

- Official Proclamation of Summerfest 2009 at our "Kick Off Party" on Tuesday the 21<sup>st</sup>.
- The last several years, the City laid fresh beauty bark, re-painted lines for the streets and parking stalls and cleaned the streets with the street sweeper and flusher – we'd love to see it again this year!
- Permission to hold live music on the Courthouse Lawn during Thursday, Friday & Saturday.
- Due to budget constraints this year, we will not be able to hire additional security, so we would appreciate strong police security surveillance during the duration of Summerfest in the downtown area, beginning on 5:00PM on Wednesday to 9:00PM on Saturday.
- The use of the parking lot at the City Shops for horse trailer parking the morning of the Parade, Saturday July 25<sup>th</sup> from 6:00AM to 2:00PM
- Police Unit Escort at the start of the Parade to lead the route at 11:00AM and to end the Parade at approximately 12:30PM.
- Street cleaning immediately after the Parade along the Parade route on Saturday.
  - We are working with volunteers, Polk County and Allied Waste regarding clean up.
- We will host the Teen Dance in the Bank of America Parking Lot on Saturday evening and would appreciate assistance from the police department.
- Recommend that the downtown area, to include the side streets, be swept with the street sweeper within 48 hours of the close of Summerfest.

The Dallas Area Chamber of Commerce continues to list the City of Dallas as an additional insured on our liability policy. A copy of this will be filed with the City.

Please let me know if you have any questions, concerns or recommendations.  
Thank you for your continued support!

Sincerely,



Chelsea Pope  
Executive Director

cc: Chamber Board of Directors

RESOLUTION NO. 3185

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$85,000 from the Water Fund, Debt Service and Contingency Department, to the Water Fund, Water Treatment and Pumping Department, for unanticipated contractual services; and

WHEREAS, it is necessary to transfer the appropriation authority of \$42,023 from the Grant Fund, Trail Project, to the Grant Fund, Water Conservation Grant, for an unanticipated grant; and

WHEREAS, it is necessary to transfer the appropriation authority of \$5,098 from the Grant Fund, Trail Project, to the Grant Fund, Street & Sidewalk Improvements, for an unanticipated grant;

WHEREAS, it is necessary to transfer the appropriation authority of \$2,400 from the Trust Fund, Street Improvement Trust, to the Trust Fund, Park Trust-Subdivision, for park improvements;

WHEREAS, it is necessary to transfer the appropriation authority of \$4,000 from the Trust Fund, Street Improvement Trust, to the Trust Fund, Park Development Trust, for park improvements;

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

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$85,000 from the Water Fund, Debt Service and Contingency Department, to the Water Fund, Water Treatment and Pumping Department.

Section 2. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$42,023 from the Grant Fund, Trail Project, to the Grant Fund, Water Conservation Grant.

Section 3. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$5,098 from the Grant Fund, Trail Project, to the Grant Fund, Street & Sidewalk Improvements.

Section 4. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$2,400 from the Trust Fund, Street Improvement Trust, to the Trust Fund, Park Trust-Subdivision.

Section 5. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$4,000 from the Trust Fund, Street Improvement Trust, to the Trust Fund, Park Development Trust.

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

Adopted: June 15, 2009  
Approved: June 15, 2009

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3186

A Resolution Creating the Fund 17 Debt Service Fund – Public Works.

WHEREAS, there is within the City of Dallas budget, Debt Service and Contingency Fund budget departments under the water fund and sewer fund; and

WHEREAS, it is deemed advisable and in the interest of better accountability and transparency to create a new fund for debt service, to be known as the Fund 17 Debt Service Fund – Public Works; Now, Therefore,

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

Section 1. That the Fund 17 Debt Service Fund – Public Works be, and it hereby is, created and established.

Section 2. This Resolution shall be effective on July 1, 2009.

Adopted: June 15, 2009

Approved: June 15, 2009

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3187

A Resolution adopting the budget of the City of Dallas, Oregon for the fiscal period beginning July 1, 2009 and ending June 30, 2010, making budgeted appropriations and levying taxes for said fiscal period.

WHEREAS, at a meeting of the City Council of the City of Dallas, Oregon, duly held on the 1<sup>st</sup> day of June, 2009, a budget for the City for the fiscal year beginning July 1, 2009 and ending June 30, 2010, heretofore submitted by the Budget Committee to the people of the City after due notice and public hearing, was submitted to the City Council for adoption for and on behalf of the City; and

WHEREAS, the appropriations for said period as shown by said budget are in the respective sums and for the purposes following:

<u>Budgeted Fund and Account</u>		<u>Appropriated Amount</u>
<b>1. GENERAL FUND</b>		
a) Administration		
Total Appropriation	\$	580,550
b) Finance		
Total Appropriation	\$	583,550
c) Facilities Maintenance		
Total Appropriation	\$	167,900
d) Municipal Court		
Total Appropriation	\$	261,625
e) Ambulance		
Total Appropriation	\$	1,112,660
f) Fire		
Total Appropriation	\$	738,350
g) Police Department		
Total Appropriation	\$	2,703,400
h) Library		
Total Appropriation	\$	426,300
i) Parks		
Total Appropriation	\$	253,000
j) Aquatic Center		
Total Appropriation	\$	866,600
k) Inspections/Building		
Total Appropriation	\$	288,100
l) Planning		
Total Appropriation	\$	306,530
m) Non-Departmental		
Operating Contingencies	\$	400,000
Unappropriated Fund Balance		<u>1,064,359</u>
Total Appropriation	\$	1,464,359
<b>TOTAL – ALL REQUIREMENTS – GENERAL FUND</b>	<b>\$</b>	<b><u>9,752,924</u></b>
<b>2. STREET FUND</b>		
Personal Services	\$	268,000
Materials & Services		366,100
Capital Outlay		185,000
Contingency		<u>150,124</u>
Total Appropriation	\$	<u>969,224</u>
<b>3. SEWER FUND</b>		
Personal Services	\$	534,000
Materials & Services		1,516,800

Capital Outlay		178,000
Debt Service		581,690
Contingency		<u>2,201,364</u>
Total Appropriation	\$	<u>5,011,854</u>
<b>4. WATER FUND</b>		
Personal Services	\$	719,000
Materials & Services		1,128,000
Capital Outlay		118,000
Debt Service		331,516
Contingency		<u>1,446,141</u>
Total Appropriation	\$	<u>3,742,657</u>
<b>5. OUTSIDE WATER FUND</b>		
Transfer to Water Fund	\$	<u>95,037</u>
Total Appropriation	\$	<u>95,037</u>
<b>6. DEBT SERVICE FUND</b>		
Debt Service (Water & Sewer)	\$	<u>1,826,412</u>
Total Appropriation	\$	<u>1,826,412</u>
<b>7. IMPROVEMENT FUND</b>		
Total Appropriation	\$	416,390
<b>8. FLEET MANAGEMENT FUND</b>		
Personal Services	\$	161,000
Materials & Services		395,800
Capital Outlay		50,000
Contingency		<u>117,286</u>
Total Appropriation	\$	<u>724,086</u>
<b>9. REVENUE SHARING</b>		
Transfer to General Fund	\$	<u>130,000</u>
Total Appropriation	\$	<u>130,000</u>
<b>10. SYSTEM DEVELOPMENT FUND</b>		
Transfer to Debt Service	\$	913,206
Capital Outlay		<u>4,937,879</u>
Total Appropriation	\$	<u>5,851,085</u>
<b>11. GENERAL OBLIGATION FUND</b>		
Debt Service	\$	678,807
Unappropriated Fund Balance		<u>247,889</u>
Total Appropriation	\$	<u>926,696</u>
<b>12. TRUST FUND</b>		
Park	\$	6,000
Skate Park		4,020
Fire-Harpy Bovard Scholarship		27,880
Fire-Extrication Team		34,696
Fire-Other		3,497
Aquatic Center		404,129
Library		2,538
Bail		116,384
Improvement		93,306
Street Improvement		126,548
Police		1,480
Civic Center		610

Economic Development		807
Transient Lodging		93,800
Total Appropriation	\$	<u>915,695</u>
<b>13. GRANT FUND</b>		
Total Appropriation	\$	6,403,000
<b>14. CAPITAL IMPROVEMENT FUND</b>		
Total Appropriation	\$	200,000
<b>15. GENERAL LONG TERM DEBT FUND</b>		
Debt Service	\$	<u>88,232</u>
Total Appropriation	\$	<u>88,232</u>

Total Appropriations - All Funds .....	\$	37,053,292
Less Estimated Receipts .....	\$	33,414,432
Amount Necessary to Balance Budget .....	\$	3,638,860
Plus Estimated Taxes Not Received.....	\$	150,376
Total Tax Levy Needed for 2009-10 (Est.).....	\$	3,789,236

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

Section 1. The budget for the City of Dallas for the fiscal year beginning July 1, 2009 and ending June 30, 2010, heretofore submitted to the City Council by the Budget Committee of said City after due notice and public hearing, and as set forth above, is hereby adopted as the budget for said City for said period.

Section 2. The City Council of the City of Dallas hereby levies the taxes provided for in the adopted budget at the rate of \$4.1954 per \$1,000 of assessed value for operations and in the amount of \$707,091 for bonds and these taxes are levied upon all taxable property within the City as of 1:00 a.m. July 1, 2009. These taxes are hereby imposed and categorized for tax year 2009-10 upon the assessed value of all taxable property within the City:

	Subject to the General Government Limitation	Excluded from Limitation
General Fund	\$ 4.1954/\$1,000	\$ 0
Bonded Debt Fund	0	\$ 707,091
Category Total	\$ 4.1954/\$1,000	\$ 707,091
Total Levy		\$3,789,236

Section 3. The amounts of money herein above and in said budget specified are hereby appropriated to the several funds for the purposes specified, respectively.

Section 4. That the City Manager shall, not later than the 15<sup>th</sup> day of July, 2009, notify the Assessor and Clerk of Polk County, Oregon, respectively, in writing, of the tax levy made by said City, stating the amount of money to be raised for the fiscal period beginning July 1, 2009 and ending June 30, 2010, and the method by which said levy is to be apportioned to the real and personal property subject to assessment.

Section 5. This Resolution shall be effective upon its passage.

Adopted: June 15, 2009  
Approved: June 15, 2009

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James B Fairchild, Mayor

ATTEST:

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Jerry Wyatt, City Manager

RESOLUTION NO. 3188

A Resolution declaring the City of Dallas' election to receive State Revenues.

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

Section 1. Pursuant to ORS 221.770, the City of Dallas hereby elects to receive State Revenues for fiscal year 2009-10.

Section 2. This Resolution shall be effective on its passage.

Adopted June 15, 2009.  
Approved June 15, 2009.

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James B Fairchild, Mayor

ATTEST:

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Jerry Wyatt, City Manager

I certify that a public hearing before the Budget Committee was held on May 18, 2009, and a public hearing before the City Council was held on June 1, 2009, giving citizens an opportunity to comment on use of State Revenue Sharing.

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Emily Gagner, Recording Secretary

ORDINANCE NO. 1703

An Ordinance granting to Qwest Corporation a telecommunications franchise.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Grant of Franchise. There is hereby granted by the City of Dallas\_ (the "City" or "Dallas") to Qwest Corporation ("Qwest"), its successors and assigns, the right and privilege to do a general communication business within said City of Dallas, and to place, erect, lay, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares, and public highways, places and grounds within said City, poles, wires, and other appliances and conductors for all telephone and other communication purposes. Such wires and other appliances and conductors may be strung upon poles or other fixtures above ground, or at the option of Qwest, its successors and assigns, may be laid underground, and such other apparatus may be used as may be necessary or proper to operate and maintain the same.

Section 2. Excavations. It shall be lawful for Qwest, its successors and assigns, to make all needful excavations in any of the streets, alleys, avenues, thoroughfares, and public highways, places and grounds in said City for the purpose of placing, erecting, laying and maintaining poles or other supports or conduits or such wires and appliances and auxiliary apparatus or repairing, renewing or replacing the same. The work shall be done in compliance with the necessary rules, regulations, ordinances or orders, which may during the continuance of this franchise be adopted from time to time by the City of Dallas.

Section 3. Restoration. Whenever Qwest, its successors and assigns, shall disturb any of the streets for the purpose aforesaid, it or they shall restore the same good order and condition as soon as practicable without unnecessary delay, and failing to do so the City of Dallas, shall have the right to fix a reasonable time within which such repairs and restoration of streets shall be completed, and upon failure of such repairs being made by Qwest, its successors and assigns, the said City shall cause the repairs to be made at the expense of Qwest, its successors and assigns.

Section 4. Relocation. Nothing in this Ordinance shall be construed in any way to prevent the proper authorities of the City of Dallas from sewerage, grading, planking, rocking, paving, repairing, altering, or improving any of the streets, alleys, avenues, thoroughfares, and public highways, places and grounds within the City's public

rights-of-way in or upon which the poles, wires or conductors of Qwest shall be placed, but all such work or improvements shall be done if possible so as not to obstruct or prevent the free use of said poles, wires, conductors, conduits, pipes, or other apparatus. In the event that Dallas requires that Qwest move, alter, change, adapt, or conform its facilities, where such move is necessary, reasonable and for reasons pertaining to the health, welfare and safety of its citizens, Qwest shall pay the cost of the relocation. If such move is for aesthetic purposes, for the City's benefit to compete with Qwest as a telecommunications service provider, or which is necessitated for the development of a nonroadway structure, Dallas shall reimburse Qwest for relocation. If such move is for the benefit or convenience of or at the request of a third party, including a private developer or development, such costs shall be borne by the third party. The City shall not require Qwest to remove or relocate its facilities or vacate any street, alley, or other public way incidental to any public housing or renewal project under ORS Chapters 456 or 457 without reserving Qwest's right therein or without requiring Qwest to be compensated for the costs thereof.

Section 5. Moving Aerials. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the aerial cables or wires or other apparatus of Qwest to permit the passage of any building, machinery or other object moved over the roads, streets, alleys, avenues, thoroughfares and public highways within the City, Qwest will perform such a rearrangement within a reasonable period after written notice from the owner or contractor mover desiring to move said building, machinery or other objects. Said notice shall bear the approval of the City, shall detail the route of movement of the building, machinery, or object, shall provide that the costs incurred by Qwest in making such a rearrangement of its aerial facilities will be borne by the contractor-mover and shall further provide that the contractor mover will indemnify and save Qwest harmless of and from any and all damages of claims whatsoever kind or nature caused directly or indirectly from such temporary rearrangement of the facilities of Qwest, and if required by Qwest, shall be accompanied by cash deposit or a good and sufficient bond to pay any and all such costs as estimated by Qwest.

Section 6. Payment by Grantee. In consideration of the rights, privileges, and franchise hereby granted, said Qwest, its successors and assigns, shall pay the City of Dallas from and after the date of the acceptance of this franchise, and until its expiration, annually, seven percent (7 %) per annum of its gross revenues derived from exchange access as defined in ORS 401.710 within the corporate city limits of the City of Dallas less net uncollectibles. Payment shall be made on or before the fifteenth day of March of each and every year for the calendar year preceding. Such payment made by Qwest will be accepted by the City of Dallas from Qwest, also in payment of any

license, privilege or occupation or tax or fee for revenue or regulation, or any permit or inspection fees or similar charges for street openings, installations, construction or for any other purpose now or hereafter to be imposed by the City of Dallas upon Qwest during the term of this franchise.

Section 7. Term. The rights, privileges and franchise herein granted shall continue and be in force for the period of twenty (20) years from and after the date this

Ordinance becomes effective, except that it is understood and agreed that either party may terminate this Agreement after 180 days notice in writing. This Ordinance shall be subject to any and all State or Federal legislative enactments.

Section 8. Reservation of Rights. By accepting this Ordinance, Qwest reserves all rights under the law including, but not limited to, those rights arising under section 253 of the Federal Telecommunications Act and the law of the state of Oregon.

Section 9. Effective Date. This Ordinance shall, if accepted by Qwest, as signified by Qwest's filing with the City Manager of the City of Dallas its written acceptance of all the terms and conditions of the Ordinance, take effect and be in force thirty (30) days from the passage and approval of this Ordinance.

Read for the first time: June 15, 2009  
Read for the second time: July 6, 2009  
Adopted by the City Council: July 6, 2009  
Approved by the Mayor: July 6, 2009

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ATTEST:

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JERRY WYATT, CITY MANAGER

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.  
Qwest

By: \_\_\_\_\_  
Judy Pepler, Oregon President