



Dallas City Council Agenda

Monday, July 20, 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 15, 2009 Council meeting p. 3	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>	
6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
7. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS City Manager's Reports	
a. Employee and Volunteer of the Quarter	Presentation
b. ISO Public Protection Classification Rating p. 9	Information
c. Economic Development Commission Council Appointment	Motion
d. Park Reservation Request – Veteran Stand Down p. 11	Motion
e. Speed Zone Investigation on Kings Valley Highway p. 19	Motion
f. Blue Garden Update	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.

- g. Report on the July 14, 2009 Planning Commission Mtg [p. 37](#) Information
- h. Department reports for the month of June [p. 45](#) Information
- i. Administrative Report Information
- j. Other

8. COMMUNICATIONS AND PETITIONS

9. RESOLUTIONS

10. FIRST READING OF ORDINANCE

- a. Ordinance No. 1704 - An Ordinance amending provisions of the Dallas City Code Sections 5.380, 5.386 and 5.388, relating to dogs, and repealing conflicting ordinances. [p. 55](#) First Reading
- b. Ordinance No. 1705 - An Ordinance amending provisions of Dallas City Code Section 5.020, relating to unnecessary noise, and repealing conflicting Ordinances. [p. 64](#) First Reading

11. SECOND READING OF ORDINANCE

- a. Ordinance No. 1703 – An Ordinance granting to Qwest Corporation a telecommunications franchise. [p. 66](#) Roll Call Vote

12. OTHER BUSINESS

13. ADJOURNMENT

1
2
3

4 The Dallas City Council met in regular session on Monday, June 15, 2009, at 7:04 p.m. in the
5 Council Chambers of City Hall with Mayor Jim Fairchild presiding.

6 **ROLL CALL**

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

11 Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Community
12 Development Director Jason Locke, Police Chief John Teague, Fire Chief Bill Hahn, Finance
13 Director Cecilia Ward, Assistant Public Works Director Kenn Carter, and Recording Secretary
14 Emily Gagner.

15 **PLEDGE OF ALLEGIANCE TO THE FLAG**

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

17 **APPROVAL OF MINUTES**

18 Councilor Shein corrected line 45 of page 1 and line 1 of page 2 to read "...it will expire *June*
19 *19.*" Mayor Fairchild declared the minutes of the June 1, 2009, Council meeting approved as
20 corrected.

21 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

22 There were no questions or comments from the audience.

23 **PUBLIC HEARINGS**

24 **PUBLIC HEARING ON PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT**
25 **APPLICATION**

26 Mayor Fairchild opened the public hearing on the proposed Community Development Block
27 Grant (CDBG) at 7:07 p.m. Mayor Fairchild asked for any declarations of ex parte contacts or
28 conflicts of interest. There were none.

29 Mr. Wyatt explained this public hearing is a continuation of the presentation from Polk CDC a
30 month ago regarding Jen's Place on the property located at 453 East Ellendale Avenue. The
31 project will provide five units of alcohol and drug free, affordable rental housing for parents who
32 have children and are in recovery. The City's CDBG application would be to develop off-site
33 public infrastructure to support Jen's Place. Mr. Wyatt indicated the City did this previously
34 with the project on Walnut Street.

35 Rita Grady, Executive Director of Polk CDC, stated the City of Dallas is eligible to apply for a
36 2009 Community Development Block Grant from the Oregon Economic and Community
37 Development Department (OECDD). Community Development Block Grant funds come from
38 the U.S. Department of Housing and Urban Development. The grants can be used for public
39 facilities and housing improvements, primarily for persons with low and moderate incomes.
40 Approximately \$14 million will be awarded to Oregon non-metropolitan cities and counties in
41 2009. The maximum grant that a city or county can receive is \$1 million.

42 Ms. Grady continued that the City of Dallas is preparing an application for a 2009 Community
43 Development Block Grant from the OECDD to develop offsite public infrastructure that will
44 support Jen's Place located at 453 E Ellendale Avenue in Dallas to provide five-units of alcohol
45 and drug free affordable rental housing for households at or below 50% of area median income
46 with an affordability commitment of 30 years. The project is designed to provide alcohol and
47 drug free, permanent family housing for single parents in recovery and their children. It is
48 estimated that the proposed project will benefit at least 80 persons over the thirty year period, of
49 whom 100% will be low income.

1 There were no questions or comments from the audience. Mayor Fairchild closed the public
2 hearing at 7:11 p.m.

3 Councilor Woods moved to proceed with the application for the CDBG for Jen's Place. The
4 motion was duly seconded. Councilor Marshall asked if the City does apply for this grant, does
5 it prevent us from applying for a grant for the Senior Center. Mr. Wyatt explained the City can
6 have 3 community development block grants open at any one time, and this one should be
7 opened and closed quickly. He added that the City would have 2 grants open with this
8 application, so there is still room for a Senior Center application. Councilor Dalton noted that
9 Polk CDC and Ms. Grady have done beautiful work to integrate their other facilities into the
10 community and he is certain that will continue. The motion CARRIED UNANIMOUSLY with
11 Council President Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor
12 Wes Scroggin, Councilor David Shein, Councilor LaVonne Wilson, and Councilor Ken Woods,
13 Jr. voting YES.

14 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

15 Mayor Fairchild stated Senator Merkley would be in Monmouth on Sunday, June 28, and noted
16 he would be unable to attend. He asked if someone would be available to attend and represent
17 Dallas. Councilor Shein stated he was planning to attend the event anyway and would represent
18 Dallas.

19 Woods read an email from David Winters, a business owner on Mill Street adjacent to the
20 current Urban Renewal sidewalk project praising the men and women contracted to do the
21 concrete work.

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

23 **DISCUSSION CONCERNING CITY INSURANCE COVERAGE**

24 Council President Woods declared an actual conflict of interest and asked to be excused from the
25 Council at 7:16 p.m.

26 Mr. Woods addressed the Council as the Insurance Agent of Record and presented the general
27 liability, property, and automobile insurance renewal proposal from City/County Insurance
28 Services (CIS). Mr. Woods stated there are no other insurance companies that offer the coverage
29 of CIS. He reviewed the details of the policy coverage and premiums in detail. Mr. Woods
30 reviewed the new crime coverage and public employee fidelity bonds offered by CIS this year.
31 He stated the City currently has one fidelity bond on the City Manager, one on the Finance
32 Director, and one for all the other employees, noting the new crime coverage would eliminate the
33 need for the separate fidelity bonds on the Finance Director and City employees. Mr. Woods
34 reviewed the other coverage CIS is offering, which would allow someone renting a City facility
35 to get insurance online through a company that would then automatically list the City as an
36 additional insured.

37 Ken Woods gave a presentation on the Worker's Compensation insurance. He indicated the
38 premium is up only slightly, because while the base payroll has increased slightly, the rates have
39 gone down. He stated the overall increase in our premium is \$387.

40 Councilor Lawson asked if the City has compared CIS with other companies. Mr. Woods
41 indicated he cannot get quotes from other companies; he tried a couple years ago to send out a
42 request for quotes to seven companies, and CIS was the only one who responded.

43 Councilor Dalton indicated SAIF used to have a mechanism where a company could pay for
44 some claims upfront and SAIF never saw the claim, which resulted in lower rates. He asked if
45 such a system existed with CIS. Mr. Woods stated that with the retro plan the City would pay
46 some claims, but CIS does see the claim and part of the claim summary. City Attorney Shetterly
47 indicated that legally the risk is that if the City accepts a claim and pays, and then there is an
48 aggravation to the injury later, the City would be on the hook to pay it. Mr. Wyatt indicated that
49 for something like an automobile claim, the City can pay for minor damage and get a full release
50 of claim.

51 Councilor Dalton asked if CIS's risk management was up to par, noting they make money on the

1 City of Dallas each year. Mr. Woods explained that there are different rates based on a city's
2 history, with three tiers of premiums. Councilor Dalton asked where the extra money goes. Mr.
3 Woods explained it goes into a reserve that CIS is required by law to maintain.

4 Councilor Wilson asked when the City last sent a request for quotes out for the insurance pool.
5 Mr. Woods indicated it was four or five years ago. He stated that there are currently only two or
6 three other workers' compensation carriers in Oregon. Councilor Scroggin asked that the City
7 send out a request for quotes again next year.

8 Councilor Wilson moved to authorize the City Manager to sign the recommended General
9 Liability, Property, and Automobile insurance proposal from CIS and to authorize the City
10 Manager to sign the workers compensation insurance proposal from CIS. The motion was duly
11 seconded. Councilor Lawson asked if the City must pay extra for the crime coverage. Mr.
12 Woods stated the cost to the City is \$1041 for crime coverage up to \$500,000, and this will allow
13 the city to not renew the bond for city employees and the finance director next year, which will
14 save the City money. Councilor Lawson asked if the City would then be paying for two
15 coverages this year. Mr. Woods stated this must be done at renewal, and the bonds for the
16 employees and finance director expire in January. Councilor Shein noted that once the bonds are
17 finished, the City will be paying close to the same cost but getting much more coverage. The
18 motion CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor Jackie
19 Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor
20 LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

21 Councilor Woods rejoined the Council at 7:50 p.m.

22 LEAD UPDATE

23 Mr. Wyatt indicated that the City performed the federally required lead testing in thirty older
24 homes last year and got some results that were over the allowed limits. As a result, staff met
25 with a consultant and made some recommended changes to our water treatment process,
26 including changing from lime to soda ash. He stated staff retested three of the homes and all the
27 lead levels went down, so staff feels the process is working. Mr. Wyatt reported the second step,
28 which involves adding orthophosphate to the treatment process, will be starting soon, and may
29 create some side effects in galvanized pipe, such as water with a red tint. He advised that staff
30 will proceed with notification and education prior to the process change. He noted that the City
31 will have to increase the testing frequency and increase the number of homes tested.

32 Councilor Shein stated that the homes with high lead levels did not have it because of the City,
33 but because of their home's piping. He asked how switching from lime to soda ash resolved the
34 problem. Mr. Carter stated the lead in these homes came out of the pipes because of the nature
35 of the water we delivered. He indicated that back in 2007, the City changed from alum to Poly
36 Aluminum Chloride, or PAC in the treatment process, and that changed the characteristics of the
37 water, which became slightly more corrosive and caused lead to come out of the pipes. He noted
38 that the City, in order to deal with that issue, changed from lime to soda ash, which did help as
39 evidenced by the follow-up sampling. Councilor Scroggin asked why we changed from alum to
40 PAC. Mr. Carter stated PAC works much better to coagulate particles of sediment that come in
41 to the water plant, which makes it easier to filter. Councilor Scroggin asked if the ASR well was
42 part of the problem. Mr. Carter indicated that the ASR had little to no effect on the lead issue,
43 and if anything it helped.

44 DISCUSSION CONCERNING APPOINTMENTS/REAPPOINTMENTS TO THE DALLAS 45 ECONOMIC DEVELOPMENT COMMISSION

46 Mr. Wyatt reviewed the Chamber appointments to the Economic Development Commission. He
47 indicated the Council seat, currently filled by Councilor Lawson, is up for appointment/
48 reappointment. Mr. Wyatt stated there was interest from other Councilors in that seat, and asked
49 any interested Councilors to let him know and he would address it at the next Council meeting.

50 Councilor Lawson moved to appoint Nancy Adams, Bob Ottoway, Peggy Mehl, Reine Thomas,
51 and Jim Fowler to the Economic Development Commission. The motion was duly seconded and
52 CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor Jackie Lawson,
53 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor

1 LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

2 PROPOSED DOG ORDINANCE UPDATES

3 Mr. Shetterly indicated he received a request from the Animal Control Officer to change the
4 “Dogs at Large” section of Code, since all dogs at large are not the same. He stated this Code
5 change addresses repeat offenders and also dogs that engage in menacing behavior while at
6 large, and creates tiers of minimum bail amounts within the civil infraction. He indicated this
7 also changes the definition of a dangerous dog to include a dog that attacks another domestic
8 animal, not just a person.

9 Councilor Shein moved to direct the City Attorney to create the necessary amendments to the
10 dog ordinance. The motion was duly seconded and CARRIED UNANIMOUSLY with Council
11 President Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes
12 Scroggin, Councilor David Shein, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.
13 voting YES.

14 PROPOSED NOISE ORDINANCE UPDATES

15 Mr. Shetterly stated this is related to the previous code change and addresses the unnecessary
16 noise section of the code. He indicated this is to address barking dogs, and noted this also
17 created a tiered minimum bail. He explained that these new bail amounts apply to any cause of
18 unnecessary noise.

19 There was some discussion about whether the City’s fire siren and Sounds of Summer violate
20 this Code. Mr. Shetterly explained the Code provides for the City Manager to allow exemptions.
21 Mr. Shetterly noted that the way to deal with the fire siren would not be to include it as a Code
22 violation, but to create a policy to address it.

23 Councilor Dalton moved to direct the City Attorney to create the necessary amendments to the
24 unnecessary noise ordinance. The motion was duly seconded and CARRIED WITH A
25 MAJORITY VOTE with Council President Brian Dalton, Councilor Kevin Marshall, Councilor
26 Wes Scroggin, Councilor David Shein, Councilor LaVonne Wilson, and Councilor Ken Woods,
27 Jr. voting YES and Councilor Lawson abstaining.

28 DISCUSSION CONCERNING UPCOMING MEETINGS

29 Mr. Wyatt requested that the Council meeting scheduled for July 6 and the Public Works and
30 Building and Grounds Subcommittee meetings be cancelled. He stated there were no agenda
31 items for subcommittee meetings, and there are some issues with vacations and scheduling for
32 the July 6 meeting. He added that falls on the Monday after the 4th of July weekend.

33 Councilor Lawson moved to cancel the July 6 Council meeting and the June 22 subcommittee
34 meetings. The motion was duly seconded and CARRIED UNANIMOUSLY with Council
35 President Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes
36 Scroggin, Councilor David Shein, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.
37 voting YES.

38 BLUE GARDEN UPDATE

39 Mr. Wyatt indicated he did get into the building on Friday, along with staff from the Building
40 and Fire Departments. He added there was a roofing inspection done today and the roof is 96%
41 complete and in compliance for the building permit. Mr. Wyatt noted the owner has moved
42 forward on some cleanup, but it is not substantial; all of the ceiling tile and insulation, and about
43 half the old booths are gone, but the building is still very damp inside. Mr. Wyatt passed out a
44 letter from the property owner that indicated they would have the work done within a month. He
45 commented that there is a lot of work to be done, but he is committed to moving them towards
46 that completion date. Mr. Wyatt indicated he has been working with the City Attorney, and they
47 feel that if the owner does not meet the July 15 substantial completion deadline, the City can
48 move the property owner through municipal court for enforcement, which would be quicker and
49 easier than working through Council resolutions.

1 Councilor Marshall asked Mr. Wyatt if he feels comfortable with that process. Mr. Wyatt stated
2 he feels comfortable staying on top of the process and holding the owner to the July 15 deadline.
3 Mr. Shetterly indicated that by pursuing enforcement through the municipal courts, there is the
4 advantage of greater flexibility, noting there may be new conditions not included in the now-2-
5 year-old Resolution which can be addressed in municipal court.

6 Councilor Shein stated the City has been dealing with the Blue Garden issue for years, and he
7 wants to make sure the Council draws a line and says if these things are not fixed by July 15, we
8 will take it to court. Mr. Shetterly stated he could send a letter stating those terms and the
9 consequences.

10 Councilor Scroggin indicated he would be in favor of waiting until July 15 to see what gets
11 completed, then have the City Manager present a report at the Council meeting on July 20

12 In response to discussion, Mr. Shetterly stated he would get information from the Building
13 Official on all the Code conditions that need to be corrected and wrap that in his report, which
14 will be the Council and City's demand. Councilor Lawson indicated the mold and mildew issue
15 is her biggest concern because it keeps growing and asked if that is a code violation. Mr.
16 Shetterly stated he would work with the Building Official, noting the mold problem is either in
17 the Code or not, but if it is not in the Code, the Council has no authority over it either.

18 After some discussion, Mr. Shetterly stated that even if the City does file in court, that does not
19 stop the building owner from continuing to work on the building while the court case progresses.

20 DEPARTMENT REPORTS FOR THE MONTH OF MAY

21 Councilor Dalton asked if staff had begun the grass posting, and indicated he would like to see
22 that in the report.

23 OTHER

24 Mayor Fairchild pointed out the new Sounds of Summer poster, noting John Swanson did a good
25 job of getting it up and going again this year.

26 COMMUNICATIONS AND PETITIONS

27 SUMMERFEST LETTER FROM CHAMBER

28 Mr. Wyatt reviewed the letter from the Chamber of Commerce requesting City support for the
29 annual Summerfest activities.

30 Councilor Lawson moved to have staff work with the Chamber to assist them for Summerfest.
31 The motion was duly seconded. There was some discussion about trying to stop parade entrants
32 from throwing candy from their floats to avoid having the kids run out into the street. Ms. Pope
33 indicated they work on that every year, and this year they have made extra efforts.

34 The motion CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor
35 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,
36 Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

37 RESOLUTIONS

38 **Resolution No. 3185:** A Resolution authorizing the transfer of budgetary funds.

39 Mr. Wyatt reviewed the transfers included in the Resolution.

40 Councilor Shein asked if any of these transfers would affect the beginning balances in next
41 year's budget. Mr. Wyatt indicated the beginning balances are only an estimate in the budget.

42 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3185 to have PASSED
43 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie Lawson,
44 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor
45 LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

46 **Resolution No. 3186:** A Resolution creating the fund 17 Debt Service Fund – Public Works.

47 Mr. Wyatt indicated this Resolution is required to establish the new fund in next year's budget.

1 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3186 to have PASSED
2 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie Lawson,
3 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor
4 LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

5 **Resolution No. 3187:** A Resolution adopting the budget of the City of Dallas, Oregon for the
6 fiscal period beginning July 1, 2009 and ending June 30, 2010, making budget appropriations
7 and levying taxes for said fiscal period.

8 Mr. Wyatt stated this adopts the budget for next year. Councilor Shein stated it is a good budget
9 and staff has done a superlative job on it, but he does have an issue with it. He indicated he
10 doesn't feel it is appropriate in these economic circumstances to have money in the Mayor and
11 Council expenses to be spent on out-of-state travel. He advised the Council's job is to set policy
12 and to set an example. Councilor Shein acknowledged the dollar amount is trivial, but when
13 constituents are losing their jobs and worried about losing their houses and giving up their
14 luxuries, it seems wrong for the Council to cling to their luxuries. Councilor Lawson echoed his
15 sentiments.

16 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3187 to have PASSED
17 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie Lawson,
18 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor
19 LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

20 **Resolution No. 3188:** A Resolution declaring the City of Dallas's election to receive State
21 Revenues.

22 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3188 to have PASSED
23 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie Lawson,
24 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor
25 LaVonne Wilson and Councilor Ken Woods, Jr. voting YES.

26 **FIRST READING OF ORDINANCE**

27 Ordinance No. 1703: An Ordinance granting to Qwest Corporation a telecommunications
28 franchise.

29 Mr. Wyatt explained this is the Qwest franchise that was discussed at the last meeting. He
30 indicated it maintains the franchise fee at 7%.

31 Councilor Scroggin asked if 7% was the maximum allowed. Mr. Shetterly indicated that rate is
32 negotiable. Mr. Wyatt stated staff has checked with other city's agreements, and they are all at
33 7%.

34 Mayor Fairchild declared Ordinance No. 1703 to have passed its first reading.

35 **SECOND READING OF ORDINANCE**

36 **OTHER BUSINESS**

37 There being no further business, the meeting adjourned at 8:53 p.m.

38 Read and approved this _____ day of _____ 2009.

39

40

41

42

43

44

45

Mayor

ATTEST:

City Manager

DALLAS CITY COUNCIL

REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 b	Topic: ISO Public Protection Classification Rating
Prepared By: Emily Gagner	Meeting Date: July 20, 2009	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

Earlier this year, the Insurance Services Office (ISO) completed an analysis of the City's fire suppression services. After completing the inspection, the ISO rated our fire services. In a letter we received June 12, a copy of which is attached to this report, they assigned us a Public Protection Classification of 4, down from our previous classification of 2.

Fire Chief Bill Hahn will be at the meeting Monday to answer any questions you may have about this report.

FISCAL IMPACT:

NA

ATTACHMENTS:

Letter from ISO



111 NORTH CANAL STREET SUITE 950 CHICAGO, IL 60606-7270
TEL: (312) 930-0070 (800) 444-4554 FAX: (312) 930-0017

June 12, 2009

05-15-09P02:33 RCVD

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

RE: City of Dallas, Polk County, OR
Public Protection Classification: 4
Prior Public Protection Classification: 2

Dear Mr. Wyatt:

We wish to thank you, Chief Bill Hahn and Public Work Director, Fred Bralin and others for your cooperation during our recent Public Protection Classification (PPC™) survey. Insurance Services Office (ISO®) has completed its analysis of the structural fire suppression delivery system provided in your community. The resulting classification is indicated above. This is a retrogression from the previous classification.

Enclosed is a Public Protection Summary Report, which provides a detailed analysis of your fire suppression services. If you would like to know how your community's classification could improve or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call us at the phone number listed below or visit our website - www.isomitigation.com.

We are not implementing the class change at this time. Before we make this change, we would like to know if you desire to develop a program to retain class 2. We request that you acknowledge this letter in writing within 30 days, and advise when this matter will be reviewed. If you choose to begin an improvement program, we would appreciate receiving a list of intended changes within 60 days. (The list of intended changes can be included in the 30 day letter if you wish.) In cases where improvements have not been completed within 6 months, or by December 18, 2009 in this case, ISO will publish the retrogressed classification, but will continue to work with your community towards an improved future classification.

The PPC program is not intended to analyze all aspects of a comprehensive structural fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making loss prevention or life safety recommendations.

If you have any questions about your classification, please let us know.

Sincerely,

Derrick A. Thomas
Community Mitigation Analyst
(800) 930-1677 x 6209 Fax (312) 930-0038
Encl.

cc: Fire Chief, Bill Hahn
Fred Bralin, Public Works Director
Mark Buchholz, Public Works Director, Willamette Valley Communications Center

DALLAS CITY COUNCIL

REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 d	Topic: Park Reservation Request – Veteran Stand Down
Prepared By: Emily Gagner	Meeting Date: July 20, 2009	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Move to approve the request by Serving Our Veterans At Home for use of the Dallas City Park for a Veteran Stand Down event on September 19, 2009 from 7 a.m. to 4 p.m.

BACKGROUND:

The City received a request from Serving our Veterans at Home (SOVAH) to hold a Veteran Stand Down in the old pool section of the City Park on September 19. Stand Downs are used by the Dept of Veterans Affairs to help them provide services to Veterans such as food, shelter, clothing, health screenings, VA and Social Security benefits counseling, and referrals to other services. SOVAH is anticipating 400 Veterans in attendance throughout the day.

FISCAL IMPACT:

NA

ATTACHMENTS:

Park Reservation form

Park Reservation Request Form/Application 2009

Please Return Application to: Public Works Department, 187 SE Court St., Dallas, Oregon 97338
Phone: 503.831.3562 Fax: 503.623.2339

Reservation Season: May 1 thru September 30
Non-refundable reservation fee due at the time of reservation
Regular Fee: \$50.00 Large Group Fee: \$100 (Over 100 people)

Priority will be given to fraternal, civic, patriotic, religious, service, charitable, educational organizations including class reunions, with a chapter, lodge, post, congregation, or other unit existing within the City. Requests for these groups will be processed beginning October 1 for the following year. Reservations for private group/family events will be processed beginning January 1.

Serving Our Veterans

Organization Name: SOVAH, at Home Phone Number: 503-508-7289
(Name to be used on reservation sign)
Organization Address: 364 Fall Creek Drive N. City: Keizer State: OR Zip: 97303
Contact Person Name: Bill Adams Phone Number: Same as Above
Contact Person Address: Same as above City: Same State: same Zip: Same
Nature of Event: Veteran Stand Down Expected Attendance: 500 (see Attached)
Date Requested for Event: September 19, 2009 Time Requested: 7:00 AM to 4:00 PM

Requested Location:

Brandvold Section w/Kitchen

Accessed via Brandvold, River, or Westwood Drive
Accommodates 150+ People
12 Picnic Tables (no shelter over tables)

Seibert/Fredrickson Memorial Shelter

Accessed via Academy or Allgood Street
Accommodates 100-150 People
12 Picnic Tables

Gazebo Need Entire Gazebo Area

Accessed via Academy Street
Accommodates 50-100 People
6 Picnic Tables

OLD POOL Section



Items Requiring Special Permits or City Manager Approval:

- Amplified Sound (Requires a permit approved by the City Manager)
- Inflatables such as Bouncy Castles, Jumping Bags, etc. (Requires a permit approved by the City Manager with a deposit of \$250 and Proof of Comprehensive General Liability Insurance in the amount of \$1,000,000 provided two weeks prior to the event)
- Dunk Tanks, Tents, Tent Shows, Carnivals, or Commercial Activities
(Request must be submitted in writing and approved by the City Manager two weeks prior to the event)

I have read, understand, and agree to the guidelines and regulations stated in the "Dallas City Park Rules for Use" and policies regarding any special equipment that I will be using at the Park. By my signature, I agree to hold harmless and indemnify the City of Dallas, its officers, agents and employees for all claims arising from the use of park facilities resulting in bodily injury, property damage or personal injury, including but not limited to, settlements, judgments, costs and attorneys' fees.

APPLICANT'S SIGNATURE


Bill Adams

DATE: June 10, 2009

STAFF
USE
ONLY

Reservation Date _____ Location _____ Staff Initials: _____
 Reservation Fee Received Confirmation to Applicant Posted on Calendar Copy/Sign to Park Foreman

SPECIAL PERMITS

Required Approved Deposit \$ _____
Yes No Yes No Received Returned



City of Dallas

Special Equipment in Park Permit Application

Please Return Application to: Public Works Department, 187 SE Court St., Dallas, Oregon 97338
Phone: 503-831-3562 Fax: 503-623-2339

Requirements: Park Rental Insurance Certification and \$250 Refundable Deposit

The applicant shall secure a special equipment permit from the City of Dallas. The permit requires a refundable deposit of \$250 and Proof of Comprehensive General Liability insurance, naming the City of Dallas as 'additional insured' is required. The coverage must be in the amount of no less than \$1,000,000 filed with the permit application.

Applicant/Responsible Person: Bill Adams
Organization: SOVAH Phone: 503-508-7289
Event Date: September 19, 2009

I/we request permission to use inflatables during our reservation in the (check one)

- Brandvold Section w/Kitchen
- Seibert/Fredrickson Memorial Shelter
- Gazebo

No use of Inflatables intended
Tents will be used

of the Dallas City Park according to our reservation request form on N/A.
(Event Date)

I have read, understand, and agree to the guidelines and regulations stated in the attached Policy Regarding Use of Inflatables Within Dallas City Park and agree to forfeit my deposit if I violate the terms of this permit. I will place the inflatable(s) in the grassy area next to the shelter where I have my reservation as identified on the attached map. I have provided a Certificate of Insurance showing insurance coverage is provided for this event, naming the City of Dallas as 'additional insured'. By my signature, I agree to hold harmless and indemnify the City of Dallas, its officers, agents, and employees for all claims arising from the use of park facilities resulting in bodily injury, property damage or personal injury, including but not limited to, settlements, judgments, costs and attorneys' fees.

APPLICANT'S SIGNATURE *Bill Adams* DATE: June 10, 2009

(STAFF USE ONLY)

- Park Reservation Request Form/Application
- Park Insurance Certificate
- Received \$250 Deposit on _____
- Check if this is the only inflatable being used on this date
- Returned Deposit on: _____

Bill Adams

364 Fall Creek Drive North, Keizer, OR 503-508-7289 billadams973@comcast.net

June 10, 2009

Issue: Veteran's Stand-Down in Dallas, Oregon.

Dear Mr. Wyatt,

Stand Downs are one part of the Department of Veterans Affairs' efforts to provide services to veterans. Stand-Downs are typically one to three day events (in this case 1 day) providing services to Veterans such as food, shelter, clothing, health screenings, VA and Social Security benefits counseling, and referrals to a variety of other necessary services, such as housing, employment and substance abuse treatment. This Stand Down is a collaborative event between SOVAH, the Oregon Department of Veteran's Affairs (State), Veteran's Outreach Center (Federal), as well as other Government Agencies and Community Organizations who serve Veterans, such as the great work done by P.J. Johnson of Community Action in Dallas.

Bill Adams and Wayne Crower, of Serving Our Veterans At Home, request the use the entire Gazebo area of the Dallas City Park, for a Veterans Stand-Down on September 19, 2009, from the hours of 7:00 am to 6:00 pm. Set -up will begun at 7:00 and the Stand-Down will open for Veterans and guests at 9:00 am. The Stand Down will run until 3:30 when clean-up begins. We will be out of the Park by 6:00 pm. We could use a few more picnic tables at the site, and would be glad to move them, both ways.

We estimate number of Veterans at 400. This will off course be staggered throughout the six and ½ hours of the event. The remainder of the time we will clean the site to its original condition. I am arranging for security for the site with the people that did the Homeless Connection in Salem this year. I can have a discussion with the police at your convenience if you wish.

I am more that willing to discuss any modifications you might have in regards to our plans. I look forward to speaking with the City Council working with you. I have included some examples of our other events.

Thank you for your time,





Oregon

Theodore R. Kulongoski, Governor

Department of Veterans' Affairs

Veterans' Services Division

700 Summer Street NE

Suite 150

Salem, OR 97301-1289

June 9, 2009

SERVING
OREGON VETERANS
SINCE 1945

Serving our Veterans at Home

To Whom It May Concern:

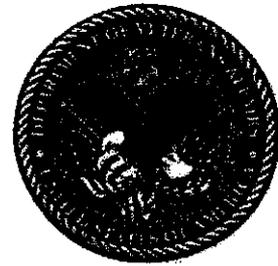
We are very pleased to be invited to your Veterans Standown on September 19th 2009. We will be there representing the Oregon Department of Veterans Affairs with a Veteran Service Officer who will be ready to write claims and sign veterans up for VA medical services.

Best regards

Mitch Sparks
Manager Salem Claims Office
Veterans Service Officer
Oregon Department of Veterans' Affairs



Dept. of Veterans Affairs
Readjustment Counseling Services
Salem Vet Center
617 Chemeketa St., Suite 100
Salem, OR 97301
Telephone: (503) 362-9911
Fax: (503) 364-2534



02/05/2009

From: Rosa Macias
Office Manager

RE: Bid for Non-Profit Status
Serving Our Veterans at Home (SOVAH).

To whom it may concern:

It has been at least a year since the Salem Vet Center joined forces with a local organization called: Serving Our Veterans At Home (SOVAH). Over the past year or more, we have witnessed first hand the marvelous efforts and the outstanding services that they have provided to our local homeless Veteran Population.

Whether it is a warm smile, followed by a warm meal, a warm blanket followed by a warm hug and helpful conversation, to coordinating services with local agencies like our own to see that these veterans have access to the Veterans Administration (VA) and other like resources, SOVAH has been at the front lines leading the efforts.

It is with the highest regards that we recommend this organization to the local area Veterans, and all who are tasked with serving our local Veterans Population. We also would like to recommend that they be aided in gaining non-profit status, because an organization like SOVAH has a very unique opportunity to cut through the red tape and make a grass roots effort to reach our homeless veterans. Please see that their efforts have not been in vain. I hope you see the value in what they offer to our local Veterans as much as we do here at the Salem Vet Center. Any Questions, please call me at: (503) 362-9911.

Sincerely,

Rosa Macias
Office Manager

Outreach targets homeless veterans

Falls City survey brings attention to plight in rural areas

BY JUSTIN MUCH
Statesman Journal

FALLS CITY — When he went to rural Polk County to administer a survey on homelessness in January, Wayne Crowder of Salem began to notice a pattern.

A number of the homeless in the Falls City area were a lot like him — they were military veterans. That didn't sit well.

Crowder is a member of the Salem Leadership Foundation and served a year and a half in Vietnam as an Army chopper crew chief.

What he and a number of other foundation representatives noticed was that there are relatively large numbers of veterans who maintain reclusive lives in remote areas — such as the woods outside of Falls City — in part because of their hesitation to trust a society they think cast them aside.

Crowder met with other foundation representatives such as Herm Boes of West Salem and Community Action advocate Bill Adams.

All three were on hand Nov. 18 when they held a monthly meeting at Falls City's Mountain Gospel Fellowship. Also on hand were representatives from Oregon Veterans Affairs and Salem Vets Center.

"This all started with the homeless count last

January in Marion and Polk counties through Community Action," Boes said. "Last year, we had a full team to survey Polk County, and we met at the Dallas Resource Center. We had two go to Independence, two go to Monmouth, two go to Dallas and Wayne went out to Falls City.

"As a result of the count

See *Homeless Vets*, 2A

Learn more

Members of the Salem Leadership Foundation, Community Action to End Homelessness and state, and federal veterans advocates meet in Falls City once per month as an outreach for rural veterans.

To learn more about the Leadership Foundation or these activities, contact Herm Boes at (503) 569-9364, herm@salemlf.org or Wayne Crowder at (503) 363-4238, wayne@salemlf.org.

Friday

November 28,
2008

75 CENTS

Homeless Vets

Continued from 1A

last year, we decided to come out and see if we could make some connections," Boes said.

After the experience, Crowder wanted to be proactive.

"I went back to Salem and asked 'How do we approach this?'" Crowder said.

In addition to getting resources and information to the area through veterans advocates, Crowder wanted to create a welcoming environment.

He initially brought coffee and doughnuts, and later, they've been able to have meals such as the recent chili feed.

They began the outreach in March, and initial response was tepid, but Crowder said they've slowly earned more trust, and with that, connections. A number of the veterans didn't realize they had benefits available.

"Essentially, what we do is create a place where they can come and be comfortable and not have to go to the

buildings in Salem," Adams said. "They don't really want to be around a lot of people."

Adams said that hermitic nature is problematic.

"There's a lot of basic stuff we can help them with," he said. "We had one guy come in who didn't know if he had been discharged. ... Some (veterans) come in, but they don't want to have anything to do with the military, even though they are proud of their service."

Adams said rural ministers are key liaisons for making outreach contact.

In Falls City, Crowder presented Mountain Gospel Fellowship Pastor Dorothy Cassidy with a plaque of appreciation Nov. 18, emphasizing the fellowship's generosity with providing a welcoming environment.

"It's hard for people when they feel the government has turned its back on them," Crowder said. "Here they (homeless veterans) feel like they have some hope — hope out here at the end of nowhere."

jmuch@StatesmanJournal.com
or (503) 399-6736



JUSTIN MUCH | Statesman Journal
Salem Leadership Foundation's Wayne Crowder presents a plaque of appreciation to Mountain Gospel Fellowship Pastor Dorothy Cassidy on Nov. 18 in Falls City. Rural ministers are key liaisons for outreach to homeless veterans.

Salem Vet Rep Joins Homeless Outreach



Current
vote
Results



Wayne Crowder and Rosie from Vets Center decorate

Salem Veteran Representative Dennis Durfee joined forces with the Salem Vet Center and the Oregon Department of Veterans Affairs to reach out to the homeless veterans living in and around Falls City, Oregon this week.

The event was held in conjunction with the Mountain Gospel Fellowship in a small Falls City church. Food and refreshments were provided, along with military surplus items and assistance on issues relating to homelessness, benefits, hygiene, clothing, and employment.

Homeless Veterans Advocate Wayne Crowder spearheaded the effort and was joined by counselors and representatives from veterans organizations in the region. Pastor Dorothy Cassidy was honored with an award for her efforts with the veterans homeless population and for providing a venue for the outreach event.

In all, the event attracted nearly 30 veterans.

Event

W	T	F	S	S
			26	27
	2	3		
	9	10		
	16	17		
	23	24		
	30	1		

Lates

No even



Veterans enjoy a warm meal



Salem Vet Rep Dennis Durfee



Pastor Dorothy Cassidy

[Next >](#)

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 e	Topic: Speed Zone Investigation on Kings Valley Hwy
Prepared By: Fred Braun	Meeting Date: July 20, 2009	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approve ODOT recommended speeds for Kings Valley Highway.

BACKGROUND:

In January 2009, the City Council directed Staff to request that ODOT conduct a speed study of Kings Valley Highway from Orchard Drive to the City Limits. Improvements completed within the last several years have changed the status of the above roadways to more of an urban character. Furthermore, the abrupt change in speed limit of Kings Valley Highway from 45 MPH to 30 MPH at Orchard Drive makes it difficult for motorists to adjust to.

The current speed limit is as follows:

50 feet North of Polk Station Road to City Limits	= 55 MPH
0.8 Mile North of Orchard Drive to 50 ft North of Polk Station Road	= 45 MPH
Orchard Drive to .8 Mile north of Orchard Drive	= 30 MPH

The attached ODOT study recommends 50 MPH for the first segment, 40 MPH for the second segment and no changes for the last segment. ODOT has requested that the City submit a written response by 9-18-09.

FISCAL IMPACT:

Approximately \$600 to install appropriate signage.

ATTACHMENTS:

ODOT Speed Study with cover letter dated June 25, 2009.



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Traffic-Roadway Section
355 Capitol St NE 5th floor
Salem, OR 97301-3871
(503) 986-3568
Fax: (503) 986-4063

June 25, 2009

File Code: TRA 7-2

Fred Braun, Public Works Director
City of Dallas
187 SE Court Street
Dallas, OR 97338-3159

Dear Fred,

As you requested, a speed zone investigation has been conducted on Kings Valley Hwy from 0.22 mile north of Polk Station Road (MP 1.91) to Orchard Drive (MP 2.55) (Request ID 6514). A copy of the report indicating the recommended speed zoning is enclosed.

Please let me know if the speed zone recommendation is acceptable. If it is, a speed zone order will be issued and a copy sent to you. If it is not acceptable, the matter can be presented at the next hearing held to decide contested speed zones.

Please provide a written response within 60 days after the date of this letter (by 9/18/2009).

If you have any questions, please call me at (503) 986-3609.

Sincerely,

Debby Corey
Traffic Investigations Coordinator

Copy to:

Weldon Ryan, Traffic Investigator, ODOT Region 2

DC/cwc

06-29-09 10:12 AM



OREGON DEPARTMENT OF TRANSPORTATION

Report of Speed Zone Investigation

KINGS VALLEY HIGHWAY

0.22 mile north of Polk Station Road (MP 1.91) to 400 feet south of Bridlewood Drive (MP 4.92)

City of Dallas / OTC

June 3, 2009

Recommendation: Rescind existing SZRP Order 1043D dated April 17, 1995, and OTC Order No. 761 dated November 16, 1977 to create the following speed zoning.

<u>Section</u>	<u>MP</u>	<u>Existing</u>	<u>Recommended</u>		
<u>Investigated:</u>					
A	From: 0.22 mile north of Polk Station Road To: 50 feet north of Polk Station Road	1.91 2.12	55 mph	51 50 mph <u>2/</u>	reg. 45
B	From: 50 feet north of Polk Station Road To: 0.08 mile north of N Orchard Drive	2.12 2.47	45 mph	45 40 mph <u>2/</u>	35
C	From: 0.08 mile north of N Orchard Drive To: Orchard Drive	2.47 2.55	30 mph	37 30 mph <u>2/</u>	
<u>Not Investigated:</u>					
C	From: Orchard Drive To: 150 feet north of Walnut Street.	2.55 2.88	30 mph	30 mph <u>2/ 1/</u>	
D	From: 150 feet north of Walnut Street. To: 0.05 mile north of Rickreall Creek (begin one-way couplet)	2.88 2.94	20 mph	20 mph <u>2/ 1/</u>	
<u>Southbound on Main Street (one-way)</u>					
D	From: 0.05 mile north of Rickreall Creek To: Washington Street	2.94 3.40	20 mph	20 mph <u>2/</u>	
<u>Northbound on Jefferson Street (one-way)</u>					
D	From: 0.05 mile north of Rickreall Creek To: Washington Street	2.94 N 3.38 N	20 mph	20 mph <u>2/</u>	
<u>Washington Street (two-way)</u>					
E	From: Jefferson Street To: Fairview Avenue	3.38N 3.77	25 mph	25 mph <u>2/</u>	

Fairview Avenue (two-way)

F	From: Washington Street To: 250 feet south of Oakdale Avenue	3.77 4.33	30 mph	30 mph	<u>2/</u>
G	From: 250 feet south of Oakdale Avenue To: 0.28 mile south of Oakdale Avenue	4.33 4.56	45 mph	45 mph	<u>2/</u>
G	From: 0.28 mile south of Oakdale Avenue To: 400 feet south of Bridlewood Drive	4.56 4.92	45 mph	45 mph	<u>3/</u>

1/ Except that in the following sections, the designated speed shall be 20 mph as per provisions of ORS 811.111:

From: 150 feet north of Rainbow Avenue (MP 2.70)
To: 150 feet south of Rainbow Avenue (MP 2.76)

From: 150 feet north of Walnut Avenue (MP 2.88)
To: 150 feet south of Walnut Avenue (MP 2.94)

2/ OTC – Road Authority; City of Dallas – Interested Jurisdiction

3/ OTC – Road Authority

Historical Background:

Investigation requested by: Fred Braun, Public Works Director, City of Dallas

Requested Speed: 35 mph / 45 mph; To create a 35mph zone from Orchard Dr. north to Polk Station Rd. and create a 45 mph zone north to city limits.

Previous Action: Established existing SZRP Order 1043D dated April 17, 1995, and OTC Order No. 761 dated November 16, 1977.

<u>Investigation:</u>	<u>Sections A</u>	<u>Section B</u>	<u>Section C</u>	<u>Section C,D,E,F,G</u>
Section Length	0.21 mile	0.35 mile	0.08 mile	Not Investigated
85% Speed	51 mph	45 mph	37 mph	
2007 Crash Rate*	0	4.61	4.69	
2007 Average Daily Traffic	3300	3400	7300	
Culture Type & Density	Moderate Rural	Light Business	Moderate Business	
Horizontal Alignment	1 curve	0 curves	0 curves	
Vertical Alignment	Mostly Level	Mostly Level	Mostly Level	
Curve Signs & Speed Rider	None	None	None	
Existing Posted Speed	55 mph	45 mph	30 mph	
Recommended Speed	50 mph	40 mph	30 mph	

<u>Roadway Data</u>	<u>Sections A</u>	<u>Section B</u>	<u>Section C</u>	<u>Section C,D,E,F,G</u>
Surface	AC	AC	AC	Not Investigated
Width (FL to FL)	24'	26' - 40'	41'	
Lanes	2	2 w/ partial LtL, median	2 w/ partial LtL, median	
Parking	Partially Prohibited	Partially Prohibited	Partially Prohibited	
Shoulders	14' to 17' paved	4' to 10' paved	5' to 7' paved	
Intersecting Streets	0	3	1	
Paved	0	3	1	
Stopped	0	3	1	
Signalized	0	0	0	
Pedestrian	0	13	5	
Bikes	0	1	0	

<u>Crash Data:</u>	<u>Sections A</u>	<u>Section B</u>	<u>Section C</u>	<u>Section C,D,E,F,G</u>
Study Period	1/1/2005–12/31/2007	1/1/2005–12/31/2007	1/1/2005–12/31/2007	Not Investigated
Total Crashes	0	6	1	
Injuries	0	6	1	
Fatalities	0	0	0	
2007 Crashes	0	2	1	
2007 Crash Rate (R)*	0	4.61	4.69	
2007 State Rate (r) <u>1/</u>	2.37	2.37	2.37	
Deviation (R-r)	0.00	2.24	2.32	

<u>Spot Speed Data:</u>	<u>Sections A</u>	<u>Section B</u>	<u>Section C</u>	<u>Section C,D,E,F,G</u>
85% Speed	51 mph	45 mph	37 mph	Not Investigated
Pace Limits <u>2/</u>	43-52 mph	36-45 mph	29-38 mph	
% in Pace	76%	75%	80%	
Maximum Speed	61 mph	58 mph	45 mph	
Posted Speed	55 mph	45 mph	30 mph	
% Exceeding Posted Speed	3%	11%	73%	
Computed Speed <u>3/</u>	51 mph	43 mph	35 mph	
Recommended Speed	50 mph	40 mph	30 mph	

1/ Urban Principal Arterial-Other (Urban Area - Dallas)

2/ Ten mile-per-hour range containing the largest number of sampled vehicles.

3/ 85% Speed minus deviation

Factors Influencing Recommendation: 85% speed, pace limits, crash data, and culture.

*Crashes per Million Vehicle Miles

**TYPICAL VIEWS
KINGS VALLEY HIGHWAY
CITY OF DALLAS / OTC
JUNE 3, 2009**



1. Looking north from 0.19 mile north of Polk Station Road.



2. Looking south from 0.19 mile north of Polk Station Road.

**TYPICAL VIEWS
KINGS VALLEY HIGHWAY
CITY OF DALLAS / OTC
JUNE 3, 2009**



3. Looking north from 250 feet north of Polk Station Road.



4. Looking south from 250 feet north of Polk Station Road.

**TYPICAL VIEWS
KINGS VALLEY HIGHWAY
CITY OF DALLAS / OTC
JUNE 3, 2009**



5. Looking north from 400 feet south of Polk Station Road.



6. Looking south from 400 feet south of Polk Station Road.

**TYPICAL VIEWS
KINGS VALLEY HIGHWAY
CITY OF DALLAS / OTC
JUNE 3, 2009**



7. Looking north from 150 feet north of Dallas Road.



8. Looking south from 150 feet north of Dallas Road.

**TYPICAL VIEWS
KINGS VALLEY HIGHWAY
CITY OF DALLAS / OTC
JUNE 3, 2009**



9. Looking north from 400 feet south of Dallas Road.



10. Looking south from 400 feet south of Dallas Road.

**TYPICAL VIEWS
KINGS VALLEY HIGHWAY
CITY OF DALLAS / OTC
JUNE 3, 2009**



11. Looking north from 200 feet north of Orchard Drive.



12. Looking south from 200 feet north of Orchard Drive.

Oregon Department of Transportation

Roadway: Kings Valley Hwy

Date: 5/19/2009

City: Dallas

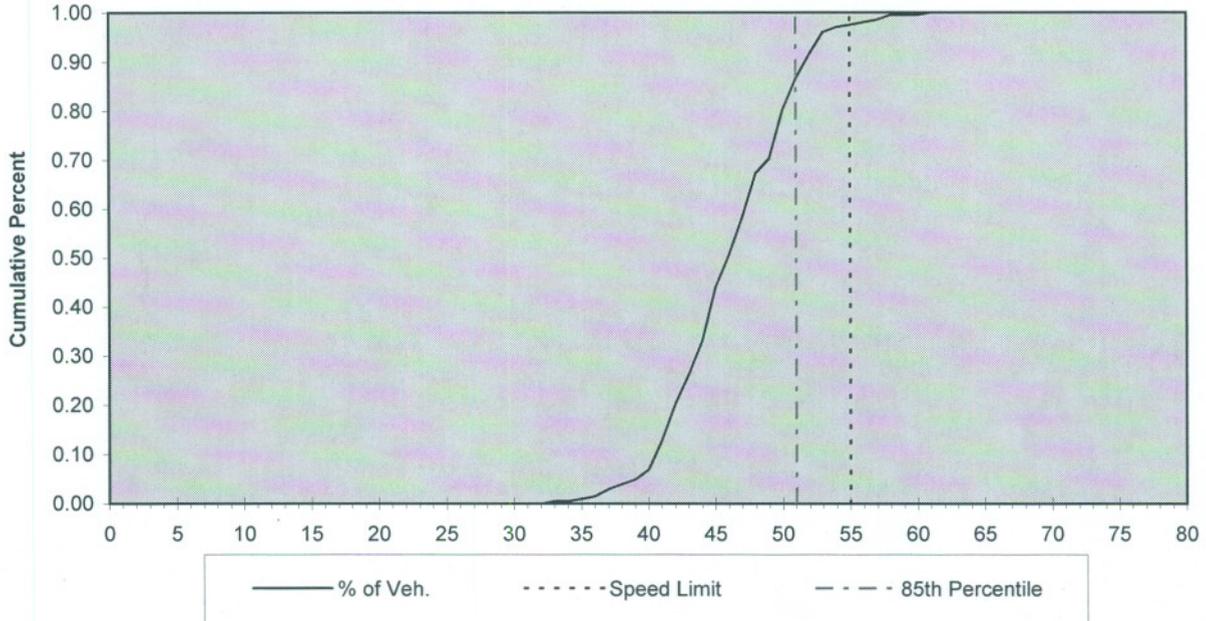
Time: 2:30 PM - 4:15 PM

County: Polk

Location: 0.1 N POLK STA

Weather: OVERCAST

Direction of Travel: N-S



	MPH N	Averaged	MPH -S
# of Vehicles	88	202	114
85th % Speed	52	51	50
Pace Limits	44 - 53	43 - 52	42 - 51
% In Pace	70%	76%	81%
Mean Speed	47.06	46.57	46.08
Median Speed	47	46.5	46
Std. Dev.	5.14	4.58	4.06
Max Speed	61	61	58
Posted Speed	55	55	55
% Exceeding Posted	5%	3%	1%

Oregon Department of Transportation

Roadway: Kings Valley Hwy

Date: 5/20/2009

City: Dallas

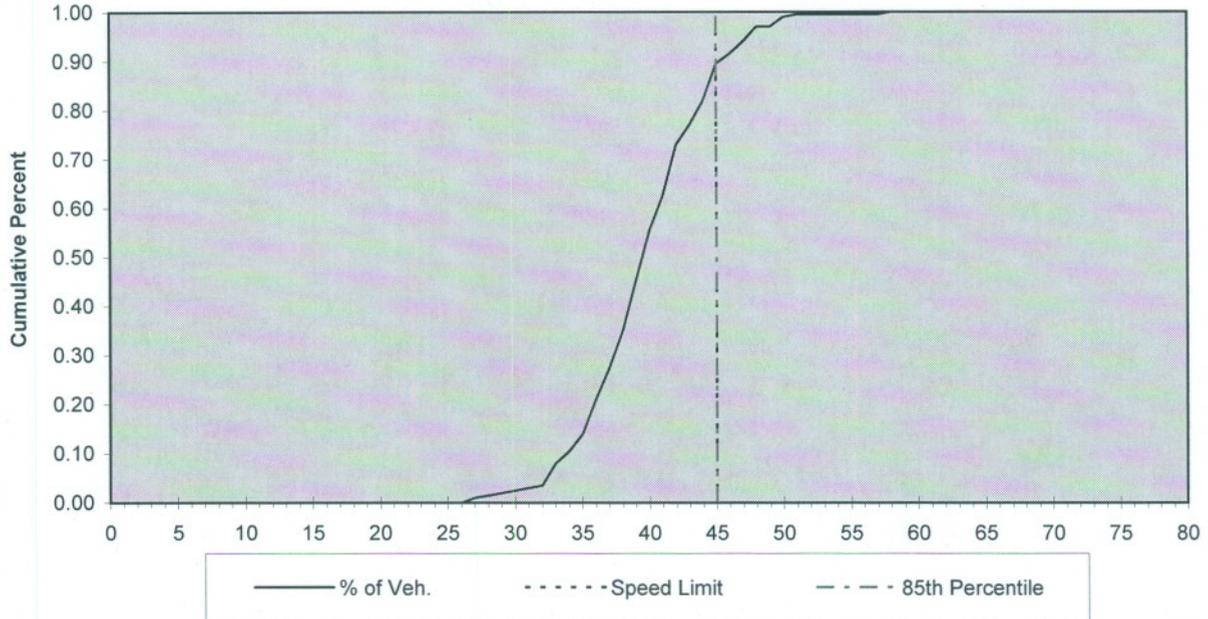
Time: 9:45 AM - 11:40 AM

County: Polk

Location: @ WALMART ENTRANCE

Weather: SUNNY

Direction of Travel: S-N



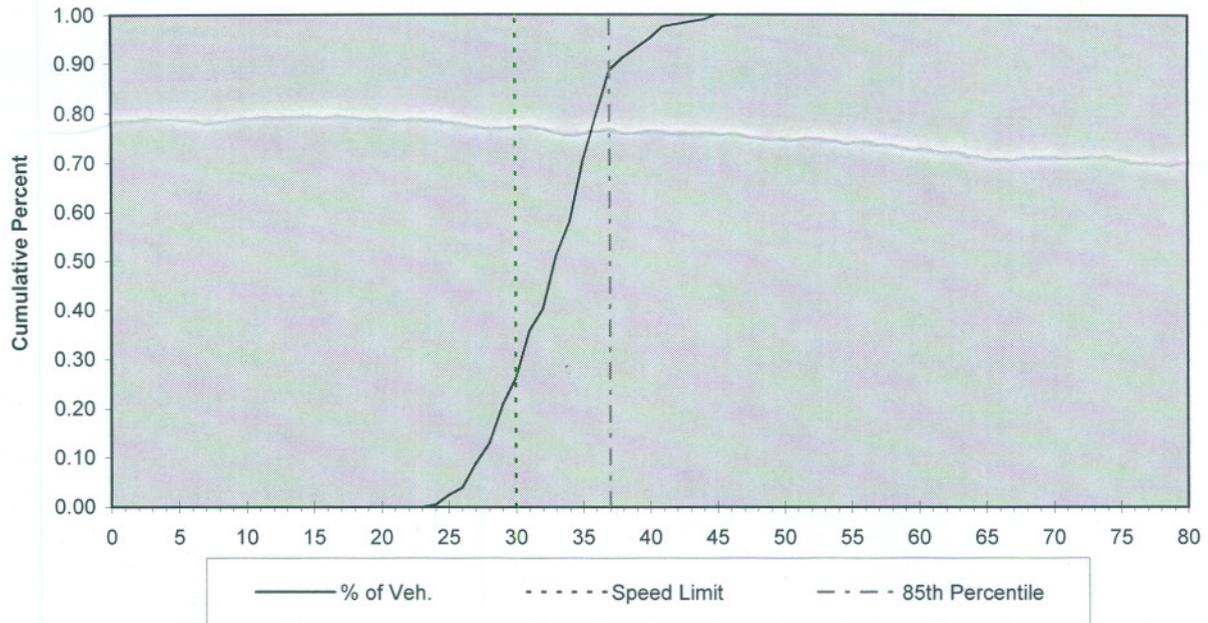
	MPH S	Averaged	MPH -N
# of Vehicles	115	200	85
85th % Speed	44	45	46
Pace Limits	36 - 45	36 - 45	36 - 45
% In Pace	77%	75%	74%
Mean Speed	39.44	40.22	41.00
Median Speed	40	40.5	41
Std. Dev.	4.84	4.70	4.36
Max Speed	58	58	50
Posted Speed	45	45	45
% Exceeding Posted	6%	11%	16%

Oregon Department of Transportation

Roadway: Kings Valley Hwy
 City: Dallas
 County: Polk
 Location: 100 N ORCHARD

Date: 5/20/2009
 Time: 12:35 PM - 2:05 PM
 Weather: SUNNY

Direction of Travel: N-S



	MPH N	Averaged	MPH -S
# of Vehicles	96	201	105
85th % Speed	37	37	37
Pace Limits	28 - 37	29 - 38	29 - 38
% In Pace	82%	80%	78%
Mean Speed	32.80	33.25	33.70
Median Speed	33	33.5	34
Std. Dev.	4.14	4.13	4.09
Max Speed	44	45	45
Posted Speed	30	30	30
% Exceeding Posted	70%	73%	77%



AGENDA
City of Dallas Planning Commission
TUESDAY, July 14, 2009 - 7:00 p.m.
City Hall Council Chambers
187 SE Court Street

- Planning Commission**
- President
Chuck Lerwick
- Vice President
Dave Pederson
- Commissioner
Bob Wilson
- Commissioner
Doris Stefani
- Commissioner
Carrie Mendell
- Commissioner
Carol Kowash
- Commissioner
Murray Stewart
- Staff**
- City Manager
Jerry Wyatt
- City Attorney
Lane Shetterly
- Community Development Director
Jason Locke
- Planner
John Swanson
- Recording Secretary
Laurie Roberts
1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MINUTES - Regular meeting of May 12, 2009 and the workshop of July 9, 2009.
 4. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please.)
 5. PUBLIC HEARINGS
 - A) A public hearing on the application of James C Webster and Teri L Webster, owners, for a 22-lot subdivision at Tax Lot 7.5.34C 700, in an RA-Residential Agriculture zone.

A motion was made, seconded, and carried to approve the request, subject to seven (7) conditions as follows: (6) listed in the staff report and (1) additional condition listed in the staff memo of 7/14/09.
 6. OTHER BUSINESS
 - A) _____
 - B) _____
 7. COMMISSIONER COMMENTS
 8. STAFF COMMENTS
 1. ADJOURN

Dallas City Hall is handicapped-accessible. Any requests for accommodation should be made at least 48 hours before the meeting to the Community Development Department, 503-831-3565 or TDD 503-623-7355.

For questions or comments on the agenda, contact: John Swanson at 503.831.3572 or john.swanson@ci.dallas.or.us

**STAFF REPORT
DATE: JULY 1, 2009**

FILE NO.	SUB/2-09
HEARING DATE	JULY 14, 2009 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER	JAMES C AND TERI L WEBSTER
APPLICANT	JAMES C AND TERI L WEBSTER
REQUEST	22 LOT RESIDENTIAL SUBDIVISION
LOCATION	TAX LOT # 7.5.34C 700, LOCATED AT SE MILLER AVE. AND SE WILLOW LANE
RECOMMENDATION	APPROVAL WITH CONDITIONS

**CITY OF DALLAS
PLANNING COMMISSION
COMMUNITY DEVELOPMENT
DEPARTMENT STAFF REPORT**



HEARING DATE: JULY 14, 2009
APPLICATION TYPE: RESIDENTIAL SUBDIVISION
OWNER: JAMES C AND TERI L WEBSTER
APPLICANT: JAMES C AND TERI L WEBSTER
APPLICATION: 22 LOT RESIDENTIAL SUBDIVISION
LOCATION: SE MILLER AVE. AND SE WILLOW LANE

BACKGROUND INFORMATION: The subject property consists of 6.84 acres located adjacent to SE Miller Ave. and SE Willow Lane. The property is located in a RA – Residential Agriculture Zoning District. The proposed subdivision will create 22 residential lots with access provided by new street to be constructed from the end of currently existing SE Willow Lane and connecting to SE Miller Ave as a continuation of SE Greening Drive. Willow Lane will be eliminated as a street and the proposed subdivision will connect SE Greening Drive to SE Camellia Drive.

The proposed lots range in size from approximately 7,000 sq.ft to 14,000 sq.ft. of buildable area. The 22 proposed lots are configured such that 6 lots will have direct access to SE Miller Ave. The other 16 lots are internal lots and access is to be on SE Greening Drive.

Zoning:	RA – Residential Agriculture
Comprehensive Plan Map No. 1 Land Use Designation:	Residential
Floodplain:	The subject property is located adjacent to a designated floodway, Rickreall Creek.
Adjacent Land Uses:	Residential
Size:	6.84 Acres total area

APPROVAL CRITERIA: THE APPLICABLE CRITERIA ARE CONTAINED IN DDC SECTION 3.3.50, DEVELOPMENT CRITERIA

(1) All applicable standards of the City of Dallas Development Code are met.

Finding: The underlying RA Residential Agriculture zoning district requires newly created subdivision lots to be an average area of 10,000 sq.ft. through the entire development. The applicant states and staff concurs that all applicable standards of the city of Dallas Development Code have been met.

(2) All applicable general and design standards of Article IV are met.

Finding: The applicant states and staff concurs that all applicable standards of the city of Dallas Development Code, Article IV, General Development Standards have

standards for the individual new lots will be reviewed at the time construction is proposed for the new lots.

(3) All public facilities projects identified by the Development Official or by Chapter VI of the Dallas Comprehensive Plan as needed to serve the proposed land division have been constructed; or the applicant can demonstrate that the required public facilities improvements will be constructed and operational:

(a) Prior to the issuance of building permits; or

(b) In conjunction with construction of the approved lots or parcels pursuant to financial assurance for the improvements or a written agreement with the City prior to final plat approval.

Finding: The applicant states and staff concurs that all applicable standards of the city of Dallas Development Code have been met regarding the requirement to install public facilities and/or make public facility improvements including streets, curbs, sidewalks, storm and sewer lines.

(4) Sanitary sewer, water and storm drainage collection and distribution systems are or will be adequate to handle the increased loads required by each phase of the proposed land division, based on master facilities plans and as determined by the Development Official.

Finding: The applicant states and staff concurs that all applicable standards of the city of Dallas Development Code have been met regarding the requirement to install public facilities and/or make public facility improvements including streets, curbs, sidewalks, storm and sewer lines.

(5) Streets and intersections serving the proposed land division are adequate to accommodate increased vehicular, bicycle and pedestrian traffic safely and efficiently.

(a) To make this determination, the Development Official may require that the applicant prepare a transportation impact study which demonstrates, at a minimum, that no street link or intersection serving the proposed land division will exceed LOS (level-of-service) D during peak morning or evening demand periods or LOS C during non-peak demand periods. This traffic impact study must consider the proposed development and probable development within the area served by each street link or intersection for at least a 10-year period.

(b) Where bicycle paths or lanes are required on City plans, and there is a roughly-proportional relationship between construction of bicycle paths or lanes and the impact of the development, such bicycle paths shall be installed at the developer's expense.

(c) Five foot sidewalks, street trees (at 30-foot intervals), curbs and gutters shall be installed by the developer on both sides of all interior streets, as specified in Table 4.2.1 of Chapter 4.2, Street & Accessway Design Standards.

(d) Full-street improvements also shall be required whenever an unimproved local street provides the sole access from an arterial or collector street to the subject property, provided that there is a roughly-proportional relationship between the required improvement and the impact of the proposed development.

(e) Upon review and approval from the Development Official half-street improvements may function as an adequate transportation system on an interim basis.

(f) Any proposed driveway grades in excess of fifteen (15) percent, must be approved by the Development Official through a Type II process, in which case the Development Official shall find that topographic conditions require a steeper grade and that no reasonable design alternative exists. The applicant shall identify any potential lots on the preliminary plan that met these criteria.

Finding: The subject property consists of 6.84 acres located adjacent to SE Miller Ave. and SE Willow Lane. The property is located in a RA – Residential Agriculture Zoning District. The applicant states that the subdivision will create 22 residential lots with access to public streets. All required infrastructure improvements identified in the Comprehensive Plan and Public Facilities plan will be installed, including the construction of SE Greening Drive.

CONCLUSIONS: All standards for the RS – Residential Single Family zoning district development criteria may be found to be met for the purposes of subdividing the property according to the DDC SECTION 3.3.50, DEVELOPMENT CRITERIA as proposed. All future development proposed for the property pursuant to this approval will be required to meet all development standards for the underlying zoning district, all applicable general and design standards of DDC Article IV, all Building Code standards, and all standard requirements regarding public facilities such as water, storm, sewer and transportation improvements. This will be ensured as Development Review by the city occurs for the subdivision prior to Final Plat and subsequent development of each lot.

OVERALL CONCLUSION: It may be found that, with the recommended conditions, the applicant has satisfied the applicable criteria for the proposed 22 lot residential subdivision.

RECOMMENDATION:

Staff recommends approval of the Subdivision subject to the following conditions:

- 1) The project shall be completed in accordance with the general criteria, plans and specifications, documents, and all other information presented to/or modified by the Planning Commission.
- 2) The Final Plat shall be filed and recorded within one year of approval in accordance with DDC Chapter 3.3.150.
- 3) All grants of easement shall be recorded with the final plat.
- 4) The applicant shall submit engineering plans to be reviewed and approved by the Public Works Director. This shall also include all necessary permit applications and studies as required.
- 5) No work on the site shall commence until all permits and approvals have been secured from the Public Works Department.
- 6) All future development on the created lots will be subject to Development Review in accordance with DDC Chapter 3.2.

RESPECTFULLY SUBMITTED,

John Swanson

Community Development Department



Community Development Department

Memo

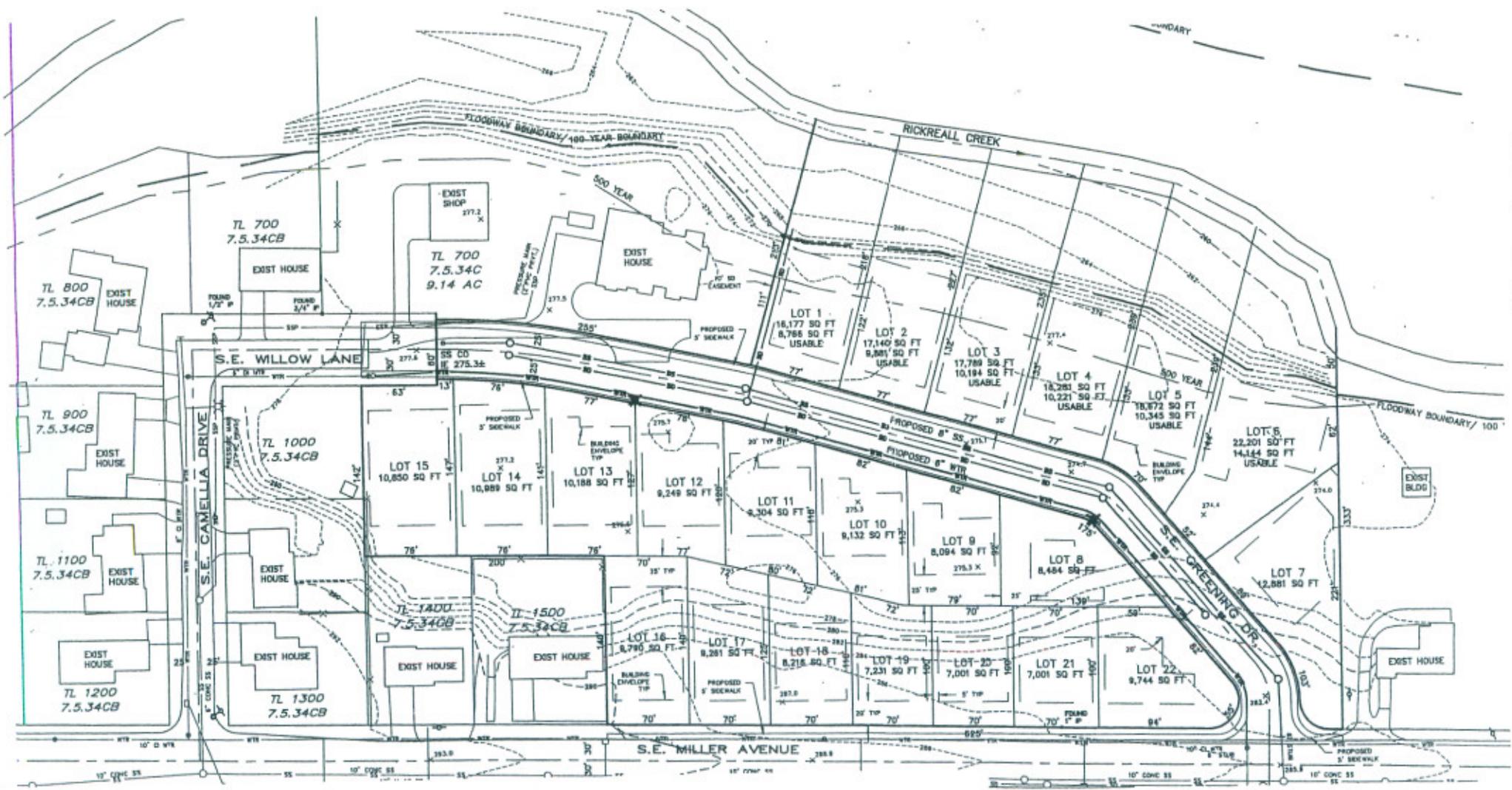
To: Planning Commission
From: Jason Locke, Community Development Director 
Date: 7/14/2009
Re: Street Construction in Willow Creek Subdivision

As discussed at the workshop, staff is recommending that the Planning Commission adopt the following condition (in addition to the conditions in the staff report) for the Willow Creek Subdivision:

“The extension of Greening Ave SE shall be constructed as proposed and the sidewalk shall be extended on the south side of Greening Ave SE to the corner of Camelia Dr. SE”.

We have discovered that there are at least 2 properties on Camelia Dr. that have waivers of remonstrance for the formation of an LID (Local Improvement District) for street, sidewalk, and stormdrain improvements. Therefore, we are not recommending any improvement on Camelia Dr. as part of this project, as the pavement is of adequate width, and in relatively good condition. In addition, the City Council can request and initiate the formation of an LID if they determine that it is needed.

In conclusion, the amount of local vehicle traffic generated by addition of the subdivision does not warrant off-site improvements on the part of the developer.



COMMUNITY DEVELOPMENT

City Manager	Jerry Wyatt	Building Official	Ted Cuno
Director	Jason Locke	Building Inspector	Troy Skinner
Assistant	Laurie Roberts	Planner	John Swanson
Building & Grounds	Ken Stoller	Code Enforcement	Ed Totten

June 2009 Monthly Report - Planning, Building, Code Enforcement

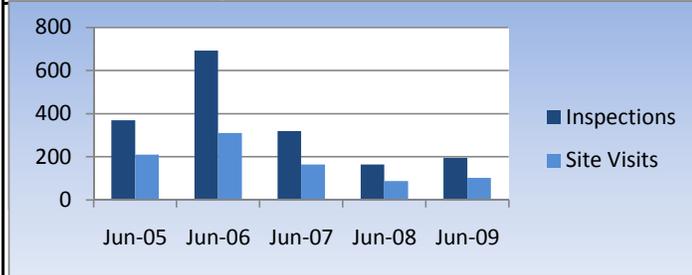
REVENUES		Month	Fiscal YTD
Planning	Jun-09	\$ 3,397	\$ 30,022
Building	Jun-09	\$ 18,885	\$ 196,300

LAND USE APPLICATIONS

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

INSPECTIONS AND SITE VISITS

Monthly: Inspections - 195	Site Visits - 102
Year to Date: Inspections - 896	Site Visits - 458



CODE ENFORCEMENT

Current Open Cases:	24
New Cases processed in June:	
6.505 Abandoned Vehicles	13
6.32 Vehicles Stored on Street	23
5.584 Vehicles Stored on Prop	11
5.582 Junk	1
5.556 Scattering Rubbish	10
5.588 Graffiti	3
Other Ordinances	5
Number of Followups	150
Number of Parking Citations	24

BUILDING PERMIT SUMMARY

Permit Use	Jun-09	Jun-08	YTD Total 2009	Annual Total 2008	YTD Valuation 2009	Annual Valuation 2008
New Single Family	1	0	4	30	\$ 721,451	\$5,896,612
New Duplexes	0	0	0	0	0	0
New Multifamily	0	0	1	1	3,759,944	390,000
Residential Remodel	3	5	25	61	564,911	1,652,102
Residential Accessory Building	0	2	4	4	55,388	59,891
New Commercial	2	0	2	16	4,074	4,283,623
Commercial Remodel	0	3	26	49	1,219,663	982,441
New Industrial	4	0	1	1	46,530	1,302,945
Industrial Remodel	0	0	0	0	0	0
Public Building	1	0	3	6	11,533	1,627,415
Mobile Home Accessory	0	0	0	0	0	0
Misc./No Fee Permits	0	0	0	0	0	0
Total All Categories	11	10	66	168	\$ 6,383,494	\$16,195,028

DALLAS AQUATIC CENTER



Director - Jason Locke
 Supervisor - Tina Paul

June 2009 MONTHLY REPORT (End of Fiscal Year)

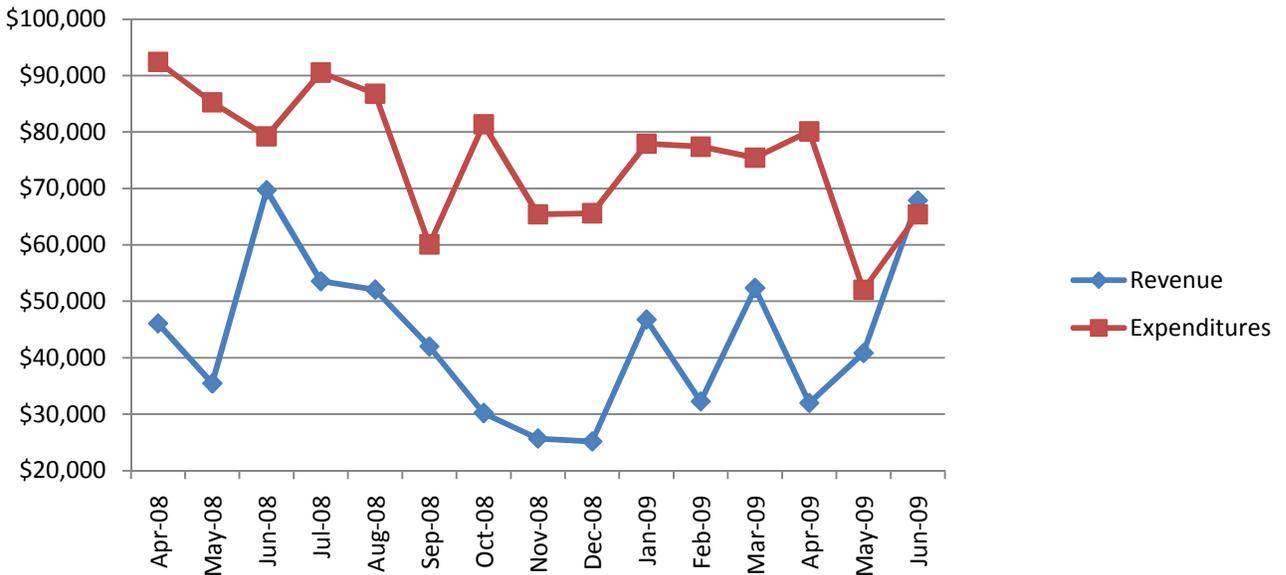
REVENUE	Jun-09	Fiscal YTD
General Admission	\$19,132	\$184,005
Annual Membership	24,106	111,065
Concessions	4,477	79,836
Pool Rental/Parties	4,544	38,874
Other	15,637	79,431
Jun-09	\$67,896	\$492,961
Jun-08	\$74,964	\$473,493

Current Members:	
Annual	802
3-month Water Aerobics	19

Monthly Attendance:	
June	8,768
Fiscal Year	124,852

R/E Ratio = 56 %
 (Revenue/Expenditure)

EXPENDITURES	Month	Fiscal YTD
Jun-09	\$65,419	\$878,110
Jun-08	\$82,941	\$962,586



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

Circulation Statistics

Adult	June 2009	June 2008		Children	June 2009	June 2008
Print Materials	7873	6784		Print Materials	2877	2819
Books on Tape/CD	487	500		Books on Tape/CD	184	198
AV Materials	1117	1098		AV Materials	859	816
Misc. items	956	1136				
2009 Year to Date	61,219			2009 Year to Date	22,076	
Remote Renewals	842			2009 Year to Date	5061	
Combined Total	88,356					

Additional Activity

	June 2009	June 2008	Year to Date 2009
Non-Resident User Fees	\$ 560.00	\$ 490.00	\$ 3470.00
Fines Collected	\$ 675.01	\$ 702.89	\$ 4200.18
Photocopies	\$ 50.81	\$ 93.70	\$ 520.43
Reference Questions	1044	982	6663
Volunteer Hours	270	224.25	1615.50

Registered Patrons – June 2009

City Residents		Non-Resident – Fee Paid		Non-Resident - Restricted	
Adult	5887	Adult	380	Adult	1405
Child	1450	Child	61	Child	406
YA (12-17)	803	YA (12-17)	35	YA (12-17)	217
Total	8140	Total Fee	476	Kids C.A.R.E.	449
				Total Restricted	2477
Non-Resident Total	2953				
Total Registered Patrons	11,093				

Summer sessions of both Infant/Toddler and Preschool Storytimes began in June. The Children's Room welcomed 141 young people to these Storytimes. The final class visits, both to the Library and onsite at local schools, were held at the beginning of June, with 60 children learning about the Library and the fun in store for them when they participate in the upcoming Summer Reading Events. In addition, the Summer Reading Program officially began with 299 participants attending the first 2 events. As a result, a total of 500 area children participated in these fun and energetic programs.

EBSCO, our magazine database, logged 60 searches in June. As anticipated, with school out for the summer, the use of this database has slowed somewhat. However, 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.

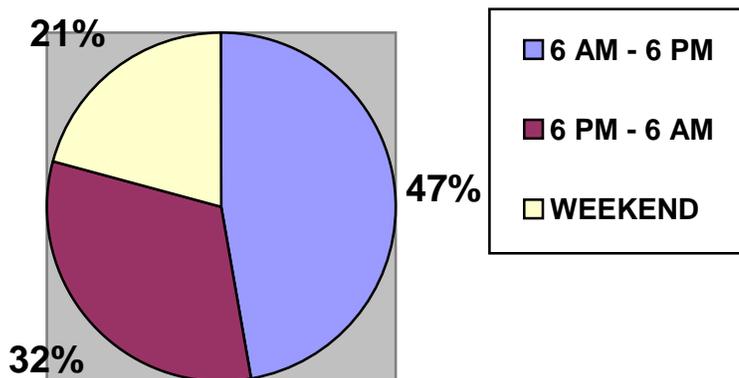
COUNCIL REPORT – June 2009

To: Mayor & City Council Members

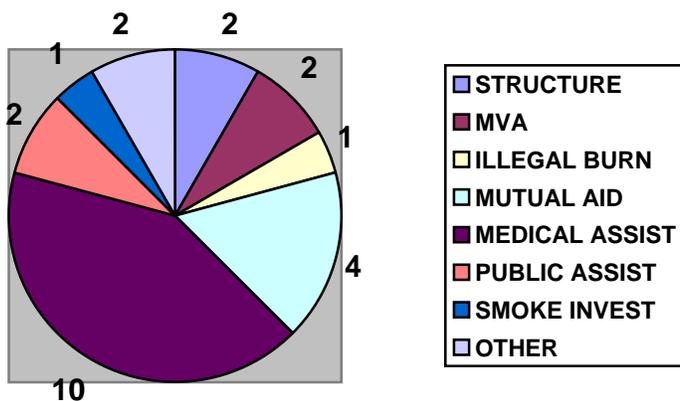
From: Fire Chief Bill Hahn

Dallas Fire Department:

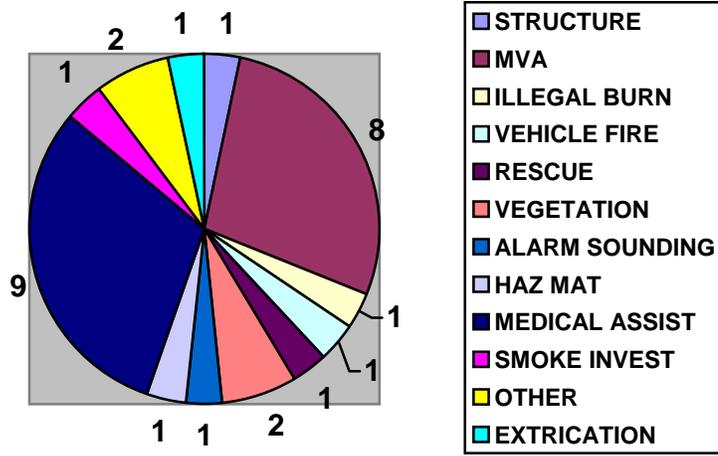
Station 100 responded to 53 calls of which 25 were between 6 AM – 6 PM, 17 between 6 PM – 6 AM and 11 during the weekend.



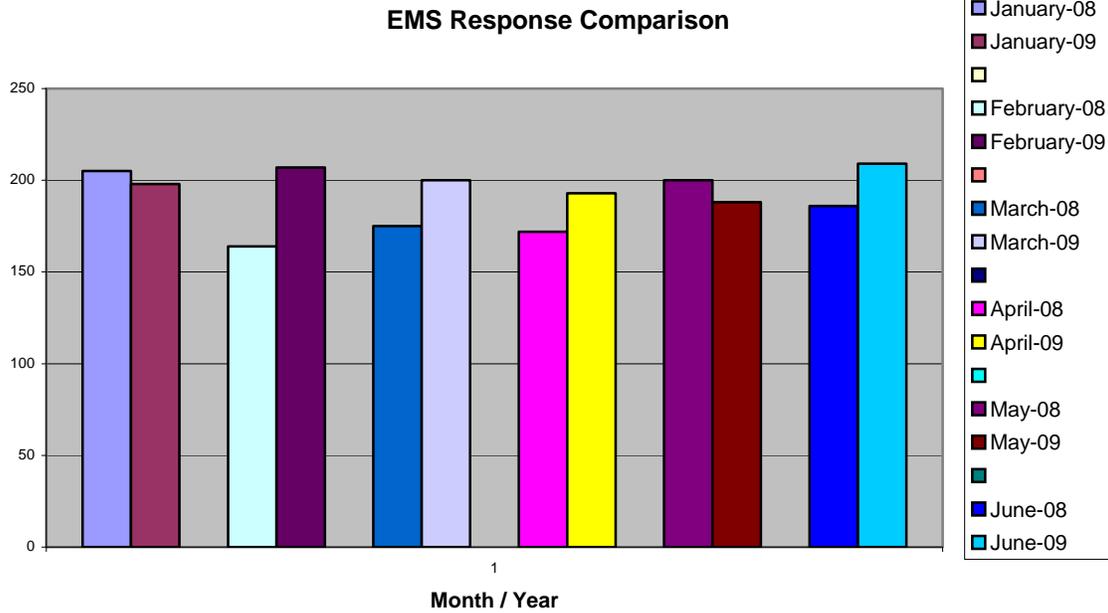
City Responded to the following incidents during the month from station 100.



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



Dallas Emergency Medical Service:



DALLAS POLICE DEPARTMENT

JUNE 2009

Investigations / Arrests

Animal Ordinance Offenses	Clear by Arr	09
Animal Neglect	Clear by Arr	01
Assaults	Clear by Arr	02
Criminal Mischief	Clear by Arr	02
Curfew	Clear by Ref	01
Disorderly Conduct	Clear by Arr	01
DUII	Clear by Arr	03
Driving While Suspended	Clear by Arr	01
Drug Offenses	Clear by Arr	03
Fail Perform Duties Driver	Clear by Arr	01
False Info to Police	Clear by Arr	01
Fail Carry Present License	Clear by Arr	03
Harassment	Clear by Arr	01
Minor in Possession Alcohol	Clear by Arr	05
Robbery I	Clear by Arr	01
Robbery (Att)	Clear by Arr	01
Runaway	Clear by Ref	02
Sex Offenses	Clear by Arr	01
Thefts	Clear by Arr	10
Trespass	Clear by Arr	01
Unlawful Entry Motor Vehicle	Clear by Arr	03
Unlawful Use Motor Vehicle	Clear by Arr	02
Violation Release Agreement	Clear by Arr	01
Violation Restraining Order	Clear by Arr	01
Warrants	Clear by Arr	12

69 TOTAL ARRESTS (June '08 Arrests: 96)

The following is a summary of traffic violations committed:

08	Speeding Violations
02	License Violation
09	Insurance Violations
05	Moving Violations
07	All Other

JUVENILES

Ten juveniles were referred to juvenile authorities for their actions

TOTAL CALLS FOR SERVICE: 852 (Last yr: 996)

128	Incident Case No.'s
724	Event Reports

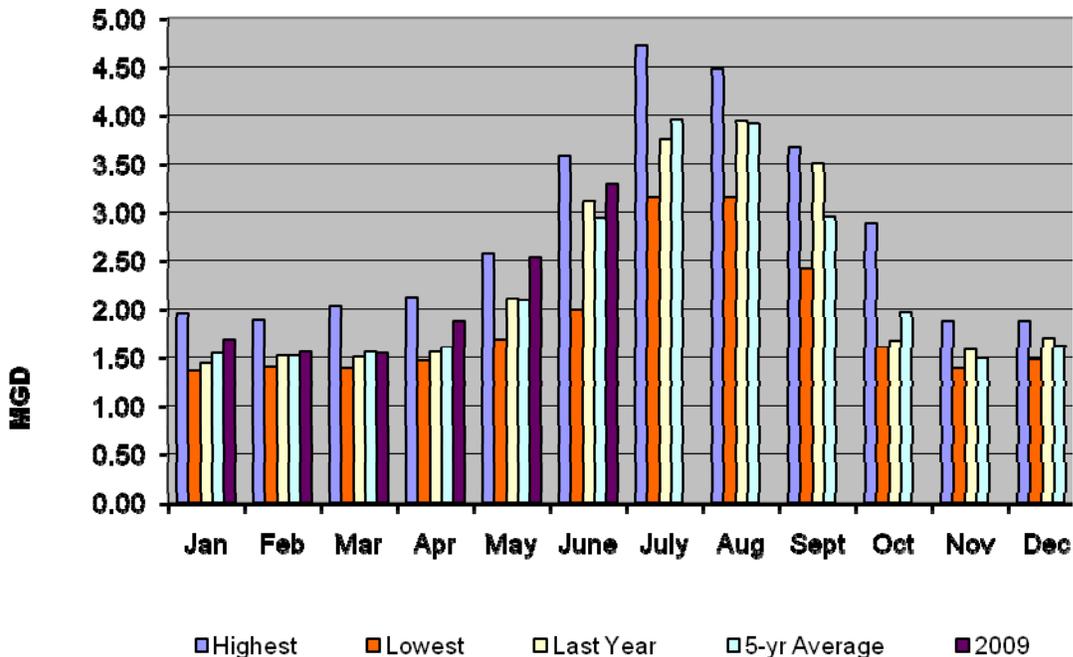
DEPARTMENT OF PUBLIC WORKS

Monthly Report for June 2009

Water Division

	<u>2009</u>	<u>Unit</u>		<u>2008</u>	<u>Unit</u>	
Total Discharge to Town	99.1	MG		105.56	MG	
Total Water Raw	99.3	MG		103.80	MG	
Peak Day	6-30	4.46	MG	6-29	4.96	MG
Daily Average-Raw	3.30	MGD		3.46	MGD	
Daily Average-City	3.30	MGD		3.52	MGD	
Backwash Water	2.91	MG		1.97	MG	
Filter to Waste	.48	MG		.10	MG	
Flushing		MG			MG	
Discharge Water	.10	MG		.10	MG	
ASR Injection	7.19	MG		7.17	MG	
Average High Temp	74 o	F		74.4 o	F	
Average Low Temp	53 o	F		47.3 o	F	
Total Precipitation	1.12	Inches		.03	Inches	

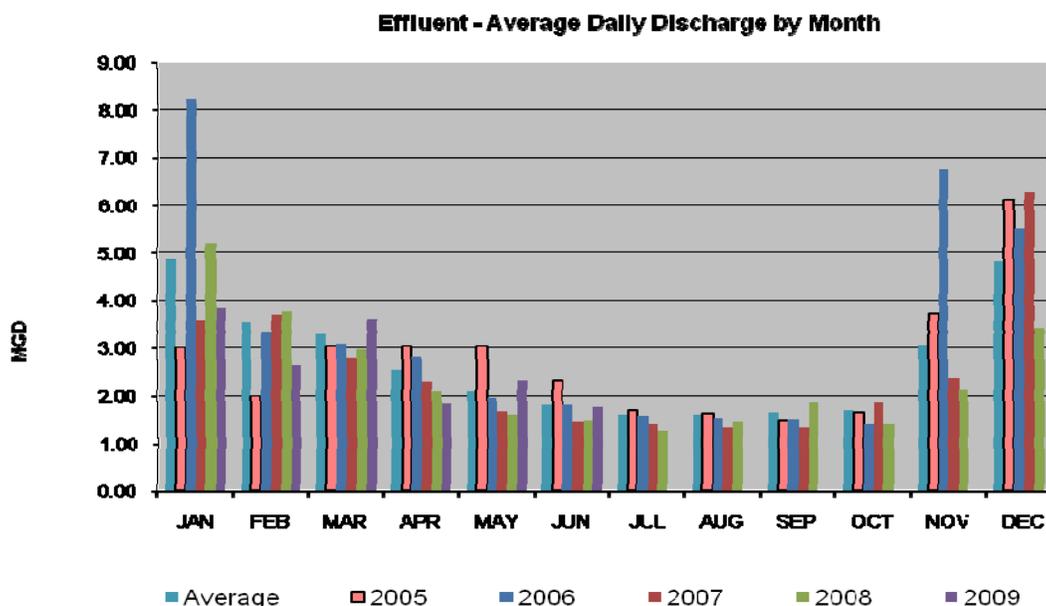
Average Daily Treated Water Production



Wastewater Division

Effluent Flow

		<u>2009 Units</u>		<u>2008 Units</u>
Monthly Total Flow		53.00 MG		44.86 MG
Peak Day Flow	(June 13)	3.00 MG	(June 3)	1.89 MG
Daily Average Flow		1.77 MG		1.50 MG



Plant Maintenance

- ✓ Effluent motor and blower failed. New equipment ordered.
- ✓ Infrared camera performed on entire plant equipment. There were no indications of loose electrical connections.
- ✓ Humus ponds are being mixed and dried for haul-out.
- ✓ Influent pump no. 1 disconnect switch repaired.
- ✓ Programming investigated by Trojan technologies at the UV system for disinfection.
- ✓ John Deere hydraulic line leak, repair scheduled for July.

Plant Performance

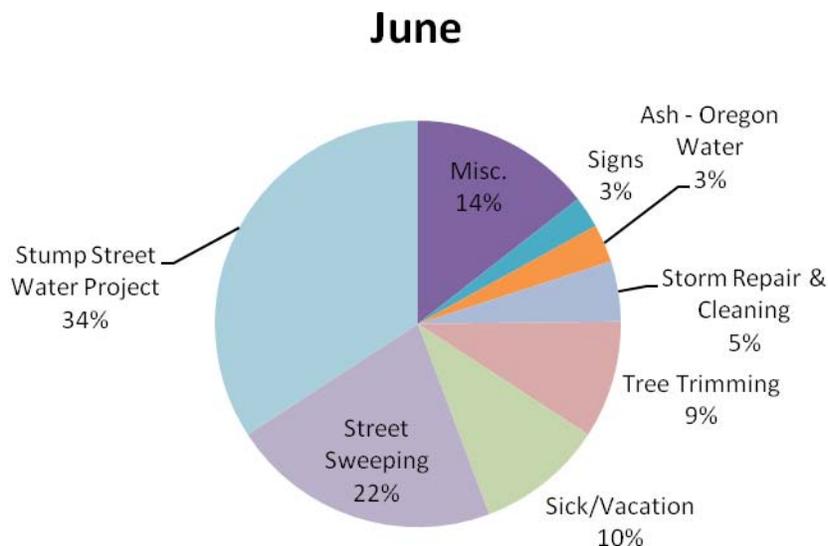
The Ultraviolet (UV) system for disinfection of effluent has had programming issues. The service provider Trojan Technologies has investigated the programming system and found no discrepancies. A service technician has been scheduled to visit in August to perform the repair work should he find a problem. The plant has been performing excellent and meeting daily permit requirements. The Antero maintenance software program is fully functional and is used by operations on a daily basis to record equipment repair work, costs, and conversations with vendors for historical equipment plant information.

Parks

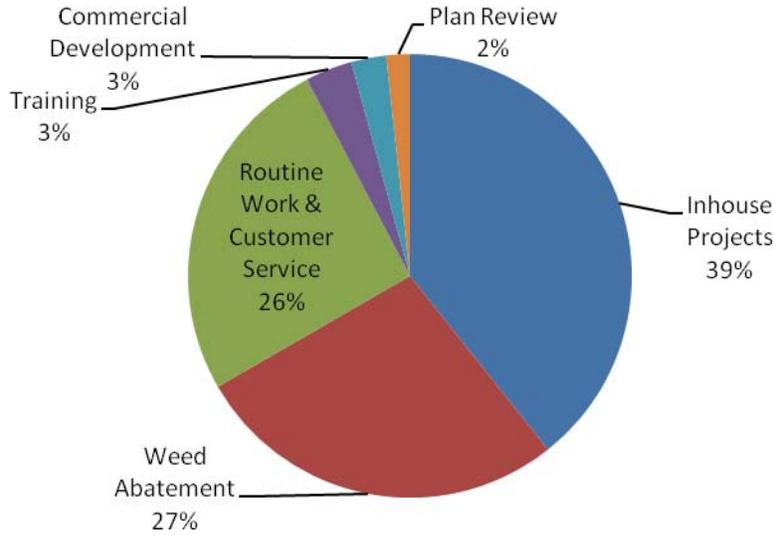
The Parks department provided the following routine services:

- ✓ Cleaned leaves from shrub beds
- ✓ Cleaned and filled Japanese pond
- ✓ Applied fertilizer to lawn and shrub areas
- ✓ Repaired damage caused by vandalism
- ✓ Cut grass hillside west of ball diamond
- ✓ Regular mowing of all parks
- ✓ Weed shrub beds and landscape areas
- ✓ Performed monthly safety check of playground equipment on June 19, 2009
- ✓ Removed leaves from trails
- ✓ Prune or remove trees
- ✓ Equipment service checked and/or repaired
- ✓ Installed boarder timbers and fall protection at Gala Park
- ✓ Installed new Gala park sign
- ✓ Installed electrical and water chases in tree wells on Mill Street sidewalk project
- ✓ Replace dead trees on Academy and Hawthorne wetland
- ✓ Installed irrigation to new addition at Rotary Park
- ✓ Removed 11 dead street trees on Main and Court Street
- ✓ Removed three dead street trees on Ellendale
- ✓ Installed new backflow at Birch Park

Street and Construction Division

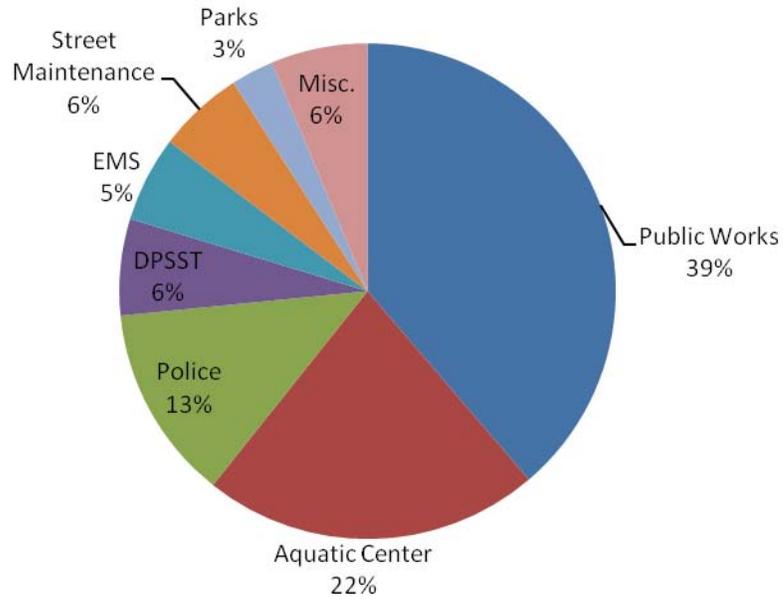


Engineering



Shop Services

June



ORDINANCE NO. 1704

An Ordinance amending provisions of the Dallas City Code Sections 5.380, 5.386 and 5.388, relating to dogs, and repealing conflicting ordinances.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.380 is hereby amended to read as follows:

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.

Section 2. Dallas City Code Section 5.387 is hereby amended to read as follows:

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.

Section 3. Dallas City Code Section 5.388 is hereby amended to read as follows:

5.388 Penalty.

(1) Violation of sections 5.380 to 5.386 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.

Section 4. All prior and conflicting ordinance provisions are hereby repealed.

Read for the first time: July 20, 2009

Read for the second time: August 3, 2009

Passed by the City Council: August 3, 2009

Approved by the Mayor: August 3, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1705

An Ordinance amending provisions of the Dallas City Code Section 5.020, relating to unnecessary noise, and repealing conflicting ordinances.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.020 is hereby amended to read as follows:

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, grinding, 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.

Section 2. All prior and conflicting ordinance provisions are hereby repealed.

Read for the first time: July 20, 2009
Read for the second time: August 3, 2009
Passed by the City Council: August 3, 2009
Approved by the Mayor: August 3, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

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 20, 2009
Adopted by the City Council: July 20, 2009
Approved by the Mayor: July 20, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

APPROVED this ____ day of _____ 2009.
Qwest

By: _____
Judy Pepler, Oregon President