



Dallas City Council Agenda

TUESDAY, September 8, 2009, 7:00 p.m.

Mayor Jim Fairchild, Presiding

Dallas City Hall

187 SE Court Street

Dallas, Oregon 97338

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

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

ITEM

RECOMMENDED ACTION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. APPROVAL OF MINUTES

Approval of minutes of the August 17, 2009, Council meeting **p.3** Approval

4. QUESTIONS OR COMMENTS FROM THE AUDIENCE

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.

5. PUBLIC HEARINGS

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

6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS

a. Report of the August 17 Administrative Committee meeting Information
(Ken Woods, Chair) **p. 14**

b. Report of the August 17 Public Safety Committee meeting Information
(LaVonne Wilson, Chair) **p. 16**

7. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

City Manager's Reports

a. Discussion regarding support of putting Extension District on Motion
the ballot **p. 21**

b. Chamber of Commerce and Visitor's Center Summerfest Presentation
appreciation

c. ISO Public Protection Classification Update **p. 33** Information

d. Polk County Multi-Jurisdictional Hazard Mitigation Plan Motion
Update **p. 35**

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.

e. Farm Property Lease [p. 49](#) Information

f. Blue Garden Update Information

g. Other

8. COMMUNICATIONS AND PETITIONS

a. [OLCC New Outlet Application for Hong Kong Restaurant](#) [p. 51](#) Motion

9. RESOLUTIONS

a. [Resolution No. 3191](#): A Resolution approving inclusion of the City of Dallas in Polk County 4-H, Master Gardener, Agriculture and Forestry Extension District. [p. 57](#) Roll Call Vote

10. FIRST READING OF ORDINANCE

a. [Ordinance No. 1706](#): An Ordinance establishing procedures for City Council recommendations to the Oregon Liquor Control Commission regarding grating, renewing, modifying or denying of liquor licenses within the City. [p. 58](#) First Reading

11. SECOND READING OF ORDINANCE

12. OTHER BUSINESS

13. ADJOURNMENT

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

The Dallas City Council met in regular session on Monday, August 17, 2009, at 7:00 p.m. in the Civic Center of City Hall with Mayor Jim Fairchild presiding.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Fairchild led the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

Councilor Shein pointed out a correction on page 1 of the minutes; line 36 should say “all departments in the nation,” not in Oregon. Mayor Fairchild declared the minutes of the August 3, 2009, Council meeting approved as corrected.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

Mayor Fairchild asked for comments or questions from the audience on items other than those on the agenda. He noted agenda item 7a would be postponed to a later date.

PUBLIC HEARINGS

PUBLIC HEARING TITLE

Mayor Fairchild thanked the members of the public for coming to the meeting and participating in their government. Mayor Fairchild reviewed the order and rules for the public hearing. He explained the public hearing provides an opportunity for the public to be heard, noting the Council is here to gather information; they will listen but not argue with the speakers. Mayor Fairchild stated he would not be calling for testimony from the floor other than from those people who filled out a speaker card, and each person testifying would have three minutes to give his or her testimony. Mayor Fairchild explained that each person would be allowed to speak one time, and unused time could not be given to another person.

Mayor Fairchild opened the public hearing at 7:10 p.m.

Mr. Wyatt indicated as testimony was given, he would take notes and try to answer those questions. He added that if someone does not get their question answered, they should please call City Hall so he can make sure to answer any questions that remain.

Fred Braun, Public Works Director, offered a PowerPoint presentation explaining the status of the City’s streets and the need for additional revenue.

Mr. Wyatt reviewed a PowerPoint presentation, which attempted to address some questions staff had been receiving about the proposed Transportation Improvement Fee. City Attorney Shetterly spoke on HB2001, which was passed in the last legislative session and enacted a 6 cent statewide gasoline tax. He explained that bill also preempted local gas taxes that were not in effect before September 28, 2009, until 2014. When some communities saw that deadline, they quickly enacted their own gasoline tax, and in each of those communities, there is a statewide effort to refer those decisions to a vote, which will defer the tax until after the September 28 deadline. Mr. Shetterly indicated the final answer will be determined through legal action that may take a year or more, so at this point, the status of local gas tax is problematic at best.

Stewart Knight, Dallas Chevron, stated he has spent the past ten years building up his gas

1 business. According to the Select Market fee, he would be being paying \$5,000 per month. That
2 would be added at the gas pumps, which would cause him to lose business, and that would cause
3 the City to lose even more gas tax revenue. He stated he is really pissed off about the article in
4 the paper about the Select Market paying \$4,000 per month.

5 Frank Pender indicated he is livid over this, stating for the Council to have the intestinal fortitude
6 to bring this out with the current employment situation in this community is an atrocity. He
7 stated he feels the difference between calling it a fee or taxes is semantics and he feels they are
8 the same thing. He stated he doesn't know how to justify to his tenant that he will have to raise
9 her rent. We have had a couple issues recently come before the community. One was the big
10 school bond, which went down 2 to 1. Another is the bond coming up for maintenance and
11 upkeep of the schools in a system that should have been planning ahead. Mr. Pender said if the
12 statistics are true for the number of cars that pass by Lyle School in a day, it's about 3,000,
13 which is a lot of vehicles. The ITE manual that determines the tax rate, based on some national
14 engineer's design, it sounds like a roulette wheel – you take your chances. He stated he doesn't
15 understand. He indicated he has to keep working to make ends meet in his life. He asked the
16 Council to please take this into consideration.

17 Tony Sutton stated when the Council is looking at road use fee and talking of miles and use, the
18 Governor is working on a plan for a mile use fee to replace the gas tax. He asked how that
19 would affect the proposed program. Mr. Sutton stated staff says the life of a road is 16 years, but
20 ODOT says it is 20 to 30 years based on usage of the road. He indicated he knows the roads in
21 the City, those considered "high use," fall under the Federal Highway Act and get federal
22 funding for those roads. He asked how the Council is dealing with those main thoroughfares
23 with them being part of the federal highway system. He asked if funding for those streets come
24 from federal money, where are the rest of the miles in town.

25 Ken Mayer, Select Market, stated he didn't have fancy graphs, but he wanted to tell the Council
26 that small businesses in this town are not making it. He indicated his business is down 45% from
27 last year, which means he has to work more hours, his employees get less hours, there are less
28 products on the shelves, and there are less customers. He told the Council if they want his funds,
29 they need to get more commerce in this town to bring in jobs. That will also increase the tax
30 base, increase his employees' hours, and allow him to hire more employees. Mr. Mayer
31 commented that the Council is sitting there saying they need more money; he needs more money
32 for his business, so does every business in town. He said the businesses are not greedy, they just
33 need to survive. Mr. Mayer stated that expenses have stayed the same, but the income doesn't,
34 and he has less to operate with, which means the City has less to operate with.

35 Faye Frei introduced Elena Pena, an advocate for members of the Hispanic communities, who
36 was there to serve as an interpreter. Ms. Frei indicated she has been a teacher and taught English
37 as a second language in the United States and in countries in the Far East all over, so she can
38 speak to this. She stated she and her husband had gone to every Mexican and Chinese restaurant
39 in the City and the City didn't provide any information for the Hispanic population in Spanish.
40 Ms. Frei stated the City is legally required to provide a translator and interpreter to explain these
41 fees, because many of them may speak the language, but they are not literate, so they do not
42 know what is going on. She said it is blatant racism, and Elena agrees with her on that. Elena
43 Pena commented that her job with Ms. Frei is to just get the word out to the folks. Bridging the
44 communities and working together has always been her thing, and she stated she wouldn't
45 accuse the Council of racism. She stated she was trying to do the best she could to connect with
46 this community to get the word out.

47 James Allgood stated this issue bugs him, because they are all on a fixed income, especially the
48 seniors. He noted the fees are required, but the timing is very poor. He indicated he couldn't
49 understand why there was no input from the Chamber office. He thought they would have a say
50 pro or con, because obviously businesses would be hurt dramatically if this fee is passed. He
51 commented that it appears to him the Chamber doesn't represent the true business community.

52 Clara Nimmo, Dallas Alteration Center, stated that with the tax the Council is proposing it is so
53 hard to understand. She said it's per trip and square footage, and asked if that means every time
54 her customers walk around the block, that's a trip? She wanted to know how the fee is figured.
55 She stated she recently hired a new employee, and if the fee is too high, she may have to lay both
56 employees off and close her door. She felt it was a poor way the Council had it in the

1 newspaper, instead of letting every resident and every business in this town know what the
2 Council was proposing before reading it in the paper. She wanted to know when the business
3 owners would find out what they were paying, or if they would have to wait until they see it on
4 their water bill.

5 Michael Loerts stated the Council was talking about dollars that should have been budgeted and
6 planned for and set aside years ago, not coming out at the last minute like a teenager asking for
7 \$100 to go party. He indicated he saw a very poor or lack of judgment and planning. He said
8 they talk about planning and budgeting, but where is it? He said this idea is going to place
9 totally unfair taxes upon business, which is going to destroy business. He said the Council is
10 going to destroy jobs and destroy the town simply because they want to pave the streets. Mr.
11 Loerts stated the idea that this Council is going to propose this and for some reason or another,
12 another City Council can't be expected to live up to no taxation is hogwash. He said the Council
13 should pass the fee and the citizens will vote them out of office so they can get a Council that
14 will listen to them and change it back.

15 Nancie Rogers indicated she was more than disturbed by this fee. She asked in the current
16 economy where we are seeing businesses leave Dallas or close, why at this time the Council is
17 considering adding another financial burden to the businesses of Dallas. She stated one of her
18 duties as one of the principle brokers for Windermere is to keep a pulse of the community, which
19 includes the business aspect. Ms. Rogers indicated she is more than confused why in this
20 economy, the Council would consider imposing an additional fee on the businesses and residents
21 of Dallas. She said the fee could make a huge impact on struggling businesses and add a
22 financial burden to the residents. Ms. Rogers said they call it a user fee and asked if the schools,
23 churches, and non-profits would be users. She indicated we all use the roads in Dallas, but the
24 log trucks and rock trucks are responsible for most of the damage. She asked if they would be
25 responsible for sharing the costs of repairs. Ms. Rogers asked why the Dallas businesses and
26 residents should be responsible for damage that they cause. Given the current economy, she said
27 she totally objects to the fee being approved. The City may end up with the most beautiful
28 streets, but what good is it if we lose current businesses and can't pull new businesses to our
29 community? Ms. Rogers requested a written response of what the fees would be for
30 Windermere. She asked how the Council can expect the businesses and residents to accept and
31 support a fee when they have no concrete amounts for beginning charges or how high they may
32 go. The charges submitted by the City of Dallas just don't seem to make sense. She stated she
33 feels like this is taxation without representation and it should be the voters' decision, not the
34 Council's.

35 Tom Augustyn stated some of what he intended to say had already been said. He said he hoped
36 the Council had the intestinal fortitude to vote this down and not take the City Manager's advice.
37 He suggested that if the Council chose not to vote it down, they should submit it to the public for
38 a vote. He reviewed the County Initiative and Referendum Manual requirements that state the
39 voters can refer it to an election with four percent of the number of voters who voted in the 2006
40 election, which is a mere 210 voters. He reminded the Council the citizens can vote on this.

41 Ed Dressel stated that back in high school he did track, but he didn't do hurdles because they
42 were too high. He commented that businesses have that same problem, they have taxation,
43 competition, legal issues. He said any time the Council increases taxes, it increases the height of
44 the hurdle for businesses. Mr. Dressel stated he counted seven empty businesses downtown, and
45 has heard the excuse that they are empty is because they are owned out-of-state. He said six out
46 of seven of those businesses are owned in-state. He said Independence is very busy, but Dallas
47 is not. Mr. Dressel indicated he asked a retired banker last night and he said it was because
48 Dallas has historically been hostile to business. He said there are businesses of significant size
49 that could have chosen Dallas, but chose Independence instead. He said he'd love businesses to
50 say Dallas is a friendly place.

51 Dale Derouin stated he probably generates fewer trips than most anyone unless you count his
52 bicycle, but the bicycle gives him an opportunity to get a close look at the streets he rides on.
53 Mr. Derouin said he's commented that he is fortunate that he hasn't had to replace more wheels
54 because of potholes on the roads, noting he doesn't notice the street condition as much when he's
55 in his car. Mr. Derouin indicated he can see the point of many of those against this proposal, but
56 regardless, the City needs to maintain the streets because if we wait long enough, we'll pay more

1 later. He added citizens will also pay more in auto repairs caused by the bad street conditions.

2 Herbert Harms stated he has had the privilege to work with these business people in town that
3 are hurting quite bad. He said even in good economic times they weren't that plush. Mr. Harms
4 indicated Baker City is flourishing compared to here, due in part because of the interaction
5 between the City Council and public. He stated businesses are operating a very fine line and
6 they don't need more fees; they need the City's assistance to flourish and bring more money in.
7 Mr. Harms said the fees won't break him as a retired individual, but there are a lot of retired
8 people on a fixed income that are barely putting food on the table. Mr. Harms stated businesses
9 will have to pass the fee down to their customers, which will duplicate the fee for the residences.
10 He said this was a very inopportune time for this to be presented. Mr. Harms indicated other fees
11 have not been going down; water, gas, and electric bills have all been going up and it's hard to
12 get by. Mr. Harms stated he has gotten a few phone calls from prominent people in the
13 community that have heard from Council members and staff that this is already a done deal.

14 Bruce Smith, A-Team Locksmith, asked if he was the only one experiencing déjà vu. He said a
15 few years ago, he was before the Council doing the same thing and at that time, they voted it
16 down. He said the Council has got to vote it down again instead of taking the easy way out by
17 reaching into constituents pockets. He said the Council needs to look for alternatives. He said
18 way back when, the Dallas Aquatic Center was voted in to build it, but no budget was voted in to
19 run it. He said he understands the City is looking for \$300,000 to fix the roads, which is a
20 worthy cause, and had the City back then made the tough decisions, they would have had the
21 \$300,000. Mr. Smith said the cost to run the Dallas Aquatic Center out of the budget is about
22 \$300,000, which is what the City is looking for. Mr. Smith said the Council is hired to make
23 those rough decisions, noting the Dallas Aquatic Center is only one example. He asked the
24 Council to look at what is most important and what are lower priorities. He asked the Council to
25 start thinking, start doing their job, and quit trying to take the easy way out.

26 Ray Stratton, North Dallas Bar and Grill, states he sees poor planning. He said the meeting
27 should have been in a bigger room. He said the article in the I/O says the payment for North
28 Dallas would be \$1200 per month, but the pamphlets from the City show it would be about \$8.
29 He said for \$8 there wouldn't be as much panic. Nobody addressed the I/O issue to say there
30 were false figures; there is a big difference between \$1200 and \$8. He said he and his wife are
31 proud to be Dallas citizens. He commented that the City said "based on trip" but he would like
32 to see figures out there. He said he is asking the Council as elected officials to get better facts
33 together and get it out to the business people. He said they'd have North Dallas at \$8.

34 Penny Cox stated she owns seven buildings in the Dallas area. She said first she wanted to talk
35 about the public hearing. She commented that some people said they hadn't gotten any
36 information other than what was handed out at the meeting or read in the newspaper. She stated
37 she wanted to ask some questions for the record about the legality of the public hearing. She
38 asked if it was a public meeting or a public hearing. She stated she would like to know if there
39 should have been notification of the meeting under the State ORCP laws. She also asked if the
40 common man who would have come to this public hearing would have been able to understand
41 what the issues were. She said she didn't believe the citizens were able to come to the meeting
42 and be informed. She said she had handouts from the City and from various other people and
43 had talked to great mathematicians to ask exactly what her fee would be in the 6500 square foot
44 Dallas Event Center. She said the handout doesn't say if the fee is per square feet or per 1000
45 square feet. She said it gets back to whether this public hearing is legal according to the law.
46 Ms. Cox asked that if it is truly a public hearing and she asked for the record to be held open for
47 seven days, could citizens be allowed to submit public testimony. She also asked if the decision
48 could be appealed to a higher court, and should that have been told to the citizens at the
49 beginning of the meeting. She added that she has tried to defend her friends on City Council,
50 and she knows and has worked with all of them, and she had to say that she has not been able to
51 defend the things that came out in the paper.

52 George Reid stated he is on a fixed income, and he wanted to bring to the Council's attention
53 what \$4.50 a month means for seniors. He said with generic prescriptions at Wal-Mart, that is
54 more than one month of prescriptions, or put another way, one month of the phone bill would
55 pay for a year's worth of the fee. He said Mr. Braun's comment that it works out to about 1 cent
56 per trip would equal \$3 for a month. He added he doesn't know where the 9.57 trips per day

1 come from at his house. Mr. Reid said he does ride his bicycle and can do it safely and he hasn't
2 had a problem with the roads.

3 Heidi Kessel, Heidi's Barber Shop, stated everything has pretty much already been said. She
4 told the Council they aren't on a fixed income, and they don't have to count pennies like the
5 senior citizens and business owners do. She said she hears how the Council wants to beautify
6 Dallas and bring business to Dallas, and asked if taxing them would bring business to Dallas.
7 Ms. Kessel asked if the fee would be \$2 per month or \$300 per month. She also asked how she
8 could trust the Council to only use it for the street fund. She said she thinks it's ridiculous and is
9 sorry the Council hasn't had to work as hard for their money as the business owners have.

10 Randy Beaulaurier, McDonalds, stated he is not an opponent of road repair, but he doesn't think
11 this tax is necessary to take care of the roads. He commented that he had testified before the
12 Council last time and talked about the same thing and heard the same thing. He asked why the
13 Council was presenting this again. He said it feels like "Let's give this another run and see if we
14 can force it through this time." Mr. Beaulaurier said that when this issue was discussed the last
15 time, the feeling was pretty unanimous and he felt the Council took that into consideration. He
16 stated he really questions the math he's seen so far, and it makes him really suspicious. He
17 referred to a table that showed proposed fees for 25 businesses and noted the City says they need
18 \$18,000 for commercial and industrial in the first year. He said if you add up the 25 examples,
19 that would be \$15,000, and there are a whole lot more businesses in Dallas and he feels this is
20 tremendous overkill. Mr. Beaulaurier asked if the road calculations were as grossly in error. He
21 said a 30% growth in the City means the City grew 30% and the City's income should have
22 grown 30%, adding he would love that situation. He proclaimed the question comes down to
23 how the City is proportioning how the money is spent; if roads are a priority, they need to use the
24 money for that. He said it may mean hard choices of what gets left out. Mr. Beaulaurier
25 explained that as a business, he can't control the top line, but he can control expenses and can
26 manage each line item; he doesn't have the luxury to go to the people and say "give me more."

27 Dave Hunt said he would love to give his support, but he's having a hard time with it. He
28 commented that just because you can, doesn't mean you should. He said he would love to have a
29 new roof, and knows he's overdue. He said two years from now, he will be looking at changing
30 the plywood, not just the shingles, but he is banking on the economy improving. He asked the
31 Council to look at slowing down and to give him a choice. He stated he recognizes the need is
32 real, and noted he could even buy off on the City's figures to an extent. Mr. Hunt stated the
33 average person makes a smaller impact on the road than the City's fire engine that is overweight,
34 Dalton Quarry, and the log trucks. He said the user part of the fee is a little lame, stating there
35 are a lot of simpler ways to figure out the user fee, and he is all for it. He said if he is going to
36 pay a residential fee and pay higher business costs to cover the business fees, he is getting
37 double-dipped and he doesn't like it. He said he gives his kids a choice; he doesn't let them
38 choose if they wear socks or not, but they can choose red socks or blue socks. He said the
39 Council has a fact that is negotiable. He said he might be willing to dodge more potholes now
40 and wait until the economy turns around, even if it costs a little more to fix then. He said if the
41 Council wants his support, they should give him a choice of red socks or blue socks – don't tell
42 him he's gotta wear socks.

43 Michael Matthews stated he understands economics, and this will be devastating. He said he has
44 heard arguments about quality of life, about inflation, and about facts. He said the people behind
45 him in the audience were the facts and begged the Council to take that into consideration. He
46 referred to Mr. Derouin's testimony and said the proposed fee would cost Mr. Derouin \$600 per
47 year, and asked how many bicycle tires he'd have to change in that year. Mr. Matthews stated
48 the citizens were getting criticized for buying fuel efficient cars, and the gas tax is not paying
49 now and asked which way we need it to go. He said the population is increasing, so revenues
50 should be increasing. He said the population pays these taxes, so there should be revenue for this
51 stuff. He said he is concerned about the trickle-down economics of it all, saying he will be paying
52 triple to make a beautiful ghost town. He said he was not seeing anything that satisfied his need
53 for legitimate information, noting he was pretty upset about whole deal. He said on a national
54 election cycle there is about an 80% turnout and on a City election cycle there is about 1-5%
55 turnout. He said he felt there were 1-5% of the voters at the meeting and they were opposed to
56 the proposed fee. He said the people behind him could come up with a way to increase business
57 and help the people of the community better than sit there and argue about why they don't need

1 to spend more money on something that will probably be a no-bid contract to someone.

2 Steve Mannenbach handed out a packet of paper and pointed out documents that had been
3 handed out by the City, including the original example of what was handed out. He said the
4 information that was handed out at the meeting had been altered. He said the rates set for 2011
5 were based on the total trips from 2009. That means if a business's total trips go up, the fee will
6 almost quadruple. The documentation had been altered. He also pointed out that churches, non-
7 profits, the hospital, the school district, and Weyerhaeuser were left off the list and asked why.
8 He asked if it was because if they had been on the chart, they would have been at the meeting to
9 oppose it as well. Mr. Mannenbach then referred to a tri-fold sheet the City printed. He said the
10 City decided to treat the fee as a user fee and explains the Council has the right to establish user
11 fee by Ordinance and then said they could also choose to put it to a vote like the City of Portland
12 did. He said the Council didn't put it to a vote because they knew, like the school bond, that it
13 wouldn't pass. He referred to another hand-out that says the per square foot amount would go up
14 to 60 cents, which was used by the I/O reporter in the first article about the fee. He said the I/O
15 article the previous week said it would go up to 95 cents. He said the handouts from the City had
16 been altered, had differing amounts, and asked what the citizens were supposed to believe.

17 Mike Davis stated he is a business owner in town, and he is not in favor of increases in fees or
18 taxes, but he is in favor of smart use of money. He said he listened to what the Council and staff
19 presented because he wanted to be informed about the fact. He said it sounds to him like we're
20 going to pay a certain amount now, or we're going to pay a lot more later, and he's about good
21 use of money. He said he also heard this is something that should have been done 10 years ago,
22 so the Council has given them a break. He said he knows the Council is trying to do the best job
23 they can and he is in favor of something that is going to be a smart use of money. He
24 recommended the Council reconsider how they implement the fee, but it sounds like a smart use
25 of money.

26 Larry Indra stated he walks the streets of Dallas all the time. He said the program mentions
27 putting covers over the damage, which is just hiding the damage underneath. Mr. Indra indicated
28 he comes from a paving family and when you put a skin over alligator cracking, it will just
29 collapse in six months to one year; you must fix what is underneath it before you put something
30 on top of it. He stated the City is still putting cold patches on damaged roads, and they don't
31 work. He said if the City is going to do any repair work, they need to do it the right way; putting
32 a skin over it is just hiding what is underneath. Mr. Indra commented that the staff reports state
33 the funds would only be used for repair of the roads, but didn't specify if that included salaries
34 for the department, or if it was strictly for equipment and paving and asked to have that clarified.
35 Mr. Indra stated he has talked to several realtors recently and the market has been flat. In the last
36 three weeks the realtors have been moving a couple homes, but if the Council does this, it will
37 kill that. He asked who would want to move to a City where there is a tax for their streets. He
38 said Dallas is a bedroom community and we need to not do this, and not make it even harder for
39 people to move into this town. Mr. Indra stated he had to take a cut in salary and \$2.50 to \$4.50
40 means he has to give up something like food or spending money at local businesses. He said he
41 can't cut back on his utilities or house payments, which are fixed.

42 Pete Christensen complimented the City staff for putting together a budget last spring that was
43 well thought out and carefully crafted. He stated he does have concerns about the fee idea. He
44 said when he saw it was going to be added to his water and sewer bill, he noted the water and
45 sewer bill just went up. He said there was no way around it, it's a tax that the citizens didn't
46 have before. He said he heard testimony that residential streets are not being repaired due to a
47 lack of funding, but he's not sure they will be fixed under this proposal. He suggested an
48 alternative of putting this on hold, come up with a plan for 5 or 10 years and have a bond issue.
49 He said the citizens would then have a chance to vote. Mr. Christensen stated he doesn't like the
50 idea of a fee suddenly appearing, but with a bond issue everyone can see how it will affect them.

51 Mary Samerotte stated the presentation asked "why not pass a local gas tax," however the City is
52 not calling it a gas tax, they are calling it a user fee and attaching it to the water and sewer bills.
53 She said if we were to call it something other than a local gas tax, she reiterate what other people
54 have asked, why not put it to the vote. She said the question "Why isn't the public allowed to
55 vote?" was never answered; the only response she heard was that the Council has the authority to
56 pass it – the question was never really answered. She said staff presented a list of 20

1 communities that have a transportation improvement fee, but didn't include the longer list of 220
2 cities that don't have these fees. She said the majority rules. Ms. Samerotte stated it seems like
3 Dallas is following the minority and she wondered why the Council is not following the process
4 other cities have used and instead are following the small minority.

5 Ronald Holloway asked if the City can legally impose a tax without the voters consent. He said
6 that if that is the case, and it seems it is, that is taxation without representation. Mr. Holloway
7 stated that if the Council does this, they are not representing his best interest. He said what the
8 Council has done, and he is assuming that they have, they are doing their own will and not the
9 will of the people.

10 Jim Schmaltz, Jim's Barber Shop, asked how many Councilors have owned a retail business and
11 had to scratch it out every month. He said the City has lost Weyerhaeuser and Tyco and they
12 have the trailer manufacturer that's one of three in the state and it's barely hanging on. Mr.
13 Schmaltz asked what the City gains; another pizza parlor. He said it is simple; the small business
14 man can't afford this. He said he feels this type of fee at this time is really wrong.

15 Mark Conz, Dallas Marine Center, stated he opened his business two years ago with full backing
16 from the City Planning staff. He said his concern is not for himself, but for the owner of the
17 property when Mr. Conz leaves because he can't afford to pay this fee. He said as business
18 owners, they are confused. He said he doesn't mind paying some, but if the Council puts him
19 out of business, he'll just go to the County.

20 Cheri Wearin, Roundup Pub, stated that what scares her is the unknown ITE formula, as she's
21 never seen it, and the explanation in the handouts isn't clear. She said her owner called the City
22 Manager, who was nice enough to calculate the fee, which was between \$4.50 and \$8.50 per
23 month, which is agreeable by her if there is a cap. She said what wasn't understandable is how
24 the formula works because the numbers don't work. Ms. Wearin indicated the explanation has
25 been vague, and the public could make an informed decision, not an emotional one, if it was
26 explained better. Mr. Liu stated he has been doing the bar business for eight years and employs
27 five people in Dallas, which is not much, but he feels as an employer, he is doing his part to keep
28 the economy going. He asked if the Council puts everyone out of business, where will they get
29 their money. Mr. Liu asked why the Council can't raise the money elsewhere, asked where it
30 stops, and what happens after 2011. He asked if he could reserve a seat for when the Council
31 wants more money for sidewalks, a new building, or new city vehicles. Mr. Liu stated he
32 understands needing and wanting new things. He told the Council to work on putting people to
33 work and they will get rewarded. He said he buys things for his business out of his own pocket.
34 He said if the Council took a 5% discount on their wages, they would have the money.

35 Craig Pope stated he appreciates how hard it is for the Council and understands the difficulty of
36 making decisions they need to in order to keep moving forward. He stated he wasn't present as a
37 resident, but some of friends have reached out to him to get his help. He stated he represented
38 American's for Prosperity and he was directed by their State Chair to help the citizens of this
39 town. He said if the Council decides to pass this tax, they will come back with a referendum.
40 He said the public is looking to the Council to make the smart choices and he asked the Council
41 to help them avoid that process.

42 Tim Grimes, Dallas Liquor, stated he was torn about what the Council doing. He indicated he
43 had sat on the other side of the table and understands the necessity to overcome need in the
44 community. He said as a resident if he needed to pay an extra \$30 a year and would never hit a
45 pothole, that would be one thing. He indicated what he is hearing mainly from the business
46 community is fear, uncertainty, and doubt. He said a lot of people are there not based on what
47 might be true, but what they fear might be true. He stated his business is not doing well in this
48 economy, and if he does the formula, he can't decide if he'd be paying \$500 or \$1,100 per
49 month. He stated he has some evidence that it might be way lower than that. He said there is no
50 question that the Council needs to get creative with funding, because in years to come, the streets
51 are going to be more expensive to fix. He said there are people from outside the area (because
52 Dallas is a hub) that aren't paying the fee. Mr. Grimes stated most businesses front state and
53 federal highways and wondered why they would pay the proposed fees. He asked how much the
54 meeting cost the City and wondered if it would be more or less to pay the Finance Department to
55 calculate the fee for each business in town.

1 Amanda Dalton, representative of the Northwest Grocery Association, stated her members
2 understand the challenges the Council faces in addressing the serious transportation needs with
3 dwindling dollars. She said they've worked closely with other communities who implemented
4 street utility fees, although she had never seen so many people turn out to testify in a public
5 hearing. She said her members are willing to pay their fair share for road repair. She said they
6 support a methodology to calculate the fee that sets local guidelines, priorities, and limitations.
7 She said the primary concern about the fee as proposed is that it is based on the formula that
8 biases one property over another using national trip data not local data. She said it classifies our
9 grocer members at a much higher trip rate than local data suggests and often leaves their stores
10 bearing a significant burden of the fee. She stated as proposed, the \$374 monthly fee would
11 mean \$37,000 in new sales to pay the fee. She stated that if the Council does decide to adopt the
12 fee, she asks them to take a closer look at another model such as the one used by Tigard based on
13 the number of parking spaces. She stated that fee had a minimum and maximum so businesses
14 know long-term what they will pay. She said some of the key components of that model is a fee
15 that is affordable for residents and businesses, it is based on a list of actual projects that need to
16 be completed, and it is a fee that expands and contracts on a yearly basis based on those needs.
17 She stated Tigard reviews their fee every 5 years and readjust it. She stated one thing she does
18 like about the proposed fee is that it is just for road maintenance and doesn't include street
19 lighting or sidewalk repair. She urged the Council to send it to the voters or include a sunset that
20 would expire it in 2011 when they start receiving additional street revenues.

21 Michael Schilling stated he had talked to many of the Council personally and he appreciates their
22 candor and hard work on the matter. He stated he had listened to the residents talk, and some are
23 upset it wasn't implemented three years ago, and others want to delay it for another three years.
24 He is sorry the Council has to make the tough decision, and he supports the decision and will
25 back them in any way he can. He stated he is in favor of this even though he does not like a new
26 tax.

27 Neil Schmidt stated he received a lot of information, noting he was there as a minority. He
28 stated he realized in the past five years it is time for the minority to speak up. He stated he
29 wanted to let the Council know he will support them as best and as strong as he can. He stated
30 he didn't read the Itemizer Observer, and he is not sure what information is right. He said he is
31 concerned about the information. He stated he has had meetings with people and they talk about
32 the keeper of the information. Mr. Schmidt stated that if the Itemizer Observer is going to be the
33 mouth, let's make sure they have the right numbers. He said he will do what he can for his kids
34 and do something for the future and if the City has to move forward and it costs them money, do
35 it.

36 Stacy Robertson indicated most of what she wanted to say had already been said. She stated she
37 was interested in the information presented regarding why the revenue is not being gathered for a
38 gas tax. She stated one reason is because people are buying more economic cars. Her
39 consumption has gone down because she can't afford to buy the gas. She stated the amount of
40 people has gone up, so the roads are being used more. She said that contradicts, because if she is
41 buying less and there are more people and they are buying less, which should even out. She said
42 the City put in for \$300,000 stimulus, but the charts don't include that in the mix. She said the
43 City doesn't have enough information. She stated she does go to local businesses because she
44 loves Dallas. She said if local businesses do raise their prices, she will have to take the little gas
45 she can afford and drive into Salem. She said elected officials shouldn't institute fees without
46 the will of the people, especially when they are hurting. She said the City has to fix the streets,
47 but the Council needs to find another way, because she doesn't have it to give to them.

48 Mayor Fairchild declared an end to the public comment part of the public hearing at 9:11 p.m.
49 Mayor Fairchild asked the City Manager and City Attorney to address the questions raised by the
50 public.

51 City Attorney Shetterly commented regarding the legality of the meeting. He stated this was a
52 regularly called City Council meeting like every first and third Monday City Council meeting.
53 He reported that it was noticed to the media and a standing list of people who had requested
54 notification of meetings as provided under the public meetings law. Mr. Shetterly stated that
55 regarding the question about an interpreter, under the public meetings law, the City must provide
56 an interpreter upon request, but is not required to have an interpreter at every meeting. He added

1 he was not aware of a request being made for an interpreter at the meeting, so it wasn't an issue
2 for this meeting. Mr. Shetterly indicated that regarding the request to leave the record open, that
3 applies to land use hearings that are quasi-judicial where the Council is receiving evidence and
4 will make a decision on a particular land use action, which is not applicable to this public hearing
5 as there is no record to remain open. In response to a question, Mr. Shetterly clarified that it was
6 a hearing in the context of a regular Council meeting, but not a land use hearing. He clarified
7 that a public hearing is any time the public is given an opportunity to speak, and this public
8 hearing is one that was set into the regular Monday Council agenda, noting there was nothing
9 unusual or untoward about that. In response to a question about being able to come fully
10 informed to a public hearing, Mr. Shetterly stated that public meetings law requires a notice of
11 the meeting with a statement of what the general subject matter on the agenda is going to be; it
12 doesn't get at the materials presented or made available prior to the meeting.

13 Mr. Wyatt reported that he would work on answering the questions asked in the meeting in
14 written form and those responses would be posted on the City's website when completed. He
15 added that anyone with a question about their business with regards to the proposed fee should
16 contact him at his office.

17 Mr. Wyatt stated the fee would not be used for collector or arterial streets, which are maintained
18 using the gas tax revenues; the fee would be for the local streets that have not been maintained.
19 Mr. Wyatt clarified that the Itemizer Observer article printed the annual square footage costs,
20 noting the City's information has always been consistent with that and has never changed. Mr.
21 Wyatt discussed the formula used, and again asked businesses with questions to contact him
22 directly.

23 Mayor Fairchild stated a general proposal was put out and it was not well-received. He indicated
24 the Council is faced with the dilemma that if they leave the streets alone, they will deteriorate,
25 and if they deteriorate, they will cost the City more money to fix. Mayor Fairchild advised that
26 the Council is looking at a transportation system on the decline and they don't want to see this
27 become a worse situation. Mayor Fairchild reported that if the Council had implemented the fee
28 at \$1.50 10 years ago, it would still be \$1.50 because it would have kept us where we need to be.
29 Mayor Fairchild said the Council's job is now to talk about where to go from here, noting they
30 don't have the answer at this moment. He stated staff will keep the public informed, and once
31 the Council has something solid, they will come out with another proposal, and adapted
32 proposal, or something else entirely. Mayor Fairchild thanked the citizens for the time they
33 spent at the hearing and for their comments.

34 Mayor Fairchild closed the public hearing at 9:24 p.m.

35 The meeting was recessed at 9:24 p.m.

36 Mayor Fairchild reconvened the Council meeting at 9:33 p.m.

37 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

38 The consensus of the Council was that they had received good comments from the public and
39 noted that based on the comments received, people really care about Dallas. There was
40 discussion among the Councilors about getting correct information to the public right away and
41 keeping on top of what is printed in the newspaper.

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

43 **DISCUSSION REGARDING SUPPORT OF PUTTING EXTENSION DISTRICT ON THE** 44 **BALLOT**

45 Mayor Fairchild explained that this item has been moved to the next Council meeting on
46 September 8, 2009.

47 **ECONOMIC DEVELOPMENT STRATEGY**

48 Mr. Locke reported that the Economic Development Commission (EDC) discussed over their
49 past three meetings what they felt their role was and what they wanted to see staff doing. He

1 stated there was quite a bit of discussion about the plans generated by the EDC that were not
2 implemented or were shelved. Mr. Locke explained that staff looked at all the available plans
3 and listed ten things that really jumped out, were truly implementable, and that would make a
4 real difference. He indicated the EDC wanted a check off list which would be essentially a
5 distillation of all their discussions, existing plans, and marketing studies that would enable staff
6 and other public and private partners to operate in a way not at odds with each other and
7 approach things from a more unified standpoint. Mr. Locke then reviewed the report from the
8 EDC.

9 Mayor Fairchild suggested putting off any decisions so the Council could look at the report and
10 digest it. There was a consensus to move the discussion to a future Council workshop.

11 DALLAS AQUATIC CENTER PROJECT WRAP-UP

12 Mr. Locke reviewed the work on the energy efficiency project at the Dallas Aquatic Center,
13 noting the project is now complete. He indicated the contract specifies the project will undergo a
14 one-year monitoring period while the contractor completes some fine-tuning. He stated the first
15 electric bill after the project resulted in a \$3200 per month electric bill reduction. He indicated
16 they should see similar savings in the other utilities such as gas. Mr. Locke reviewed the Dallas
17 Aquatic Center lobby remodel project, which upgraded the old, not-functional lobby. He
18 indicated he is getting good feedback on it.

19 FAÇADE LOAN AND GRANT PROGRAM UPDATE

20 Mr. Locke reviewed the Façade Loan Program and the newly created Façade Grant Program and
21 noted both programs had recently been taken advantage of. He reviewed the loans and grants
22 issued and added the Council would see changes in the downtown going forward.

23 STREET PROJECTS UPDATE

24 Mr. Wyatt indicated the City received \$330,000 in stimulus money for our streets, and he wanted
25 the Council to know where the money was going. He reviewed the list of streets being repaired
26 in the near future.

27 REPORT ON AUGUST 11 PLANNING COMMISSION MEETING

28 Mr. Wyatt reviewed the agenda, noting there was no information because the item would be
29 coming before the Council for a hearing.

30 DEPARTMENT REPORTS FOR THE MONTH OF JULY

31 There were no questions or comments about the department reports.

32 OTHER

33 COMMUNICATIONS AND PETITIONS

34 RESOLUTIONS

35 **Resolution No. 3190:** A Resolution honoring and celebrating the life and service of Gwendolyn
36 “Gwen” VanDenBosch, and declaring “Gwen VanDenBosch Day.”

37 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3190 to have PASSED
38 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb,
39 Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David
40 Shein, Councilor Dave Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.
41 voting YES.

42 Mayor Fairchild indicated he would send a copy of the Resolution to each of Gwen’s grandsons.

43 FIRST READING OF ORDINANCE

44 SECOND READING OF ORDINANCE

45 OTHER BUSINESS

1 There was discussion about where the Council should go next on the transportation improvement
2 fee. Mr. Wyatt suggested the Council have a work session to discuss the topic further.
3 Councilor Scroggin commended the City staff for getting a tremendous amount of information
4 out in a very short time.
5 There being no further business, the meeting adjourned at 10:02 p.m.

6 Read and approved this _____ day of _____ 2009.

7
8
9

Mayor

10
11 ATTEST:

12 _____
13 City Manager

DRAFT

MEETING AGENDA

ADMINISTRATIVE COMMITTEE

Monday, August 17, 2009

4:00 p.m.

Ken Woods, Jr., Chair
Brian Dalton
Warren Lamb
Jackie Lawson
LaVonne Wilson

1. Liquor License Procedural Updates
2. Finance Director's Report
3. Assistant City Manager's Report
4. Other
5. Adjourn

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

Members Present: Chair Ken Woods, Jr., Brian Dalton, Warren Lamb, Jackie Lawson, & LaVonne Wilson.

Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim Marr, City Attorney Lane Shetterly, Finance Director Cecilia Ward, Police Chief John Teague, Fire Chief Bill Hahn, and Recording Secretary Emily Gagner.

Chair Woods called the meeting to order at 4:31 p.m.

Liquor License Procedural Updates

Mr. Shetterly explained that State law allows cities to collect fees for liquor license applications. He stated that if a city adopts its own application process that is approved by OLCC, then the city can establish higher fees than those set by the State. He pointed out the fees on the draft Ordinance that was included in the agenda packet. Mr. Shetterly indicated they are still OLCC applications, but the applicants would be reimbursing the City for the cost of the administrative process, running background checks, etc. Mr. Shetterly reported the proposed ordinance provides for a City process, and includes hearing rights for applicants. He stated the bottom line is, the OLCC has reviewed the proposed Ordinance, recommended one change, which we did, and the current proposal is okay for their purposes. Mr. Shetterly explained that if approved, the City would be authorized to charge these fees and could not increase them unless adopted by another Ordinance.

Councilor Wilson asked if other cities were doing this. Mr. Shetterly replied many other cities charge the same fees as the proposal.

Councilor Lamb moved to forward the item to the Council with the recommendation to pass it. The motion was duly seconded and carried unanimously.

Finance Director's Report

Ms. Ward reported she would be getting the City's data to the software company this weekend. She noted staff is still working to get the year-end items closed, as there were serious issues with the old software.

Councilor Dalton asked if people were using the new drop box. Ms. Ward replied they were.

Assistant City Manager's Report

Ms. Marr reported on an internal position opening for a Paramedic Shift Lieutenant. She indicated the City would be hiring more lifeguards, as five or six are going back to college. Ms. Marr stated she completed a new evaluation form for all employees.

Other

Mr. Wyatt stated the farm lease is coming up for the two farm properties on Orrs Corner Road, adding several people are interested.

Mr. Wyatt reported that he walked through the Blue Garden, noting there are still holes that need to be fixed. He indicated the upstairs is totally cleaned out, there is no sign of leaking, and it no longer smells. Mr. Wyatt did explain there is still a court date scheduled.

There was no other business and the meeting was adjourned at 4:41 p.m.

MEETING AGENDA

PUBLIC SAFETY COMMITTEE

Monday, August 17, 2009

4:00 p.m.

LaVonne Wilson, Chair
Brian Dalton
Warren Lamb
Jackie Lawson
Ken Woods, Jr.

1. Backyard Burn Ban Update
2. Police Parking
3. Facility Remodel
4. Police Chief's Report
5. Fire Chief's Report
6. Other
7. Adjourn

1
2
3 Members Present: Chair LaVonne Wilson, Brian Dalton, Jackie Lawson, Warren Lamb, and Ken Woods,
4 Jr.

5 Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim Marr, City
6 Attorney Lane Shetterly, Finance Director Cecilia Ward, Police Chief John Teague, Fire Chief Bill Hahn,
7 and Recording Secretary Emily Gagner.

8 Chair Wilson called the meeting to order at 4:00 p.m.

9 **Backyard Burn Ban Update**

10 Mr. Wyatt indicated he was not sure how willing the Council would be to address another controversial
11 issue at this time. He reported he had received several calls from people with large lots at the edge of
12 town that had a lot of trees, adding staff is still working on a plan for those situation.

13 Chief Hahn reported that he talked to Chuck Lerwick at Allied Waste about the possibility of his provid-
14 ing a place for residents to drop of brush and trimmings, and Mr. Lerwick was not interested in doing that.
15 Chief Hahn indicated that considering the Council members' concerns about yard cleanup after major
16 storms, they could consider having a location at the Wastewater Treatment Plant where people could haul
17 their debris after a storm and then the City could burn one big pile. He noted should the Council choose,
18 staff could set up a permit process where in the event of a major storm, the Fire Department could issue
19 burn permits. He explained that would allow staff to look at the pile to be burned to make sure they
20 would not be burning inappropriate items.

21 Mr. Wyatt explained if the Council misses the October burn season, there is time before the spring burn
22 season begins.

23 Councilor Dalton indicated his concern that the timing of this, trying to rush it through for October 1, be-
24 cause many people have been accumulating debris all summer with the anticipation of being able to burn
25 it this fall. He recommended instituting the ban after they burn this fall, which would give a nice lead
26 time going into March for education.

27 Councilor Lamb stated he can understand the need for a backyard burn ban, but he can also understand
28 property owner rights. He indicated if the City could work out something with a drop site for people to be
29 able to drop their yard debris so they have an alternative for what doesn't fit into the yard debris can, that
30 would be much better. Councilor Dalton agreed that was reasonable, after staff studied the costs related to
31 that.

32 In response to a question, Mr. Wyatt explained staff still needs to work on this, but he wanted to let the
33 committee know staff was working on it and it is going forward.

34 Councilor Lawson stated she would not be opposed to permits after a bad storm.

35 **Police Parking**

36 Chief Teague explained that there have been conflicts with officers backing into traffic from in front of
37 City Hall three times since he started. He noted it is unusual for patrol parking to be the way it is here in
38 Dallas, and he has been looking for alternatives. He stated Court Street is not wide enough for 90 degree

1 parking, but if there was parallel parking across the street, there would be room for the Police cars to back
2 in and park perpendicular to the curb, enabling the officers to pull straight into traffic and turn either right
3 or left safely. He noted that proposal would eliminate two parking slots across the street, but no parking
4 spots would be lost in front of City Hall. He explained only the Police would be 90 degree back in park-
5 ing, everyone else would still have angle parking.

6 Councilor Woods asked if there would be a problem with the sidewalks being blocked with the police car
7 trunks. Chief Teague stated he could put curb blocks in so that wouldn't be a problem.

8 Councilor Dalton reported that each downtown parking space is worth \$22,000. Chief Teague explained
9 the change in parking would open up one spot that is currently yellow curb for parallel parking.

10 Councilor Woods moved to forward the request for police parking to the full Council with a recommenda-
11 tion to approve it. The motion was seconded and carried unanimously.

12 **Facility Remodel**

13 Mr. Wyatt indicated the City is moving forward with the Finance Department remodel. He stated he is
14 also looking at replacing the carpet and wallpaper in the Council Chambers because they are in such poor
15 condition and make some other minor adjustments to improve the functionality.

16 **Chief's Report**

17 Chief Teague has a recruit who is almost solo (by next week). He indicated this means the department is
18 now just down one person and he agreed to run without a School Resource Officer. Chief Teague stated
19 in a perfect world, the City would have 2 more FTE since these guys are frequently inundated with calls
20 and are struggling to get their reports completed.

21 **Fire Chief's Report**

22 Chief Hahn reported he is still waiting for a letter from the ISO about the City's rating.

23 **Other**

24 There was no other business and the meeting was adjourned at 4:30.

City of Dallas

7.5.33BC

- City Limits
- DALLAS
- Taxlot#99
- Taxlot Arrow#09
- Taxlot Boundary#5
- Updates



*LOSS OF TWO
SPACES ACROSS
THE STREET.*



1 in. = 62 ft.



9/2/2009



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

6.305 Method of Parking.

(1) A motor vehicle parked on a public street shall be positioned along the right side of the street as determined from the position of the driver of the vehicle when it is being operated in a legal manner, approximately parallel with the curb line of the street, and not more than 12 inches from the curb line as provided in (2), (3), and (4) of this section.

(2) Except as otherwise expressly provided by resolution of the council and specifically marked or designated by an official traffic sign or signs, A motor vehicle parked on a public street in the areas listed in this subsection shall be positioned along the right side of the street as determined from the position of the driver of the vehicle when it is being operated in a legal manner, with the right front wheel of the vehicle against the curb line of the street at an angle of approximately 45 degrees as measured from the curb line. The streets are:

(a) Church Street from the south line of Oak Street to the north line of Washington Street.

(b) Mill Street from the west line of Jefferson Street to the east line of Church Street.

(c) Court Street from the west line of Jefferson Street to the east line of Church Street.

(d) Along all other streets that have been specifically marked or designated as diagonal parking areas.

(3) On streets on which traffic is restricted to vehicles moving in one direction only, motor vehicles shall be positioned along either the right or left side of the street as determined from the position of the driver of the vehicle when it is being operated in a legal manner, approximately parallel with the curb line, and within 12 inches of the curb.

(4) Notwithstanding the provisions of subsections (1), (2), and (3) of this section, vehicles, while actually being used in the loading or discharge of cargo anywhere within the city, may be backed into the curbing unless otherwise directed by the chief of police or other police officer.

July 27, 2009

Dear Mayor and City Council Members,

The Polk County OSU Extension Service has operated on a countywide basis in Polk County since 1918 in cooperation with Oregon State University and the US Department of Agriculture. Due to recent county budget issues stemming from the gradual loss of the Federal Payments to Counties and a depressed economy, the Polk County Extension Program is in jeopardy. We have begun the process of an initiative petition to place a countywide service district proposal on the May 2010 ballot, and we need your help.

We have enclosed a feasibility study regarding the formation of an Extension Service District with a tax base of \$0.075 per thousand dollars valuation, a copy of the approved ballot title and summary, plus a template for city resolutions.

As a part of the petition process to form a county wide service district, incorporated cities in Polk County must pass a formal resolution to be a part of the district should it be approved by the voters (ORS 198.720). City resolutions accomplish two things.

- 1) Your resolution would allow the voters in your city to vote on the question, and participate in the decision whether or not to form the 4-H, Master Gardener, Agriculture, and Forestry Extension Service District.
- 2) Your resolution would allow the Polk County OSU Extension to continue to provide service to the citizens of your city should the majority of voters in Polk County decide in favor of forming a district.

We are scheduled to present our proposal to the Dallas City Council on Aug. 17th. If you have any questions concerning our proposal beforehand please do not hesitate to contact us. We look forward to working with you on this important decision.

Sincerely,

Warren Lamb
Chief Petitioner
(503) 623-3585
warren@pnhydro.com

Roger Fletcher, Secretary
Chief Petitioner's Committee
(503) 623-8275
riverstouch@msn.com

Polk Co. 4-H, Master Gardener, Agriculture, Forestry Extension District Formation

Caption

Establishes Polk Co. 4-H, Master Gardener, Agriculture, Forestry Extension District

Question

Shall District be formed with a maximum tax rate of \$0.075 per \$1,000 assessed property value beginning July 2010?

Summary

If approved, the Extension Service District will serve all of Polk County, cooperating with Oregon State University Extension Services. OSU Extension provides a broad range of educational programs, services, publications, and other educational media tailored to the needs of Polk County citizens including:

- 4-H Youth clubs, After-School, Teen Leadership and Camp programs;
- Family Community Education, Family Financial Management, Nutrition and Food Safety;
- Master Gardener, Master Woodland Manager, and Seed Certification;
- Forestry, Livestock and Forages, Crops, Orchards, Small Fruits, and Nursery research and education programs;
- Pesticide Safety, Watershed Management, and other sustainability programs.

Declining federal funding to counties means a shortfall for local programs, including Extension. The District would implement a permanent rate of \$0.075 per \$1000 of assessed value to exclusively and permanently fund Extension programs. A property assessed at \$200,000 would pay approximately \$15 per year.

The District would be governed by the County Board of Commissioners with input from the OSU Extension Service Faculty and their advisory committees.

L. Lipsmeyer

7/1/10
L. Lipsmeyer
7/1/10
11-2 AM-29

Feasibility Study for a Polk Co. 4-H, Master Gardener, Agriculture, Forestry Extension District

Introduction

Losses in county general fund revenue have forced Polk County's Board of Commissioners to announce the reduction and eventual elimination of funding for its Extension office. Reduced funding began in FY 2008-09 and will continue to decline through FY 2011-12 when funding will be cut. Community supporters of Extension have asked the Board to support the beginning of the petition process to place a county-wide 4-H and Extension Service District, with authority to levy ad valorem property taxes, to ensure Extension's continued service to the citizens of Polk County.

This document examines Extension's contributions to Polk County, its relationship to other county service providers, and the feasibility of supporting it through formation of a district.

Extension's Role in Polk County

The Extension Service is part of Oregon State University's off-campus educational system. It makes the research and knowledge base of the University available in communities throughout the state, a role it has played in Polk County since 1918. It offers educational programs in youth development, food safety and nutrition, agriculture, forestry and family and community development.

As the outreach arm of Oregon State University, Extension Service is in a unique position to provide lifelong educational opportunities. Extension is community-based and responsive to community needs. Its programs are relevant, credible, and supported by the research base of the University. Extension works cooperatively with numerous community partners, and develops networks of volunteers that expand its reach into all corners of Polk County.

The Extension Service relies on a variety of funding sources to carry out its mission. Extension Agents and Specialists (faculty members of Oregon State University) are funded by state and federal dollars. Support for office space, secretaries and supplies at the county level have traditionally been provided by county general fund dollars with a variety of grants that support special projects.

Extension enhances its capacity many fold through the efforts of numerous volunteers who serve as 4-H leaders and Master Gardeners. Over 225 Extension volunteers serve Polk County.

Extension activities in Polk County are currently organized into the following program areas, each of which provides a combination of educational programs, skills

development activities and information services, supplemented by a vast library of user-friendly publications and web-based resources:

4-H Youth Development

- Club projects in civics and leadership, science and technology, animal science, family science natural science, horticulture, and expressive arts
- After-school, no-school-day, Home school and summer youth natural resource programs
- Latino Outreach
- Interstate Exchange
- International Exchange
- Youth and Adult Leadership development retreats/opportunities
- Know Your State Government
- OSU Summer Conference
- 4-H Leader volunteer program
- Camps, Outdoor schools, Workshops, Judging Contests

Livestock & Forages

- Beef, Sheep, and Swine production, marketing, nutrition and reproduction
- Pasture and hay-ground management
- Grazing management and long term resource management
- Hay quality and utilization education
- Hay feeding regimen assistance
- Noxious weed management and pesticide safety
- Soil fertility management and fertilization recommendations
- Research projects related to soil fertility and animal health

Forest natural resource management & Wood Products

- Woodland management: Reforestation, forest health, forest ecology, silviculture (forest tending), timber harvesting and marketing, wildlife habitat development, riparian and watershed management, vegetation management, pesticide safety
- Forest management plan development, including intergenerational transfer and estate planning.
- Master Woodland Manager Program

Horticulture

- Master Gardener volunteer program
- Plant Clinic (plant health advice for homeowners)
- Commercial horticulture production, marketing and integrated pest management
- Water-wise plant selection and water conservation, pruning and grafting,
- Landscape maintenance, efficient use of fertilizers and pesticides

Family and Consumer Science

- Food preservation, preparation and safety
- Nutrition education
- Family financial literacy and money management
- Health management with chronic diseases
- Healthy aging
- Outreach to Latino community

While other organizations and agencies provide educational services in Polk County, Extension is unique in scope and capacity. Consider the following examples:

The county's K-12 schools educate youth, while Extension's 4-H Youth program provides an array of after-school and club-based learning opportunities that build leadership skills, foster responsibility, engage youth in citizenship, and enhance their appreciation of natural resources and our environment.

Chemeketa Community College provides critical higher education and workforce training opportunities; Extension brings cutting-edge research knowledge to farmers, ranchers, foresters and other natural resource managers, and helps them integrate this information into their production and marketing efforts.

Various state, federal and county programs provide technical and financial assistance to landowners and enforce land use regulations; Extension works proactively to teach landowners the best management practices that maintain productivity and financial viability on a sustainable basis - a major contributor to Polk County's economy.

The county's health and human services division, and our local health care industry, provide services to treat health conditions; Extension's nutrition and food safety programs help Polk County residents avoid food-related health problems and take advantage of our abundant, locally-grown produce.

Extension is not in competition with these other organizations and agencies. In contrast, it works cooperatively with them to more effectively serve Polk County's people. The Polk County OSU Extension Service teaches dozens of educational programs and makes over 20,000 educational contacts each year. Several hundred youth participate in 4-H and youth development programs and several hundred more in Natural Resources Education programs. In recent years there has been a concerted effort to expand Polk County Extension programs to the Latino Community. Extension serves county residents across all age groups, social classes, occupations and avocations. Extension is also an important information broker - if Extension's faculty, staff or volunteers can't answer your question they will direct you to someone who can.

Polk County Funding Situation

Polk County has traditionally received a large amount of its funding through revenue-sharing agreements on federally-managed timberlands. Timber harvest levels on these lands have declined dramatically since the late 1980s, greatly reducing these

payments to the county. This loss of funding was offset for a period of time by the Secure Rural Schools and Communities Self Determination Act of 2000. The act expired in 2006, leaving Polk County with the immediate prospect of a 17 percent reduction in its county general fund income. A one-year continuation of this funding in FY 2008 and a scaled down and diminishing program approved by the federal government to last until 2012, will merely forestall the inevitable loss of this revenue to the county. In response, Polk County has identified no alternative but to scale back on expenditures, and will no longer be able to support a number of valued public services. Extension Service has been notified that general fund revenue to support Extension programs will be phased out over the next few years with the prospect of no funding after 2012. A new source of operating funds must be secured if OSU Extension Service is to remain active in Polk County.

Concurrent with the county's reduced funding for Extension is their reduced funding for the Polk County fairgrounds. Extension and the Fair have a symbiotic relationship. Extension has been dependent on the fairgrounds facilities for delivery of many educational programs, and the Fair has been dependent on 4-H in particular for a strong county fair program (Appendix A).

Extension Funding Options

Extension stakeholders (persons who actively utilize and/or demand Extension services) have met and considered an array of potential funding alternatives, including development of an endowment account, recruitment of grant funds, short-term fund-raising, and formation of a service district. Endowment programs should be considered as a long-term mechanism to allow Extension to expand its program efforts using privately-generated revenues, but it will take many years (perhaps decades) to generate sufficient revenues to provide a meaningful funding stream. Grant writing is a regular component of Extension faculty members' jobs, but it yields funds targeted to specific applications. Shifting any significant portion of Extension's programs to grants would, in all likelihood, result in a dramatic change in faculty emphasis and fail to preserve the programs and services to which Polk County residents have become accustomed. Fund raisers are being planned to fill funding gaps should the need arise, but it would be extremely difficult to maintain a viable Extension presence in Polk County on fund-raisers alone. Thus, at the request of a group of Polk County citizens, the Polk County Board of Commissioners has consented to allow for the formation of a county service district by the initiative process with an associated tax base specifically allocated to the support of OSU Extension programs in Polk County. The district would provide operational support for the Polk County Extension Office, including office space, secretarial support and program assistance, office and program supplies, utilities and equipment.

Needed Extension Capacity

A program review was conducted in Polk County in 2003 showing that current Extension programs in the county were well positioned to respond to the needs of

citizens in the county. These programs including, strong programs in agriculture, which included one local faculty member and several housed in surrounding counties were adequate to address local concerns. Urban horticulture needs are addressed by a part time faculty member and an active Master Gardener volunteer base. In addition the issues of the wood products industry are addressed by an agent housed in a neighboring county. At that time, our 4-H program was adequate to maintain the existing program in youth development. However, recently our 4-H faculty FTE was cut to 0.50, a level that will hopefully increase back to 1.0 in the near future. In addition, family programs addressing nutrition, health and financial literacy issues are addressed adequately by a local faculty member. Faculty positions, whether housed in Polk County or surrounding counties are funded by state and federal dollars, and should continue in these programming areas, but their continuation is dependent upon county-based resources for program support, and campus level funding for faculty.

Proposal

The Extension Citizen Leadership Council (comprised of Extension stakeholders and volunteers) recommends that a county-wide 4-H and Extension Service District be formed to provide support for continued Extension services in Polk County. The Council recommends that the Polk County Extension Office maintain its current programs in 4-H youth development, livestock and forages, community horticulture, and family community health. Staff, materials and educational facility support for this level of faculty presence and programs would be funded by the proposed service district.

District Governance

By statute (ORS 451.485), the county's Board of Commissioners would serve as the district's Board of Directors. Financial management would be carried out in compliance with local budget law, which requires annual preparation of a publicly reviewed budget. The District's Board of Directors would appoint the district's budget officer. Funds collected by the district would be used solely in support of Extension programs/services, which would be provided by the Oregon State University Extension Service. Program priorities would be established by Extension faculty members working in concert with citizen advisory groups.

Proposed Budget

Budgets for the proposed district's first and third years of operation are attached as Appendix B. They reflect the anticipated salaries and other payroll expenses (OPE) for the level of staffing described above, and supplies and services adequate to facilitate Extension programs of the nature reflected in the needs assessment. The first-year personnel budget was based upon contract rates for OSU classified staff and current OPE rates, adjusted for cost of living and length of service. The associated supplies and services budget was based on historical expense levels of the Polk County Extension Office, adjusted for inflation. The third-year budget assumes a six percent

annual increase in personnel costs and a four percent annual increase in supplies and services costs (both historically typical). Total costs in both years have been offset by anticipated generated revenue where feasible. Thus, anticipated needs to be covered by district revenues total \$331,518 in the first year and \$363,838 in the third year.

Note that the proposed budget includes funding for rent, utilities and telephone. These items have, in the past, been provided as in-kind (no-cost) contributions from Polk County. The budget assumes that Polk County will require Extension to begin paying for these items.

The total taxable value for Polk County in Fiscal Year 2008-2009 was \$4,236,089,344. For year-one budgeting purposes, this value was increased by 4 percent per year to arrive at the anticipated total taxable value for Fiscal Year 2010-2011. The scaling factor is the rate suggested by the Polk County Assessor. Current economic conditions have slowed any increase in assessed value of Polk County properties resulting in a reduction of tax revenues for the next several years. Factoring in a first-year collection rate of 94 percent (after communication with the County Treasurer), the tax rate necessary to generate the district's targeted first-year revenue level is \$0.0767 per thousand dollars of taxable value. For year-three the tax rate drops to \$0.0749 per thousand, based on a collection rate of 98 percent¹.

Based on these calculations, the Polk County Extension Citizen Leadership Council recommends a permanent tax rate limit of \$0.075 per \$1,000 assessed value be adopted for the Polk County 4-H and Extension Service District².

Summary

OSU Extension Service provides valued non-formal education and a wealth of practical information to Polk County residents. The Extension office has traditionally received the majority of its direct financial support from the county general fund. Reductions in general fund revenues have forced the county to eliminate funding for the Extension office. The Extension Citizens' Leadership Council recommends formation of a county-wide Extension Service District, with a permanent tax rate limit of \$0.075 per \$1,000 assessed value, to provide base operating support for the Extension office and ensure OSU Extension Service continues to serve the citizens of Polk County.

¹ In Polk County, historically approximately 96.25% of property taxes are collected in the year they are initially billed, however through March of 2009, collection rate is estimated at 94%. In each following year a portion of the outstanding taxes are collected. For a newly formed district, first year collection would be about 94%, but by the third year collection on past-due accounts would result in a higher overall collection rate, estimated in this document at 98%..

² Note: Although Extension provides educational services, by law a district supporting it would fall into the general government category. Thus, an Extension Service District would not compete with schools for tax revenue, even if compression were a significant factor.

Appendix A

Polk County OSU Extension and Polk County Fair Partnership

Close connections

In the late 30's Walter Leth, Polk Co. Extension Agent, was secretary and an ex-officio member of the three person Polk Co. Fair Board. The fair originally was in Dallas where the county shops are now located. It then was moved to what is now Western Oregon University. It was held in space under the grandstand and a small barn built for the 4-H and FFA livestock.

In 1949 the Extension Staff Chair, N. John Hansen, who replaced Walter Leth, was invited to continue on as Fair Secretary. The Extension staff worked closely with the Fair Board to find a new location for the expanded County Fair in the early 50's, when the property at Rickreall was purchased. In the early years Extension continued to assist the Fair Board. For 5 years in the early 60's the County Agent was Secretary/Manager, as a trade off for free use of the fair facilities for Extension programs. This relationship continued until usage of fairgrounds facilities grew so a full time manager was needed. 4-H and other Extension activities as well as FFA programs continue to be an important part of the Fair and continue to receive free use of its facilities to this day.

Today's challenge

Because of the recent reduction of the federal O&C timber harvest receipts payments to counties, both the Polk County Fair Program and County support for the Polk County OSU Extension program face reductions and eventual elimination of County financial support.

A combined Extension and Fair Service District and Permanent Tax Base is not legal, since seeking a tax rate through a ballot measure is limited by statute to only one topic. The process of seeking an Extension Service District through a petition process has been considered by several groups served by Extension, namely 4-H and the Master Gardeners. This process has evolved to seek the formation of an Extension tax district and permanent tax rate on the May 2010 general election.

To accommodate the needs of the Polk County Fair, the proposed budget of the Extension Service District to determine the permanent tax rate includes provisions for the payment of facility or user costs for Extension programs. Historically, Extension programs were concentrated at the Polk County Fairground because of their central location in the county. It is therefore anticipated that most of these funds would go to the Polk County Fair in payment for use of facilities for Extension related programs during the year and at the annual fair.

Once a tax rate is approved, the details of the budget items will be developed under the public budget law process.

The future

Longer term the hope is that the Extension Office will be able relocate to the fairgrounds. Its central location, easy access, and the historical relationship between Extension and the fair suggest this could be a prudent move. Time and circumstance will determine the suitability of such an eventual move.

Appendix B
Proposed Budget: Polk Co. 4-H, Master Gardener, Agriculture, Forestry Extension

Not including grant or contract funded projects and associated personnel

	Year 1	Year 3
Projected Requirements	July 2010 - June 2011	July 2012 - June 2013
Salaries & Other Payroll Expenses		
Secretarial Staff	\$89,560	\$100,630
Program Assistants	\$34,000	\$38,202
Total Salaries & OPE	\$123,560	\$138,832
Supplies & Services		
Supplies	\$9,000	\$9,734
Books & Publications	\$10,000	\$10,816
Equipment	\$3,000	\$3,245
Telephone	\$5,000	\$5,408
Network Connection & Support	\$5,500	\$5,949
Postage	\$3,000	\$3,245
Copy Costs	\$4,000	\$4,326
Travel & Training	\$11,000	\$11,898
Rent (office space)	\$38,000	\$41,101
Instructors/Judges	\$4,000	\$4,326
Utilities	\$17,000	\$18,387
Event Support	\$30,000	\$32,448
Facility and Education Program Support	\$40,000	\$43,264
Annual County Fair Support	\$19,500	\$21,091
Annual Audit	\$2,500	\$2,704
NWREC	\$2,500	\$2,704
District Insurance	\$3,000	\$3,245
Total Supplies & Services	\$207,000	\$223,891
Contingency (1.5%)	\$4,958	\$5,441
Total Projected Requirements	\$335,518	\$368,164
Projected Resources		
Generated Revenues	\$4,000	\$4,326
Tax Revenues Required to Balance	\$331,518	\$363,838
Total Projected Resources	\$335,518	\$368,164
Tax Rate Calculation		
County taxable value	\$4,581,754,234	\$4,955,625,380
Anticipated compression	\$0	\$0
Collection Rate	94.0%	98.0%
Tax Rate (per \$1000 assessed value)	\$0.0767	\$0.0749

**Petition Proposing Formation and Funding of the
Polk Co. 4-H Master Gardener, Agriculture, Forestry Extension District**

A signature Sheet must be copied on the reverse side of each Cover Sheet

This Petition is filed pursuant to ORS 198.705 to 198.955 and requests that proceedings be taken for the formation of a new special district (extension) pursuant to ORS Chapter 198. The principal act for the City of Monmouth, the City of Independence, the City of Dallas, the City of Falls City, the City of Willamina, and the City of Salem are the City Charters and/or ORS Chapter 221. The principal act for Polk Fire District 1, Amity RFPD, Spring Valley RFPD, Dayton Fire District, Salem Suburban RFPD, Sheridan RFPD, Southwest RFPD, West Valley Fire District, and Hoskins-kings Valley RFPD is ORS Chapter 478. The principal act for Polk County is ORS Chapter 202. The principal act for the Central 13J, Dallas 2, Sheridan 48J, Perrydale 21, Philomath 17J, Salem 24J, Willamina 30J, Amity 4J, and Falls City 57 School Districts is ORS Chapter 330. The principal act for Chemeketa Community College District is ORS Chapter 341. The principal act for Polk Soil & Water District is ORS Chapter 568. The principal act for Willamette ESD and Linn-Benton-Lincoln ESD is ORS Chapter 334. The principal act for Ash Creek, Rock Creek, and Buell Red Prairie Water Control Districts, is ORS Chapter 553. The principal act for Fir Crest, Dallas, Hilltop, Pedee, and Salt Creek Cemetery Districts is ORS Chapter 265. The principal act for Salem Mass Transit District is ORS Chapter 267. The territory subject to the Petition is inhabited and includes all of the territory (including city limits) within Polk County, Oregon, more fully described in ORS 201.270.

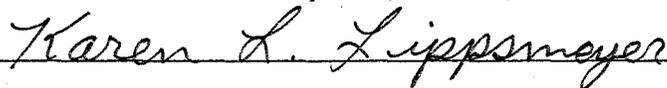
This Petition proposes: 1) Formation of a new special district to be known as the Polk Co. 4-H Master Gardener, Agriculture, Forestry Extension District; 2) the district will include all territory included within Polk County, Oregon; 3) approval of authority for the new district to establish a permanent rate limit for operating taxes at \$0.075 per \$1,000 assessed property value beginning July 2010. The new extension district will be governed by a Board comprised of the three elected Polk County Commissioners, each of whom serves a four-year elected term as county commissioner.

Chief Petitioners:

Warren Lamb
936 SW Hunter St.
Dallas, OR 97338

Karen Lippsmeyer
7790 Highland Road
Independence, OR 97351

Berend J. Faber
7550 Wallace Road
Salem, OR 97304



DALLAS CITY COUNCIL

REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 c	Topic: ISO Public Protection Classification Update
Prepared By: Emily Gagner	Meeting Date: September 8, 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 changed the City's Public Protection Classification rating from a "2" to a "4." In response to that rating change, the City made improvements and requested a review of the report. The ISO completed their analysis and changed the City's Public Protection Classification rating to a "3," which staff feels is very satisfactory.

FISCAL IMPACT:

None

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

August 20, 2009

08-24-09A11:27 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: 3
Prior Public Protection Classification: 2
Effective Date: December 1, 2009

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. As reported in previous correspondence and your letter dated July 10, 2009, this is a retrogression from the previous classification.

ISO is the leading supplier of data and analytics for the property/casualty insurance industry. Most insurers use the PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties.

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

cc: Fire Chief, Bill Hahn
Fred Bralin, Public Works Director

DALLAS CITY COUNCIL

REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 d	Topic: Polk County Hazard Mitigation Plan Update
Prepared By: Jason Locke, Com Dev Director	Meeting Date: September 8, 2009	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION:

Direct staff to prepare a resolution adopting the 2009 Polk County Hazard Mitigation Plan.

BACKGROUND:

Beginning in mid-2008, city staff began working on an update of the Hazard Mitigation Plan from 2005. The process was coordinated by a consulting firm, URS, who was tasked with updating the plan for Polk County and all the Polk County cities. The purpose of the plan is to identify and assess vulnerabilities, risks, and resources that the county and its cities may have related to both man-made and natural hazards. In our case, it involved each department identifying, explaining and ranking hazards or potential hazards within their purview, and subsequently identifying potential mitigation measures. The plan also contains lists of critical facilities and infrastructure. That information was then reviewed, analyzed, consolidated, and provided to URS, who incorporated our information into the plan update. The part of the plan that deals specifically with Dallas is appendix B. The importance of the plan is twofold because it identifies the specific hazards and proposes mitigation action, both of which are important to the city's emergency planning process.

FISCAL IMPACT:

Unknown, as many of the activities in the plan are ongoing or planned for a future date.

ATTACHMENTS:

- 1) Portion of Appendix B - Summary of vulnerabilities and impacts to identified hazards and mitigation goals and actions

SUMMARY OF VULNERABILITIES AND IMPACTS TO IDENTIFIED HAZARDS AND MITIGATION GOALS AND ACTIONS

The following section provides a summary of community specific vulnerabilities and impacts from technological and manmade hazards in addition to the natural hazards identified in the 2009 Polk County MHMP.

The following is derived from the best available data for facility locations and values. In many cases, values were unavailable, and therefore the totals listed below should be considered incomplete and likely less than the actual costs associated with the respective hazards.

Flood

FEMA FIRMs were used to outline the 100-year and 500-year floodplains for the City of Dallas. The 100-year floodplain delineates an area of high risk, while the 500-year floodplain delineates an area of moderate risk.

Within the 100-year floodplain, the City of Dallas has 1,736 residential structures (value \$206.2M), eight non-residential structures (value unknown), one government facility (value \$500K), one educational facility (value \$7.03M), three community facilities (value unknown), four bridges (value \$5.7M), one transportation facility (value unknown), three utility facilities (value \$15M), and one dam (value unknown).

Within the 500-year floodplain, the City of Dallas has 1,690 residential structures (value \$200.8M), 7 non-residential structures (value unknown), and one care facility (value unknown).

Winter Storm

Winter storms have widespread impacts that are most often the result of ice, cold, high winds, landslides, and floods they bring. Damage to facilities and infrastructure can be severe, depending on the intensity of the storm event.

Winter storms are regional events and a single event is capable of impacting all critical facilities and infrastructure within the City of Dallas. This includes 4,906 residential structures (value \$583M), 38 non-residential structures (value unknown), nine government facilities (value \$6M), four emergency response facilities (value \$2.3M), ten educational facilities (value \$25M), 16 care facilities (value \$350K), 42 community facilities (value \$25M), two miles of highways (value \$8.1M), five rail segments (value unknown), four bridges (value \$5.7M), three transportation facilities (value \$81M), 13 utilities (value \$70M), and three dams (value \$25M).

The following sections describe the impacts and summary of vulnerabilities for *El Niño and La Niña* and *Drought*.

El Niño and La Niña - ENSO (El Niño and La Niña) events cause large scale weather pattern changes throughout Polk County, and across the entire State of Oregon. In the City of Dallas, El Niño periods are generally drier, with an increased likelihood of drought, while La Niña periods tend to be wetter and colder, with an increased risk of winter storm and the associated hazards it brings, particularly flooding and landslides.

The changes wrought by ENSO are on a very large scale, so it is difficult to quantify their impacts locally. Instead, ENSO is manifested in the hazards it influences, such as winter storms, flooding, landslides and drought. Therefore, the facilities impacted have been summarized under those categories.

***Drought** - State-wide droughts have historically occurred in Oregon, and as it is a region-wide phenomenon, all residents are equally at risk. Structural damage from drought is not expected; rather the risks are present to humans and resources. Agriculture, fishing, and timber have historically been impacted, as well as local and regional economies.*

Landslide

The potential impacts from landslides can be widespread. Potential debris flows and landslides can impact transportation and rail routes, utility systems, and water and waste treatment infrastructure, along with public, private, and business structures located adjacent to steep slopes, along riverine embankments, or within alluvial fans or natural drainages. Response and recovery efforts will likely vary from minor cleanup to more extensive utility system rebuilding. Utility disruptions are usually local and terrain dependent. Damages may require reestablishing electrical, communication, and gas pipeline connections occurring from specific breakage points. Initial debris clearing from emergency routes and high traffic areas may be required. Water and waste water utilities may need treatment to quickly improve water quality by reducing excessive water turbidity and reestablishing waste disposal capability.

USGS elevation datasets were used to determine hazard areas for City of Dallas. Risk was assigned based on slope angle. A slope angle less than 14 degrees was assigned a low risk, a slope angle between 14 and 32 degrees was assigned a medium risk, and any slope angle greater than 32 degrees was assigned a high risk.

The following facilities and infrastructure are in the moderate risk areas: 1,806 residential structures (value \$214.5M), 20 non-residential structures (value unknown), one government facility (value \$500K), two educational facilities (value \$13.15M), one care facility (value unknown), five community facilities (value \$637K), two bridges (value \$4.3M), three utility facilities (value \$15M), and three dams (value \$25M).

There are 304 residential structures (value \$36.1M), one non-residential structures (value unknown), and no critical facilities located within high landslide risk areas.

Wildland Fire

Wildland fire hazard areas were identified using a model incorporating slope, aspect, and fuel load. South-facing, steep, and heavily vegetated areas were assigned the highest fuel values while areas with little slope and natural vegetation were assigned the lowest fuel values. Fuel ranks of moderate, high, very high, and extreme were assigned to the entire region based on the results of this modeling.

Impacts associated with wildland fires include damage to residential structures, roads, power lines, and other critical facilities and infrastructure. These impacts depend on available fuels, topography and weather conditions in addition to the relation to City of Dallas assets.

The City of Dallas has critical facilities and infrastructure located within areas of moderate, high and very high risk.

Moderate risk areas contain 4,754 residential structures (value \$564.8M), 38 non-residential structures (value unknown), eight government facilities (value \$6M), four emergency response facilities (value \$2.3M), 10 educational facilities (value \$25.3M), 16 care facilities (value \$350K), 21 community facilities (value \$10M), four bridges (value \$5.7M), one transportation (value unknown), five utility facilities (value \$15M) and three dams (value \$25M).

High risk areas contain 3,498 residential structures (value \$415.6M), 20 non-residential structures (value unknown), one government facility (value \$500K), five educational facilities (value 13.1M), five care facilities (value unknown), nine community facilities (value \$3.7M), three bridges (value \$5.5M), one transportation facility (value unknown), three utility facilities (value \$15M) and three dams (value \$25M).

Very high risk areas contain 615 residential structures (value \$73.1M), one educational facility (value unknown), one utility facility (value unknown), and one dam (value \$25M).

Earthquake

Based on PGA shake maps produced by the USGS, the western portion of Polk County is likely to experience higher levels of shaking than the eastern portion, as a result of its proximity to the Cascadia Subduction Zone. Ground movement in both areas, however, is likely to cause damage to weak, unreinforced masonry buildings, and to induce small landslides along unstable slopes. As well as landslides, earthquakes can trigger other hazards such as dam failure and disruption of transportation and utility systems.

The western portion of the Polk County is likely to experience very strong shaking. In contrast, the City of Dallas is in the central portion of the County, in a region likely to experience “strong” shaking should a subduction zone earthquake occur. This rating represents the peak acceleration of the ground caused by the earthquake, and for a “strong” designation corresponds to 9-20 percent of the acceleration of gravity.

City of Dallas assets include 4,906 residential structures (value \$583M), 38 non-residential structures (value unknown), nine government facilities (value \$6M), four emergency response facilities (value \$2.3M), ten educational facilities (value \$25M), 16 care facilities (value \$350K), 42 community facilities (value \$25M), two miles of highways (value \$8.1M), five rail segments (value unknown), four bridges (value \$5.7M), three transportation facilities (value \$81M), 13 utilities (value \$70M), and three dams (value \$25M) in the strong shaking hazard area.

Volcano

Polk County will likely only experience damage from volcanic eruption columns and clouds which contain volcanic gases, minerals, and rock. The columns and clouds form rapidly and extend several miles above an eruption. Solid particles within the clouds present a serious aviation threat, can distribute acid rain (sulfur dioxide gas and water), can create risk of suffocation (carbon dioxide is heavier than air and collects in valleys and depressions threatening human and animals), and pose a toxic threat from fluorine which clings to ash particles potentially poisoning grazing livestock and contaminating domestic water supplies.

However, as discussed in Chapter 5, the impact of a volcano in Polk County and the City of Dallas would most likely be experienced as ashfall or tephra. Due to the nature of the hazard, it is impossible to predict the location or extent of future events with any probability, although it can be assumed that all residential and critical facilities and infrastructure within the City of Dallas are at risk. This includes 4,906 residential structures (value \$583M), 38 non-residential structures (value unknown), nine government facilities (value \$6M), four emergency response facilities (value \$2.3M), ten educational facilities (value \$25M), 16 care facilities (value \$350K), 42 community facilities (value \$25M), two miles of highways (value \$8.1M), five rail segments (value unknown), four bridges (value \$5.7M), three transportation facilities (value \$81M), 13 utilities (value \$70M), and three dams (value \$25M).

Wind

Many buildings, utilities and transportation systems in open areas, natural grasslands, or agricultural lands are especially vulnerable to wind damage. Impacts associated with wind can include damage to power lines, trees, and structures, and can also cause temporary disruptions of power. Additionally, high winds can cause significant damage to forestlands.

All areas within the City of Dallas are equally at risk of a windstorm event. This includes 4,906 residential structures (value \$583M), 38 non-residential structures (value unknown), nine government facilities (value \$6M), four emergency response facilities (value \$2.3M), ten educational facilities (value \$25M), 16 care facilities (value \$350K), 42 community facilities (value \$25M), two miles of highways (value \$8.1M), five rail segments (value unknown), four bridges (value \$5.7M), three transportation facilities (value \$81M), 13 utilities (value \$70M), and three dams (value \$25M).

Erosion

Riverine erosion rarely causes death or injury. However, erosion causes significant destruction of property, development, and infrastructure. Erosion hazard data is not readily available; however, descriptions of several localized areas were identified during the development of this document and are identified only by location on a map. Critical facilities that may be at risk of erosion were identified using a 300 foot-buffer in the areas identified as having historic erosion impacts to conservatively account for building footprints.

In the City of Dallas, there are 337 residential structures (value \$40M) and one community facility (value \$2.5M) identified as being at risk.

Expansive Soils

Shrinking and swelling soils can lead to damaged foundations and structures. The most common damage includes cracking and loss of integrity of building foundations and walls of residential and light (one-or two-story) buildings, highways, canal and reservoir linings, and retaining walls. (PCCDD 2006, US Army 1983)

Using NRCS soils data, risk for shrink-swell potential was calculated using the linear extensibility of low (less than 3 percent), moderate (3-6 percent), high (6-9 percent), and very high (greater than 9 percent).

The City of Dallas has critical facilities and infrastructure located within areas of low, moderate and high risk. Low risk areas contain 3,490 residential structures (value \$414.6M) and 20 non-residential structures (value unknown).

Moderate risk areas contain 3,733 residential structures (value \$443.5M), 29 non-residential structures (value unknown), six government facilities (value \$4.3M), four emergency response facilities (value \$2.3M), seven educational facilities (value \$7M), 13 care facilities (value \$350K), 14 community facilities (value \$7.1M), three bridges (value \$2.7M), one transportation facility (value unknown), five utility facilities (value \$15M) and two dams (value unknown).

High risk areas contain 3,057 residential structures (value \$363.2M), 20 non-residential structures (value unknown), one government facility (value \$500K), three education facilities (value \$18.3M), eight care facilities (value \$350K), seven community facilities (value \$5.3M), three bridges (value \$5.5M), one transportation facility (value unknown) and two utility facilities (value unknown).

Dam Failure

Dam inundation data is unavailable for Polk County to determine the impacts in the instance of dam failure. Additionally, there are no dams in the City of Dallas that pose a significant hazard in the instance of failure, as determined by the Army Corps of Engineers and summarized in the National Inventory of Dams.

Hazardous Material Event

The National Response Center and the EPA's Environmental Facts Multisystem Query were used to locate hazardous waste handling facilities and businesses that generate hazardous waste from their activities. Transportation routes likely to carry hazardous waste were examined, and all facilities within a 0.25 mile radius of those and EHS sites are considered at risk.

In the City of Dallas, facilities considered at risk near 0.25 mile-buffered transportation routes include 2,991 residential structures (value \$355.3M), 35 non-residential structures (value unknown), eight government facilities (value \$6M), four emergency response facilities (value \$2.3M), eight educational facilities (value \$7M), 15 care facilities (\$350K), 17 community facilities (value \$7.7M), two highways (value \$8.1M), one railroad (value unknown), four bridges (value \$5.7M), one transportation facility (value unknown) and four utilities (value \$15M).

Facilities considered at risk near 0.25-mile buffered EHS sites include eight government facilities (value \$6M), four emergency response communities (value \$2.3M), eight educational facilities (value \$19.2M), 15 care facilities (\$350K), 17 community facilities (value \$7.7M), four bridges (value \$5.7M), one transportation facility (value unknown) and four utilities (value \$15M).

MITIGATION STRATEGY

IDENTIFYING MITIGATION GOALS & ACTIONS

The following section defines identification and analysis of mitigation actions as stipulated in DMA 2000 and its implementing regulations.

- **DMA 2000 Requirements: Mitigation Strategy - Identification and Analysis of Mitigation Actions**
 - **Identification and Analysis of Mitigation Actions**
 - **Requirement §201.6(c)(3)(ii):** [The mitigation strategy shall include a] section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.
 - **Element**
 - Does the new or updated plan identify and analyze a comprehensive range of specific mitigation actions and projects for each hazard?
 - Do the identified actions and projects address reducing the effects of hazards on new buildings and infrastructure?
 - Do the identified actions and projects address reducing the effects of hazards on existing buildings and infrastructure?
 - Source: FEMA, July 2008.

The City of Dallas Steering Committee assessed whether to adopt the County’s mitigation goals listed in Table B-11, or to revise them to more fully meet the City’s needs. The City then proceeded to evaluate potential mitigation actions after finalizing the mitigation goals.

Mitigation actions are activities, measures, or projects that help achieve the goals of a mitigation plan. Table B-12 depicts the City’s considered mitigation actions developed during this mitigation planning process. The prioritized list in Table B-14 delineates those actions the City will strive to implement within this five year planning cycle.

- **DMA 2000 Requirements: Mitigation Strategy - National Flood Insurance Program (NFIP) Compliance**
 - **National Flood Insurance Program (NFIP) Compliance**
 - **Requirement §201.6(c)(3)(ii):** [The mitigation strategy] must also address the jurisdiction’s participation in the National Flood Insurance Program (NFIP), and continued compliance with NFIP requirements, as appropriate.
 - **Element**
 - Does the new or updated plan describe the jurisdiction(s) participation in the NFIP?
 - Does the mitigation strategy identify, analyze and prioritize actions related to continued compliance with the NFIP?
 - Source: FEMA, July 2008.

The City of Dallas actively participates in FEMA’s NFIP and has implemented floodplain policies, regulations, and ordinances to protect their threatened population and infrastructure to assure NFIP compliance.

The City’s Mitigation Strategy identified and analyzed potential flood mitigation actions that would fulfill NFIP initiatives, specifically addressing RL properties. They subsequently selected and prioritized City appropriate actions to assure an effective flood mitigation program.

MITIGATION GOALS AND ACTION ITEMS CONSIDERED

Table B-11. 2006 Polk County Mitigation Goals-Considered

Goal Number	Goal Description
1	Public Education And Awareness: Provide public information and education/awareness to all residents of the county concerning natural hazard areas and mitigation efforts.
2	Preventive And Implementation: Develop and implement activities to protect human life, commerce, property and natural systems.
3	Collaboration And Coordination: Strengthen hazard mitigation by increasing collaboration and coordination among citizens, public agencies, non-profit organizations, businesses, and industry.
4	Funding And Partnerships: Seek partnerships in funding and resources for future mitigation efforts.
5	Emergency Operations: Coordinate and integrate natural hazard mitigation activities, where appropriate, with emergency operations plans and procedures.
6	Natural Resources Utilization: Link land use planning, development criteria, codes, and natural resources and watershed planning with natural hazard mitigation.

Table B-12. City of Dallas Mitigation Actions Considered

Hazard	Status <i>Consider</i> <i>Ongoing</i> <i>Complete</i>	Comment	Description
Natural Hazards			
Multi-Hazards			
MH	Ongoing		Develop and incorporate building ordinances commensurate with building codes to reflect survivability from wind, seismic, fire, and other hazards to ensure occupant safety.
MH	Ongoing		Review ordinances and develop outreach programs to assure mobile homes and manufactured buildings are protected from severe wind and flood hazards. (Anchoring, elevation, and other methods as applicable)
MH	Ongoing		Review ordinances and develop outreach programs to assure fuel oil and propane tanks are properly anchored and hazardous materials are properly stored and protected from known natural hazards such as seismic or flooding events.
MH	Ongoing		Cross reference and incorporate mitigation planning provisions into all community planning processes such as comprehensive, capital improvement, land use, transportation plans, etc to demonstrate multi-benefit considerations and facilitate using multiple funding source consideration.

Table B-12. City of Dallas Mitigation Actions Considered

Hazard	Status <i>Consider</i> <i>Ongoing</i> <i>Complete</i>	Comment	Description
MH	Ongoing		Develop and incorporate mitigation provisions and recommendations into zoning ordinances and community development processes to maintain the floodway and protect critical infrastructure and private residences from other hazard areas.
MH	Consider		Increase power line wire size and incorporate quick disconnects (break away devices) to reduce ice load and wind storm power line failure during severe wind or winter ice storm events.
MH	Ongoing		Purchase and install generators with main power distribution disconnect switches for identified and prioritized critical facilities susceptible to short term power disruption. (i.e. first responder and medical facilities, schools, correctional facilities, and water and sewage pump stations, etc.)
MH	Ongoing		Install lightening rods and lightening grade surge protection devices on critical electronic components such as warning systems, communications equipment, and computers for critical facilities.
MH	Ongoing		Develop, produce, and distribute information materials concerning mitigation, preparedness, and safety procedures for all natural hazards.
MH	Ongoing		Explore the need for, develop, and implement hazard zoning ordinances for high-risk hazard area land-use.
MH	Ongoing		Identify and list repetitively flooded structures and infrastructures, analyze the threat to these facilities, and prioritize mitigation actions to acquire, relocate, elevate, and/or flood proof to protect the threatened population.
MH	Ongoing		Perform hydrologic and hydraulic engineering, and drainage studies and analyses. Use information obtained for feasibility determination and project design. This information should be a key component, directly related to a proposed project.
MH	Consider		Retrofit structures to protect them from seismic, floods, high winds, earthquakes, or other natural hazards.
MH	Ongoing		Acquire, demolish, or relocate structures from hazard prone area. Property deeds shall be restricted for open space uses in perpetuity to keep people from rebuilding in hazard areas.
MH	Ongoing		Harden utility headers located along river embankments to mitigate potential flood, debris, and erosion damages.
MH	Ongoing		Establish a formal role for the jurisdictional Hazard Mitigation Planning Committees to develop a sustainable process to implement, monitor, and evaluate citywide mitigation actions.
MH	Ongoing		Identify and pursue funding opportunities to implement mitigation actions.
MH	Consider		Develop public and private sector partnerships to foster hazard mitigation activities.
MH	Consider		Integrate the Mitigation Plan findings into planning and regulatory documents and programs and into enhanced emergency planning.

Table B-12. City of Dallas Mitigation Actions Considered

Hazard	Status <i>Consider</i> <i>Ongoing</i> <i>Complete</i>	Comment	Description
<i>Flood</i>			
Flood	Ongoing		Develop and maintain GIS mapped critical facility inventory for all structures located within 100-year and 500-year floodplains.
Flood	Consider		Develop and maintain GIS mapped inventory, and develop prioritized list of residential and commercial buildings within 100-year and 500-year floodplains.
Flood	Consider		Develop and maintain GIS mapped inventory of repetitive loss properties to include the types and numbers of properties.
Flood	Ongoing		Develop and implement mitigation actions for repetitive loss properties.
Flood	Ongoing		Establish flood mitigation priorities for critical facilities and residential and commercial buildings located within the 100- year floodplain using survey elevation data.
Flood	Consider		Implement mitigation measures identified by critical facilities' owners, and other facility owners, to protect facilities located within the 100-year floodplain.
Flood	Consider		Develop and maintain an inventory of locations subject to frequent storm water flooding based on most current USACOE flood data.
Flood	Consider		Determine and implement most cost beneficial and feasible mitigation actions for locations with repetitive flooding and significant damages or road closures.
Flood	Ongoing		Develop an outreach program to educate public concerning NFIP participation benefits, floodplain development, land use regulation, and NFIP flood insurance availability to facilitate continued compliance with the NFIP.
Flood	Ongoing		Develop, implement, and enforce floodplain management ordinances.
Flood	Ongoing		Develop outreach program to educate residents concerning flood proofed well and sewer/septic installation.
Flood	Consider		Acquire, relocate, elevate, or otherwise flood-proof identified properties.
Flood	Consider		Acquire, relocate, elevate, or otherwise flood-proof critical facilities.
Flood	Ongoing		Install new streamflow and rainfall measuring gauges.
Flood	Ongoing		Develop, or revise, adopt, and enforce storm water ordinances and regulations to manage run-off from new development, including buffers and retention basins.
Flood	Consider		Construct earthen berms to divert flood flows into bridge or culvert openings. The earth fill should be erosion-resistant and the berms should be covered with erosion-resistant fabric, armoring materials, or vegetation.
Flood	Ongoing		Increase culvert size to increase its drainage efficiency.

Table B-12. City of Dallas Mitigation Actions Considered

Hazard	Status <i>Consider</i> <i>Ongoing</i> <i>Complete</i>	Comment	Description
Flood	Consider		Construct debris deflectors to deflect the major portion of debris away from culvert entrances and bridge piers. They are normally "V" shaped.
Flood	Consider		Create detention storage basins, ponds, reservoirs etc. to allow water to temporarily accumulate to reduce pressure on culverts and low water crossings. Water ultimately returning to its watercourse at a reduced flow rate.
Flood	Consider		Construct a high water overflow crossing to carry flood flows from over bank areas.
Flood	Consider		Create relief drainage ditch opening using a culvert, bridge, or multiple culverts; to relieve rapid water accumulation during high water flow events. .
Flood	Consider		Raise bridge height or convert bridge from a multi-span to single span to increase water flow and reduce debris catchment.
Flood	Consider		Modify existing culverts by developing a ring compression, by flattening, or beveling the end of a circular culvert to match the angle of the embankment. May need to install flanges to stiffen the beveled section of the culvert.
Flood	Consider		Construct concrete wing walls at culvert or bridge entrances and outlets to direct water flow into their openings
Flood	Consider		Provide flood protection to mitigate damage and contamination of wastewater treatment systems.
Flood	Consider		Develop and implement flood risk reduction program and outreach efforts considering upstream storage, channel improvements, and flood walls or levee construction.
<i>Winter Storms (w/Drought-ENSO)</i>			
Winter Storms	Ongoing		Develop and implement programs to coordinate maintenance and mitigation activities to reduce risk to public infrastructure from severe winter storms.
Winter Storms	Ongoing		Update or develop, implement, and maintain jurisdictional debris management plans.
Winter Storms	Ongoing		Develop critical facility list needing emergency back-up power systems, prioritize, seek funding and implement mitigation actions.
Winter Storms	Ongoing		Develop and maintain severe winter storm public outreach program defining mitigation activity benefits through educational outreach aimed at households and businesses while targeting of special needs populations.
Winter Storms	Consider		Purchase NOAA Weather radios and develop a web portal linking residents to various weather information sites. (NWS, FEMA, The Weather Channel).
Winter Storms	Ongoing		Implement and enforce the most current Uniform International, and State, Building Codes to ensure structures can withstand winter storm hazards such as high winds, rain, water and snow.
Winter Storms	Consider		Increase power line wire size and incorporate quick disconnects (break away devices) to reduce ice load power line severe wind or winter ice storm event failure.

Table B-12. City of Dallas Mitigation Actions Considered

Hazard	Status <i>Consider</i> <i>Ongoing</i> <i>Complete</i>	Comment	Description
Winter Storms	Ongoing		Review critical facilities and government building energy efficiency, winter readiness, and electrical protection capability. Identify, prioritize, and implement infrastructure upgrade or rehabilitation project prioritization and development.
<i>Landslide</i>			
Landslide	Consider		Develop process to limit future development in high landslide potential areas (without permitting, geotechnical review, soil stabilization techniques, etc).
Landslide	Consider		Develop, implement, and enforce property development landslide risk assessment procedures to identify potential facility vulnerability.
<i>Wildland Fire</i>			
Wildland Fire	Consider		Develop Community Wildland Fire Protection Plans for all at-risk communities.
Wildland Fire	Consider		Provide real-time internet access and interagency cooperation to decrease wildland fire warning times.
Wildland Fire	Consider		Hold FireWise workshop to educate residents and contractors concerning fire resistant landscaping.
Wildland Fire	Consider		Promote FireWise building siting, design, and construction materials.
Wildland Fire	Consider		Retrofit structures with FireWise building design materials.
Wildland Fire	Consider		Develop FireWise Public Service Announcements (PSA).
Wildland Fire	Consider		Provide wildland fire information in an easily distributed format for all residents.
Wildland Fire	Consider strongly		Develop, adopt, and enforce burn ordinances that require burn permits, restricts campfires, and controls outdoor burning.
Wildland Fire	Consider		Develop outreach program to educate and encourage fire-safe construction practices for existing and new construction in high risk areas.
Wildland Fire	Consider		Develop outreach program to educate and encourage home landscape cleanup (defensible space) and define debris disposal programs.
<i>Earthquake</i>			
Earthquake	Consider		Disseminate FEMA pamphlets to educate and encourage homeowners concerning seismic structural and non-structural retrofit benefits.
Earthquake	Consider		Retrofit important public facilities with significant seismic vulnerabilities, such as unreinforced masonry construction.
Earthquake	Consider		Retrofit bridges that are not seismically adequate for lifeline transportation routes.
Earthquake	Ongoing		Update existing (or adopt the most current) Uniform Building Code
Earthquake	Ongoing		Implement and enforce the Uniform, International, and State Building Codes.

Table B-12. City of Dallas Mitigation Actions Considered

Hazard	Status <i>Consider</i> <i>Ongoing</i> <i>Complete</i>	Comment	Description
Earthquake	Ongoing		Inspect and/or certify all new construction.
Earthquake	Ongoing		Inspect, prioritize, and retrofit any critical facility or public infrastructure that does not meet current Building Codes.
Earthquake	Consider		Identify and prioritize a list of critical facilities with unreinforced masonry problems including non-structural projects such as brick chimney bracing or replacement, water heater bracing, and anchoring, etc.
Earthquake	Ongoing		Evaluate critical public facility seismic performance for fire stations, public works buildings, potable water systems, wastewater systems, electric power systems, and bridges within the jurisdiction.
<i>Volcano</i>			
Volcano	Consider		Update emergency response planning and develop client focused outreach program for ash fall events affecting river, air, and highway transportation, and industrial facilities and operations.
<i>Wind</i>			
Wind	Ongoing		Review ordinances and develop outreach programs to assure mobile homes and manufactured buildings are protected from severe wind and flood hazards. (Anchoring, elevation, siting, and other methods as applicable)
Wind	Consider		Identify and prioritize critical facilities' overhead utilities that could be placed underground to reduce power disruption from wind storm / tree blow down damage.
Wind	Ongoing		Revise requirements to place utilities underground to reduce power disruption from wind storm / tree blow down damage when upgrading or during new development.
Wind	Consider		Increase power line wire size and incorporate quick disconnects (break away devices) to reduce ice load power line failure during severe wind or winter ice storm events.
<i>Erosion</i>			
Erosion	Ongoing		Apply for grants/funds to implement riverbank protection methods.
Erosion	Ongoing		Install riprap, or pilings to harden or "armor" a stream bank where severe erosion occurs.
Erosion	Ongoing		Install bank protection such as rock, concrete, asphalt, vegetation, or other armoring or protective materials to provide river bank protection.
Erosion	Ongoing		Harden culvert entrance bottoms with asphalt, concrete, rock, to reduce erosion or scour.
Erosion	Ongoing		Install embankment protection such as vegetation, riprap, gabion baskets, sheet piling, and walls to reduce or eliminate erosion.
Erosion	Consider		Install flared outlets or end sections at culvert entrances and outlets to match the embankment slope to reduce erosion and scour at the entrance and exit points during high flow.

Table B-12. City of Dallas Mitigation Actions Considered

Hazard	Status <i>Consider</i> <i>Ongoing</i> <i>Complete</i>	Comment	Description
Erosion	Consider		Install channel lining using pipe, rock, concrete, or asphalt to reduce scouring embankments and ditch bottom erosion.
<i>Expansive Soils</i>			
Expansive Soils	Ongoing		Review construction codes to require non-absorbent fill soils that slope away from foundations for a minimum of five feet to prevent ponding and water retention.
Expansive Soils	Ongoing		Require building design, engineering, and construction processes that address expansive soil conditions at potentially affected building sites.
Expansive Soils	Ongoing		Require road design, engineering, and construction processes that address expansive soil conditions. Water absorption prevention, impermeable membrane, soil compaction, and drainage methods need to be considered once geologic studies determine soil composition.
Technological Hazards			
<i>Dam Failure</i>			
Dam Failure	Ongoing		Prepare high resolution dam failure inundation area maps; use to update emergency response plans, evacuation route identification, public notification, and evacuation procedures.
<i>Hazardous Materials (HAZMAT)</i>			
HAZMAT	Consider		Annually review and update HAZMAT inventories and ensure that emergency responders are trained for site-specific incidents.
HAZMAT	Ongoing		Enhance emergency planning, emergency response training, and equipment acquisition to address hazardous materials incidents for emergency and first responders and public works staff.
HAZMAT	Ongoing		Evaluate existing security measures for sites with large quantities of hazardous substances (HS) or any quantities of extremely hazardous substances (EHS) and enhance security as necessary.
HAZMAT	Consider		Evaluate seismic bracing/anchoring for sites with large quantities of hazardous substances (HS) or any quantities of extremely hazardous substances (EHS).
HAZMAT	Ongoing		Train Public Works staff to identify extremely hazardous substances (EHS) and to follow EMS protocols.
HAZMAT	Consider		Develop outreach program to educate the public regarding chemical hazards, safe handling, storage, and disposal procedures.
HAZMAT	Ongoing		Research, develop, and implement methods to protect waterways from hazardous materials events.
HAZMAT	Ongoing		Prepare a site-specific summary of hazardous materials used, stored, and commonly transported in the jurisdictional area. The summary should include mapped facility locations with a hazardous materials inventory, emergency response protocols, and mitigation actions.

DALLAS CITY COUNCIL

REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 e	Topic: Farm Lease
Prepared By: Kim Marr	Meeting Date: September 8, 2009	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Direct the City Manager to receive proposals for leasing two of the City’s farm properties adjacent to Bowersville Road identified on the attached map as Exhibit A, Property Deed B383P1088 and Exhibit B, Property Deed B352P1936.

BACKGROUND:

The lease on the City’s farm property will expire on September 30, 2009. Currently there are several people interested in leasing the property for farming. The City could extend the current lease with Marvin Fast or could request proposals for the lease of the property.

The property has a total of 363.88 acres and is zoned for exclusive farm use. The City would be leasing it on an annual basis for a total of five years from October 2009 to October 2014. The proposals should include a detailed description of the proposed use of the property. The proposal should describe the farming practice, crop description and rotation, and any pesticides or herbicides that will be applied. In addition, the proposal should include a description of who will farm the property and their farming experience, including years of experience. Proposals should include a proposed annual lease price, which must be a minimum of \$50 per acre per year.

I would recommend that if proposals are requested by the Council that the due date for proposals be set for noon on September 18, 2009 for Council consideration at the September 21, 2009 City Council meeting.

The successful proposal will be required to pay for the first year of the lease at the time of the award and signature of the lease with the annual payment due every October.

The City will use years of experience, crop description and rotation, farming practices and price as the criteria for selection. The City reserves the right to select the proposal that best meets the interest of the City and to reject any or all proposals.

FISCAL IMPACT:

Potential revenue to Sewer of \$18,000+ annually

ATTACHMENTS:

Map of the property

280
304
312
390
402
434
456
478

2000

3

Bowersville Road

Orrs Corner Road

6.8 acre test site
excluded from lease

Exhibit A
Deed B383P1088
102.23 acres

Exhibit B
Deed B352P1936
270.35 acres

City-owned residence -
excluded from lease

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

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

RECOMMENDED MOTION:

Recommend to the OLCC to grant the license for change of ownership at 325 Main Street for Hong Kong Restaurant.

BACKGROUND:

The City received an OLCC application for a change of ownership at 325 Main Street for the Hong Kong Restaurant.

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

FISCAL IMPACT:

None

ATTACHMENTS:

OLCC License Application for Hong Kong



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: TING INC Phone: 503-623-3224

Trade Name (dba): HONG KONG RESTAURANT

Business Location Address: 325 MAIN ST

City: DALLAS ZIP Code: 97338

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 12:00 to 10:00
Monday 11:00 to 10:00
Tuesday 11:00 to 10:00
Wednesday 11:00 to 10:00
Thursday 11:00 to 10:00
Friday 11:00 to 10:00
Saturday 11:00 to 10:00

Outdoor Area Hours:

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

The outdoor area is used for:

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

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain:

ENTERTAINMENT

Check all that apply:

- Live Music Karaoke
Recorded Music Coin-operated Games
DJ Music Video Lottery Machines
Dancing Social Gaming
Nude Entertainers Pool Tables
Other:

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: 80 Outdoor:
Lounge: 95 Other (explain):
Banquet: 60 Total Seating: 235

OLCC USE ONLY
Investigator Verified Seating: (Y) (N)
Investigator Initials:
Date:

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

Applicant Signature: Date: 8/7/2009

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

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

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

Trade Name (d.b.a.): HONG KONG Restaurant City: DALLAS

1. Name: LI DIANA P
(last) (first) (middle)

2. Other names used (maiden, other): ZHU DIANA P.

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

4. Home Phone: _____ Business Phone: _____

5. *SSN: _____ Place of Birth: _____ DOB: _____ Sex: M ___ F
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: _____ State: _____ Spouse's name: TING LI

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

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes ___ No
If yes, when, where and name of premises? MAY 2004 TO PRESENT - 1450 MONMOUTH ST. INDEPENDENCE

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? ___ Yes No OK 975
If yes, what, when and where? _____

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

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

12. If you are applying for a retail liquor license:
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___ Yes No If yes, what and where: _____
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___ Yes No If yes, who? _____

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

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

Applicant Signature: Diana Li Date: 8/7/2009

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.
Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:
Applicant Signature: Diana Li Date: 8/7/2009



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

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

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

Trade Name (d.b.a.): HONG KONG Restaurant City: Dallas

1. Name: LI (last) TING (first) JUN (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: [Redacted] (number and street) [Redacted] (city) [Redacted] (state) [Redacted] (ZIP code)

4. Home Phone: [Redacted] Business Phone: (503) 606-4092

5. *SSN: [Redacted] Place of Birth: [Redacted] (State/Country) DOB: [Redacted] (mm) (dd) (yyyy) Sex: M [X] F

6. Driver License or State ID #: [Redacted] State: [Redacted] Spouse's name: DIANA LI

7. List all states, other than Oregon, where you have lived during the past ten years: NONE

8. Do you currently hold, or have you ever held a liquor license in this or any other state? [X] Yes [] No If yes, when, where and name of premises? From May 2004 to present, 1450 Montview St independent OR 97337

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

10. Have you ever entered into a diversion agreement? [] Yes [X] No If yes, when and where?

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

12. If you are applying for a retail liquor license: a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? [] Yes [X] No If yes, what and where: b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? [] Yes [X] No If yes, who?

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

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

Applicant Signature: [Signature] Date: 8/7/2009

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

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

Applicant Signature: [Signature] Date: 8/7/2009



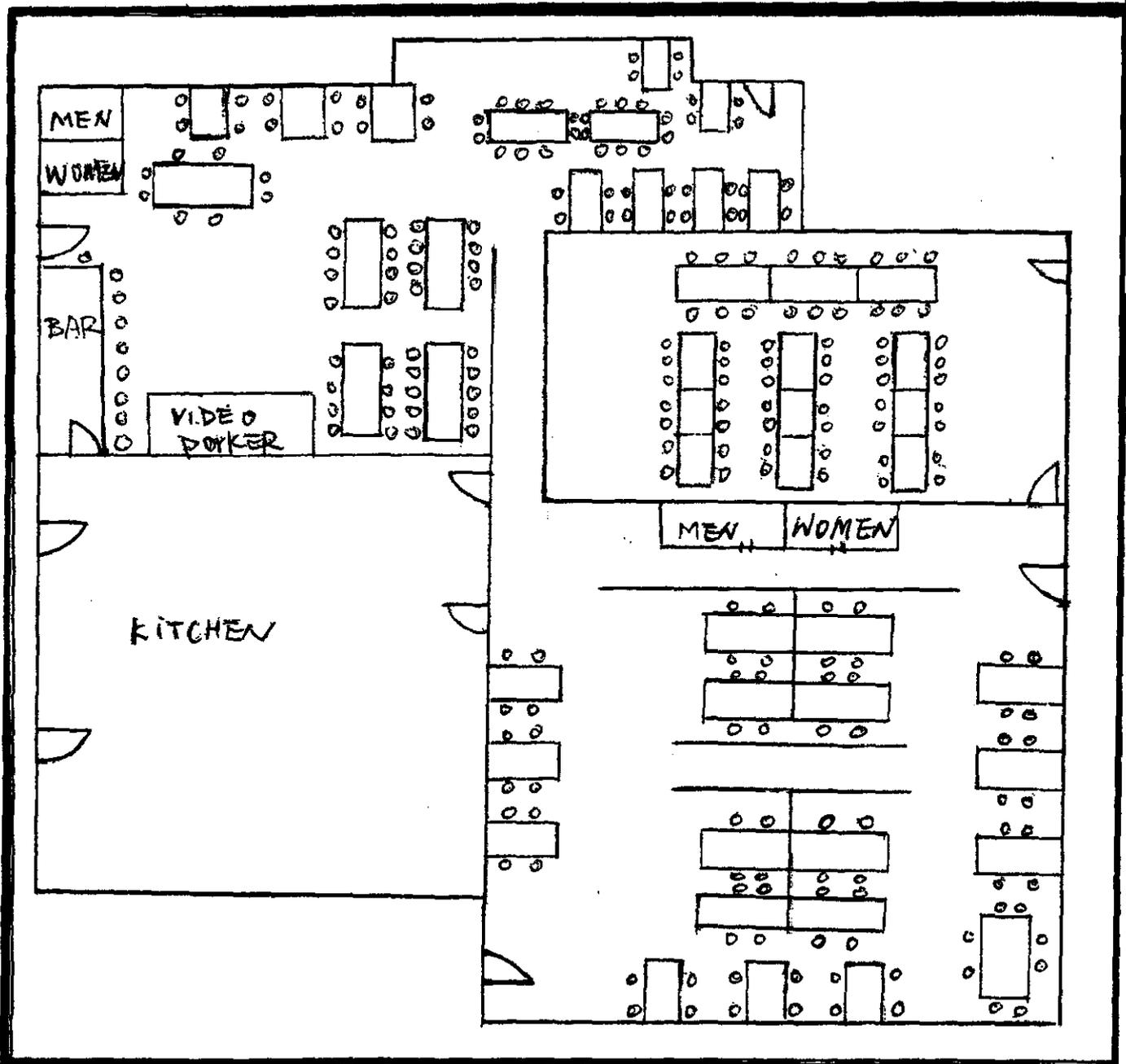
1-800-452-OLCC (6522) www.oregon.gov/olcc

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION
FLOOR PLAN

- Your floor plan must be submitted on this form.
- Use a separate Floor Plan Form for each level or floor of the building.
- Applicants must provide a sketch that shows the specific area of the premises (e.g. dining area, bar, lounge, kitchen and restrooms). Full On-Premises (commercial establishments) applicants must also show dining tables. See example on back.



TING INC
Applicant Name
HONG KONG Restaurant
Trade Name (dba):
Dallas OR. 97338
City and ZIP Code

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)
Date: _____ Initials: _____

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

(rev. 12/07)

RESOLUTION NO. 3191

A Resolution Approving Inclusion of the City of Dallas in Polk County 4-H, Master Gardener, Agriculture and Forestry Extension District.

WHEREAS, a Petition for the formation of the Polk County 4-H, Master Gardener, Agriculture and Forestry Extension District has been initiated; and

WHEREAS, pursuant to ORS 198.720(1), the territory of a city cannot be included within the boundaries of a district without adoption of a resolution approving the inclusion; and

WHEREAS, the City of Dallas is included within the proposed boundaries of the District; and

WHEREAS, the petition proposes to limit the authority and services of the District to operation of OSU Extension Service in Polk County; and

WHEREAS, the District shall not perform any other services or spend funds for any other services without prior approval of the voters; and

WHEREAS, the permanent tax rate of the District for OSU Extension Service operation is proposed at \$0.075 per thousand dollars of assessed value; and

WHEREAS, the City Council of the City of Dallas has reviewed the petition for formation of the District and other supporting documents;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Dallas resolves that the petition for formation of the Polk County 4-H, Master Gardener, Agriculture and Forestry Extension District is hereby approved.

Adopted: September 8, 2009

Approved: September 8, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1706

An Ordinance Establishing Procedures for City Council
Recommendations to the Oregon Liquor Control Commission regarding
Granting, Renewing, Modifying or Denying of Liquor Licenses within the City

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 7 of the Dallas City Code, "Business," is hereby amended by adding the following series heading and sections thereto:

LIQUOR LICENSES

7.080 Application Procedure. Any person, firm or entity requesting a liquor license or a modification or renewal or an existing license through the Oregon Liquor Control Commission for an establishment in the City of Dallas shall present the completed license application forms prescribed by the Oregon Liquor Control Commission to the City Manager or the City Manager's designee.

7.085 Fees.

(1) Applications. The City Manager, or the City Manager's designee shall charge and collect a license investigation fee at the time an application for a new liquor license is filed.

(2) Modification and Renewal. The City Manager, or the City Manager's designee, shall charge and collect a fee at the time an application for modification or the annual renewal of an existing liquor license is filed.

(3) The fees for such services shall be as follows:

(a) For application for a new liquor license, \$100;

(b) For modification of an existing liquor license, \$75;

(c) For renewal of an existing liquor license, \$35.

7.090 City Manager Duties.

(1) Upon receipt of an application for a new liquor license or modification of an existing liquor license, the City Manager, or the City Manager's Designee, shall:

(a) Refer the application to the City Planner who shall determine if the location of the licensee's business complies with the City's zoning regulations.

(b) Refer the application to the Dallas Police Department for completion of a background investigation.

(c) Report to the City Council as to the filing of the application and the determinations made under this section.

(d) Endorse the application, if approved by the City Council.

(2) Upon receipt of an application for renewal of an existing liquor license or notice from the Oregon Liquor Control Commission of the annual renewal of an existing liquor license, the City Manager, or the City Manager's designee, shall refer the application to the Dallas Police Department for a review of the renewal. If the Dallas Police Department determines that the license should not be renewed the City Manager shall forward the recommendation to the City Council for hearing and determination under Section 7.095.

7.095 Hearing and Notice Procedures.

(1) Council Consideration. If the City Manager determines that the applicant for a new liquor license or modification of an existing liquor license has complied with the City's zoning regulations, and the Police Department background investigation has been completed, the matter will be placed on the next regular City Council agenda for action. If the City Manager cannot recommend approval of the application or modification, the City Manager shall report such to the City Council. The Council may then schedule a public hearing and give notice as provided below.

(2) Applicant Notice. Before the City Council recommends denial of an application for a new liquor license, a modification, or renewal, or revocation of an existing license, it shall schedule a public hearing, and notice of the public hearing shall be given to the applicant, either personally or by certified mail, no later than ten days prior to the hearing. The notice shall contain:

- (a) A statement of the time and place of the hearing;
- (b) A statement from the City manager as to the findings proposed to the Council;
- (c) A statement that the applicant may be represented by legal counsel at the hearing.

(3) Public Notice. The City Manager, or the City Manager's designee, shall, in the case of a recommendation for denial of a new application or modification of a license, non-renewal, or revocation of an existing license, publish a notice of public hearing before the City Council at its next meeting, once in a local newspaper of general circulation at least ten days prior to the date of the hearing. The notice shall specify the date, time and location of the hearing, and the business name and address of the applicant. The notice shall also inform the public that written or oral testimony may be presented either for or against the application.

(4) Grounds for Unfavorable Recommendation. In determining whether to make an unfavorable recommendation, the Council shall apply the grounds and criteria authorized by state law and the administrative rules of the Oregon Liquor Control Commission governing such a recommendation.

(5) Recommendation and Findings. If the City Council recommends approval, it shall make a general finding that the applicant meets all the criteria of this chapter. If the City Council recommends denial, non-renewal, or revocation, or denial of a modification, it shall include the specific finding(s), based on the criteria of this chapter in support of its action. In either event, a copy of the City Council's minutes reflecting the reasons for the recommendation shall accompany the City's recommendation to the Oregon Liquor Control Commission.

Read for the first time: September 8, 2009
Read for the second time: September 21, 2009
Adopted by the City Council: September 21, 2009
Approved by the Mayor: September 21, 2009

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER