Dallas City Council Agenda

MONDAY, September 21, 2009, 7:00 p.m.
Mayor Jim Fairchild, Presiding
Dallas City Hall
187 SE Court Street
Dallas, Oregon 97338

City Council

Mayor
Jim Fairchild

Council President
Brian Dalton

Councilor
Warren Lamb

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Wes Scroggin

Councilor
David Shein

Councilor
David Voves

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

Staff

City Manager
Jerry Wyatt

Asst. City Manager
Kim Marr

City Attorney
Lane Shetterly

Community Development Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Bill Hahn

Police Chief
John Teague

Public Works Director
Fred Braun

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

	ITEM	**RECOMMENDED ACTION**
1.	ROLL CALL	
2.	PLEDGE OF ALLEGIANCE TO THE FLAG	
3.	APPROVAL OF MINUTES	
	Approval of minutes of the September 8, 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.*	
	a. Annexation of tax lots 8.5.5B 200, 300, 400, 500, 600, 1800, 1801, 1900, 1902, 1093, 2000, 2100 and 8.5.5A 400, totaling 49 +/- acres, and withdrawal from Southwestern Polk County Rural Fire Protection District. p. 7	Public Hearing
6.	REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
7.	REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS	
	City Manager's Reports	
	a. United Way Presentation – Denise Swanson	Presentation
	b. Downtown Tree Planting Project p. 23	Information
	c. Farm Property Lease p. 30	Motion
	d. Street Maintenance Fee p. 33	Information
	e. Senior Center Update p. 44	Information

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.

	f. Joint City/School/Chamber Meeting	Information
	g. Report on the Sept 15 Planning Commission Meeting p. 46	Information
	h. Department reports for the month of August p. 47	Information
	i. Other	
8.	COMMUNICATIONS AND PETITIONS	
9.	RESOLUTIONS	
	a. Resolution No. 3192: A Resolution adopting the Polk County Multi-Jurisdictional Hazard Mitigation Plan. p. 55	Roll Call Vote
10.	FIRST READING OF ORDINANCE	
	a. Ordinance No. 1707: An Ordinance amending Dallas City Code Section 6.305, relating to parking; and repealing conflicting provisions. p. 58	First Reading
11.	SECOND 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. 60	Roll Call Vote
12.	OTHER BUSINESS	
13.	ADJOURNMENT	

DALLAS CITY COUNCIL
Tuesday, September 8, 2009
Council Chambers

The Dallas City Council met in regular session on Tuesday, September 8, 2009, at 7:02 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

ROLL CALL

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

Mayor Fairchild declared the minutes of the August 17, 2009, Council meeting approved as presented.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

Mayor Fairchild asked for comments or questions from the audience on items other than those on the agenda. There were none.

PUBLIC HEARINGS

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

COMMITTEE REPORTS OF AUGUST 17, 2009

Public Safety Committee – Councilor LaVonne Wilson, Chair

Councilor Wilson reviewed the topics presented to the Public Safety Committee meeting as presented in the agenda packet.

Councilor Wilson discussed the Police Parking agenda item. Mr. Shetterly indicated that the process should be for a Councilor to make a motion to direct the preparation of an ordinance to allow this, since angle parking is currently in the Code.

Councilor Wilson made a motion to direct the preparation of an Ordinance to accommodate the proposed parking. The motion was duly seconded.

Councilor Scroggin asked why the cars were parked on Court Street. Chief Teague stated the cars in front are the cars that are on duty. He noted officers cannot see out of the back of the police cars because of the cage and other equipment, which makes backing even more dangerous. Chief Teague pointed out having the police cars able to pull out and turn left or right would eliminate the need for the police to have to drive around the block in order to head west.

There was discussion about balancing the Police Department's needs with the loss of two parking spaces. There was discussion about possibly combining parallel and angle parking so that there was only one parking space lost. Mr. Shetterly explained that at the second reading of the Ordinance, the Council can have a Resolution to implement the actual parking changes, so there was time for staff to look into solutions before that took place.

The motion CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson voting YES.

Administrative Committee Meeting – Councilor Ken Woods, Jr., Chair

DRAFT

Because Councilor Woods was excused, Council President Dalton reported on the topics presented to the Administrative Committee as included in the agenda packet.

REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

CHAMBER OF COMMERCE AND VISITOR'S CENTER SUMMERFEST APPRECIATION

Mayor Fairchild presented to Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitor's Center a letter and certificate of appreciation. He indicated the City and Council appreciate the great partnership they have with the Chamber.

DISCUSSION REGARDING SUPPORT OF PUTTING EXTENSION DISTRICT ON THE BALLOT

Mayor Fairchild indicated that because of state cutbacks, there have been a number of these agricultural and education groups that have lost the majority of their funds. He reported with their funds going down, the Polk County Extension Service asked if they City would allow them to place this before the people to see if they wished to allow the formation of a tax district. The special district would be under the ruling of the Polk County Commissioners and would include all of Polk County. He stated the Polk County Extension Service is asking each of the cities in Polk County if they would be willing to be included in the proposed tax district. He indicated the Council would not be endorsing the tax district by a yes vote on the resolution, just saying that if the voters approved this district, the City would be included.

Councilor Voves asked if all the cities in Polk County had to approve this before it could go to the voters. Mr. Shetterly explained they did, since the proposed tax district includes the entire county. Council President Dalton commented that the Extension Service in Dallas has had a long and productive relationship with the community, noting they have included historically noble programs. Councilor Marshall pointed out the Resolution is just to allow this to get to a vote, so there is nothing contentious about what the Council is being asked to do. Councilor Scroggin asked what would happen if this was not approved by the voters. Mayor Fairchild indicated the Polk County Commissioners have no money to fund it, so if it is defeated in the election, the programs will most likely be gone.

Resolution No. 3191: A Resolution approving inclusion of the City of Dallas in Polk County 4-H, Master Gardener, Agriculture and Forestry Extension District.

A roll call vote was taken and Mayor Fairchild declared Resolution No. 3191 to have PASSED BY A MAJORITY VOTE with Council President Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor Dave Voves, and Councilor LaVonne Wilson voting YES and Councilor Shein abstaining.

ISO PUBLIC PROTECTION CLASSIFICATION UPDATE

Mr. Wyatt reviewed the letter from ISO upgrading the City's public protection classification rating and stated staff is comfortable with the rating of 3.

POLK COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE

Mr. Wyatt explained the hazard mitigation plan was updated recently. He stated the purpose of the hazard mitigation plan is to identify and assess vulnerabilities and risks, both manmade and natural that may affect the City.

Mr. Locke explained the original plan, adopted in 2005, did not delve into individual jurisdictions. He stated that since its adoption, FEMA and Homeland Security have developed additional criteria of what they wanted to see in these hazard mitigation plans. He noted adoption of the City's portion of this plan is a prerequisite to apply for FEMA and Homeland Security grants which could be used to mitigate the costs related to this type of event. He indicated the events include flooding, fires, winter storms, earthquakes, etc., noting staff removed some more exotic hazards that would not be experienced in Dallas. Mr. Locke indicated many of the items have a status of "ongoing" because the City is constantly updating our infrastructure and emergency preparedness. He indicated the City had gotten preliminary

DRAFT

approval from FEMA that this plan meets the requirements of federal regulations. Mr. Locke explained the updates to the plan were done through a grant program, so there was no cost to the City. Mr. Locke indicated the status of some items says "consider" where the City doesn't want to discount the need, but may not be able to do the project.

Councilor Shein made a motion to direct staff to prepare a resolution adopting the 2009 Polk County Hazard Mitigation Plan. The motion was duly seconded and CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson voting YES.

FARM PROPERTY LEASE

Mr. Wyatt explained the City owns some farm property by the Wastewater Treatment Facility that is leased and the current lease is up in October. He states several people have expressed an interest in leasing the land for farming purposes. He asked the Council to consider going out for proposals for farming operations on these properties. Mr. Wyatt reviewed the criteria the Council would look at in the proposals and discussed a minimum price that would be accepted. Mr. Wyatt stated that in the contract he would like a provision that at any time, the City could cancel the lease with six months notice, which would still give them time to harvest their crop. Councilor Lawson asked the reason behind giving the City an out. Mr. Wyatt stated it's always good to have the option in case of unforeseen circumstances.

Council President Dalton indicated that in the long term he does favor letting go of the land when the time is right. Councilor Voves went on record that some of the Council would not be in favor of selling the property. After more discussion about the ramifications of having the six-month cancellation provision, Mayor Fairchild stated that having been raised on a farm, he knows that a lease like that is not an unusual situation, it's part of the gamble of being a farmer. Mr. Wyatt stated he could have the proposals for the next Council meeting.

Councilor Scroggin made a motion to direct the City Manager to receive proposals for leasing two of the City's farm properties adjacent to Bowersville Road identified as Exhibit A, Property Deed B383P1088 and Exhibit B, Property Deed B352P1936. The motion was duly seconded and CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson voting YES.

BLUE GARDEN UPDATE

Mr. Wyatt reported he walked through the Blue Garden. He indicated the outside of the building had been cleaned up, the interior has been sprayed and rinsed with no sign of mold or mildew on any of the walls, new trusses and beams have been installed, and most of the floor is cleared of junk. He stated there is some equipment and booths that are being stored in the front of the building, but it is all items they will be keeping as they are in good condition. He stated the building is tight and sealed. He noted there is one pending item; the property owner is required to keep some sort of heat in the building so the mold and mildew will not return.

OTHER

Mr. Wyatt reviewed two upcoming business events.

Mr. Wyatt reported on some changes in the paving project schedule.

Mayor Fairchild indicated the annual Council dinner would be held on October 11.

COMMUNICATIONS AND PETITIONS

OLCC CHANGE OF OWNERSHIP APPLICATION FOR HONG KONG RESTAURANT

Mr. Wyatt reviewed the application for a change of ownership for Hong Kong Restaurant.

Council President Dalton made a motion to recommend to the OLCC to grant the license for a change of ownership at 325 Main Street for Hong Kong Restaurant. The motion was duly seconded and CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor

DRAFT

Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, and Councilor LaVonne Wilson voting YES.

RESOLUTIONS

Resolution No. 3191: A Resolution approving inclusion of the City of Dallas in Polk County 4-H, Master Gardener, Agriculture and Forestry Extension District.

This Resolution was voted on earlier in the meeting.

FIRST READING OF ORDINANCE

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.

Mayor Fairchild declared Ordinance No. 1706 to have passed its first reading.

SECOND READING OF ORDINANCE

OTHER BUSINESS

There being no further business, the meeting adjourned at 8:11 p.m.

Read and approved this _____ day of _____ 2009.

_____
Mayor

ATTEST:

_____
City Manager

DRAFT

CITY OF DALLAS
City Council

APPLICATION COMPLETE:
JULY 8, 2009

STAFF REPORT
DATE: SEPTEMBER 14, 2009

FILE NO.	**ANN/1-09**
HEARING DATE	**SEPTEMBER 21, 2009 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338**
OWNER	**VARIOUS**
APPLICANT	**JERRY AND JEWELCARLSON**
REQUEST	**ANNEX 49+/- ACRES INTO THE CITY**
LOCATION	**EAST OF FAIRVIEW AVE SOUTH OF THE EXISTING CITY LIMITS**
RECOMMENDATION	**APPROVAL**

CITY COUNCIL
COMMUNITY DEVELOPMENT
DEPARTMENT STAFF REPORT

HEARING DATE:	**SEPTEMBER 21, 2009**
APPLICATION TYPE:	**ANNEXATION**
OWNER:	**VARIOUS**
APPLICANT	**JERRY AND JEWEL CARLSON**
LOCATION:	**EAST SIDE OF FAIRVIEW AVE SOUTH OF THE EXISTING CITY LIMITS**

BACKGROUND INFORMATION: The City has been petitioned by Mr. Carlson to annex 49+/- acres in the southeast quadrant of the City (see attached map). Annexations are controlled by Dallas Development Code Section 3.14 and ORS. This annexation is being processed under ORS **222.170(1)** the "triple majority" rule, meaning that a majority of the owners (11 out of 17 in favor) of the majority of real property (40.56ac out of 48.85ac) representing the majority of assessed value in the annexation area ($799,940 out of $1,070,340) have consented to the annexation. Mr. Carlson has secured the required signatures consenting to the annexation. The City has received one letter opposing the annexation.

All of the land in the proposed annexation area is designated as Single-Family in the Dallas Comprehensive plan. Ordinarily, there is an accompanying Zone change with the annexation request, but not in this case. The effect of this is that the property will be annexed into the City, will be included in the City Limits, but will retain the existing Polk County zoning of Acreage Residential (AR) (except for lots 6a and 6b, which are erroneously zoned AR on the city zoning map, and are actually zoned County Light Industrial (LI)). This is essentially a holding zone applied to properties inside the UGB that prevents divisions and other uses incompatible with future urbanization.

Once annexed into the City, all current uses can continue as they are today, but all new uses will be reviewed by the city for compatibility with the AR and I zones. The City plans to undertake a planning process for this entire area, and is considering designating this area as the "Fairview Node", which, like the other nodes, would require a Master Plan be adopted prior to development (as a side note, the Code revisions we are currently considering would allow a much clearer path to make this happen). It would be important to include all the affected property owners in any future Master Plan/rezoning process, and this will likely begin within the next 12 months. The Master Plan process would also, in addition to land uses, design, and parks and open space, include infrastructure planning as well.

At their August 11, 2009 meeting, the Planning Commission held a public hearing on this matter, took public testimony, and recommended that the City Council approve the annexation.

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

3.14.30 REVIEW PROCEDURE.

Annexation requests are reviewed by the Commission (recommendation) and the City Council (decision) under Type IV procedure.

3.14.40 REVIEW CRITERIA.

The City Council may approve annexation requests when the following annexation criteria are satisfied:

(1) **Dallas Comprehensive Plan**. The proposal is consistent with the Dallas Comprehensive Plan, Volume I, Goals and Policies, Policy 6.2.1, Conversion to Urban Uses. Policy 6.2.1 states that the city' decision will be based upon the following factors (1) the City will encourage the development of available land within its corporate limits before expansion into urbanizable areas, and (2) the availability of sufficient buildable land to ensure market choice for commercial, industrial, single-family, multifamily, and public land uses within the Dallas City Limits, and (3), the orderly, economic, and timely provision of public facilities and services as prescribed in Chapter 7, Public Facilities Plan, and (4), only lands that can be provided with the full range of urban services will be considered for annexation, and (5), the City shall not permit "panhandle" annexations, except in extraordinary circumstances such as health hazard annexations.

FINDING: *The city has encouraged development inside the City limits through various public facilities policies adopted by the City Council, and the annexation of this land may provide the city an opportunity to master plan a complete neighborhood, including light industrial, neighborhood commercial, and different housing opportunities in conjunction with the property owners. The provision of public facilities will be well-planned and installed in a timely manner depending upon the rate of development of the area. This annexation is not a "panhandle" annexation.*

(2) **Mixed Use Nodes**. Within Mixed Use Nodes, the annexation shall comply with relevant provisions of Chapter 3.9.90, Adequate Public Facilities Requirements.

FINDING: *The subject property is not in an adopted mixed-use node.*

(3) **Adequate Public Facilities & Level-of-Service Standards**. For all areas, the standards of the Comprehensive Plan shall be met, or can be met.

FINDING: *The proposed annexation area can be supplied with adequate public facilities, including water, sanitary sewer, transportation, parks and open space ,and storm drainage.*

(4) **Deficient Areas**. Public facilities deficiencies for specific areas, as described in the Dallas Comprehensive Plan, shall be resolved to the satisfaction of the Development Official. For guidance in this regard, see Chapter VII, Public Facilities Plan, Volume II, Background, of the Dallas Comprehensive Plan; and Map 9, Public Facilities Deficient Areas, of the Dallas Comprehensive Plan.

FINDING: *The area proposed for annexation is mostly vacant. There are a few single family dwellings located in the area. The adopted Transportation System Plan shows an arterial alignment for the area to meet future transportation needs, and the Public Facilities Plans illustrate future water and sanitary sewer mainline locations. These locations provide a guide for future infrastructure in the area to ensure adequate capacity for serving future*

development. The Comprehensive Plan also states that "properties outside the City Limits need to be annexed prior to development".

CONCLUSION: It can be found that this proposal meets the applicable criteria addressed above.

RECOMMENDATION:
Direct staff to prepare an Ordinance adopting the proposed annexation and prepare notices to affected agencies in accordance with the applicable Oregon Revised Statutes.

RESPECTFULLY SUBMITTED,

Jason Locke

Community Development Department Director

City of Dallas
Planning Commission
Council Chambers - City Hall
August 11, 2009 - 7:00 p.m.

MINUTES

CALL TO ORDER

President Lerwick called the meeting to order at 7:07 p.m.

ROLL CALL

Commissioners Present: Carol Kowash, Chuck Lerwick, Carrie Mendell, Murray Stewart and Doris Stefani

Absent: Robert Wilson and Dave Pederson

Staff present: City Attorney Lane Shetterly, Community Development Director Jason Locke, Planner John Swanson and Recording Secretary Joanne Ballweber.

Joanne Ballweber was sworn in as Recording Secretary

APPROVAL OF MINUTES

President Lerwick presented the minutes of the regular meeting of July 14, 2009. Commissioner Stewart moved to approve the minutes as presented. Commissioner Kowash seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

QUASI-JUDICIAL PUBLIC HEARINGS

Annexation Application

A public hearing on the application of Jerry W and Jewel L Carlson applicants for annexation of Tax Lots 8.5.5B 200, 300, 400, 500, 600, 1800, 1801, 1900, 1902, 1093, 2000, 2100 and 8.5.5A 400, totaling 49+ / - acres in the Urban Growth Boundary.

President Chuck Lerwick opened the hearing at 7:07 p.m. and read the hearing procedure.

Community Development Director Jason Locke discussed the annexation area. He pointed out on the map which property owners were opposed to the annexation. Mr. Locke explained the area being annexed and advised there would be no zone change at this time. There were 3 property owners that did not respond to the annexation letter and one that was opposed. Mr. Locke stated the triple majority has been met. This meeting is only about boundary change. Staff is recommending approval with the condition that the applicant provide a legal description of the property to be annexed upon approval by the City Council. Mr. Locke entertained any questions. There were none.

President Lerwick asked if the applicant wished to make a statement.

Mr. Carlson, the applicant, said he wanted to make clear that even though he is not a resident of Dallas at this time, he previously has been a member of this community, raised his children here and he is planning on retiring back to this community next year. He stated he does not own any of this property and is looking for property for self storage and RV storage.
Mr. Carlson presented a PowerPoint slide show regarding the potential future use of the property. Mr. Carlson said he intends to provide service to Dallas, increased tax revenue and clean up the wrecking yard and he believes it would encourage the neighbors to upgrade their property. He added that this property is the South entrance to Dallas and his proposal would improve that image. He indicated he would be seeking a zone change to light industrial.

Lane Shetterly clarified that the Planning Commission is not addressing the use or future zoning. The issue is the annexation only. Anything else regarding development and the ultimate use are future issues and subject to their own approvals

President Lerwick asked for comments and questions from the audience.

Daniel Blair, who resides at 2208 SW Fairview, owns two of the adjoining properties. Mr. Blair expressed his approval of the annexation. He is interested in the development plans for the future regarding sewer, water and other facilities Mr. Locke responded that this annexation gives the City of Dallas an opportunity to plan that area and receive the property owners input regarding that.

Dale Ropp stated he does not live in Dallas but owns property in that area and expressed his approval.

Laurie Carlson spoke on her concern for her goat dairy at 2340 SW Fairview. She wants to make sure this annexation would not affect her business and wants to protect that. She indicated she is not against it, but would like to make sure the Planning Commission is aware of her concerns. Mr. Locke and Mr. Shetterly assured her she would not be affected. She also wanted to know about the plans for sewer. Mr. Locke explained the topography and about where sewer might be placed in the future.

Ron Coxson, of 1311 SW Brown Street, said he also would like to have the City annex this property. He expressed his support.

Mr. Lerwick asked for further comments. There were none.

The hearing was closed at 7:31 p.m.

Carrie Mendell made a motion to recommend approval of the proposed annexation to the City Council with the condition that the applicant shall provide a legal description of the property to be annexed upon approval by the City Council. Doris Stefani seconded the motion. President Lerwick called for a vote. The motion passed unanimously

OTHER BUSINESS

Continued Review of Draft Development Code.

Mr. Locke discussed which direction the Planning Commission wanted to go with the new development code. Mr. Locke touched on the major changes and amendments that are being proposed for the draft development code. He has gone through it again and Lane Shetterly has reviewed it for procedural errors. Mr. Locke said his question is based on prior discussions with a few minor changes that he picked up. He wanted to know what is the Commission's vision. Mr. Locke added that the new development code will

offer more flexibility and will determine how Dallas conducts business in the future. Mr. Locke also feels the new development code will put more of a burden on developers, builders and staff to make sure this actually happens and the product being turned out is what the City of Dallas wants.

Scott Siegel, consultant said he felt they tried to honor the intent of the Comprehensive Plan noting the standards that are in the code today that worked well were carried forward. The new parts are those that Mr. Locke had already summarized. The Planning Staff is still open to any ideas or thoughts on how to improve these ideas. Mr. Siegel said he and the staff want to make sure there are not any structural or policy issues that haven't been addressed. Mr. Siegel stated part of what the City is looking at is small commercial centers, which would be buildings with no more than 1,200 sq. feet. There will be some policy decisions regarding that issue.

Commissioner Kowash asked what comments Mr. Locke and the City wanted to hear. She stated that in her past the issues were multifamily density, environmental concerns and noise. She also mentioned that the City should have affordable housing and there is a range of cost for homes. Mr. Locke said the realignment of zones will allow for that. Mr. Locke stated that commercial property might be an issue. The City doesn't want to provide a lot of general commercial property on the outside fringe, therefore, need to do smarter commercial development. This would allow residential and commercial uses to mix. Mr. Locke indicated what the City staff hears time and time again is how convoluted the process and rules are in the code and the new development code will address those issues.

Murray Stewart asked how the new zoning will impact historical property. Mr. Locke answered that there is no impact. Code names and definitions have changed and the City needs to be cognizant of that. There have also been changes in State law regarding group and care homes. The new development code will include those issues as well. When the City receives projects or subdivision plan developments of greater than five acres it will require Public Works to change their standards for development and their way of thinking on how they will deal with water, storm water and sewer.

Mr. Locke, Mr. Shetterly and Mr. Lerwick discussed the final date for changes and how many, if any changes, Mr. Locke anticipated. Mr. Locke said he anticipates maybe one or two hearings or possibly one with a continuation.

Mr. Siegel injected that the philosophy behind the new development code is: every time you see a hard standard, you should also have language that allows an applicant to present an alternative design and discuss how their proposal would be equal and/or better and should be allowed. He indicated the new development code is moving in the direction of sustainability with a flexible approach.

Mr. Locke advised that the September 8, 2009 meeting date will be reset to September 15 @ 7:00 p.m. for the Development Code Public Hearing. He explained the Planning Commission has to hold a public hearing and there is a conflict with a Council meeting on September 8th.

COMMISSIONER COMMENTS

STAFF COMMENTS

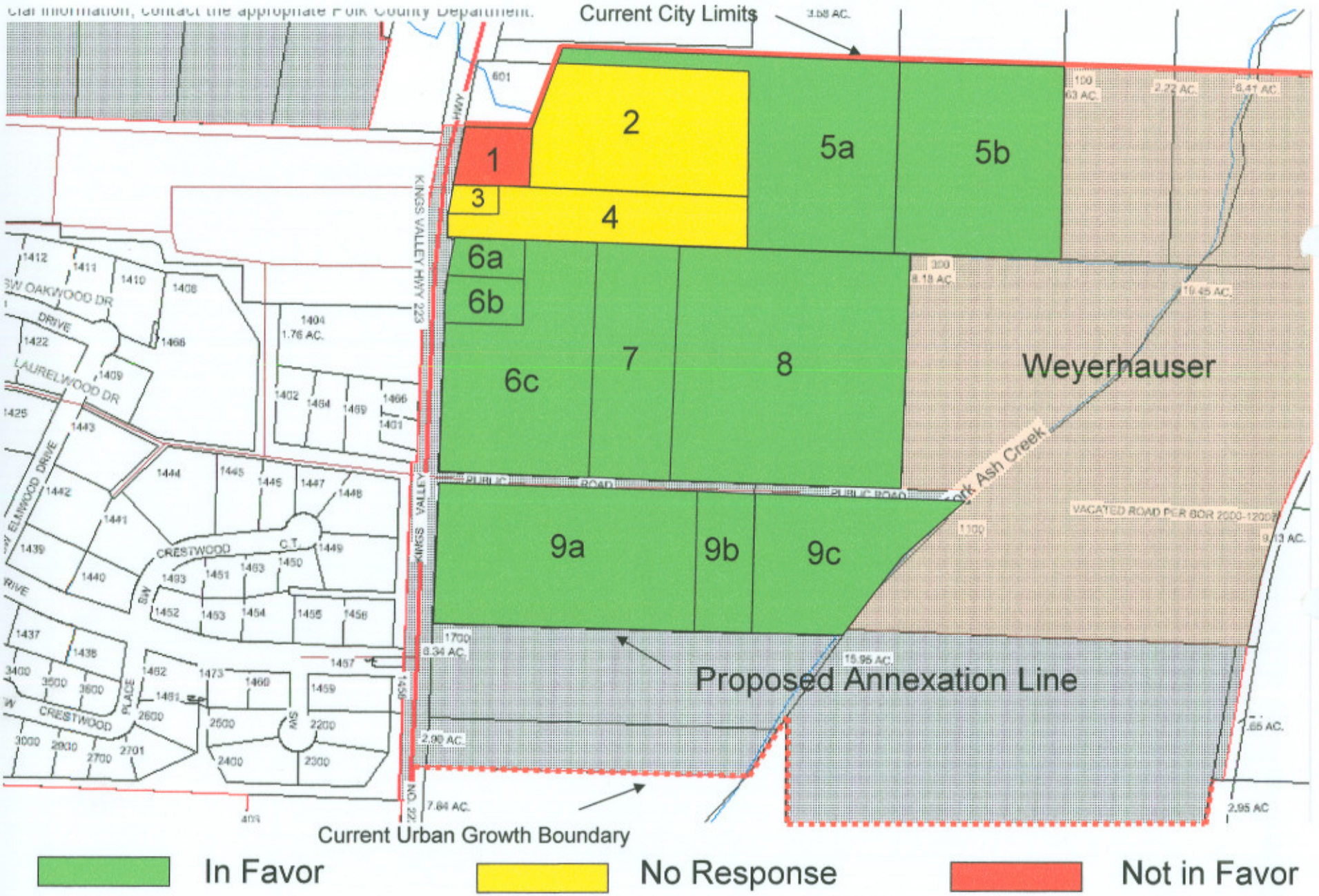
ADJOURN @ 8:15 p.m.

APPROVED:

_____ _____

President Date

Proposed Kings Valley Annexation – Property Owner Status Map as of June 2, 2009



Proposed Kings Valley Annexation - Property Owner Responses as of June 20, 2009

Parcel	Map/Tax Lot	Acres	Acres In Favor	Acres Non - Responsive	Acres Not in Favor	Owners
1	85 5B0 500	0.74			0.74	Wood, Turney R. & Judy J.
2	85 5B0 600	4.77		4.77		Slyh, Helen I.
3	85 5B0 400	0.22		0.22		Laford, Marcie C.
4	85 5B0 300	2.56		2.56		Weger, Leroy C. & Charlene M.
5a	85 5B0 200	4.70	4.70			Ropp, Dale & Julie (joint withTuggys)
5b	85 5A0 200	5.56	5.56			Tuggy, Daniel & Cheryl (joint with Ropps)
6a	85 5B0 2100	0.50	0.50			Taylor, Gary D.
6b	85 5B0 2000	0.50	0.50			
6c	85 5B0 1903	5.00	5.00			
7	85 5B0 1902	3.18	3.18			Coxon, Ron & Annette
8	85 5B0 1900	9.63	9.63			Walker, William S. & Shari
9a	85 5B0 1800	6.03	6.03			Blair, Daniel E. & Micki L. Steel-Blair
9b	85 5B0 1801	1.43	1.43			
9c	85 5A0 400	4.03	4.03			

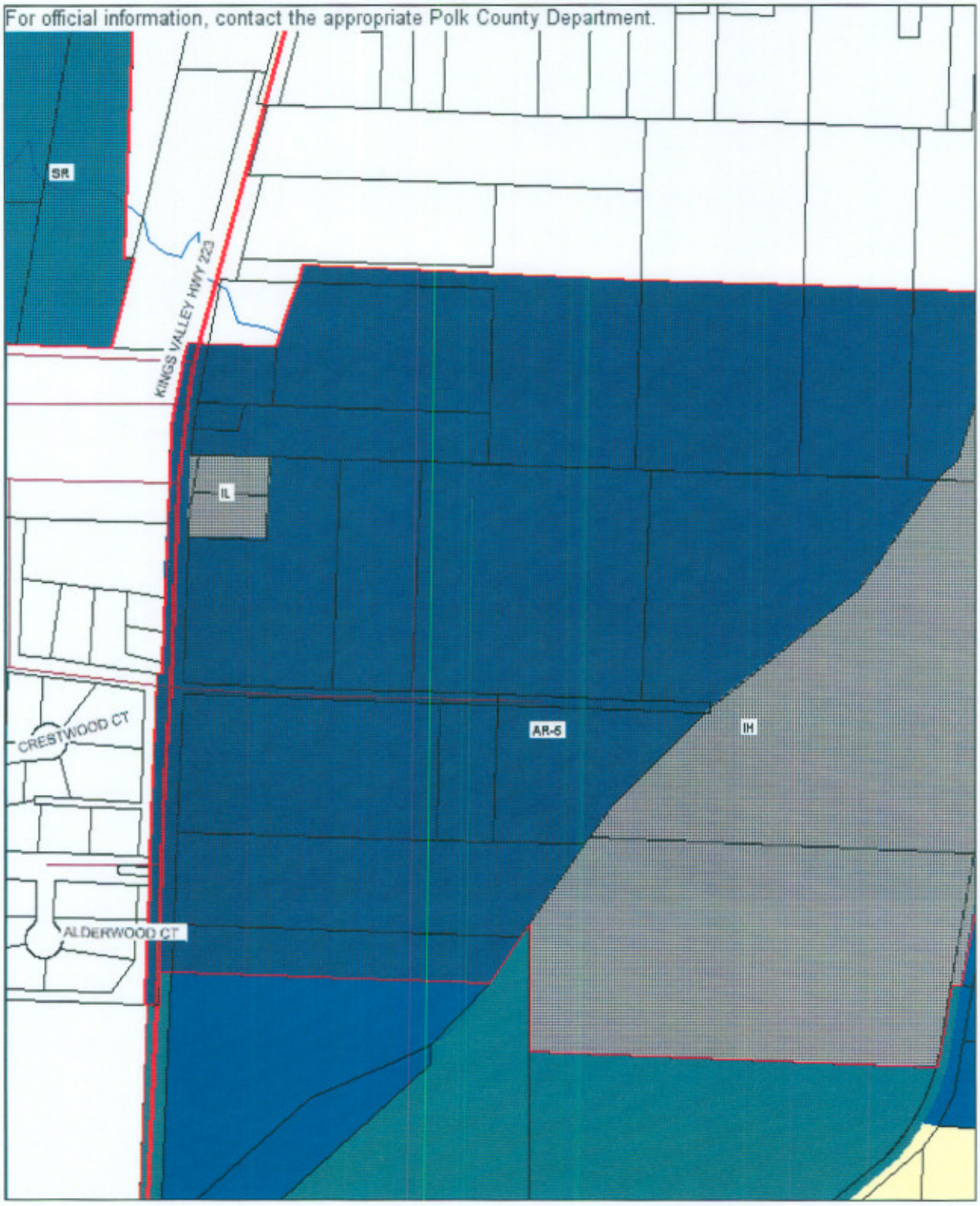
Total Acres Proposed	48.85		
Percentage	100%		
Total Acres with Owners in Favor		40.56	
Percentage		83%	
Total Acres with Owners non Responsive			7.55
Percentage			15%
Total Acres with Owners Not in Favor			0.74
Percentage			2%

Total Number of Property Owners/Residents	17
Number of Property Owners Signing in Favor of Annexation	11
Percentage of Property Owners/Residents in Favor	65%

Parcel 1 - Telecon with Judy Wood on May 30, 2009 at 10:45 am. Knows annexation inevitable - won't sign in favor but won't contest.
Parcel 2 - Several attempts to contact by phone/in person - no contact made. Elderly lady - owns house in front of property within city.
Parcel 3 - No contact made yet.
Parcel 4 - Letter sent on May 23, 2009 requesting support/non-support response. Adjacent landowner Gary Taylor stated they were interested in selling the property and was confident they would support - no response as of 2 June.

Proposed Kings Valley Annexation - Property Owners Contact Information

	Tax Lot	Acres	Owner	Property Address	Mailing Address	Phone
1	85 5B0 500	0.74	Wood, Turney R. & Judy J.	1960 Fairview Ave SW, Dallas, OR 97338	1960 Fairview Ave SW, Dallas, OR 97338	503-623-5348
2	85 5B0 600	4.77	Slyh, Helen I.	Vacant Lot - No Address	1950 Fairview Ave SW, Dallas, OR 97338	503-623-3590
3	85 5B0 400	0.22	Laford, Marcie C.	1970 Fairview Ave SW, Dallas, OR 97338	PO Box 571, Dallas, OR 97338	
4	85 5B0 300	2.56	Weger, Leroy C. & Charlene M.	1980 Fairview Ave SW, Dallas, OR 97338	73375 Gordon Creek RD, Elgin, OR 97827	
5a	85 5B0 200	4.70	Ropp, Dale & Julie (joint w/Tuggys)	Vacant Lot - No Address	7390 Linnet St NE, Salem, OR 97305	503-851-3253
5b	85 5A0 200	5.56	Tuggy, Daniel & Cheryl (joint w/Ropps)	Vacant Lot - No Address	4540 Cordon RD NE, Salem, OR 97305	
6a	85 5B0 2100	0.50				
6b	85 5B0 2000	0.50	Taylor, Gary D.	2080 Fairview Ave SW, Dallas, OR 97338	2080 Fairview Ave SW, Dallas, OR 97338	503-420-9210
6c	85 5B0 1903	5.00				
7	85 5B0 1902	3.18	Coxen, Ron	Vacant Lot - No Address	1311 SW Bryant, Dallas, OR 97338	503-932-5115
8	85 5B0 1900	9.63	Walker, William S. & Shari	2200 Fairview Ave SW, Dallas, OR 97338	2200 Fairview Ave SW, Dallas, OR 97338	503-623-5570
9a	85 5B0 1800	6.03		2210 Fairview Ave SW, Dallas, OR 97338		
9b	85 5B0 1801	1.43	Blair, Daniel E. & Micki L. Steel-Blair	2208 Fairview Ave SW, Dallas, OR 97338	2208 Fairview Ave SW Dallas, OR 97338	503-409-9758
9c	85 5A0 400	4.03		Vacant Lot - No Address		
	TOTAL	48.85				


For official information, contact the appropriate Polk County Department.
SR
KINGS VALLEY HWY 223
IL
CRESTWOOD CT
AR-5
IH
ALDERWOOD CT

LAND USE APPLICATION

City of Dallas
187 SE Court Street
Dallas, OR 97338 • 503-831-3571

PLEASE TYPE OR PRINT IN INK ONLY

FOR STAFF USE ONLY

- ☐ SITE PLAN REVIEW:
  - __ PARKING
  - __ SITE DEVELOPMENT
- ☐ LOT LINE ADJ (Type I)
- ☐ ADJUSTMENT (Type II)
- ☐ CONDITIONAL USE (Type III)
- ☐ SUBDIVISION (Type III)
- ☐ PARTITION (Type III)
- ☐ VARIANCE (Type III)
- ☒ ANNEXATION (Type IV)
- ☐ COMP PLAN (Type IV)
- ☐ ZONE CHANGE (TYPE IV)
- ☐ UGB EXPANSION (TYPE IV)

File No: ANN/1-09
Date Received: 6/23/09
Fee $ 2,500.00
Hearing Date: 8/11/09
Staff Member: lu
Zone: AR5 to RSF
Comp. Plan: SF

APPLICANT INFORMATION

♦ Applicant-Please attach the following required information to this Land Use Application:

Initial

- ☐ ____ $100 Pre-application Conference Fee, only as applicable. (DDC 1.3.30)
- ☒ JWC Completed Supplemental Application.
- ☐ ____ Supplemental Land Use fee.
- ☐ ____ Property deed with legal description. Land divisions also require a preliminary title search.
- ☒ JWC Plot Plan drawn to scale and a copy of any related information and/or maps. (No larger than 11"x17".)

Project Description: Proposed annexation of land south of current city limits on Kings Valley Highway. Annexation requested by majority of property owners.

Site Address: See attached list of address Total Land Area: 48.85 Acres

Present Use of Property: Residential, AR5, Industrial (previous wrecking yard)

OWNER(S):
Name(s): See attached list of owners with address

Mailing Address _____ City _____ ST ____ ZIP _____
Mailing Address _____ City _____ ST ____ ZIP _____

Owner Phone: Work _____ Mobile _____ Fax: _____ Home _____

APPLICANT(S): (if not owner)
Name(s): Jerry W. and Jewel L. Carlson

Mailing Address: PO Box 821854 City: Vancouver ST: WA ZIP: 98682

Applicant Phone: Work _____ Mobile: 503-559-4855 Fax: _____ Home _____

Applicant is: ☐ Legal Owner ☐ Contract Buyer ☒ Option Buyer ☐ Agent

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.

Signatures (Required):

Owner(s)	Date	Applicant(s)	Date
SEE ATTACHED LIST		Jerry W. Carlson / Jewel K. Carlson	6/20/09

PETITION FOR AND CONSENT TO ANNEXATION AND WITHDRAWAL FROM SW POLK COUNTY RURAL FIRE PROTECTION DISTRICT

DOUBLE MAJORITY ANNEXATION

Date: JUNE 20, 2009

We, the undersigned, being a majority of the registered voters (if any) living on the property proposed to be annexed and the owners of more than one-half of that property, do hereby petition the Dallas City Council to annex the described property to the City of Dallas and do hereby consent to the annexation of said property to the City of Dallas and to its withdrawal from the SW Polk County Rural Fire Protection District.

Is petition signed by 100% of the property owners? [ ] YES [X] NO

Is area described contiguous to an existing boundary of the City of Dallas. [X] YES [ ] NO

Attach a legal description and a detailed map of the area.

The non-refundable fee must accompany this petition.

Address of property proposed for annexation (if applicable):

SEE ATTACHED LIST

Tax Lot No(s). of property proposed for annexation:

SEE ATTACHED LIST

Signatures of owners and/or resident electors (if additional space is needed, attach a separate list):

SIGNATURE	ADDRESS	Tax Lot No(s) of Property Owned
SEE ATTACHED LIST		

Fee: $2500.00 Date Paid: _____

Jerry W. Carlson
PO Box 821854
Vancouver, WA 98682
Cell 503-559-4855
Email: jcarlsons@comcast.net

June 20, 2009

Jason Locke
Community Development Director
City of Dallas
187 SE Court Street
Dallas, OR

Subject: Annexation Application

Dear Jason:

Enclosed is the annexation application for your review and comment. Also enclosed is a check for the application fee. We have the majority of property owners/residents signatures and would like to get the process started.

If you have any idea of what the public hearing dates might be – it would be very helpful to know these as soon as possible so I can schedule flights back to Oregon ahead of time.

Please let me know if there is anything else you need. I'm sorry I wasn't able to make it into the office this week to meet with you – I'm headed back to my job on the east coast. Best way to reach me is by cell phone or email.

Sincerely,

Jerry W. Carlson

06-23-09P12:36 RCVD

Proposed Kings Valley Annexation - Attachment to Application

Signatures of Owners in Favor of Annexation:

Parcel	Tax Lot	Acres	Owner	Signatures
1	85 5B0 500	0.74	Wood, Turney R.	
			Wood, Judy J.	
2	85 5B0 601	4.77	Slyh, Helen I.	
3	85 5B0 400	0.22	Laford, Marcie C.	
4	85 5B0 300	2.56	Weger, Leroy C.	
			Weger, Charlene M.	
5a	85 5B0 200	4.70	Ropp, Dale (joint with Tuggys)	
			Ropp,Julie (joint with Tuggys)	
5b	85 5A0 200	5.56	Tuggy, Daniel (joint with Ropps)	
			Tuggy, Cheryl (joint with Ropps)	
6a 6b 6c	85 5B0 2100 85 5B0 2000 85 5B0 1903	0.50 0.50 5.00	Taylor, Gary D.	
7	85 5B0 1902	3.18	Coxon, Ron	
			Coxon, Annette	
8	85 5B0 1900	9.63	Walker, William S.	
			Walker, Shari	
9a	85 5B0 1800	6.03	Blair, Daniel E.	
9b 9c	85 5B0 1801 85 5A0 400	1.43 4.03	Steel-Blair, Micki L.	

TOTAL 48.85

aug 12-09

Atten: Jason Locke;

We Leroy C + Charlene M Weger
Own property at 1980 S W Fairview
Ave Dallas, Oregon 97338 and
We both oppose (do not want) the
Annexation of our property into
the City Limits of Dallas, Oregon
97338

thank you very much
Leroy C Weger
Leroy C Weger
Charlene M Weger
Charlene M Weger
73375 Gordon Creek Rd
Elgin, Oregon 97827

08-14-09P12:39 RCVD

DALLAS CITY COUNCIL
REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **7 b**	**Topic:** Downtown Street Tree Planting
Prepared By: Jason Locke, Com Dev Director	**Meeting Date:** September 21, 2009	**Attachments:** Yes ■ No ☐
Approved By: Jerry Wyatt		

RECOMMENDED ACTION:

Approve the downtown tree planting plan and direct staff to proceed with implementation.

BACKGROUND:

The city recently lost some trees on Main Street, while just prior to that time, we became a Tree City USA. In keeping with that designation, staff proposed to the Urban Renewal Advisory Committee that we embark on a plan to plant 20 or so trees in downtown, which approved of the idea using Urban Renewal Funds. The proposed tree locations are in the 800 and 900 block of Main Street, the south side of Washington between Church and Jefferson, and the 1000 block of Jefferson at the intersection with Main (see map). Staff has planned this based on our downtown streetscape plan, and in consultations with the State Department of Forestry (Urban Forester Kristen Ramsted). The locations were chosen based on either importance of replacement (Main St) or general barrenness (Washington and Jefferson). The two remaining street trees in the 800 block of Main St and one in the 900 block will be removed as part of the project. The trees to be planted will most likely be the following species: Somerset or Sun Valley Maples, Japanese Snowbell, and Ivory Silk.

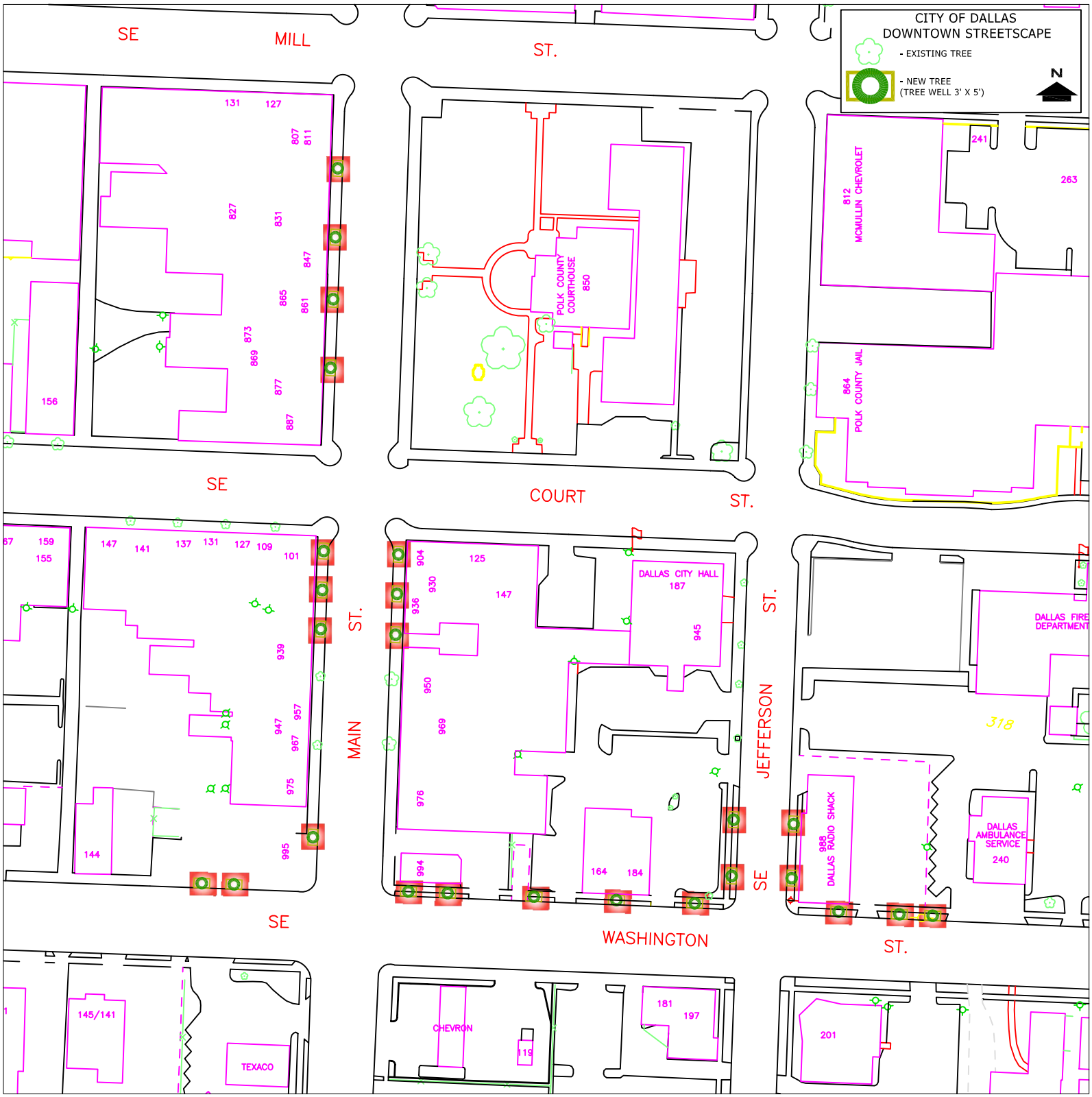
This species selection will increase the species variety downtown and within the same block as well. It is important that the species be of proper size to ensure minimal interference with the surrounding area and have proper characteristics to withstand the environments of the chosen locations. Each tree will be planted in a 5'x3' cutout and mulched (no tree grates at this time) to ensure maximum survivability. Summer watering for the first 2-3 years will be done by the Parks Dept via either tree bags or hand-watering (This will require an investment of time and care to ensure good growth). We will also attempt to convince business owners to do some watering as well. In the case of tree failure, disease, vandalism, etc, the trees will be replaced immediately.

FISCAL IMPACT:

The cost of materials for the project and tree removal will be approximately $6,500 and will be funded by Urban Renewal.

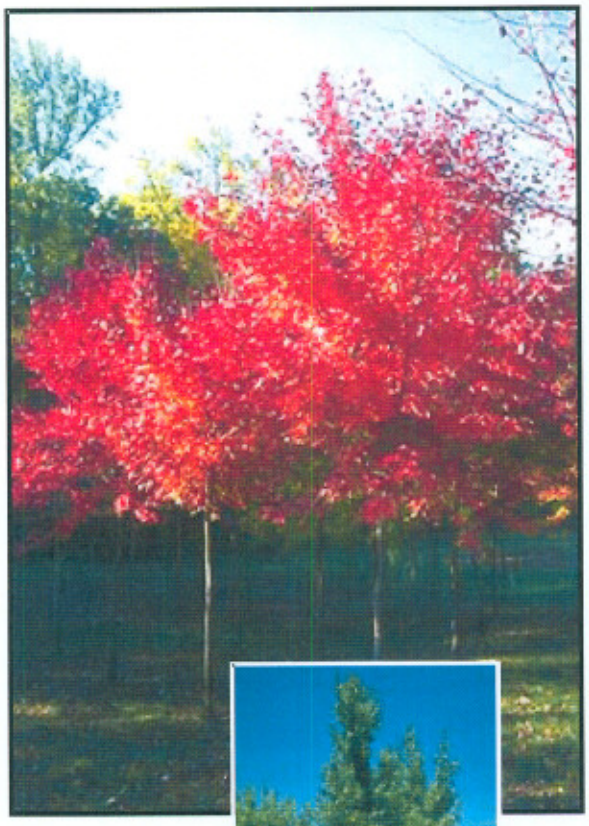
ATTACHMENTS:

1) Downtown tree location Map
2) Tree species sheets


CITY OF DALLAS
DOWNTOWN STREETSCAPE
- EXISTING TREE
- NEW TREE
(TREE WELL 3' X 5')
N
SE MILL ST.
SE
COURT ST.
POLK COUNTY COURTHOUSE
850
MCMULLIN CHEVROLET
812
POLK COUNTY JAIL
864
MAIN ST.
SE
WASHINGTON
JEFFERSON ST.
SE
DALLAS CITY HALL
187
DALLAS FIRE DEPARTMENT
DALLAS RADIO SHACK
988
DALLAS AMBULANCE SERVICE
240
TEXACO
CHEVRON

Acer rubrum 'Somerset' and 'Sun Valley'

The U.S. National Arboretum presents 'Somerset' and 'Sun Valley' red maples, two additional selections from the U.S. National Arboretum red maple research evaluation program. Showing excellent, long-lasting red fall color, tolerance to potato leafhopper, and symmetrical form, these male selections will fill important niches in the nursery industry and in the landscape.



'Somerset'

'Sun Valley'

U.S. National Arboretum Plant Introduction
Floral and Nursery Plants Research Unit
U.S. National Arboretum, U.S. Department of Agriculture, Agricultural Research Service, 3501 New York Ave., N.E., Washington, DC 20002

'Somerset' and 'Sun Valley' Red Maple

Botanical Name:
Acer rubrum L. 'Somerset'
(NA 59905; PI 583791)
Acer rubrum L. 'Sun Valley'
(NA 59906; PI 583790)

Family:
Aceraceae

Hardiness:
U.S.D.A. Zones 4–7; 'Somerset' to Zone 8.

Development:
'Somerset' and 'Sun Valley' resulted from controlled crosses made in 1982 by A.M. Townsend as part of a tree genetics research project examining the inheritance of fall color and leafhopper resistance. 'Somerset' is a cross of *Acer rubrum* 'October Glory' and *A. rubrum* 'Autumn Flame'. 'Sun Valley' is a cross of *A. rubrum* 'Red Sunset' and *A. rubrum* 'Autumn Flame'. Released December, 1994.

Significance:
'Somerset' and 'Sun Valley' are red maple cultivars with exceptional, long-lasting red fall color and significant levels of tolerance to potato leafhopper—better than or comparable to many commercially available red maple cultivars in long-term tests in Maryland and Ohio. 'Somerset' appears to color well as far south as Georgia.

Description:
Height and Width: 'Somerset': 23 feet tall, 11 foot crown spread at 12 years. 'Sun Valley': 21 feet tall, 10 feet wide at 10 years.
Habit: Medium-sized deciduous trees. 'Somerset': moderately ovate crown. 'Sun Valley': symmetrical ovate crown.
Foliage: Brilliant red, consistently good fall color in Oregon, Maryland, and Ohio. In Maryland, fall color lasts approximately 2 weeks and peaks in the 3rd to 4th week of October, about 1 week before 'October Glory'. Medium green leaves in summer. 'Somerset': 3.7 inches long, 4.3 inches wide. 'Sun Valley': 3.8 inches long and wide.
Bark: Light grey and smooth when young; turning dark grey with age.
Flowers: Male, early spring.
Fruit: No fruit produced.

Culture:
Adaptable to a wide range of soil conditions. Prefer slightly acid, moist soils. Performed well in diverse locations from Alabama and Georgia to Michigan and Oregon.

Propagation:
Root easily from softwood cuttings under mist, 1000–3000 ppm IBA, in 4 weeks. Both have been propagated successfully in tissue culture.

Landscape Use:
Excellent for lawn, street, highway, or park plantings and as shade trees for residential sites.

Distribution:
Distributed to wholesale commercial propagation nurseries beginning in 1995. Availability expected after 2002.

The U.S. Department of Agriculture is an Equal Opportunity Employer.

U.S. National Arboretum Plant Introduction
Floral and Nursery Plants Research Unit
U.S. National Arboretum: www.ars-grin.gov/na/

November 1999

JAPANESE
SNOWBELL

Habitat

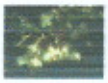
- native to China , Japan, and Korea
- zone 6, and warmer parts of 5

Habit and Form

- 20' to 30' tall deciduous flowering tree
- develops a broad, flat-topped canopy with maturity
- at least as wide as tall
- branching is horizontal
- usually single-trunked
- fine, dainty texture

Summer Foliage

- simple leaves in an alternate arrangement
- 1" to 3.5" long 0.5" to 1.5" wide
- ovate to elliptic
- acute tip
- color is dark, lustrous green



Autumn Foliage

- yellow, often with a reddish cast
- can be reasonable showy
- colors up late and freezes often hit before good color develops

Flowers

- blooms end of May into June
- white blooms hang below the foliage
- flowers are 0.75" wide
- flowers are 5-lobed with yellow stamens
- borne in groups of 3 to 6

Call 800-803-TREE

Register | Login | Jobs

B&B Trees

Back to Index

Syringa reticulata 'Ivory Silk'

Ivory Silk Tree Lilac

Features Best Uses Substitutions Care

Zone: 3

Height: 20-25 ft

Width: 15-20 ft

Foliage: Dark green

Fall Foliage: No color change

Flower Color: Creamy white

Season: Mid-summer

Tolerances:
Drought Tolerant
Deer Tolerant

Description: The Ivory Silk is a small, compact growing ornamental tree. It is the last lilac to bloom, blooming in mid-summer.

Currently best uses information not available.

Currently substitutions information not available.

Sun: Full Sun

Water: Slightly acidic, well-drained soil

©2009 MOON® Nurseries, Inc. All Rights Reserved. Site by Quantum Coders

DALLAS CITY COUNCIL
REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **7 c**	**Topic:** Farm Property Lease
Prepared By: Emily Gagner	**Meeting Date:** September 21, 2009	**Attachments:** Yes ☐ No ■
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to direct the City Attorney to prepare a farm lease agreement with whoever the Council determines has submitted the most satisfactory proposal.

BACKGROUND:

The City of Dallas owns approximately 328 acres of farm land adjacent to Bowersville Road. The current lease of the property expires at the end of September, and the Council directed the City Manager to request proposals for the lease of that farm land. Proposals are due in to City Hall by noon on Friday, September 18. The City Manager will send out information on the proposals prior to the meeting and the Council can review that information as a group Monday night.

FISCAL IMPACT:

$16,400+ in lease payments per year

ATTACHMENTS:

Request for Proposals

REQUEST FOR PROPOSAL

The City of Dallas will receive proposals for leasing a portion of the City's farm property adjacent to Bowersville Road identified on the attached map as Exhibit A, Property Deed B352P1936 and Exhibit B, Property Deed B383P1088.

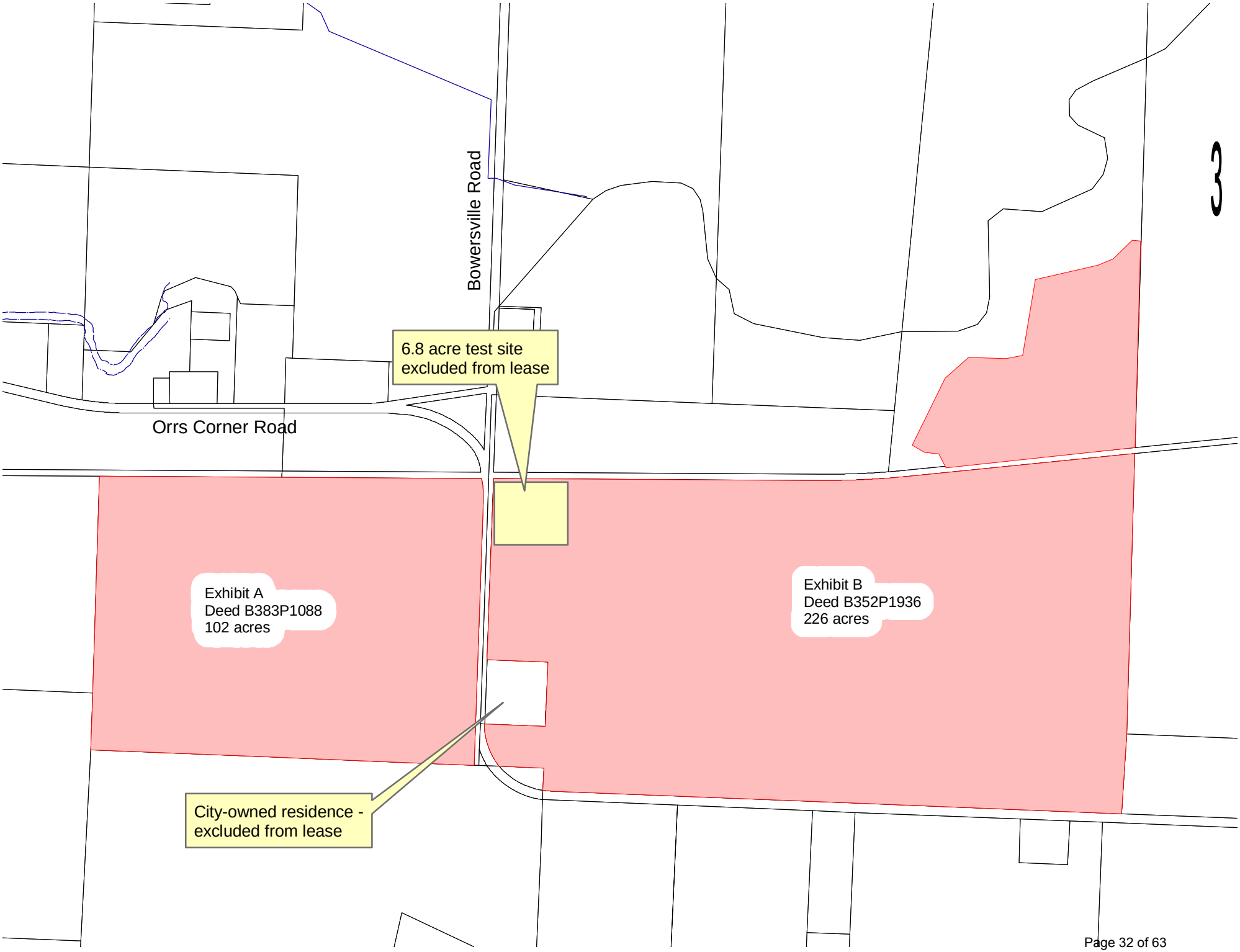
The property has a total of 328 acres and is zoned for exclusive farm use. Certain portions of the property are excluded from this proposed lease, as more particularly shown on the map attached. The City will be leasing it on an annual basis for a total of five years from October 1, 2009 to September 30, 2014, terminable upon the giving of notice of non-renewal by August 1 each year. 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, including farming experience and years of experience. Proposals should include a proposed annual lease price, which must be a minimum of $50 per acre.

All proposals must be received by 12:00 p.m. on September 18, 2009.

The successful bidder must pay the first year's proposed rent upon signing the contract. Rental for each successive lease year will be due in advance on October 1 each year.

The successful bidder will be required to enter into a written farm lease agreement that includes the terms set forth in this Proposal as well as proof of insurance naming the City of Dallas as an additional insured.

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 and all proposals.


3
Bowersville Road
6.8 acre test site
excluded from lease
Orrs Corner Road
Exhibit A
Deed B383P1088
102 acres
Exhibit B
Deed B352P1936
226 acres
City-owned residence -
excluded from lease

DALLAS CITY COUNCIL
REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **7 d**	**Topic:** Street Maintenance Fee
Prepared By: Jerry Wyatt	**Meeting Date:** September 21, 2009	**Attachments:** Yes ■ No ☐
Approved By: Jerry Wyatt		

RECOMMENDED ACTION:

Review the Response to the Proposed Street Fee Questions and Answers document. Schedule two-three community chat forums for the public to ask questions concerning the proposed fee. Following the community forums bring the proposed item back to the Council for review and possible consideration.

Following the August 17, 2009 Council meeting, the staff and Council has had the opportunity to consider many options to address the gap in funding the street maintenance. The following modifications are proposed:

Delay implementation
Propose a set rate that is easier to understand
Have a cap to the rate

FISCAL IMPACT:

ATTACHMENTS:

Response to Statements and Questions from the August 17, 2009 City Council Public Hearing Concerning the Proposed Transportation Improvement Fee

Response to Statements and Questions from the August 17, 2009 City Council Public Hearing Concerning the Proposed Transportation Improvement Fee

PURPOSE

On August 17, 2009, the Dallas City Council held a public hearing at City Hall to seek comments from interested citizens regarding the proposed implementation of a Transportation Improvement Fee intended to fund routine street maintenance in the community. Thirty-seven individuals gave testimony at the hearing, several of whom asked questions or made statements suggesting a need for clarification. As promised, this response addresses these matters.

BACKGROUND

There are 56.1 miles of streets in the City of Dallas, 3.8 miles of which are the responsibility of the Oregon Department of Transportation and 52.3 miles the responsibility of the City of Dallas. The construction of new streets within the city is paid for by the collection of System Development Charges on new construction and major remodels. Ongoing maintenance is paid for almost entirely from State Highway Funds, collected primarily from State-imposed fuel taxes and weight-mile charges on heavy vehicles. The City does not use local property taxes for street maintenance.

Even though the City has added about 13 miles of streets in the past decade and our remaining streets are aging, the money collected annually from the State Highway fund for maintenance has begun to decline significantly. This decline has cut back the City's preventive maintenance program to the extent that we are on the cusp of a rapid acceleration of decay of the roadways. The long term consequence of continuing inadequate maintenance will be the requirement to rebuild the streets ahead of their full life cycle, a vastly more expensive option than funding an ongoing program of preventative maintenance.

In dollar terms, the City now has approximately $220,000 per year available in the budget for contract street reconstruction and overlays. The real maintenance need is approximately $450,000 per year to preserve the streets in good condition. The Transportation Improvement Fee is intended to bridge this gap.

QUESTIONS, STATEMENTS AND ANSWERS

<u>Is this a "done deal?"</u>

It is not a done deal. We are early in the process and the Public Hearing was a means for the City Council to hear the concerns, opinions and questions of the public prior to shaping any final proposal for consideration at a later date. All deliberations will involve an open and fair process with opportunity for further public input prior to any final decision by the Council.

Why was there no translator at the Public Hearing?

There also is no requirement that a local government provide interpreter services for a public meeting, except that if a person who is deaf or hard of hearing requests an interpreter the public body must make a good faith effort to have an interpreter available.

How do you define a vehicle "trip?"

A vehicle "trip" is "a single or one direction vehicle movement with either the origin or destination inside a study site." Trip generation is the number of automobile trips that a development produces and attracts during a given time period.

Why was there so much conflicting information out on the street regarding the cost to businesses?

The confusing information about the amount a business would pay came from individuals that visited businesses with incorrect numbers and calculations based on faulty assumptions. These numbers were imputed from sources other than the City (newspaper articles, etc.) and did not represent the actual fee a business would pay.

Did the City change its documents to mislead the public?

The City did not alter any documentation or change documents to mislead the citizens of Dallas. Revisions were made to City literature simply to help clarify and simplify the information. All reports, brochures or information produced were and are intended to better communicate the need, cost and background as to why the City is considering the street maintenance fee at this time.

Who sets the fee? Is it local or national?

The fee would be determined by the Dallas City Council based on the best information available regarding street utilization (see "Trips" above) and pavement maintenance needs at the City. The Institute of Transportation Engineers (ITE) does not determine or set the fee. The ITE manual is used to determine the vehicle trip generation for a particular use and is based on data from more than 4,250 individual trip generation studies as well as two data volumes evaluating land use descriptions to trip generation rates. The ITE trip generation rates are only used to determine the relative rates between businesses (i.e., it doesn't make sense to charge Walmart the same rate as a small barber shop). The ITE rates provide a consistent method to set the relative rates between businesses.

How did you figure the average number of trips? The numbers seem too high.

The Institute of Transportation Engineers (ITE) recommends using a value of 9.6 trips per day for single-family dwellings

- Single-family residential developments are among the most surveyed category of uses. On average, one new housing unit will generate about 9 to 10 one-way vehicle trips each weekday. Some houses have less, other have more; but for a larger neighborhood with a range of family sizes, income levels, number of licensed drivers and registered cars, the average is a good indicator of overall trip intensity.

- For an average family, 10 "trips" could include some combination of the following:
    - Leaving and returning from work (2 one-way trips)
    - Taking a child to school in the morning and returning to pick them up in the afternoon (4 one-way trips)
    - Driving age children going to and from a friend's house (2 one-way trips)
    - Trip to and from shopping (2 one-way trips)
    - Trip to and from family member's sporting event (2 one-way trips)
    - Local deliveries and service providers (U.S. Mail, Fed Ex, Trash/recycle pick-up)
    - Trip to and from the doctor/pharmacy (2 one-way trips)
    - Trip to and from a restaurant of any type (2 one-way trips)
    - Trip to and from the recreation center or exercise facility (2 one-way trips)

Why don't Dallas streets last as long as ODOT roads?

The estimated life of an asphalt street in cities such as Dallas is 20 years, which is the same as ODOT. Concrete roads can last longer, but they are more expensive to build. Dallas has only a few, very old concrete streets.

Why do you need this fee now?

Pavement health worsens at an increasing rate as the pavement gets older if it is not properly maintained. The City at this point does not have enough in its budget for proper preventive maintenance. Like a roof that goes without periodic maintenance, eventually the underlying structure is so damaged that it can be repaired only at great cost. Without regular maintenance, an asphalt street's condition deteriorates 40% in the first 15 years of its life. Then, over the next 5 years, the street will deteriorate at such an accelerated rate that major construction is required. We are now at a critical point in this downward cycle and it is vital that the City find a source of funding for an ongoing maintenance program in the very near future.

Why not use Federal funds?

The City does not get Federal funds for "high use" streets. The City receives State funding from its share of the Oregon Gas Tax and a relatively small amount from the Federal Gas Tax and the State Highway Fund. The arterial and collector streets in the city have in the past been maintained by these funds. The local streets were maintained by any money left over and now have a backlog of deferred maintenance.

Which City streets does ODOT maintain?

ODOT maintains the following Streets inside the City of Dallas:

- East Ellendale Avenue - Main Street to City Limits

- Kings Valley Highway - City Limits to East Ellendale Avenue
- Main Street - East Ellendale Avenue to Washington St.
- Washington Street - SE Jefferson St to SW Fairview Avenue
- SE Jefferson Street - Washington St to Main Street
- SE Fairview Avenue - Washington St to City Limits

Many businesses have no idea what this is going to cost them. How will the City fix this?

The City will make every effort to contact each business in town the cost or review of the formula to calculate the cost of the proposed fee. The fee is a charge based off of usage, like your monthly sewer or water bill.

Is this street work going out to favored contractors on a "no bid" basis?

All public improvement contracts of the City are subject to the strict requirements of the Oregon Public Contract Laws, as well as the City's own public contract rules. Those laws and rules require, among other things, specific processes for obtaining quotes, proposals or competitive bids for public improvement contracts. The particular requirements depend on the amount of the contract, but none of the contracts for street improvements that might be entered into if the Transportation Improvement Fee is enacted would be on a no-bid basis.

Why not get the State to pay for maintenance of our streets?

The State already funds the vast majority of our street maintenance. However, due to declining revenues from the State and increased need, the City can no longer rely solely on the Highway Fund for enough funding to maintain city streets. The City must come up with its own revenue source to meet our local requirements. This includes budget dollars to complete pavement overlays, pavement treatments, and reconstruction work that are necessary to keep our street system functioning satisfactorily, particularly local residential streets.

How can the Council impose this fee without a vote of the people?

The Council has the authority to establish user fees by ordinance. Examples of existing user fees include water and sewer. These are separate funds within the City budget whose revenues pay for the operation and maintenance of that system. The street maintenance fee that is being proposed will be managed in the same fashion.

Why hasn't the City fixed this already? Sounds like bad planning.

The City Council discussed adopting the Transportation Improvement Fee in 2003 and again in 2005. At that time, the fee was proposed to be $1.50 per residence which was projected to meet the street maintenance needs well into the future. Based in part on negative public reaction, the Council chose to postpone action to see if other funding sources would fill the gap. Unfortunately, no other revenues have become available and meanwhile the streets have steadily deteriorated. The failure to adopt that fee years ago has now resulted in the higher proposed fee in order to catch up with the backlog of deferred maintenance. Should a fee not be adopted at this time, a few years from now the repair bill will be far greater.

Is the City hostile to business? It seems that way.

The City is not hostile to business. Quite the contrary, it is doing its best to attract and maintain local businesses. For example, the City provides the following programs and assistance for businesses:

Façade Loans, Façade grants, commercial enterprise credits, industrial enterprise program incentives, technical assistance for energy audits,

The City has no business license requirement.

The City has a far lower property tax rate than surrounding communities (Dallas is $14.47 per 1000; Salem is $18.31 per 1000; Independence is $19.55 per 1000).

The City works closely with business friendly organizations such as SEDCOR, the Dallas Area Chamber of Commerce, and the Dallas Economic Development Commission to foster and encourage the health and expansion of businesses in the community.

The Transportation Improvement Fee is aimed at maintaining the city's street in good repair. Poor streets in general are a detriment to a thriving business community and should not be acceptable.

Aren't there other ways to fund this?

The Council has considered alternatives to fund local street maintenance, including :

- Street Improvement Fee
- Street Improvement Bond
- Local Improvement Districts
- Toll Roads
- Local Gas Tax
- Curtailing or eliminating other City services and use those funds for street maintenance

Only the Transportation Maintenance Fee has the acceptable trade-offs to be practical. For example, a local gas tax is more problematic due to legislative constraints and would likely result in folks diverting their business to surrounding communities not burdened by a gas tax. This would be a very bad outcome for the local station owners.

Why not have a street bond?

One option the Council has considered is a street improvement bond for repair and maintenance of the streets. However, such a bond, if approved by voters, would have a much greater financial burden on taxpayers and businesses than the proposed fee. For instance, the minimum amount the City would consider for a street bond would be around $6,000,000. A business office with an assessed value of $200,000 would pay over $14.00 a month for 15 years. The Transportation Maintenance Fee for that same office would be only around $2.00 a month under the proposed fee schedule.

Why didn't your handout include the fee for all businesses?

The list of businesses and estimated monthly fees handed out at the Public Hearing on August 17 was a sampling of businesses and was not meant to exclude anyone or any type of use. The

list did include most of the higher end fees, so the $13,000 represented on the sample list includes a large percentage of the proposed total commercial fees collected. Many business owners came to the City prior to the hearing to have their fee calculated. As more precise fees are calculated they will be made available to the business owners.

It looks like the City is doing a poor job of maintenance by skin coating alligator cracking and using cold patch to fill pot holes. Why?

The City does not put a "skin" or thin coat of asphalt over a street that is alligator cracking, nor does it cold patch on a regular basis. These methods are simply not durable or cost-effective.

The City altered the information. The IO article has different dollar amounts than the City passed out later.

The information published by the newspaper was based on one bit of information listed in a City staff report. This was only one element in the formula for calculating the fee and would not produce an accurate fee number if used out of context from the rest of the formula. In fact, non-residential bills depend upon the type and size of the development. Business groups will be established based on **similar trip rates per square feet of gross floor area of usage** (GFA). **In the first year, business charges will range from $0.05 to $.30 per square feet of GFA, depending on the type of use and trip generation. This range will gradually increase to $0.09 to $0.60 per square foot of GFA over the following two years. The per square foot range given is an annual range, not a monthly range.** Constructing a formula from the bits of information published in the paper, some individuals in the community made incorrect assumptions about the fees and disseminated this information widely. At the Public Hearing for instance, the owner of the North Dallas Bar and Grill had heard that his fee was going to be $1,200 per month, whereas the City's calculation looked like it was going to be closer to $8.42 per month (it turns out to be $8.42 per month the first year capping out at $16.00 per month the third year based upon a 3,000 square foot customer area).

I heard that you are going to charge the merchants as much as $4,000 per month. Your numbers seem a lot lower. What gives?

The numbers that were circulated by private individuals to the merchants were so far off from reality that it is difficult to know how they were calculated. However, it appears that they simply used the square footage number without multiplying by the trip generation rate, a small fractional number. In addition, it appears that they assumed that the rate was a monthly rate, not an annual rate as was intended. This simple error resulted in a number 12 times larger than was used in the actual formula. The three elements in the real business formula are: trip generation rate for uses, square footage and the cost per trip.

The fee will destroy the town.

Most of the cities in Oregon that have a Street Maintenance Fee experienced a population growth rate of over 5% from 2000 to 2008.

The point of a Transportation Maintenance Fee is to maintain the quality of life of the community. We believe that poor quality streets undermine this goal and the cost is a value-added trade-off.

Will schools, churches and non-profits be charged?

The Council has yet to decide if schools, churches and nonprofits would be charged. They could very well decide not to charge a fee under the current proposal.

Log trucks and rock trucks cause the most damage. Will they be charged?

Large trucks pay a weight-mile tax to the State. A portion of this tax is sent to the City for reimbursing the cost of maintaining local roads experiencing the traffic of heavy vehicles.

Most of the log trucks and rock trucks do not drive on local streets, which is where most of the money from the proposed fee would be spent.

How about visitors? How do they pay for the streets?

Visitor traffic to businesses and residences is captured in the vehicle trip averages for that type of business or residence. For example, the $428 monthly fee that Dallas Wal*Mart would be expected to pay would include all the customer trips, both those from the community and those from out of town.

What would Windermere pay?

For the first year, the fee for 5,000 square feet of office is $4.62 a month under the current proposal.

What would Chevron and Dallas Select Market pay? I heard that Select Market would be charged $4,000 per month and Chevron $5,000.

The proposed initial fee to Chevron would be $24.53 a month and eventually $46.61 a month. Dallas Select Market would not be $4,000 a month; it would be an initial fee of around $75.00 a month.

What about Section 8 low income housing?

One possible consideration for the Council would be to review households that qualify for the "Low Income Utility Program." Those households could be 100% exempt from the Street Improvement Fee.

Does calling it a user fee give the city the flexibility to spend the fee monies for purposes other than road repairs and maintenance?

The money would be spent according to how the adopting ordinance designates and limits. The City proposes designating the money for street repairs and maintenance only.

Doesn't 30% growth mean 30% more income for streets?

Money for the Street Fund does not come from community growth or assessed valuation increases. No General Fund monies, those that come from primarily from taxes, are spent on street improvements or repairs.

Further, growth in population and growth in assessed value are not directly linked. Since the early 1990s with the implementation of Measures 5, 50 and 47, the base tax rates for municipal governments has had limits on taxable value increases as well as an established permanent tax rate. The "frozen" permanent tax rate for cities continues to fall further behind due to inflationary cost increases that have a direct impact on routine maintenance of infrastructure, facilities and the operation of general and essential services. Additionally, the maximum increase allowed on assessed property values is 3% a year, often below inflation. The impact on City infrastructure on the outyears is hard to calculate but could be dire if alternate sources of funding vital programs are not found.

Is the proposed Transportation Improvement Fee a tax or a fee?

It is a fee. The Oregon constitution defines a property tax as "any charge imposed by a governmental unit upon property or upon a property owner as a direct consequence of ownership of that property except incurred charges and assessments for local improvements." Article XI, Section 11b(2)(b).

In the case of Roseburg School Dist. v. City of Roseburg, the Oregon Supreme Court held that a storm drainage utility fee enacted by the city and imposed on persons who paid water charges or had the right to occupy property was a fee, and not a tax, because (1) the city had no lien provision that could burden the property and (2) the city had no mechanism for assessing default liability exclusively against the property owner. In Knapp v. City of Jacksonville, the Oregon Supreme Court held that a public safety fee, collected as a surcharge on sewer and water users, was also a fee and not a tax. The fee was added to all monthly water and sewer bills and was payable by the persons who were normally responsible for paying those bills. These cases provide clear guidance to the city in structuring the proposed fee so that it does not constitute a tax on property.

Was the council meeting on August 17 a lawful meeting?

It was a lawful meeting. The meeting at which the public hearing on the Transportation Improvement Fee was held was a regularly scheduled meeting of the Dallas City Council. Oregon Public Meetings Law requires that notice of a regularly scheduled meeting be reasonably calculated to give actual notice of the time and place of the meeting, and the principal subjects anticipated to be considered at the meeting, to interested persons including local news media who have requested notice. In this case, notice of the meeting, including the public hearing on the Transportation Improvement Fee, was provided in the usual manner for regular council meetings to the local media and to those persons who have requested notice as well as on the City website and by posting of the agenda at city hall. A special notice of the public hearing was also published in the Itemizer-Observer. As a hearing on a proposed legislative matter, the public hearing was provided as an opportunity for the public, generally, to address the council on the proposal and was not subject to the procedural requirements that apply to quasi-judicial land use-type hearings.

Does the Council have the authority to enact a Transportation Improvement Fee without a vote of the people?

Yes. Oregon state law and the Dallas City Charter provide broad authority to the elected members of the City Council to adopt an ordinance enacting a Transportation Improvement Fee.

Why doesn't the State or Federal Government pay for street maintenance?

Local street maintenance is a local responsibility. Although the City has been very aggressive (and successful) in receiving stimulus money this year, no such grants are available for on-going maintenance. In general, the stimulus money is allocated to help reduce a large maintenance backlog and is not helpful going forward.

What will happen if the State passes an increase in the gas tax?

By ordinance, the Transportation Maintenance program funding can be reduced or eliminated if and when new State, or Federal funding becomes available. If an increase in state gas tax were to increase revenue significantly, the city fee could be reduced.

Residential and Business Cost

Every Utility Sewer Bill would be charged the following
Multi family, Mobile Home and Manufactured Home parks would be charged per unit
Individual Businesses pay same rate as a residential unit – Home Occupations are excluded

Every Residential unit Utility Sewer Bill would be charged the following
Starting July 1, 2010 – $2.50 a month
July 1, 2011 - $3.50 a month
July 1, 2012 - $4.50 a month
July 1, 2013 - $5.50 a month

Business pay by category:

Manufacturing / Industry
Starting July 1, 2010 – $1.50 a month
July 1, 2011 - $2.00 a month
July 1, 2012 - $3.00 a month
July 1, 2013 - $4.00 a month

Office
Starting July 1, 2010 – $2.50 a month
July 1, 2011 - $4.00 a month
July 1, 2012 - $5.00 a month
July 1, 2013 - $6.00 a month

Retail, Service, Food
Starting July 1, 2010 – $5.50 a month
July 1, 2011 - $7.00 a month
July 1, 2012 - $9.00 a month
July 1, 2013 - $10.00 a month

Every Utility Sewer Bill would be charged the following
Multi family, Mobile Home and Manufactured Home parks would be charged per unit
Individual Businesses pay same rate as a residential unit – Home Occupations are excluded

July 1, 2010 – $2.50 a month	Annual revenue - $165,000
July 1, 2011 - $3.50 a month	Annual revenue - $231,000
July 1, 2012 - $4.50 a month	Annual revenue - $297,000
July 1, 2013 - $5.50 a month	Annual revenue - $363,000

OR

Business pay by category:

Manufacturing / Industry

July 1, 2010 – $1.50 a month	Annual revenue - $900
July 1, 2011 - $2.00 a month	Annual revenue - $1,200
July 1, 2012 - $3.00 a month	Annual revenue - $1,800
July 1, 2013 - $4.00 a month	Annual revenue - $2,400

Office

July 1, 2010 – $2.50 a month	Annual revenue - $3,000
July 1, 2011 - $4.00 a month	Annual revenue - $4,800
July 1, 2012 - $5.00 a month	Annual revenue - $6,000
July 1, 2013 - $6.00 a month	Annual revenue - $7,200

Retail, Service, Food

July 1, 2010 – $5.50 a month	Annual revenue - $13,200
July 1, 2011 - $7.00 a month	Annual revenue - $16,800
July 1, 2012 - $9.00 a month	Annual revenue - $21,600
July 1, 2013 - $10.00 a month	Annual revenue - $24,000

Residential Rate (4,500 units)

July 1, 2010 - $2.50 a month	Annual revenue - $135,000
July 1, 2011 - $3.50 a month	Annual revenue - $189,000
July 1, 2012 - $4.50 a month	Annual revenue - $243,000
July 1, 2013 - $5.50 a month	Annual revenue - $297,000

Bond Question

Based off of the maintenance and repair schedule listed in the Capital Improvement Plan the recommended bond amount would need to be $7,000,000 for a 20 year term. For a homeowner, the property tax increase would average 64 cents per thousand dollars of assessed value for the 20 year period. This would mean that an owner of property with an assessed value of:

$100,000 would pay $64.00 per year or $5.33 per month
$150,000 would pay $91.00 per year or $7.58 per month
$200,000 would pay $118.00 per year or $9.83 per month

DALLAS CITY COUNCIL
REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **7 e**	**Topic:** Senior Center Update
Prepared By: Jerry Wyatt	**Meeting Date:** September 21, 2009	**Attachments:** Yes ☐ No ■

RECOMMENDED MOTION:

None. I am prepared to move forward with a committee focused on funding the project. I would appreciate the continued support for this work group from the Mayor and Council person LaVonne Wilson and Council person Brian Dalton.

BACKGROUND:

I feel at this time that the Senior Center Advisory Board has completed its assigned task of site selection and building design. The proposed new funding work group would be Chaired by Jerry Wenstrom and will focus on the following task orders:

Funding Strategies: The capitalization strategy that was discussed for the 4,000 square foot Dallas Senior Center project has four primary funding components, they are:

1. CDBG Application
   Strategy: Utilize the $800,000 CDBG as the foundation on which other funders will build.
   Status: Oregon Economic and Community Development Department has provided preliminary approval to apply for the CDBG.

2. Initiate Grant Writing
   Strategy: Contact foundations and grantors who may require a new Letter of Inquiry (LOI) or new grant applications.
   Status: Prepare documents and apply for the following grants and/or LOI's
   - Spirit Mountain Community Fund ($50,000)
   - Meyer Memorial Trust ($175,000)
   - Collins Foundation ($50,000)
   - Oregon Community Foundation ($35,000)
   - Ford Family Foundation ($175,000)
   - Paul Allen Foundation ($50,000)
   - MJ Murdock Charitable Trust ($100,000)
   - Wal Mart Community Foundation ($15,000)

3. Local Fundraising and In-Kind Donations:
   Strategy: The Dallas Area Seniors need to raise over $50,000 in cash locally to pay for furniture, fixtures, and equipment (FF&E).

4. <u>Additional Grant Writing:</u>
   Strategy: The capitalization will be completed by submitting grants to "general purpose" funders within the state.
   Status: A list of funders has been identified:
   - Autzen Foundation – request for $15,000
   - Ann and Bill Swindells Charitable Trust – request for $35,000
   - Plum Creek Lumber Foundation – request for $15,000
   - Rose E. Tucker Charitable Trust – request for $15,000
   - Henry Hillman Foundation – request for $20,000
   - Safeway Foundation – request for $10,000
   - Bridges Foundation – request for $10,000
   - Jeld Wen Foundation – request of $30,000

AGENDA

City of Dallas Planning Commission

TUESDAY, September 15, 2009 - 7:00 p.m.
City Hall Council Chambers
187 SE Court Street

Planning Commission

President
Chuck Lerwick

Vice President
Dave Pederson

Commissioner
Bob Wilson

Commissioner
Doris Stefani

Commissioner
Carrie Mendell

Commissioner
Carol Kowash

Commissioner
Murray Stewart

Staff

City Manager
Jerry Wyatt

City Attorney
Lane Shetterly

Community Development Director
Jason Locke

Planner
John Swanson

Recording Secretary
Laurie Roberts

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES - Regular meeting of August 11, 2009

4. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please.)

5. PUBLIC HEARINGS

   A) A public hearing on the Dallas Development Code Amendments

6. OTHER BUSINESS

7. COMMISSIONER COMMENTS

8. STAFF COMMENTS

9. ADJOURN

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

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

Dallas Public Library
Monthly Report for August 2009

Circulation Statistics

Adult	Aug 2009	Aug 2008		Children	Aug 2009	Aug 2008
Print Materials	6917	7254		**Print Materials**	2716	2528
Books on Tape/CD	473	464		**Books on Tape/CD**	160	188
AV Materials	1283	1058		**AV Materials**	1047	808
Misc. items	995	1931				
2009 Year to Date 81,770				**2009 Year to Date 30,240**		
Remote Renewals 860			**2009 Year to Date 6933**			
Combined Total 118,943						

Additional Activity

	August 2009	August 2008	Year to Date 2009
Non-Resident User Fees	$ 150.00	$470.00	$ 4840.00
Fines Collected	$ 782.85	$ 722.63	$ 5820.69
Photocopies	$ 149.20	$ 71.86	$ 743.43
Reference Questions	1230	969	8889
Volunteer Hours	282	270	2202.5

Registered Patrons – August 2009

City Residents			**Non-Resident – Fee Paid**			**Non-Resident - Restricted**	
Adult	5017		Adult	341		Adult	1135
Child	1302		Child	57		Child	359
YA (12-17)	682		YA (12-17)	35		YA (12-17)	174
Total	**7001**		**Total Fee**	**433**		Kids C.A.R.E.	457
						Total Restricted	**2125**
Non-Resident Total 2558							
Total Registered Patrons 9559							

Summer sessions of both Infant/Toddler and Preschool Storytimes closed at the end of July. They will resume shortly after school starts in September. However, the Children's Room held 2 special events, bringing in 42 attendees. At the same time during August, the Children's Room participated in presenting stories, etc. to the lunch group at LaCreole, with 139 children in attendance. This brings a total of 181 children hearing about the Dallas Library while attending fun activities.

EBSCO, still our magazine database, logged 20 searches in August. As anticipated, with school out for the summer, the use of this database has slowed considerably. However, this easy to use and definitely user friendly resource continues to be used by patrons of all ages, both at home and in the Library. As mentioned last month, libraries throughout the state are transitioning to a new magazine database. This transition is still in process; however, patrons are fully able to search for magazine information.

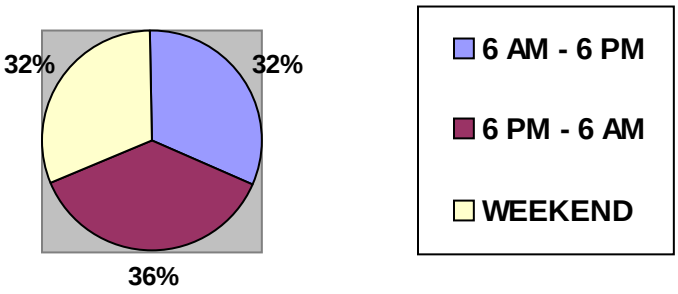
COUNCIL REPORT – AUGUST 2009

To: Mayor & City Council Members

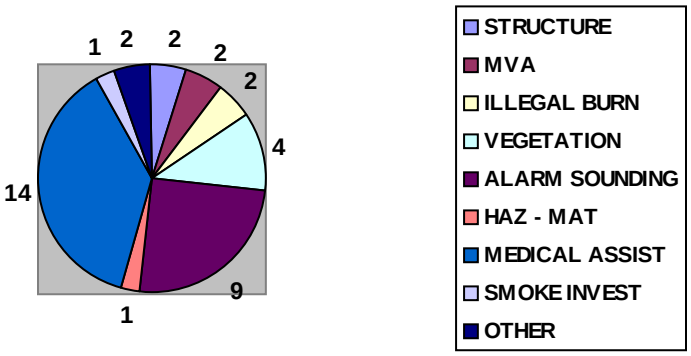
From: Fire Chief Bill Hahn

Dallas Fire Department:

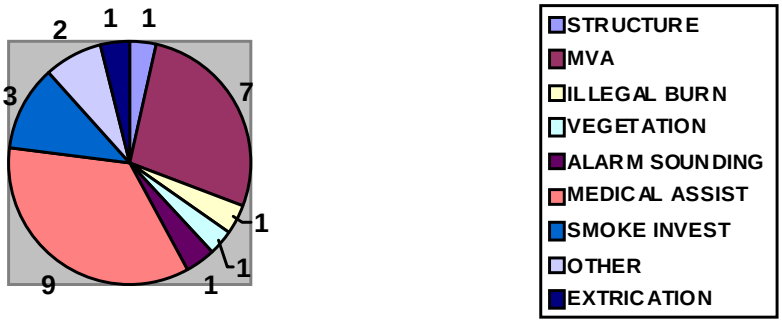
Station 100 responded to 63 calls of which 20 were between 6 AM – 6 PM, 23 between 6 PM – 6 AM and 20 during the weekend.



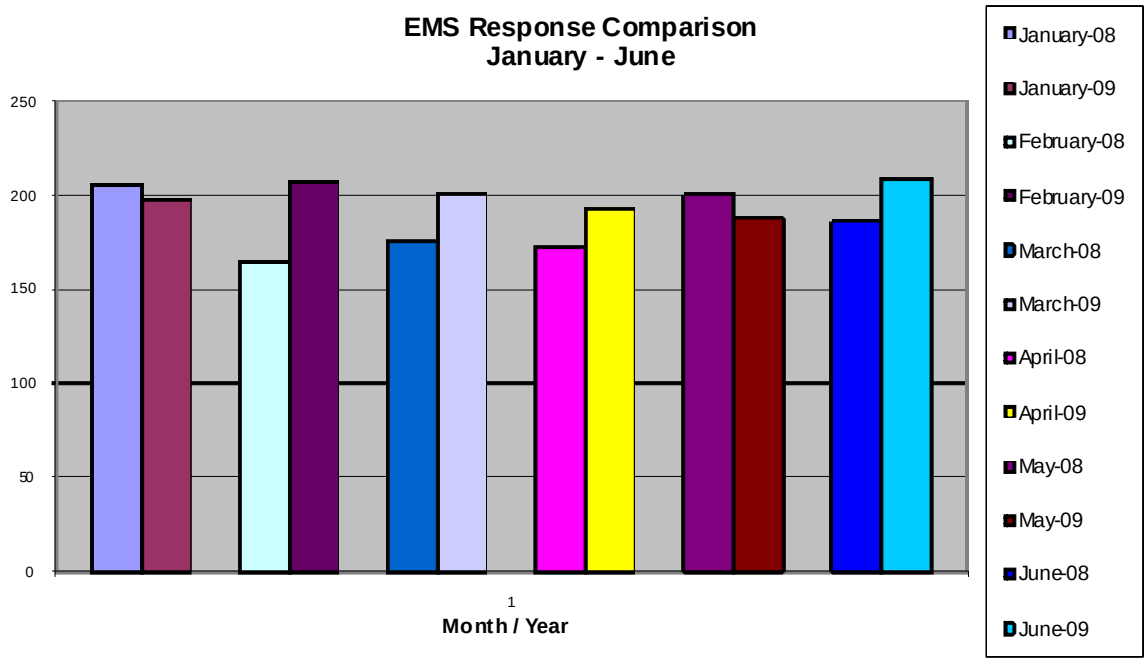
City Responded to the following incidents during the month from station 100.

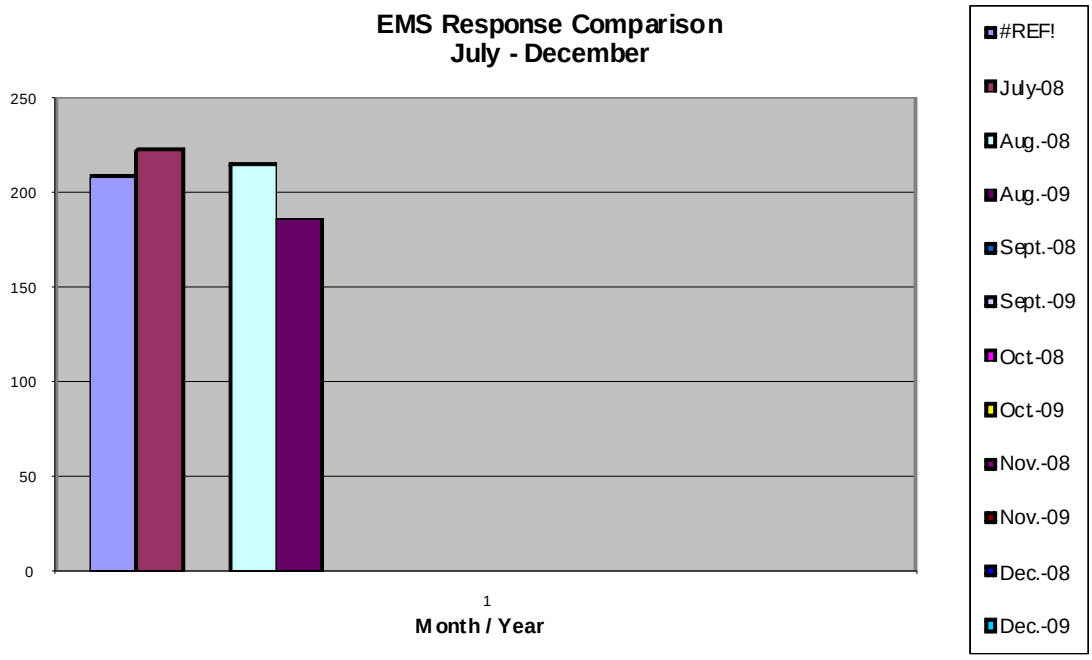


Rural responses by station 110 during the month were for the following incidents.



Dallas Emergency Medical Service:





Investigations / Arrests

Animal Ordinance Offenses	Clear by Arr	03
Assaults	Clear by Arr	06
Burglary	Clear by Arr	02
Criminal Mischief	Clear by Arr	02
Curfew	Clear by Ref	01
Disorderly Conduct	Clear by Arr	04
DUII	Clear by Arr	04
Driving While Suspended	Clear by Arr	01
Drug Offenses	Clear by Arr	03
Endangering Welfare Minor	Clear by Arr	01
Fail Carry Present License	Clear by Arr	06
Harassment	Clear by Arr	04
Improper Use 911	Clear by Arr	01
Initiating False Report	Clear by Arr	01
Menacing	Clear by Arr	02
Minor in Possession Alcohol	Clear by Arr	12
Fail Perform Duties Driver	Clear by Arr	01
Prohibited Exposure	Clear by Arr	01
Public Indecency	Clear by Arr	02
Reckless Burning	Clear by Arr	01
Reckless Driving	Clear by Arr	01
Recklessly Endangering	Clear by Arr	01
Resisting Arrest	Clear by Arr	02
Runaway	Clear by Ref	03
Strangulation	Clear by Arr	02
Thefts	Clear by Arr	06
Unnecessary Noise	Clear by Arr	01
Violation Restraining Order	Clear by Arr	01
Warrants	Clear by Arr	13
Willful Detention Library Mtls	Clear by Arr	02

90 TOTAL ARRESTS (AUG '08 Arrests: 87)

The following is a summary of traffic violations committed:

28 Speeding Violations
07 License Violation
30 Pedestrian Violations
12 Moving Violations
07 All Other

JUVENILES

Eleven juveniles were referred to juvenile authorities for their actions

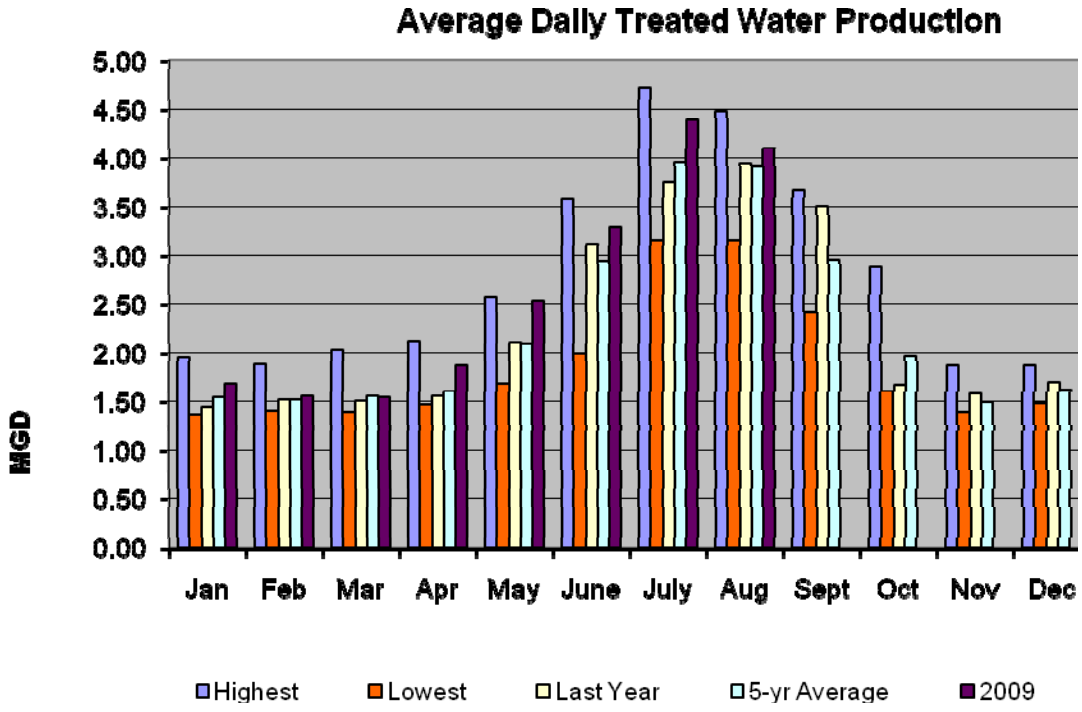
TOTAL CALLS FOR SERVICE: 903 (Last yr: 900)

208 Incident Case No.'s
695 CAD Event Reports

DEPARTMENT OF PUBLIC WORKS
Monthly Report for August 2009

Water Division

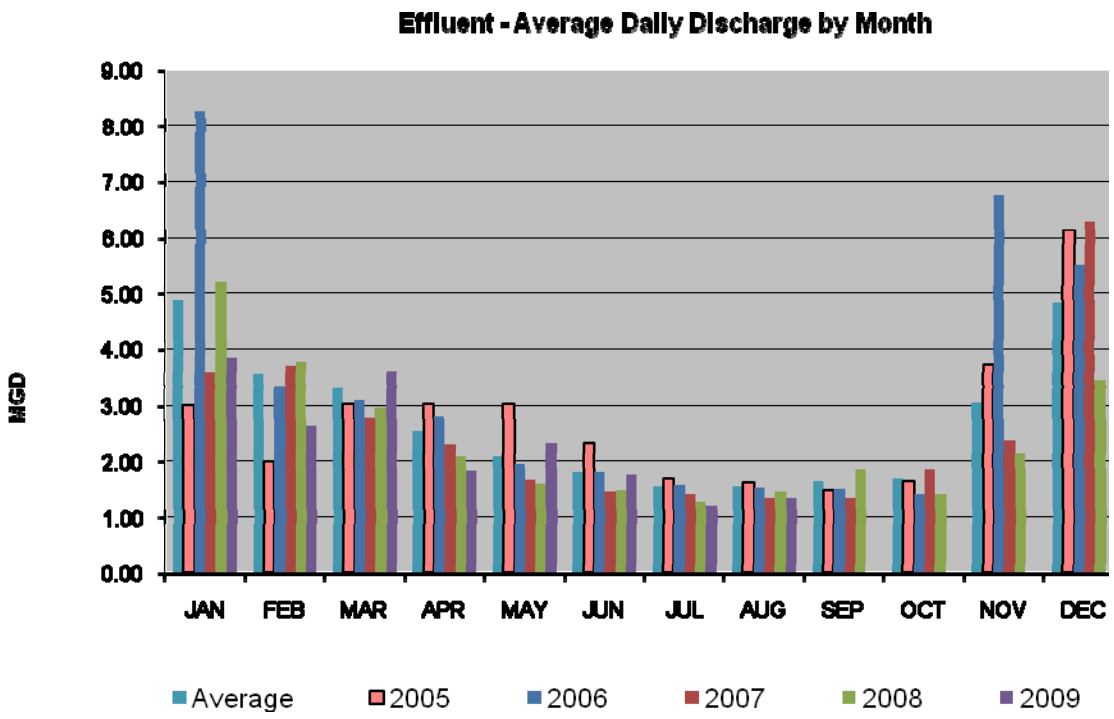
		2009	Unit		2008	Unit
Total Discharge to Town		12.74	MG		128.25	MG
Total Water Raw		11.55	MG		116.01	MG
Peak Day	8-4	4.63	MG	8-6	4.98	MG
Daily Average-Raw		3.73	MGD		3.74	MGD
Daily Average-City		4.11	MGD		4.14	MGD
Backwash Water		5.28	MG		2.95	MG
Filter to Waste		1.34	MG		.35	MG
Flushing			MG		.50	MG
Discharge Water		.10	MG		.10	MG
ASR Injection			MG		4.96	MG
Average High Temp		82 °	F		80 °	F
Average Low Temp		55 °	F		55 °	F
Total Precipitation		.18	Inches		1.28	Inches



Wastewater Division

Effluent Flow

		2009 Units		2008 Units
Monthly Total Flow		41.70 MG		41.24 MG
Peak Day Flow	(August 12)	1.42 MG	(August 3)	1.51 MG
Daily Average Flow		1.35 MG		1.17 MG



Plant Maintenance

- ✓ Humus Ponds are mixed daily to accelerate drying of biosolids.
- ✓ Repairs to John Deere tractor have been made.
- ✓ Plant grounds upkeep is in full swing with summer weather.
- ✓ Staff has updated the WWTP Emergency Action Plan

Plant Performance

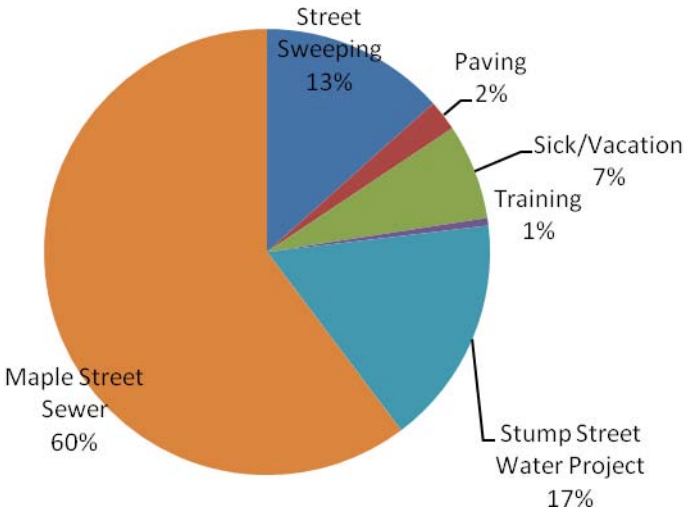
The wastewater plant is in the summer period of NPDES permit requirements (May to October) during which effluent limits become more stringent due to lower flows and ecological concerns in Rickreall Creek. The East headworks screen is scheduled for a major overhaul in September 2009. The ultraviolet (UV) disinfection system is scheduled for a complete lamp replacement in fiscal 09-10.

Parks

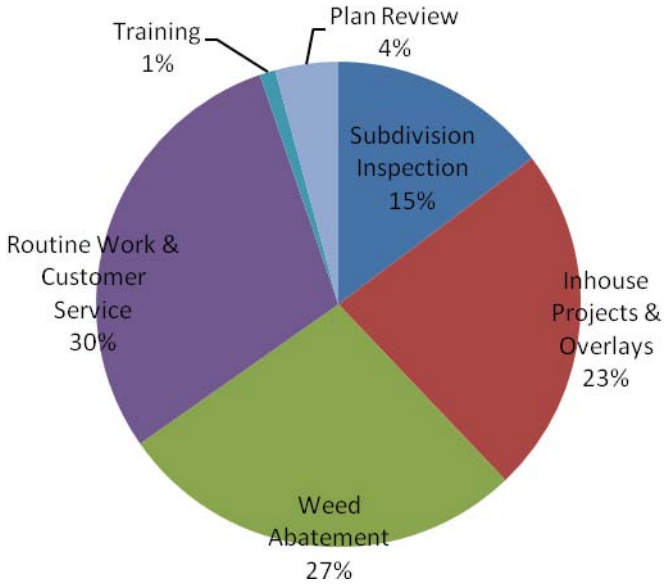
The Parks department provided the following routine services:

- ✓ Cleaned leaves from shrub beds
- ✓ Applied fertilizer to lawn and shrub areas
- ✓ Repaired damage caused by vandalism
- ✓ Regular mowing of all parks
- ✓ Weed shrub beds and landscape areas
- ✓ Performed monthly safety check of playground equipment on August 21
- ✓ Removed leaves from trails
- ✓ Pick up fallen limbs
- ✓ Equipment service checked and/or repaired
- ✓ Academy wetland maintenance
- ✓ Install Disc Golf course goals
- ✓ Continued storm damage clean-up from December
- ✓ Worked on new landscape plan for Aquatic Center
- ✓ Cut down tall grass on hillside across from Roger Jordan Community Park

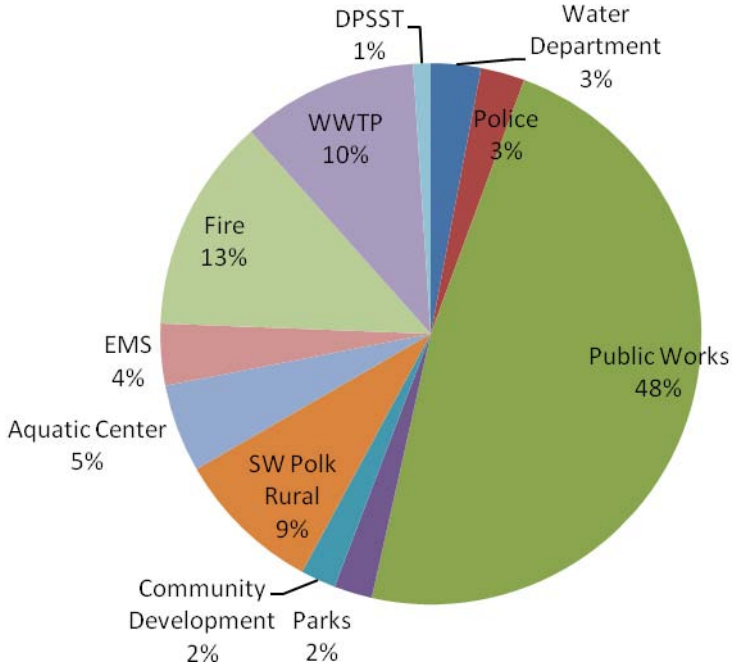
Street and Construction Division



Engineering



Fleet Management



RESOLUTION NO. 3192

A Resolution adopting the Polk County Multi-Jurisdictional Hazard Mitigation Plan.

WHEREAS, the City of Dallas has experienced repetitive disasters that have damaged commercial, residential and public properties, displaced citizens and businesses, and presented general public health and safety concerns; and

WHEREAS, the Federal Emergency Management Agency (FEMA) issued the Disaster Mitigation Act of 2000, requiring local governments to develop and complete FEMA approved natural hazard mitigation plans in order to be eligible for certain federal assistance programs; and

WHEREAS, the City, has cooperated with Polk County and the other incorporated jurisdictions within Polk County in the updating of Polk County's 2006 Natural Hazards Mitigation Plan as a Multi-Jurisdictional Hazard Mitigation Plan to include newly identified hazards affecting individual jurisdictions, provide a comprehensive risk assessment and vulnerability analysis, provide community-based mitigation actions, identify funding sources; and

WHEREAS, the Polk County Multi-Jurisdictional Hazard Mitigation Plan addresses eight chronic hazards – flood, landslide, wildfire, severe winter storm, windstorm, drought, erosion and expansive soils, and two catastrophic hazards – earthquakes and volcanic eruptions; and

WHEREAS, the Polk County Multi-Jurisdictional Hazard Mitigation Plan provides a set of strategies and measures the City, as part of the Plan, can pursue to reduce the risk and fiscal loss to the City and its residents from natural hazard events; and

WHEREAS, the Polk County Multi-Jurisdictional Hazard Mitigation Plan includes resources and information that will assist residents, public and private sector organizations and other interested parties in participating in natural hazard mitigation activities; and

WHEREAS the Polk County Multi-Jurisdictional Hazard Mitigation Plan has been reviewed by community residents, business owners, and federal, state and local agencies, to reflect their input and concerns; and

WHEREAS, the Polk County Multi-Jurisdictional Hazard Mitigation Plan was submitted to and has been approved by FEMA as containing the required plan elements; NOW, THEREFORE

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

Section 1. The Polk County Multi-Jurisdictional Hazard Mitigation Plan is hereby approved and adopted as an official plan of the City of Dallas. A copy of the cover page of the Plan is attached hereto as Exhibit 1 and by reference incorporated herein.

Section 2. The City Manager, or the City Manager's designee, is authorized and directed to represent the City and participate on the Hazard Mitigation Planning Team established under the Polk County Multi-Jurisdictional Hazard Mitigation Plan.

Section 3. This resolution shall be effective upon its passage.

Adopted: September 21, 2009
Approved: September 21, 2009

_____
JAMES B. FAIRCHILD, MAYOR

ATTEST:

_____
JERRY WYATT, CITY MANAGER

Exhibit 1

Polk County

Multi-Jurisdictional Hazard Mitigation Plan Update

May 2009

ORDINANCE NO. 1707

An Ordinance amending Dallas City Code Section 6.305, relating to parking; and repealing conflicting provisions.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 6.305 is hereby amended to read as follows:

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 of 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.

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

Read for the first time: September 21, 2009
Read for the second time: October 5, 2009
Adopted by the City Council: October 5, 2009
Approved by the Mayor: October 5, 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