



# Dallas City Council Agenda

Monday, March 1, 2010, 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

City Recorder  
Emily Gagner

*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 sign in on the provided card.*

## ITEM

## RECOMMENDED ACTION

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### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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### 2. 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.*

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### 3. 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. Walmart zone change **p. 3**

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### 4. CONSENT AGENDA

*The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.*

#### a. Approval of February 16, 2010 City Council Minutes **p. 15**

#### b. Acknowledge report of Feb 22 Public Works Committee Meeting (action item addressed later on agenda) **p. 17**

#### c. Acknowledge report of Feb 22 Public Safety Committee Meeting (no action items at this time) **p. 23**

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### 5. ITEMS REMOVED FROM CONSENT AGENDA

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### 6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS

#### a. Action item from Feb 22 Public Works Committee: **Motion** *Utility bill late fees p. 34*

#### b. Other

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# Dallas City Council Agenda

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### 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.

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## 7. REPORTS FROM CITY MANAGER AND STAFF

- a. Auditor report [p. 37](#) Information
- b. Economic and Commercial Development Update [p. 42](#) Information
- c. New utility bill format [p. 45](#) Information
- d. TGM grant support letter [p. 46](#) Motion
- e. Other

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## 8. RESOLUTIONS

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### 9. FIRST READING OF ORDINANCE

- a. [Ordinance No. 1719](#): An Ordinance amending provisions of the Dallas City Code Section 4.458, relating to utility billing. [p. 49](#) First Reading

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### 10. SECOND READING OF ORDINANCE

- a. [Ordinance No. 1718](#): An Ordinance amending provisions of the Dallas City Code Section 3.410, relating to service driveway standards. [p. 51](#) Roll call vote

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## 11. OTHER BUSINESS

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## 12. ADJOURNMENT

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# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 3.a</b>	<b>Topic:</b> Wal-Mart Zone Change
<b>Prepared By:</b> Jason Locke, Community Development Director	<b>Meeting Date:</b> March 1, 2010	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED ACTION:** Approve the zone change in accordance with Resolution No. 2207 and direct staff to prepare an Ordinance adopting said zone change.

**BACKGROUND:**

Location of subject property: 321 NE Kings Valley Highway  
 Map id: 7S5W28DB-Taxlot1400 and 7S5W28CA-Taxlot201  
 Property size: 8.8 ac +/-

Staff was recently contacted by representatives of the Wal-Mart Co. regarding the adoption of the amended Development Code. They had concerns related to the restrictions and requirements of the Commercial Neighborhood (CN) zoning designation. The conversation raised questions as to why the Wal-Mart property was zoned CN, a totally inappropriate zone for the use. The subject property is designated Commercial on the Comprehensive plan map.

After doing some fairly involved research, the following issues came to light:

1. In 1980, the City Council adopted Resolution No. 2207 Resolution No. 2207 was a resolution of intent to rezone the current Wal-Mart property (and other properties on the east side of Polk Station Road) from Commercial Restricted (CR) and Residential Agriculture (RA) to Commercial General (CG).
2. At that time, a resolution of intent to rezone meant that prior to the actual rezoning of the property by ordinance, the property must have a development plan approved by the Planning Commission. Once that plan was approved and the development implemented, an Ordinance adopting the zone change was adopted.
3. In February 1994, the Wal-Mart site development plan was approved by the Planning Commission after 2 public hearings utilizing standards and criteria from the Commercial General zoning district. The project was completed in 1995.
4. As far as staff can tell, there was no Ordinance adopting the zone change to Commercial General in 1995 or thereafter, as should have occurred.
5. In 1999, the CR designation appears to have been replaced by the CN designation, and was applied to the Wal-Mart property. There is no discernible reason this occurred, other than perhaps an oversight or error.

In order to correct past errors with respect to the zoning of the property, and failure to designate the zone change to CG when the site plan was approved in 1994, staff is recommending that the

City Council adopt an ordinance which would properly designate the property Commercial General (CG) on the city zoning map, in accordance with Resolution No. 2207.

**FISCAL IMPACT: None**

**ATTACHMENTS:**

- A) Resolution No. 2207
- B) Site approval of the Wal mart store dated February 15, 1994
- C) Public Hearing Notice
- D) Map

RESOLUTION NO. 2207

A Resolution of intent to change the zone of certain property located South of the N. E. Kings Valley Highway, West of N. E. Polk Station Road and North of E. Ellendale Avenue upon the condition that a site development plan for the area be submitted to and accepted by the Planning Commission.

WHEREAS, a majority of the property owners of the property lying within a triangular shaped parcel of land bounded by the N. E. Kings Valley Highway on the North, by N. E. Polk Station Road on the East and E. Ellendale on the South have made application for a change in the zone applicable to the following described Polk County Tax Lots, to-wit:

Tax Lots 200 and 201 28CA75; Tax Lots 100, 300 and 401 28CD75; and Tax Lots 2201, 2202, 2300, 2301, 2302, 5100, 5200 and 5300 28D75;

--from RA, Residential Agricultural, as to a portion thereof and from CR, Commercial Restricted, as to a portion thereof to CG, Commercial General; and

WHEREAS, the Planning Commission of the City of Dallas subsequent to the filing of said application, and after due notice thereof, held a public hearing on said proposed zone change on December 11, 1979; and

WHEREAS, the said Planning Commission heard all persons desiring to be heard in favor of or in opposition to said application; and

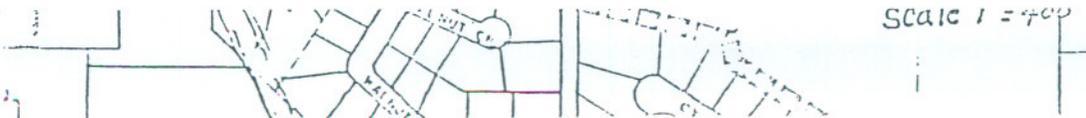
WHEREAS, at the conclusion of said hearing, said Planning Commission determined that the application be reported to the City Council of the City of Dallas with a recommendation that said application be granted upon the condition that a site plan as provided for by Sections 176 and 177 of Ordinance No. 1250 of the City of Dallas be submitted to and approved by the Planning Commission of the City of Dallas; and

WHEREAS, the said Planning Commission made and adopted appropriate findings of fact to support its recommendation to the City Council at its meeting held on said 11th day of December, 1979; and

WHEREAS, the said City Council received the report and recommendation of the Planning Commission at its regular meeting held on the 17th day of December, 1979; and

WHEREAS, after receiving said report, the City Council fixed Monday, the 7th day of January, 1980, as the date, the City Council Chambers in the City Hall as the place and 7:45 o'clock p.m. as the time for a public hearing before said City Council on said application; and

WHEREAS, the said City Council sat at the date, time and place hereinbefore mentioned for the purpose of hearing all persons desiring to be heard in favor of or in opposition to said application and the recommendation of said Planning Commission thereon; and



WHEREAS, no persons appeared in favor of said application and only one person owning property in said area expressed opposition to the inclusion of his property in said application; and

WHEREAS, the City Council determined that it was unable to act upon said application in the absence of any appearance by the applicants and that said hearing should be continued to the next regular Council meeting date; and

WHEREAS, the said City Council met on the 21st day of January, 1980, that being its next regular Council meeting date, and reopened said hearing for the purpose of permitting all persons in favor of or in opposition to said application to be heard thereon; and

WHEREAS, the City Council heard spokesmen for the applicants and considered the staff reports and the report of the Planning Commission in connection with said application; and

WHEREAS, no person appeared in opposition to said application and recommendation; and

WHEREAS, at the conclusion of said hearing, the City Council determined that the recommendation of the Planning Commission that the zone be changed upon the condition that a site plan as required by Sections 176 and 177 of Ordinance No. 1250 be submitted to and approved by the Planning Commission; and

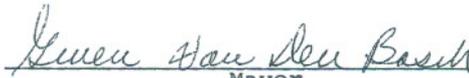
WHEREAS, the said City Council thereupon adopted as its own the report and findings and the recommendation of said Planning Commission and determined that it should express its intent to change the zone of said real property in accordance with said application when the condition hereinabove and hereinafter set forth has been met: NOW, THEREFORE,

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

Section 1. That the City Council of the City of Dallas intends to change the zone of the real property hereinabove more particularly described in accordance with the application of a majority of the owners of said real property filed with the Planning Commission of the City of Dallas upon the condition that the applicants cause a site plan as referred to in Sections 176 and 177 of Ordinance No. 1250 of the City of Dallas affecting said real property to be submitted to and approved by the Planning Commission of the City of Dallas.

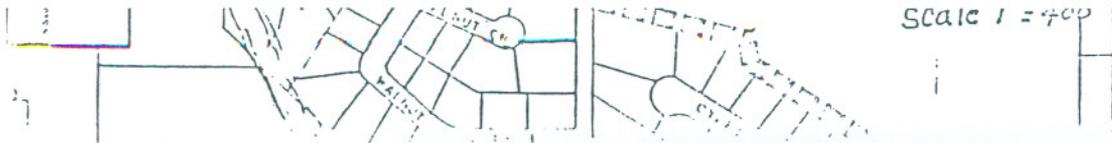
Adopted February 4, 1980.

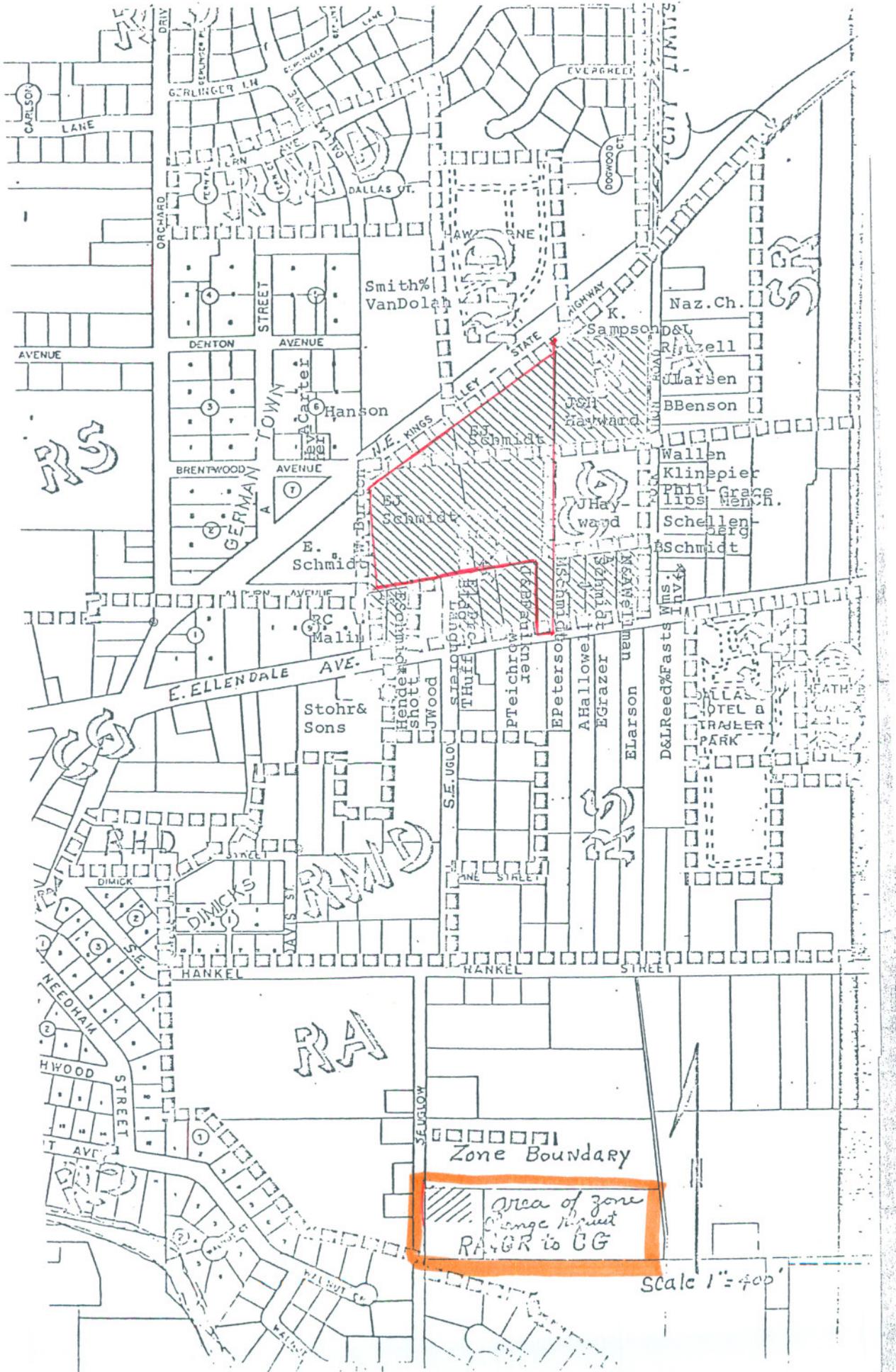
Approved February 4, 1980.

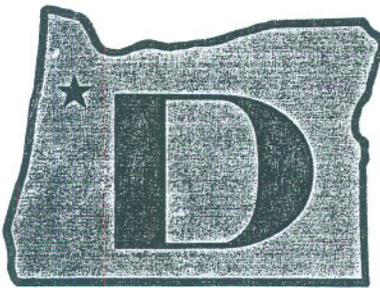
  
\_\_\_\_\_  
Mayor

ATTEST:

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







**City of Dallas** Office of the Director  
of Community Development

February 15, 1994

Steve Ward, Westech Engineering  
3421 25th SE  
Salem, Oregon 97301

Dear Mr. Ward,

On Tuesday evening, February 8, 1994, the City of Dallas Planning Commission met in regular session to receive comments on the revised proposal to approve a site development plan for Wal-Mart, to be located in the area of East Ellendale Avenue, NE Polk Station Road, and Kings Valley Highway.

The staff report was read, testimony was received, and discussion was held. A motion was then duly made, seconded, and passed to approve your request as presented with the eight conditions listed in the staff report and the ninth as previously approved:

- 1) Compliance with all improvements specified in the site plans as submitted.
- 2) Completion of all proposed water, sanitary and storm sewer improvements to the satisfaction of the Oregon Department of Transportation (ODOT) and the City Engineer. In addition, the developer must provide a 15 foot utility easement for the fire water line, provide domestic water service independent of the fire line with a meter located on the public right of way, and provide easements for the sanitary main line and laterals to the sanitary main line from other properties.
- 3) Connection to the sanitary sewer, which is subject to the State Department of Environmental Quality's renewal of the City's National Pollutant Discharge Elimination System Permit and approval of modifications to the sanitary system.
- 4) Completion of full improvements along the entire north boundary which abuts Highway 223. This includes curbs, sidewalks, and street improvements as required by the City and State engineers.
- 5) Agreement to meet all City parking requirements and to comply with all specifications on site plan.
- 6) Agreement to complete full street improvements on Bovard Street, including storm system, curbs and 36 feet of full improvements along with additional width for turning movements to the satisfaction of the City Engineer, at the intersection with Polk Station Road. In addition, the property owner must provide an agreement that they will not close or

Steve Ward, Westech Engineering  
February 15, 1994  
Page 2

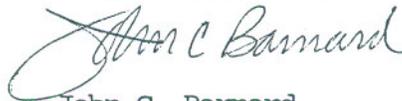
obstruct the intersection of the parking lot and Bovard Street without the City's consent.

- 7) Agreement to make improvements required by ODOT to the westerly driveway if the driveway fails to meet acceptable traffic safety warrants.
- 8) Agreement to change the proposed easterly driveway to a right-hand turn entrance only as required by ODOT.
- 9) Execute an agreement, in a form acceptable to the City Manager and City Attorney, to participate in a manner deemed fair and reasonable by the City Council after taking into consideration Wal-Mart's contribution to system development fees for streets, in paying the cost of installing a traffic light at the Polk Station Road/Ellendale Avenue intersection when state traffic signal warrants require installation of the light.

The applicant or opponents have the right to appeal the decision of the Planning Commission in writing to the Dallas City Council within fifteen days from the date of this letter.

If we may be of further assistance in this matter, please feel free to contact our office.

Very truly yours,



John C. Barnard  
Director of Community Development

JCB:bc

Report of Facts:

This is a request by Wal-Mart to amend the previously approved site plan for construction of a retail store on the triangle of property located approximately 600 feet west of Polk Station Road between Kings Valley Highway and East Ellendale Avenue. Wal-Mart has filed an amendment which would move the building north of its previously approved location. This change would allow for phase I construction of the same store which was previously approved, approximately 78,000 square feet, without requiring removal of existing businesses along Ellendale. Attached to this staff report is the December 14 staff report and the supplemental staff report concerning the Wal-Mart request. In addition, attached is a copy of the letter citing the conditions under which the previous site plan was approved.

Public Works Report:

Since the proposed modification is simply to shift the building to the north, it does not substantially change the public works report in the previous staff report, with the exception that the developer, because the building will not be built over the City sanitary sewer line, will not need to replace the existing east-west sewer line.

Standards for Review:

The standards for review for this request are the same as outlined in the previous staff report, the City of Dallas Zoning Ordinance No. 1401, Resolution of Intent to Rezone No. 2207 and No. 2194, and the Comprehensive Plan.

Conclusions:

The staff have concluded the following:

1. The proposed use is allowed outright in a CG zone.
2. The proposal conforms to setbacks, both regular zoning and the special setbacks from the state highway.
3. The proposal conforms to the height requirements and the building covers less than 50% of the total area.
4. Since the property abuts residential property on the north, the applicant must conform to the requirements of Section 59 of the Zoning Ordinance by providing for a site-obscuring fence, wall or hedge with a minimum height of 4' and maximum height of 7' to screen their property from the abutting residential properties. The applicant has proposed to use a combination of a berm and landscaping to accomplish this objective.
5. The request conforms to the City's parking standards, which require 375 parking stalls for the initial building. The parking lot also conforms to other standards of the ordinance including loading area, parking space size, etc. The proposed site plan does not provide adequate off-street parking to meet the standards for the fully-built out 105,000 square foot store which is proposed on the site plan. Currently, the City Ordinance would require 504 stalls while the plan provides for 479. The applicant could redesign the parking lot to get additional parking stalls. Since the ultimate build up will not occur for some years, during which our parking standards are likely to change, and since the applicant could acquire additional property, the few stalls deficient for a 105,000 sq. ft. building is not considered to be a problem at this time.
6. The proposal meets the landscaping requirements of the City.
7. There is adequate sewer and water to serve the property.
8. The proposed two freestanding signs do appear to conform with the ordinance; however, adding the small pharmacy signage to the freestanding sign would require a variance from the City Council since the total size would exceed 100 square feet. The wall signage proposed does appear to conform to the City sign code.

9. The revised site plan review does propose to provide many of the requirements which were made a part of the conditions of the previous approval by the Planning Commission.

It appears the major issue for the Planning Commission to consider is whether the proposed amendment to not include the commercial property along Ellendale, other than that required for access is acceptable. The proposal for the initial phase is to use the previously approved entrance and egress, with full improvements on Highway 223, two accesses on Ellendale, and full access to Polk Station Road by immediately improving Bovard Street. However, since the amended plan does not propose eliminating the commercial businesses along Ellendale, the proposal would not eliminate four existing driveways. While there has been considerable discussion about whether this property would be used in future phases or converted for other uses, combining driveways, we believe that at least some of the existing driveways will stay in place for some time. As you will recall, under the previous plan, only two of the existing commercial business were to stay in place which would have mitigated conflicts in driveway access. In order to reduce any impact from leaving the driveways, Wal-Mart proposes to complete the connection from their parking lot to Polk Station Road, Bovard Street as part of Phase I. This should relieve a lot of the traffic congestion that would otherwise be created by these individual driveways. It may be possible to mitigate some of the conflicting traffic by requiring Wal-Mart to allow access to the driveway on both the west and east sides for any future development of the property immediately abutting these driveways. The staff does believe that the Planning Commission could find the plan acceptable with the following conditions:

1. Compliance with all improvements specified in the site plan as submitted.
2. Completion of all proposed water, sanitary and storm sewer improvements to the satisfaction of the Oregon Department of Transportation (ODOT) and the City Engineer. In addition, the developer must provide a 15 foot utility easement for the fire water line, provide domestic water service independent of the fire line with a meter located on the public right of way, and provide easements for the sanitary main line and laterals to the sanitary main line from other properties.
3. Connection to the sanitary sewer, which is subject to the State Department of Environmental Quality's renewal of the City's National Pollutant Discharge Elimination System Permit and approval of modifications to the sanitary system.
4. Completion of full improvements along the entire north boundary which abuts Highway 223. This includes curbs, sidewalks and street improvements as required by the City and State engineers.
5. Agreement to meet all City parking requirements and to comply with all specifications on the site plan.
6. Agreement to complete full street improvements on Bovard Street, including storm system, curbs and 36 feet of full improvements along with additional width for turning movements to the satisfaction of the City Engineer, at the intersection with Polk Station Road. In addition, the property owner must provide an agreement that they will not close or obstruct the intersection of the parking lot and Bovard Street without the City's consent.
7. Agreement to make improvements required by ODOT to the westerly driveway if the driveway fails to meet acceptable traffic safety warrants.
8. Agreement to change the proposed easterly driveway to a right-hand turn entrance only as required by ODOT.

Respectfully Submitted,

Community Development Team



**CITY OF DALLAS**  
**CITY COUNCIL**  
**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Dallas City Council will hold a public hearing on Monday, March 1, 2010, at 7:00 p.m., in the Council Chambers at City Hall, 187 SE Court Street, Dallas, Oregon, to implement a correction to the Dallas Zoning Map. The correction pertains to a portion of the property located at 321 NE Kings Valley Hwy (also known as the Wal Mart property), and consists of 8.8 acres. The property was the subject of a Resolution of Intent to Rezone (Res. 2207), which stated that upon completion of the approved improvements, the zoning of the subject property would be changed to CG (Commercial General). The approved improvements have been completed, as provided in Res. 2207. The subject property is currently zoned CN (Commercial Neighborhood), an inappropriate designation.

Testimony may be submitted in writing to the Dallas Community Development Department, City Hall, Dallas, Oregon 97338, or in writing or orally at the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties. All persons wishing to testify must sign in and be recognized by the Mayor.

Written comments submitted to the Community Development Department by February 25, 2010, will be included with the staff report. Written comments submitted after that date will be forwarded to the City Council at the public hearing. The staff report will be available for inspection at the Community Development Department at least seven days prior to the hearing. Copies of the staff report and all documents and copies of the applicable criteria are available for inspection at the Community Development Department at no cost and copies will be provided at a reasonable cost.

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.

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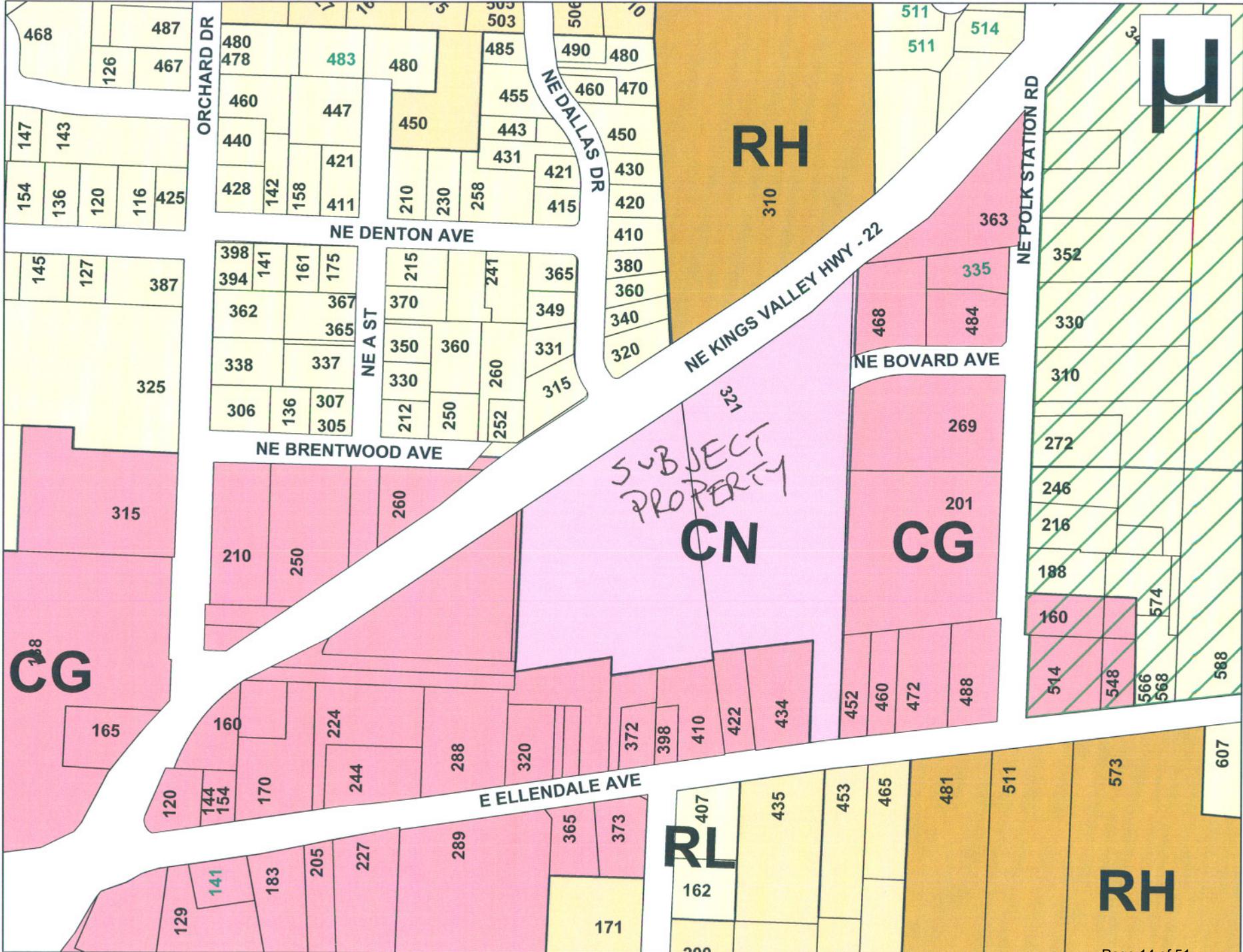
**Property ID:** 7S5W28DB-Taxlot1400 and 7S5W28CA-Taxlot201

**STAFF CONTACT FOR ADDITIONAL INFORMATION:** Jason Locke, Community Development Director, 503.831.3565 or TDD phone 503.623.7355.

Dated: February 12, 2010  
 Posted: February 12, 2010  
 Published: February 17, 2010

Jason Locke, Community Development Director  
 City of Dallas, Oregon

ATTACHMENT D



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4 The Dallas City Council met in regular session on Tuesday, February 16, 2010, at 7:00 p.m. in  
5 the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

6 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

10 Also present were: City Manager Jerry Wyatt, City Attorney Anthony James, Assistant City  
11 Manager Kim Marr, Fire Chief Bill Hahn, Police Chief John Teague, Community Development  
12 Director Jason Locke, Public Works Director Fred Braun, and Recording Secretary Emily  
13 Gagner.

14 Mayor Fairchild led the Pledge of Allegiance.

15 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

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

18 **PUBLIC HEARINGS**

19 **CONSENT AGENDA**

20 It was moved by Councilor Voves and seconded by Councilor Shein to approve the Consent  
21 Agenda as presented. The motion CARRIED UNANIMOUSLY with Council President Brian  
22 Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall,  
23 Councilor Wes Scroggin, Councilor David Shein, Councilor Dave Voves, Councilor LaVonne  
24 Wilson, and Councilor Ken Woods, Jr. voting YES.

25 Items approved by the Consent Agenda were: a) approval of February 1, 2010, City Council  
26 Minutes; and b) acknowledge January department reports.

27 **ITEMS REMOVED FROM CONSENT AGENDA**

28 There were none.

29 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

30 Councilor Woods pointed out an article from the Sunday Oregonian that he thought was  
31 interesting about the City of Lebanon.

32 **REPORTS FROM CITY MANAGER AND STAFF**

33 **INFLOW AND INFILTRATION PROJECT UPDATE**

34 Mr. Braun presented a PowerPoint to update the Council on the sanitary sewer inflow and  
35 infiltration (I & I) project. He discussed some solutions to the issue of I & I.

36 In response to a question, Mr. Braun explained that cured-in-place pipe (CIPP) would seal the  
37 existing pipe and provide some structural stability and would add about forty years of life to the  
38 pipe. He noted there is not too much concern about this process reducing the pipe capacity, but  
39 in areas where capacity would need to be increased, they could use pipe bursting instead.

40 Councilor Scroggin asked if City crews would do this work. Mr. Braun explained the City  
41 doesn't have the equipment to do this work. Councilor Voves asked what would happen if the  
42 City did nothing about I & I. Mr. Braun stated the City could incur fines of up to \$10,000 per  
43 day if the I & I created heavy enough flows to cause overflows at the Wastewater Treatment  
44 Plant. Councilor Shein asked if the fine for an overflow was a flat rate for each violation, if it  
45 was scaled based on the size of the overflow, or if the fine was just a judgment call. Mr. Braun  
46 stated the fine amount is very subjective, though it is clear that the way the government is

1 currently reinterpreting the rules, it will be much tighter in the future than it has been.

2 OTHER

3 Mr. Wyatt announced that the April utility bill would look different and noted he and staff were  
4 working on a media campaign so residents would be aware of the change.

5 Mr. Wyatt reported that he and staff are working on appropriation requests for Senators Wyden  
6 and Merkley and to Congressman Schrader for three or four projects. He noted he has also been  
7 working with them on reimbursables from Medicare and Medicaid and they are very interested in  
8 helping us out. He commented that our local representatives have never been better and are very  
9 engaged and interested in our situation.

10 Mr. Wyatt reminded the Council that the March workshop topic would be goal setting.

11 **RESOLUTIONS**

12 **FIRST READING OF ORDINANCE**

13 **Ordinance No. 1718:** An Ordinance amending provisions of the Dallas City Code Section  
14 3.410, relating to service driveway standards.

15 Mayor Fairchild declared Ordinance No. 1718 to have passed its first reading.

16 **SECOND READING OF ORDINANCE**

17 **OTHER BUSINESS**

18 There being no further business, the meeting adjourned at 7:32 p.m.

19 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

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ATTEST:

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

\_\_\_\_\_  
Mayor

Members Present: Chair Wes Scroggin, Brian Dalton, Warren Lamb, Jackie Lawson and LaVonne Wilson.

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

Chair Scroggin called the meeting to order at 4:03 p.m.

### **Utility Bill Late Fees**

Ms. Ward reported that the City currently has no late fee on utility bills. She stated there are approximately 455 past due accounts each month of which 80 also have a balance of 60 days past due. Ms. Ward indicated the total balance owing on past due accounts is \$30,000.

Councilor Lawson asked how long a customer had from the date a bill is mailed until the due date. Ms. Ward replied they have 20 days. She added many cities charge a late fee after 30 days, and she wouldn't recommend charging a late fee until the next bill is generated. Councilor Scroggin stated he understood this is a good time to implement this with the new Finance software, but he also is concerned from a PR standpoint. Council President Dalton stated he didn't want to create hard feelings, noting it is a hard time for people and some may be having a hard time scraping together enough to pay their bill. He recommended having a late fee on the customer's third bill. Councilor Wilson indicated people shouldn't have anything past 60 days. Councilor Scroggin asked if it was typically the same people late every month. Ms. Ward stated they were, because they know the City doesn't charge a late fee. Councilor Lamb stated he liked the idea of being able to catch these accounts on the next bill. He also recommended staff do an audit to find out how much shut offs actually cost the City so that we can recover no more but no less than our actual costs. Councilor Lawson stated there should be penalties when customers are late on their bill, but it would be good PR to wait until an account is 60 day past due before assessing a late fee. Councilor Scroggin recommended a late fee at 60 days. Council President Dalton indicated they could try 60 days now and look at it again in a year.

Mr. Shetterly asked how much the late fee would be. Councilor Lawson stated she would be inclined to go higher if the City waits until 60 days. After further discussion, Mr. Shetterly advised the Committee that a flat fee or a percentage would be the best way to calculate the fee. Councilor Lawson recommended if the bill is under \$50 the fee would be \$5, if it was under \$100, the fee would be \$10, and if the bill was over \$100, we could charge \$15. Councilor Lamb stated the reason for a late fee is that it would be a deterrent. He added when staff deals with these accounts, it takes time and he wanted the fee to cover that extra staff time. Ms. Ward stated she could set up the system any way the Council decides. Councilor Lamb commented that the citizens have been stressing that they want the Council to be accountable, and this late fee would help them do that. Councilor Scroggin recommended a simple flat fee of \$15.

Councilor Lamb asked if a \$10 fee would cover the extra office time. Council President Dalton stated he had a \$10 figure in his head, adding the Council could see how that works and review it in a year. Mr. Wyatt stated staff would bring an audit back to the committee. Councilor Wilson moved

1 to recommend the Council implement a \$10 late fee on accounts past due 60 days. Council Presi-  
2 dent Dalton seconded the motion. The motion carried unanimously.

3 **Public Works Director's Report**

4 Mr. Braun reported staff was continuing to upgrade the automatic meters and have completed almost  
5 120 along West Ellendale and East Ellendale. He added they have also installed three collector an-  
6 tennae and radio receivers which are transmitting at this point. He indicated the consultant is inter-  
7 facing the new meters with the new billing software and it looks like it will work. Mr. Braun ex-  
8 plained that ultimately over the next ten years staff will replace all 4,000 meters, so they won't need  
9 to go out to do shut offs and rereads. There was discussion about the meter-reading software regard-  
10 ing water leaks and the ability to alert customers to a possible water leak. Mr. Braun confirmed the  
11 new software would flag accounts to warn of a possible leak.

12 Mr. Braun indicated staff is continuing the flow monitoring for inflow and infiltration. He stated he  
13 had ordered 100 new lid gaskets and would be fitting manholes with those gaskets in the worst areas.  
14 Mayor Fairchild explained that the gasket would seal off the pick holes in the manhole covers so  
15 they wouldn't let water into the sewer system.

16 Mr. Braun stated the next large project in water would be a water line replacement on Clay Street  
17 from the state highway to the county shops.

18 Mr. Braun reported that there was a large quantity of green and white paint spilled on Orchard Drive  
19 over the weekend. He added the Police Department caught the responsible party and would have a  
20 contractor clean up the paint and bill the responsible party.

21 **Other**

22 Mr. Wyatt reported that the City received their 8-month report from Abacus and learned we have  
23 had a savings of 148% of the guaranteed savings in natural gas and 213% of the guaranteed electric  
24 savings from the energy upgrades.

25 There was no other business and the meeting was adjourned at 4:35 p.m.

**MEETING AGENDA**

**PUBLIC WORKS COMMITTEE**

Monday, February 22, 2010

4:00 p.m.

Wes Scroggin, Chair

Brian Dalton

Warren Lamb

Jackie Lawson

LaVonne Wilson

1. Utility bill late fees
2. Public Works Director's Report
3. Other
4. Adjourn

# DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

**To: COUNCIL SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No. 1</b>	<b>Topic:</b> Late Fees – Utility Accounts
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> February 22, 2010	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED MOTION:**

Implement a late fee of 5% on utility accounts with past due balances.

**BACKGROUND:**

Private and public utility companies typically implement a late fee during a billing cycle. The City of Dallas does not charge a late fee for past due balances on utility accounts. As of February 17, 2010, the City of Dallas has 455 accounts with 30-day past due balances. Of the 455 past due accounts, 80 accounts also have 60-day past due balances. Total balance owing on past due accounts is \$30,234. One cause of numerous accounts having past due balances is because water accounts are not disconnected for non-payment until after the 3<sup>rd</sup> bill is mailed (see attached “Life of a Utility Bill”).

From our brief study of other municipalities (see attached “Late Fee Study”), there is a wide range of how late fees are assessed.

**FISCAL IMPACT:**

Increase revenue

**ATTACHMENTS:**

Life of a Utility Bill  
Late Fee Study

## LIFE OF A UTILITY BILL

Cycle #2  
Books 1-6

Example-February 2010:

1. Read date: 2/18/10
2. Initial Bill Date: 2/25/10
3. Second Bill Date: 3/25/10
4. Shut-Off *Notice*: mailed 4/19/10 -with a due date of 5/3/10 and amount of initial bill is the minimum that can be paid with NO CHECKS ACCEPTED
5. Third Bill Date: 4/25/10 -orange FINAL NOTICE mailed with bill giving until 5/3/10 to have past due amount paid with NO CHECKS ACCEPTED
6. Shut-Off: 5/5/10 -\$40 turn on fee required as well as entire past due balance (initial bill + second bill).

2/18/2010

## Late Fee Study

10/20/2009

City	Late Fees		Amount	When Late Fee is Assessed
	Yes	No		
Albany	X		9% per annum	They charge interest on the unpaid balance of the account after 60 days.
Jefferson	X		10%	Bills are due on the 10th of the month. Any bills coming in after that are considered late. If the 10th falls on a weekend or holiday then any payments in the drop box, in the mail or put through the door slot prior to opening on the next business day are considered on time then anything after that is considered late and charged 10% of the past due balance on the account.
Keizer		X	\$35	Heidi said that they have a late fee of \$35 but the late fee is directly associated with the shut off of the customer's water. It serves the same purpose as our delinquent turn off fee of \$40/\$50
McMinnville	X		1.50%	If there is a balance owing at the time the second bill is sent out the remaining balance is charged by 1.5% and attached to the current bill.
Sublimity		X		They only have a delinquent shut off fee for reinstatement of water service as we do.
Turner	X		\$10	The bills go out at the end of each month. They are due by the 15th of the next month. If the account is not paid by that date there is a \$10 late charge added to the account.
Woodburn	X		\$10	They have 4 different billing cycles each month. The bill is considered late if payment in full is not received within 1 day after the due date. The second day after the due date a \$10 late charge is added to the account.
Monmouth	X		\$15	Bills are mailed by the end of the month, due by the 15th, and the late fee is assessed on the 24th.

Members Present: Chair Warren Lamb, Brian Dalton, Jackie Lawson, Wes Scroggin, and LaVonne Wilson.

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

Chair Lamb called the meeting to order at 4:35 p.m.

### **Time-limited parking in the parking lot behind City Hall**

Chief Teague indicated this topic had been rolled into the downtown parking item.

### **Downtown parking**

Chief Teague reviewed his staff report. He discussed allowing each merchant downtown to purchase one annual non-time-limited parking permit. He indicated on days when the County has jury instruction, staff will not enforce parking.

Councilor Lawson asked if there was some way to only give jurors a parking pass once they get selected for a jury, noting if they get a pass for three months, they could use it any time. Chief Teague stated the parking enforcement officer does not see abuse of those passes. There was some discussion about only allowing parking for three hours on some streets and keeping others limited to two hours. Chelsea Pope of the Dallas Chamber of Commerce stated it would be difficult to decide which streets would be three hours versus two hours. She added she had encouraged business owners to think about parking not now, but when the downtown is full. Council President Dalton indicated this would give the Urban Renewal Advisory Committee a chance to replace the signs downtown.

Councilor Lawson stated she was inclined to not limit merchants to just one non-time-limited permit per business. She recommended looking at the number of patrons to each business. She stated her parking lot was used by a number of businesses during the day, which offsets her gym members. She added her members are there more than two hours. Councilor Wilson stated if the City allowed two permits to each business, it may pit businesses against each other.

Council President Dalton commented that the classic argument is that business owners regard the parking space in front of their building as personal property and park there all day. He noted that hopefully the city will see twice as many cars in the downtown in a couple years and if there were thirty or forty permits issued allowing parking on Main Street all day, which might be a problem. Councilor Lamb indicated the City should look at making improvements to the parking area behind the buildings in the 800 block of Main Street as they did on the block to the south. He also recommended the City buy the lot at the corner of Main and Washington Street and make that a parking lot. Mr. Wyatt stated the recommendation would be to charge \$120 per year for the parking permit. Councilor Wilson stated she thought the permit would be for customers to use if they needed, not for business owners' personal use.

Councilor Scroggin made a motion to proceed with the changes to the parking regulations to include the parking lot behind City Hall; to change the time limitation from two to three hours downtown; to approve the issuance of one annual, non-time-limited parking permit to each merchant with a business fronting on the streets described in DCC 6.325 for a fee of \$120; and to allow a variance for county and municipal jurors as outlined in the staff report. Councilor Lawson seconded the motion. Council President Dalton

1 amended the motion to set the fee to \$240 per year for the annual parking permit. Councilor Wilson  
2 seconded the amendment. Council President Dalton stated the Council could always lower the fee, adding  
3 this would not take a privilege away. Councilor Lawson stated she felt it was unreasonable to ask that  
4 much. Councilor Scroggin indicated it was a new fee and should be kept at \$120. The amendment failed  
5 to pass, with Council President Dalton and Councilor Wilson voting yes and Councilors Lamb, Lawson,  
6 and Scroggin voting no. The original motion carried unanimously. Mr. Shetterly clarified that the fee  
7 would be charged in January and would be prorated.

## 8 **Dallas Fire Department scholarship program**

9 Chief Hahn reviewed the history of the Dallas Fire Department scholarship. He indicated many members  
10 of the department are interested in starting the scholarship program up again, and recommended providing  
11 two scholarships. Chief Hahn reported one scholarship would be offered through the high school to en-  
12 courage a student to pursue a career in fire or emergency service and the other scholarship would be  
13 available to Fire Department members to assist them or a family member in pursuing classes. Chief Hahn  
14 asked for the Committee's blessing. Councilor Lawson stated it was a wonderful program and asked if it  
15 could be extended to fifth-year seniors at the Chemeketa campus. Mr. Wyatt stated he thought they would  
16 be eligible since they would still be a Dallas student. Mayor Fairchild commented that the Fire Depart-  
17 ment would have to feed the account in order to maintain the scholarship. Councilor Lamb stated the  
18 main thing is that the money would be getting used. Chief Hahn stated the Association hasn't said they  
19 will add money to the scholarship fund and he didn't know if they would be willing to take on a project to  
20 donate more money. Councilor Lamb stated he hoped there would be PR tied to the scholarship, which  
21 might help to get people to donate to continue the scholarship. He asked if the \$1,000 scholarship for  
22 members would help them attend the Fire Academy. Chief Hahn stated the membership wanted that scho-  
23 larship available to a current department member who was pursuing a fire science degree, or a member's  
24 child. The consensus of the committee was to have the Fire Department move forward with the scholar-  
25 ships.

## 26 **Police Chief's Report**

27 Chief Teague reported that one department goal this year was to increase the number of neighborhood  
28 watch groups. He indicated it gives the department a chance to reach out to citizens, and he hopes to see  
29 the numbers increase. He added he was hoping to participate in the National Night Out event this year.  
30 Chief Teague reported that he recently met with Christy Perry, the school Superintendent, and they are  
31 more satisfied with the police interaction with the schools now than when they had a School Resource Of-  
32 ficer.

33 Councilor Scroggin asked how many neighborhood watch commanders the City had. Chief Teague re-  
34 sponded that there are about twelve. Councilor Scroggin recommended the Council recognize them all  
35 one time per year and get their picture in the paper. Councilor Wilson indicated the Council could recog-  
36 nize them collectively with a volunteer award.

37 Councilor Lamb asked how overtime was affecting the budget. Chief Teague stated it looks like they will  
38 hit the \$75,000 that was budgeted for the year in mid-March and will end the year at about \$112,000. He  
39 indicated that through line-item budget savings and the release of one half-time employee, they are hoping  
40 to meet the budget with a zero balance. In response to a question, Chief Teague stated it would take four  
41 new employees to make a dent in the overtime situation.

1 Chief Teague reported that one of the Council goals was to increase the number of reserve officers. He  
2 explained that in the past, when a new reserve joined, their out of pocket expenses for equipment was  
3 \$1,000. He made the decision to have the department pay those expenses and as a result have been get-  
4 ting more volunteerism and a higher quality of volunteers.

5 **Fire Chief's Report**

6 Chief Hahn stated the Fire Department's Awards Banquet was held the previous Saturday and went well.

7 Chief Hahn reported that he received word on Thursday that the seismic grant the department applied for  
8 has been approved, contingent on the sale of bonds in May. Mr. Wyatt reported the City applied for  
9 \$880,000, but don't know the total amount that will be awarded.

10 **Other**

11 There was no other business and the meeting was adjourned at 5:30.

## **MEETING AGENDA**

### **PUBLIC SAFETY COMMITTEE**

Monday, February 22, 2010

4:00 p.m.

Warren Lamb, Chair  
Brian Dalton  
Jackie Lawson  
Wes Scroggin  
LaVonne Wilson

1. Time-limited parking in parking lot behind City Hall
2. Downtown parking
3. Dallas Fire Department scholarship program
4. Police Chief's report
5. Fire Chief's report
6. Other
7. Adjourn

# DALLAS CITY COUNCIL SUBCOMMITTEE

## REPORT

**To: COUNCIL SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>1</b>	<b>Topic:</b> Time-limited parking in parking lot behind City Hall
<b>Prepared By:</b> T. Simpson	<b>Meeting Date:</b> February 22, 2010	<b>Attachments:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

A resolution authorizing:

One 15-minute restricted parking space (as depicted on attachment “A”) in the parking lot behind Dallas City Hall.

Two disabled parking spaces (as depicted on Attachment “A”) in the parking lot behind Dallas City Hall.

The remaining parking spaces in this City owned parking lot (as depicted on Attachment “A”) restricted for 3-hour parking only. I would recommend these restrictions (excluding the disable parking spaces) should be in place Monday through Friday, from 8:00-5:30pm (as currently signed). Disable spaces should be effective 24/7.

Consideration should be given as to whether backing into angled spaces is permissible.

BACKGROUND:

During recent legal research, I was unable to find a reference prohibiting drivers from backing into angled parking spaces in the parking lot behind & to the south of Dallas City Hall. The only reference I could find prohibiting backing in to angled spaces was specifically limited to Church, Mill & Court Streets and, "...along all other streets that have been specifically marked or designated as diagonal parking areas." Ref: 6.305(2)(a-d)

The logic which provides the basis for this restriction should apply in the parking lot as well. Vehicle flow through the angled parking is intended to flow in one direction only. For a driver to back into an angled space, the vehicle would need to travel against the normal flow of traffic.

Additionally, I was unable to locate a reference in the City Code authorizing persons to be cited for overtime parking in the parking lot behind City Hall. The signs are posted, which sets a 3 hour limit; however, I couldn't locate the authority to post the lot as such. One section seemed to come close. 6.330 states, "All areas along the above described streets that have been designated as restricted, prohibited, or special parking areas shall remain restricted, prohibited, or special parking areas notwithstanding the adoption of this code." This section seems to retain existing parking restrictions so this ordinance, when enacted or amended, didn't change them. Even if that's the reference, I still am unable to locate the original language which authorized the 3-hour restriction in the first place.

I asked the City Attorney to also research for existing authority, and he found none.

FISCAL IMPACT: None.

ATTACHMENTS: Attachment “A” – Aerial Map of parking lot.



Majestic

Library

Chen's



SOUTH  
↓



ATCH A'

# DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

**To: COUNCIL SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No.</b>	<b>Topic:</b> Downtown parking
<b>Prepared By:</b> John Teague	<b>Meeting Date:</b> February 22, 2010	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> John Teague		

RECOMMENDED MOTIONS:

**6.305 Method of Parking**

(2)(d) shall be changed to read “along all other streets and parking lots.”

**6.325 Time Limitations**

The time limitation shall be changed from two hours to three.

The time limitations shall be applicable to the parking lot behind and between City Hall and the library.

**6.345 Parking Variances**

Each merchant with a business fronting on the streets described in 6.325 may be issued one annual non-time-limited parking permit. Permit fee to be set by Resolution.

A variance shall be established for county and municipal jurors, permitting parking along the south side of Mill and north side of Court streets between Jefferson and Main and the west side of Jefferson and east side of Main between Mill and Court streets.

BACKGROUND:

The City Code on parking was recently updated; however, there were some past practices that were not addressed. These include:

**6.305 Method of Parking.** Occasionally a vehicle will back into an angled stall in the parking lot behind and between City Hall and the library. While prohibited by code on streets, it is not prohibited in that parking lot. See also 6.330 below.

**6.325 Time Limitations.** Some downtown merchants complain that customers are unable to conduct some business in less than two hours, which is the current limitation on downtown parking.

**6.345 Parking Variances.** Some merchants (and others) have parking passes (variances) issued by the police department but for which “no special or unusual circumstances” exist

that “cause an undue or unnecessary hardship.” Examples are general permits for hair salons and fitness facilities (but not for movie theaters or restaurants). There is also a “Jury Parking Permit,” which the County courts have used for at least 15 years, but for which no authority exists.

Currently, each juror receives a Jury Parking Permit, which allows the juror to park with no time limitation on the south side of Mill and north side of Court streets between Main and Jefferson; however, jurors are parking outside of those limitations, which is the main problem. The parking permit is valid for the three months the juror is liable to be called for jury duty. Some days, with Grand Jury and a trial, there are upwards of 20 persons parking downtown with Jury Parking Permits.

**6.330 Existing Parking Restrictions Continued.** The City has relied upon this section in order to enforce the time limitation for parking in the lot behind and between City Hall and the library; however, there is no record of that parking ever being previously restricted, prohibited, or declared special.

Since the lack of turnover in downtown parking primarily affects the downtown merchants, the Dallas Chamber of Commerce was asked to poll the downtown merchants. The merchants requested that

- the time limitation for parking downtown be changed from two hours to three,
- each merchant be issued one unlimited parking permit, and
- unlimited jury parking be addressed.

FISCAL IMPACT:

Insignificant.

ATTACHMENTS:

None.

## ***The City of Dallas Fire and EMS Public Safety Report For February 22, 2010***

Dallas Volunteer Fire Department "Harpy Bovard Memorial Scholarship"

### History:

Dallas Fire Department member "Harpy" Frank Bovard was a member for many years. He was a very frugal person and upon his passing left \$35,000 to the Volunteer Fire Department. Since the association operates under the umbrella of the City, the City Manager at the time set up a Memorial Fund in the budget. Around 1987 the department loaned the City \$15,000 dollars to assist with purchase of Air Packs (SCBA's), the balance of \$20,000 was placed as a scholarship for use by a high school senior.

The Scholarship was tied to assisting the fire inspector in presentation during Fire Prevention Weeks in the schools. During the early 2000's the High School changed the schedule and this restricted the students from helping in the school's during Fire Prevention Week. The school lost interest and students were no longer applying so the scholarship became dormant.

This year a committee was appointed by the Association President to look into reestablishing the Scholarship program.

Attached to this report are the program guidelines and the Dallas School District proposal.

# DALLAS FIRE DEPARTMENT SCHOLARSHIP PROGRAM GUIDELINES

➤ **\$ 20,000 In Scholarship Funds:**

- Start with two separate awards of \$ 1,000 or up to \$ 1,000 each.
- One \$ 1,000 award to a traditional student from the Dallas School District
  1. 2.75 GPA minimum requirement
  2. Graduating senior – Dallas School District
  3. Career goal in fire or emergency medical services
  4. Supplemental materials

One award for up to \$ 1,000 to a member of the Dallas Fire Department or an immediate family member.

1. Member in good standing
2. Immediate family member
3. Supplemental materials

➤ **Selection Committee:**

1. City Council member
2. DFD Volunteer Association Officer
3. DFD Officer or 10 year member
4. Dallas High School Representative or Counselor

➤ **Funds Allocation:**

1. Directly to institution for traditional scholarship
2. Directly to member/family member for department scholarship
  - Member scholarship has 1 year timeline to use full award-any leftover funds will be placed back into the scholarship fund.

➤ **Scholarship Program to be Implemented March 2010:**

1. Application deadline April 15

➤ **Unresolved Business:**

1. Replenishment of Scholarship Fund
2. Yes or No? If Yes, How?

# DALLAS FIRE DEPARTMENT SCHOLARSHIP PROGRAM

It is our intent to award a scholarship annually to a student from the Dallas School District who demonstrates a strong desire and ability to pursue a career in fire service or emergency medical service. The recipient must be planning to attend a college level fire service or emergency medical training program in the United States.

Award Amount: \$ 1,000.00

## SELECTION CRITERIA

- Recipient must be a graduating senior from Dallas School District
- Recipient must have a 2.75 cumulative GPA
- Recipient must demonstrate leadership, honesty, determination, strong will and self-motivation
- Recipient must submit supplemental application material listed below

Applicant Name \_\_\_\_\_  
Home Phone \_\_\_\_\_  
Address \_\_\_\_\_

## SUPPLEMENTAL INFORMATION

**All applicants must:**

- Provide a copy of your current high school transcript
- If applicable, attach a list of awards, volunteer work, and any other extra-curricular activities you may be involved with
- On a separate sheet of paper, in less than 250 words, describe how you demonstrate leadership, honesty, determination, strong will and self-motivation.

**Submit application to Dallas High School Career Center by April 15**

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 6 a</b>	<b>Topic:</b> Utility Bill Late Fee
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> March 1, 2010	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Move to direct the City Attorney to draft an Ordinance to implement a late fee for 60-day past due utility bills and a Resolution to set the late fee at \$10.

BACKGROUND:

The City of Dallas does not charge a late fee for past due balances on utility accounts. As of February 17, 2010, The City had 455 accounts with 30-day past due balances. Of those 455 past due accounts, 80 accounts also have a 60-day past due balances. Total balance owing on past due accounts is \$30,234. With the implementation of the new Finance software, staff feels this would be a good time to implement a late fee. The Public Works Committee determined the best way to implement the fee would be to charge a \$10 late fee on bills that were 60 days past due. In order to implement this fee, the Council will need to adopt an Ordinance to implement the fee, and a Resolution to set the amount of that fee.

FISCAL IMPACT:

Collection of past-due accounts

ATTACHMENTS:

Red-line version of Code showing changes

#### 4.458 Metering and Billing.

(1) The city will install and maintain all meters necessary to enable the city to render bills for each class of service furnished. All meters and other equipment furnished by the city will be maintained by the city and will remain city property.

(2) The customer shall give the city or its authorized agents permission to enter the customer's premises at all reasonable times for the purpose of installing, inspecting, repairing, and removing any apparatus and equipment used in connection with the supply and metering of water.

(3) Meters will be read at the time service is first established and at intervals approximately 30 days apart.

(4) (a) Bills showing separately the consumption in cubic feet, and any other charges for service furnished, will be rendered bimonthly and shall be delinquent if not paid within 30 days after the date of presentation. [A late payment penalty may be added to any delinquent charges, as established by resolution.](#)

(b) No reduction of amounts billed will be made by reason of loss of water caused by leakage or equipment of the customer unless authorized by the city manager upon written application by the customer.

(5) (a) The city reserves the right to install meters or other devices necessary for the detection and prevention of fraud or waste without notice to the customer.

(b) When a flat rate service is furnished for a special use and a demonstrated abuse of the service occurs, the city may, on written notice to the customer, meter the service and bill for water supplied under an applicable schedule.

(6) If damage to metering equipment results from molestation or wilful neglect by the customer, the city may repair or replace the equipment and bill the customer for the costs incurred.

(7) (a) The city will, upon request, test a customer's meter without cost to the customer unless the tests are requested more often than every 12 months. If requests for testing meters is made by the customer more often than once every 12 months, the city may charge the customer for the cost of making the test.

(b) When a meter is found to be more than two percent fast, the city will refund to the customer the amount paid for the test, if any, together with the overcharge based on the corrected meter readings for the period in which the meter was in use, not to exceed three months.

(8) If an error is made in billing, the error shall be corrected immediately and the proper refund shall be made to the customer or the corrected amount shall be charged to the customer.



## GROVE, MUELLER & SWANK, P.C.

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS  
475 Cottage Street NE, Suite 200, Salem, Oregon 97301  
(503) 581-7788

January 25, 2010

City Council  
City of Dallas  
187 SE Court Street  
Dallas, Oregon 97338

We have audited the financial statements of the City of Dallas for the year ended June 30, 2009. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards*, and OMB Circular A-133, as well as certain information related to the planned scope and timing of our audit. Professional standards also require that we communicate to you the following information related to our audit.

### Significant Audit Findings

#### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in footnotes to the financial statements. The application of existing policies was not changed during 2008/2009, except the City adopted GASB Statement #45 on other postemployment benefits. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the financial statements are depreciation, liabilities for pension and other postemployment benefits, and infrastructure reporting. We evaluated the key factors and assumptions used to develop the estimate in determining that it is reasonable in relation to the financial statements taken as a whole.

#### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

#### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements.

#### *Disagreements with Management*

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated January 25, 2010.

*Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to the governmental unit’s financial statements or a determination of the type of auditor’s opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

*Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit’s auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

This information is intended solely for the use of the City Council and management of the City and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

  
CERTIFIED PUBLIC ACCOUNTANTS



## GROVE, MUELLER & SWANK, P.C.

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS  
475 Cottage Street NE, Suite 200, Salem, Oregon 97301  
(503) 581-7788

January 25, 2010

City Council  
City of Dallas  
187 SE Court Street  
Dallas, Oregon 97338

In planning and performing our audit of the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Dallas as of and for the year ended June 30, 2009, in accordance with auditing standards generally accepted in the United States of America, we considered the City's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or a combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or a combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the entity's internal control.

Our consideration of internal control was for the limited purpose described in the first paragraph and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control that we consider to be material weaknesses, as defined above. However, we identified the following deficiencies in internal control that we consider to be control deficiencies.

### **Municipal Court Payments Reconciliation**

#### *Condition*

The City's procedure to reconcile the payments received in Finance to the municipal court's records was not performed for approximately three months during the fiscal year. The reconciliation process ensures that the revenue for the municipal court system is completely and accurately recorded by Finance.

*Recommendation*

We recommend that the City consistently follows its own procedures and reconciles the municipal court receipts daily.

**Utility Billing Procedures**

*Condition*

There is no review of the adjustments made in the utility billing system even though the Accounting Specialist has the responsibilities of collecting utility billing payments, posting payments to customers accounts and manually adjusting accounts as needed. Furthermore, the City does not utilize pre-numbered receipts to ensure that all payments collected are posted into the accounting records.

*Recommendation*

We recommend that the City review its procedures over the utility billing system to be able to document that all payments are properly recorded and that there is proper review of the activity. A solution would be to keep the manual receipting system but use pre-numbered receipts. Another solution would be to use the same receipting system used for non-utility transactions. The utility billing software can print a "Negative Entry Report" showing the adjustments made. We recommend that the report be reviewed in order to the monitor the adjustments being posted.

**Payroll Tax Payments**

*Condition*

The City allows employees to take mid-month draws on their monthly salaries but the payroll taxes are not being paid at the time of the draw payment. The IRS requires that taxes be paid within a certain number of days from the payroll (draw) date.

*Recommendation*

We recommend that the taxes be paid related to the draws in a timely manner in order to avoid penalties from the IRS.

**Outstanding Checks**

*Condition*

The City has accounts payable checks still listed as outstanding from 1998. State law requires that checks older than two years be turned over to the State as unclaimed property.

*Recommendation*

We recommend that the City follow State law are turn the funds over to the State.

## **Motor Vehicle Tax Expenditures**

### *Condition*

The Oregon Constitution requires that funds received from the State's motor vehicle tax be used for the construction, reconstruction, improvement, repairs and operation of public highways and roads. The City is allocating material and services expenditures to the street fund which do not fall into one of the categories listed above. For example, the City allocated annual membership dues paid on behalf of a public works employee even though the dues were not related to the street fund.

### *Recommendation*

We recommend that the City review its allocation procedures for the street fund to ensure compliance with the Oregon Constitution.

This communication is intended solely for the information and use of management, the City Council, and others within the City, and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

*CERTIFIED PUBLIC ACCOUNTANTS*

# DALLAS CITY COUNCIL

## REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>7 b</b>	<b>Topic:</b> Commercial and Economic Development 2009
<b>Prepared By:</b> John Swanson	<b>Meeting Date:</b> March 1, 2010	<b>Attachments:</b> Yes <input type="checkbox"/>
<b>Approved By:</b> Jason Locke		

**RECOMMENDED MOTION:**

None. For information only

**BACKGROUND:**

The City of Dallas Commercial Development Team (CDT), a subcommittee of the Economic Development Commission, meets monthly to actively track existing businesses in Dallas, new business development, and the status of available commercial property in the City. Chaired by Councilman Warren Lamb, the CDT consists of Councilman Brian Dalton, Mayor Jim Fairchild, Chamber Director Chelsea Pope, downtown business owner Tina Evans, north Dallas business manager Lauren Chedester, City Manager Jerry Wyatt, and the Community Development Department staff. In mid 2009, the committee decided to meet more regularly (monthly rather than quarterly), to be proactive in business retention, expansion and recruitment. The committee agreed to assign specific business improvement-related tasks with demonstrative outcomes to various members of the committee and staff to better serve our business and commercial property owners and their customers. A hands-on, customer service oriented, direct-assistance approach was determined to be the most effective approach and has produced positive results.

The economic downturn experienced nationally continued through 2009 and naturally had an effect on the local economy. Most significant was the complete closure of the Dallas Weyerhaeuser plant. On the other hand, MAK Metals has expanded into a new multi-million dollar facility and has increased production by manufacturing on-site components that were previously subcontracted out to companies out of town. MAK Metals has also introduced a new product, MAK Grills, and is manufacturing and marketing these high-end recreational grills and smokers from Dallas. MAK Metals / MAK Grills has created 10 new jobs since the facility and product expansion and is anticipating creating 5 to 10 new jobs in 2010. We have also seen increased commercial business activity in 2009 despite the economic downturn including:

- New owner, Carl Harbaugh, Southtown Glass is working on the restoration of the Adolph Building to get it ready for new business. He intends to refinish the original hardwood floors in both vacant storefronts and remodel the building to its original state as much as as possible. He intends to retain Domino’s Pizza as a tenant and provide them some necessary repairs and upgrades.
- Dr. Billy Peffley and his partners are in the process of procuring property for construction of a NEW medical center building. Right now they are focusing on three properties in downtown Dallas, and they expect to start construction in 2010.

- American Outdoor, a recreational retail addition to American Glove, reports outstanding retail sales and is considering expanding into additional product lines.
- Timber Country Sports is expanding into the formerly vacant Vintage Vine building.
- L'Attitude restaurant is reopened under new management, same owner. New menu and hours. Opened New Year's Eve and they reported a good response from the public.
- The former Shell station property is under redevelopment. Staff is working with a new tenant who intends to open Olympic Taverna, a Greek themed restaurant / sandwich shop. He intends to sell beer and wine and have a covered, outdoor seating area and beer garden.
- Property owners of Walnut Plaza intend to apply for a Façade Grant for awnings over the windows on Main Street and the first two windows on Walnut. Future plan for the building is a classic movie-themed small-scale restaurant / café.
- The new building at Jasper Crossing has two tenants, Little Caesar's Pizza and Pinnacle Physical Therapy.

Commercial vacancy rates are at a 6-year low, with only 7 or 8 existing commercial spaces standing vacant or not under development for new uses.

Looking ahead in 2010, we still have some issues. We have 5 vacancies in downtown all listed with commercial realtors. The main problem is the condition of these properties. Property owners must invest in their properties to put them in a "leaseable" condition, which has generally not been occurring. Commercial properties currently available for sale and for lease in the City tend not to be in line with the current economic climate or the local market. It's a two-fold problem: Property owners are listing the properties for what they want or feel they need for the property rather than what the local market will bear, and realtors often have difficulty finding comparable property recently sold that reflect the Dallas market. The commercial real estate market is not functioning properly in Dallas and the City is exploring options to address the trend of commercial property sitting empty or underutilized, often for years.

The Dallas business community seems to be performing very well considering the general economic climate. The Community Development Department is providing business assistance services in the form of innovative grant and loan programs, enterprise zone programs, referrals to Chemeketa Small Business Development Center and MERIT Micro-enterprise Program. The Dallas Area Chamber of Commerce is increasing in membership and registered Home Occupation businesses in Dallas are increasing.

To that end, the Community Development Department has assembled the attached "Business Assistance Toolkit." The Toolkit outlines all of the business assistance services available from the City of Dallas, from regional partners like the Council of Governments, Chemeketa and Sedcor, and State services and tax credits all geared to assist Oregon businesses. Additionally, the Toolkit is a directory to ALL business development organizations including the City of Dallas, the Dallas Area Chamber of Commerce, SEDCOR, Chemeketa, and the State of Oregon. The new Business Assistance Toolkit is easily accessed on the City website and printed copies are available at City Hall and the Chamber.

In addition, there are 3 projects of interest that we are working on. One involves the potential re-use of the Weyerhaeuser site, another involves potential use of the large Industrial property on the east side of Godsey Road for a renewable energy project, and the third involves the TTM building, which, according to sources, is set to be auctioned on April 6<sup>th</sup> with a minimum bid of \$1,000,000. Hopefully, this will attract a buyer with viable redevelopment and/or reuse plans.

FISCAL IMPACT:

None

ATTACHMENTS:

Business Assistance Toolkit Brochure (to be distributed at meeting)

# NEW UTILITY BILL FORMAT COMING IN APRIL!

**CITY OF DALLAS**

BILL DATE: 01/11/10 DUE DATE: 01/25/10

ACCOUNT NUMBER: [REDACTED]

SERVICE ADDRESS: FERN AVE NE 138

METER READING: PRESENT 4872, PREVIOUS 4871, USAGE 1

WATER: 15.00  
SEWER: 39.00  
ON FEE: 15.00

LAST USAGE: 0, PAST DUE: 15.00

LAST PAYMENT: .00, TOTAL DUE: 54.00

LEAD INFO: 831-3562

**CITY OF DALLAS**  
187 SE Court St. • Dallas, OR 97338

ADDRESS SERVICE REQUESTED

**PLEASE RETURN THIS PORTION WITH PAYMENT**

ACCOUNT NUMBER: [REDACTED] DUE DATE: 01/25/10 TOTAL DUE: 54.00

DALLAS OR 97338-1130

\*\*\*C004

Presorted First Class Mail, U.S. Postage Paid, Dallas, Oregon, Permit No. 50

Old Billing Format

**CITY OF DALLAS**  
187 SE Court Street  
Dallas, OR 97361  
(503) 831-3508

Account Statement

**ACCOUNT INFORMATION**

ACCOUNT NUMBER: 012345678-01  
SERVICE ADDRESS: 7133 W 1ST AVE  
SERVICE PERIOD: 2/02/06 - 4/01/06  
BILLING DATE: 4/03/06

**DUE DATE:** 04/18/06

**ACCOUNT ACTIVITY**

Service Type	Previous Reading	Current Reading	Usage	Amount
WATER	1707	1716	9	27.13
SEWER				37.11

**AMOUNT DUE**

PREVIOUS BALANCE: 70.36  
RECEIPT ON 2/13/06: 70.36CR  
BALANCE DUE: 64.24

**CONSUMPTION THIS PERIOD SAME PERIOD LAST YEAR**

9 18

**NUMBER OF UNITS ON SERVICE:** 1

**SPECIAL MESSAGE**

Your utility bill statement has a new look. The information is the same but in a new format. Please contact Customer Service at 585-4266 if you have any questions regarding your billing. Thank you.

**your monthly water consumption in 100 CF**

(100 CF = 748 Gallons)

**Payment Coupon**

Please return this portion along with your payment and make your check payable to the City of Dallas

**ACCOUNT INFORMATION**

ACCOUNT NUMBER: 012345678-01  
SERVICE ADDRESS: 7133 W 1ST AVE  
SERVICE PERIOD: 2/02/06 - 4/01/06  
BILLING DATE: 4/03/06

**DUE DATE:** 04/18/06

JOHN Q SAMPLE  
123 MAIN STREET  
Dallas, OR 97361

**AMOUNT DUE**

BALANCE DUE: 64.24

**AMOUNT ENCLOSED**

[REDACTED]

**REMIT PAYMENT TO:**

City of Dallas  
187 SE Court Street  
Dallas, OR 97361

New Billing Format

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 7 d</b>	<b>Topic:</b> TGM Grant Support Letter
<b>Prepared By:</b> Jason Locke, Com Dev Director	<b>Meeting Date:</b>  March 1, 2010	<b>Attachments:</b> Yes 
<b>Approved By:</b> Jerry Wyatt, City Manager		

RECOMMENDED MOTION:

Authorize the Mayor to sign the Letter of Support for the TGM grant for the Fairview Node Master Plan

BACKGROUND:

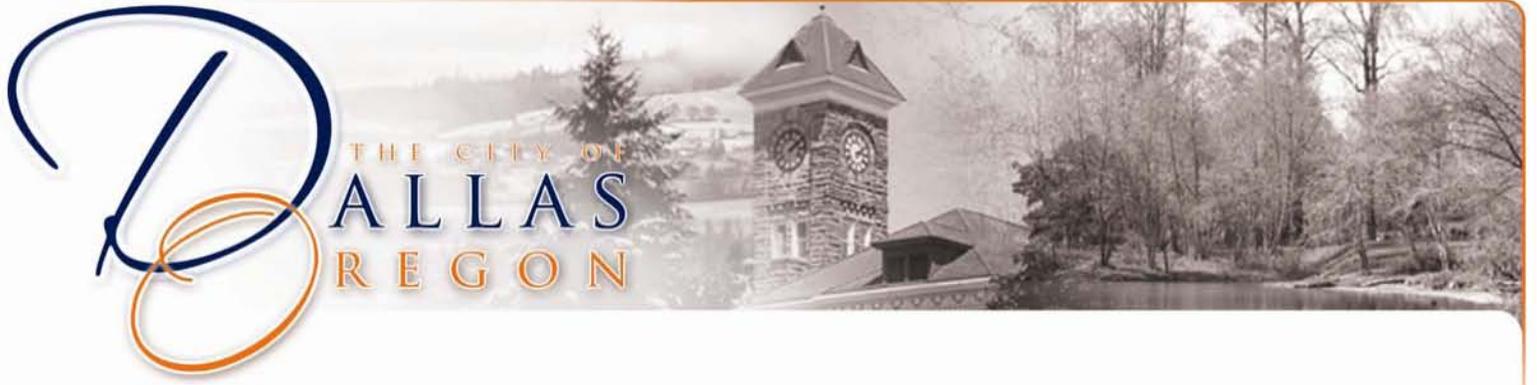
In 2009, the City annexed approximately 50 acres south of the existing City Limits on the east side of Fairview Ave. At the time, staff stated that the property would need to be master planned prior to being rezoned, and that we would also take a look at the area immediately to the north as well. The Transportation and Growth Management Program is offering grants for integrated transportation and land use planning for the coming biennium, which we would like to take advantage of. The grant application requires evidence of the support of the governing body, which the attached letter would provide

FISCAL IMPACT:

The grant proposal will be for a total of \$125,000 or so, of which approximately \$25,000 will be in-kind match and possibly some cash match.

ATTACHMENTS:

- 1) Letter of support
- 2) Study area map



March 1, 2010

Naomi Zwerdling  
Senior Region Planner, ODOT  
Transportation/Land Use  
455 Airport Road SE, Building B  
Salem, OR 97301-5395

Re: Letter of support – TGM grant application

Dear Ms. Zwerdling,

The City of Dallas, through the Mayor and City Council, would like to express strong support for the Fairview Node Master Plan project being submitted as a Transportation and Growth Management **Category 2**, Integrated Land Use & Transportation Planning grant project.

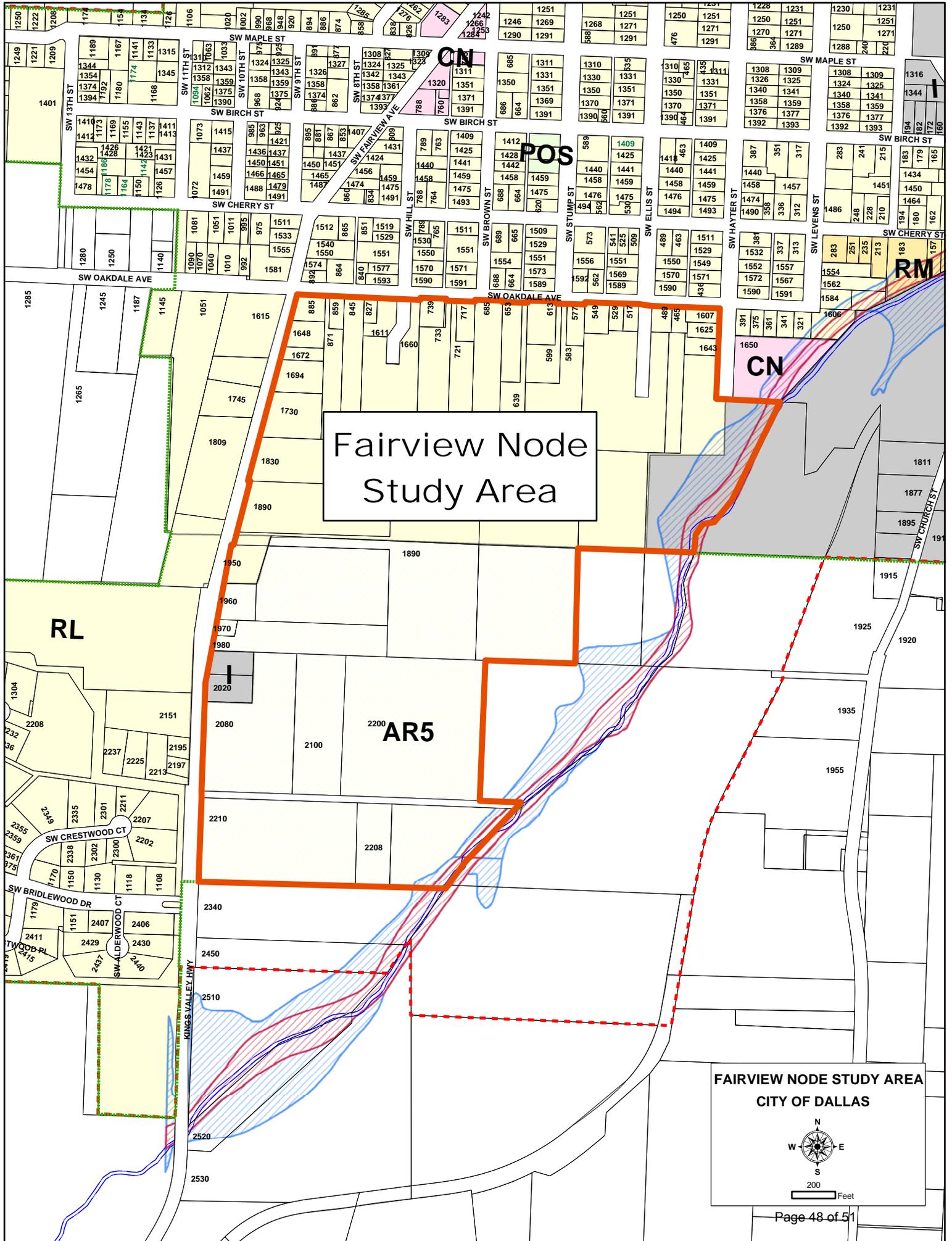
The TGM grant will allow the City of Dallas to perform much needed planning in the southeast quadrant of town under the City's newly adopted Development Code and Master Plan requirements. The creation of a mixed use node is critical to ensuring an efficient, effective, and pedestrian friendly street network while also minimizing impacts on Kings Valley Highway, a state facility. In addition, the mix of uses envisioned for the area, including neighborhood scale commercial, varying levels of residential densities, and open space and natural areas, while also implementing low impact development strategies, will fulfill the City's commitment to providing complete and sustainable neighborhoods.

Thank you for your consideration in this matter.

Sincerely,

James B. Fairchild  
Mayor

# Fairview Node Study Area



**FAIRVIEW NODE STUDY AREA**  
**CITY OF DALLAS**

200 Feet

ORDINANCE NO. 1719

An Ordinance amending provisions of the Dallas City Code Section 4.458, relating to utility billing.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 4.458 is hereby amended to read as follows:

**4.458 Metering and Billing.**

(1) The city will install and maintain all meters necessary to enable the city to render bills for each class of service furnished. All meters and other equipment furnished by the city will be maintained by the city and will remain city property.

(2) The customer shall give the city or its authorized agents permission to enter the customer's premises at all reasonable times for the purpose of installing, inspecting, repairing, and removing any apparatus and equipment used in connection with the supply and metering of water.

(3) Meters will be read at the time service is first established and at intervals approximately 30 days apart.

(4) (a) Bills showing separately the consumption in cubic feet, and any other charges for service furnished, will be rendered bimonthly and shall be delinquent if not paid within 30 days after the date of presentation. A late payment penalty may be added to any delinquent charges, as established by resolution.

(b) No reduction of amounts billed will be made by reason of loss of water caused by leakage or equipment of the customer unless authorized by the city manager upon written application by the customer.

(5) (a) The city reserves the right to install meters or other devices necessary for the detection and prevention of fraud or waste without notice to the customer.

(b) When a flat rate service is furnished for a special use and a demonstrated abuse of the service occurs, the city may, on written notice to the

customer, meter the service and bill for water supplied under an applicable schedule.

(6) If damage to metering equipment results from molestation or wilful neglect by the customer, the city may repair or replace the equipment and bill the customer for the costs incurred.

(7) (a) The city will, upon request, test a customer's meter without cost to the customer unless the tests are requested more often than every 12 months. If requests for testing meters is made by the customer more often than once every 12 months, the city may charge the customer for the cost of making the test.

(b) When a meter is found to be more than two percent fast, the city will refund to the customer the amount paid for the test, if any, together with the overcharge based on the corrected meter readings for the period in which the meter was in use, not to exceed three months.

(8) If an error is made in billing, the error shall be corrected immediately and the proper refund shall be made to the customer or the corrected amount shall be charged to the customer.

Section 2. This ordinance shall be effective as to utility charges first presented on and after May 1, 2010.

Read for the first time: March 1, 2010  
Read for the second time: March 16, 2010  
Adopted by the City Council: March 16, 2010  
Approved by the Mayor: March 16, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1718

An Ordinance amending provisions of the Dallas City Code Section 3.410, relating to service driveway standards.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 3.410 is hereby amended to read as follows:

**3.410 Service Driveway Standards.**

Standards for service driveways shall conform to the requirements of Dallas Development Code Chapters 2.2 and 3.1.

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

Read for the first time: February 16, 2010  
Read for the second time: March 1, 2010  
Passed by the City Council: March 1, 2010  
Approved by the Mayor: March 1, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER