



Dallas City Council Agenda

Monday, May 3, 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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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.

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.

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 April 19, 2010 City Council Minutes

b. Approval of election forms for November 2010 Council and Mayoral election

c. Acknowledge election procedure for November 2010 Council and Mayoral election

d. Acknowledge report of April 26 Public Safety Committee Meeting (no action items)

e. Acknowledge report of April 26 Public Works Committee Meeting (no action items)

5. ITEMS REMOVED FROM CONSENT AGENDA

6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS

7. REPORTS FROM CITY MANAGER AND STAFF

a. Other

8. RESOLUTIONS

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.

9. FIRST READING OF ORDINANCE

10. SECOND READING OF ORDINANCE

- a. Ordinance No. 1723: An Ordinance granting an electric utility franchise and general utility easement to PacifiCorp. Roll call vote
-

11. OTHER BUSINESS

12. ADJOURNMENT

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The Dallas City Council met in regular session on Monday, April 19, 2010, at 7:02 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

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

Mayor Fairchild led the Pledge of Allegiance.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

Mayor Fairchild asked for questions or comments from the audience on items other than those on the agenda.

Barbara Nichols, representing the political action committee to save Polk County Extension Services, thanked the Council for passing a resolution to allow Dallas to be a part of the extension district if the ballot measure passes in May. She discussed the purpose of Polk County Extension and explained the extension district would become a local unit of government that would assess a tax of 7.5 cents per thousand of assessed value on properties within the district. Ms. Nichols urged a yes vote on the May 18 ballot.

Mayor Fairchild clarified that the ordinance and resolution later in the agenda would apply only to occupied RV's, not just those parked on private property and not occupied.

PUBLIC HEARINGS

CONSENT AGENDA

Council President Dalton removed the Aquatic Center report from the consent agenda. It was moved by Councilor Woods and seconded by Councilor Shein to approve the Consent Agenda as presented. The motion CARRIED UNANIMOUSLY. Items approved by the Consent Agenda were: a) approval of April 5, 2010 City Council minutes; b) acknowledge March department reports.

ITEMS REMOVED FROM CONSENT AGENDA

DALLAS AQUATIC CENTER MONTHLY REPORT

Council President Dalton pointed out that the City had done a remarkable job of saving natural gas and electricity at the Aquatic Center, which is a remarkable testament to the City's planning and investment in that facility. The Mayor agreed with Council President Dalton.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

Councilor Wilson thanked Police Chief Teague for coming to Ceres Gleann Community Open Forum. He did a wonderful job representing the City and the Police force and was well-received by the group.

REPORTS FROM CITY MANAGER AND STAFF

EMPLOYEE/VOLUNTEER RECOGNITION PRESENTATION

Mr. Wyatt presented the Employee of the Quarter award to Kent McKnight with the Fleet Management department. He explained Mr. McKnight had been very valuable in helping at the

1 Aquatic Center and throughout the City. Mr. McKnight thanked his boss, Tom Dick.

2 **REQUEST FOR OFF-PREMISE SIGN**

3 Mr. Wyatt reviewed the request for an off-premise sign. He explained if the Council were
4 interested, a public hearing would be required, and then following the public hearing the Council
5 could approve the request.

6 Patrick Mitchell, of Little Caesar's Pizza, indicated he sees his business dwindling here and
7 there. He indicated he was allowed to have sign boarders the first couple months he was open,
8 and since that was taken away, his business has been down about 40%. Mr. Mitchell reported
9 that his store does donate about 400 pizzas per month to the food bank. Councilor Shein asked if
10 the City got complaints when the sign boarders were allowed. Mr. Shetterly stated the Council
11 should address the request and then discuss the details at the public hearing. It was moved by
12 Councilor Shein and seconded by Councilor Lawson to hold a public hearing regarding the
13 request for an off-premise sign pending the payment of the application fee. The motion
14 **CARRIED UNANIMOUSLY.**

15 **OTHER**

16 **RESOLUTIONS**

17 **Resolution No. 3199:** A Resolution establishing the fee for recreational vehicle parking permits
18 under Dallas Code Section 6.610.

19 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3199 to have **PASSED**
20 **BY A UNANIMOUS VOTE.**

21 **FIRST READING OF ORDINANCE**

22 **Ordinance No. 1723:** An Ordinance granting an electric utility franchise and general utility
23 easement to PacifiCorp.

24 Council President Dalton asked if the section requiring approval from the property owner for
25 removing trees would require City permission for removal of trees in the right-of-way. Mr.
26 Wyatt stated it would. Councilor Scroggin asked if any party could amend the franchise during
27 the 10 years period. Mr. Shetterly stated it allows for that in Section 16.

28 Mayor Fairchild declared Ordinance No. 1723 to have passed its first reading.

29 **SECOND READING OF ORDINANCE**

30 **Ordinance No. 1720:** An Ordinance amending Dallas City Code Section 6.610 regarding
31 recreational vehicle parking permits; and repealing conflicting provisions.

32 Councilor Lawson indicated she still felt one year was too long and recommended a time limit of
33 six months. Councilor Shein stated philosophically he agreed with Councilor Lawson and he
34 recommended making it less restrictive. Mayor Fairchild shared Councilor Marshalls concerns
35 that the City is putting in rules where there haven't been any major violations. He reported that
36 Councilor Marshall also felt the time limit was too long and suggested having a six-month limit,
37 not one year.

38 Councilor Lawson stated she thought the general goal of the Council was to continue Dallas as a
39 family friendly town and her greater concern is that this ordinance sends the message our arms
40 are not welcome to people to visit as much as they could. She indicated she didn't want to see
41 revenue hindered because these people may be eating out in Dallas. She commented that she
42 also didn't want to send the message to grandparents that they can't visit their grandkids. She
43 said the abuse issue is what they are trying to curb, and six-months would take care of that.

44 It was moved by Councilor Lawson and seconded by Councilor Shein to amend the Ordinance to
45 a six-month limit rather than one year. In response to a question, Mr. Wyatt stated staff would
46 be okay with six months.

1 There was discussion about the possibility of someone being able to stay for 28 consecutive days
2 if they applied for a permit at the end of one six-month period and the beginning of the next six-
3 month period. The Council discussed several possible solutions. Mayor Fairchild suggested
4 trying the ordinance as proposed and seeing if there was abuse. He noted if there were problems,
5 the Council could revisit the ordinance at that time.

6 Councilor Lawson withdrew her motion and Councilor Shein withdrew his second.

7 It was moved by Councilor Wilson and seconded by Councilor Lawson to take this ordinance
8 back to the Administrative Committee for further review. The motion CARRIED
9 UNANIMOUSLY.

10 Mr. Shetterly explained Resolution 3199 would be on hold until the Ordinance was passed.

11 **OTHER BUSINESS**

12 There was no other business.

13 There being no further business, the meeting adjourned at 7:35 p.m.

14 Read and approved this _____ day of _____ 2010.

15
16
17 _____
18 Mayor

19 ATTEST:
20 _____
21 City Manager

DRAFT

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 4 b	Topic: Forms for 2010 City Council Election
Prepared By: Emily Gagner	Meeting Date: May 3, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approve forms SEL 120, SEL 121, SEL 220, SEL 221, SEL 223, SEL 300, and PC7 for use by candidates for the 2010 Mayor and City Council election.

BACKGROUND:

The City of Dallas Charter, in Section 31, Nominations, states: “Nominations shall be by petition specifying the position sought in a form prescribed by the Council.”

The State of Oregon has developed the following forms:

- SEL 120 – “Filing of Candidacy for Nonpartisan Nomination”
- SEL 121 – “Petition for Nonpartisan Nomination Signature Sheet”
- SEL 220 – “Statement of Organization for Candidate Committee”
- SEL 221 – “Statement of Organization for Political Action Committee”
- SEL 223 – “Campaign Account Information”
- SEL 300 – “Statement One or More/No Petition Circulators Will Be Paid”
- PC 7 – “Certificate of Limited Contributions and Expenditures”

Copies of these forms are attached to this memo. The State has revised the forms since the Council last approved using them. The State does allow cities to use their own forms as long as they meet certain criteria; however, staff recommends using the state forms.

FISCAL IMPACT:

NONE

ATTACHMENTS:

Forms SEL 120, SEL 121, SEL 220, SEL 221, SEL 223, SEL 300, and PC7

Filing of Candidacy for Nonpartisan Nomination

SEL 120

rev 01/10: ORS 249.031

→ *This information is a matter of public record and may be published or reproduced.*

Filing Information

- Secretary of State of Oregon County Elections Official of _____ County
 City Recorder (Auditor), City of _____

Candidate and Party Information

- Incumbent for Office of Judge

Candidate Name _____ Filing for Office of _____

How Name Should Appear on Ballot _____ District or Position Number _____

Residence Address, Street/Route

City _____ State _____ Zip Code _____ County of Residence _____

Home Phone _____ Work Phone _____ Cellular Phone _____

Fax _____ Email Address _____ Website _____

Mailing Address where all correspondence will be sent, Street/Route

City _____ State _____ Zip Code _____

Filing Type

- Filing of Candidacy by Declaration, with the Required Filing Fee (ORS 249.056)

Filing Fees:	Filing of Candidacy by Declaration (ORS 249.056)	Filing Fee State Voters' Pamphlet (ORS 251.095)	Petition Signatures Required
Statewide Offices	\$100	\$3000 or	500
Circuit Court Judge	\$50	\$600 or	300
District Attorney	\$50	\$600 or	300
County Judge	\$50	\$600 or	300
MSD Executive Officer, MSD Auditor	\$100	\$600 or	300
MSD Councilor	\$25	\$600 or	300
County Office	\$50	\$600 or	300
City Office	set by charter or ordinance	\$600* or	300
Justice of the Peace	n/a	\$600 or	300

**for cities with a population of 50,000 or more (ORS 251.005)*

- Filing of candidacy by **prospective** petition, with the required proposed signature sheet (SEL 121) and the statement one or more circulators will or will not be paid (SEL 300) (ORS 249.020)

- Filing of candidacy by **completed** petition, with the required signature sheets certified by the appropriate county elections officials (ORS 249.020, 249.064)

2010 Filing Dates: Primary Election May 18, 2010 and General Election November 2, 2010

	Filing for Candidacy	Filing for State Voters' Pamphlet	Withdrawing Candidacy
Primary Election	First Day September 10, 2009	First Day September 10, 2009	
General Election	First Day June 2, 2010	First Day June 2, 2010	
Primary Election	Last Day March 9, 2010	Last Day March 11, 2010	Last Day March 12, 2010
General Election	Last Day August 24, 2010	Last Day August 24, 2010	Last Day August 27, 2010

Required Information (if no relevant information, list "none")

Occupation present employment – paid or unpaid

Occupational Background previous employment – paid or unpaid

Educational Background schools attended, use attachment if needed

Complete Name of School no acronyms

Last Grade Level Completed

Diploma/Degree/Certificate (AA, BA, BS, MA, PhD, etc)

Course of Study
optional

Other:

Prior Governmental Experience elected or appointed

By signing this document, I hereby state:

- that I will accept the nomination for office indicated
- that I will qualify for said office if elected
- that all information provided by me on this form, including my occupation, educational and occupational background, and prior governmental experience, is true to the best of my knowledge

Check the applicable box (not applicable to candidates for federal office – US Senate and US Representative):

- By marking this box, I certify I do not have an existing candidate's committee and I do not expect to spend more than \$350 or receive more than \$350 during each calendar year. I understand I must still keep records of all campaign transactions and if total contributions or total expenditures exceed \$350 during a calendar year, I must follow the requirements detailed in the *Campaign Finance Manual*.
- By marking this box, I certify that I have already filed or will soon file a Statement of Organization for Candidate Committee (SEL 220). For detailed instructions, see the *Campaign Finance Manual*.

Candidate's Signature

Date Signed

→ ***This information is a matter of public record and may be published or reproduced.***

 **Warning**

Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. (ORS 260.715) A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, **all** filings are invalid. (ORS 249.013(3))

For Office Use Only

Initials

Cash or Check Number

Candidate ID Number

Receipt Number

Office Number

Candidate Committee ID Number

Petition for Nonpartisan Nomination Signature Sheet

Petition ID _____

One or More **No** Petition circulators will be paid (mark one)

This is a candidate nominating petition. Signers of this page must be active registered voters in the following county: _____

Note to Candidate: Petition signatures must be verified before the petition can be filed with the filing officer.
Submit the petition in ample time for the process to be completed before 5pm on the filing deadline day.

Candidate's Name	Office	District or Position Number if applicable
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To the Secretary of State of Oregon/County Elections Official/City Recorder, We, the undersigned voters, request the candidate's name printed above, for nomination to the office indicated, be placed upon the appropriate ballot at the next _____ election following the filing of this petition.

→ Signers must initial any changes that they or the circulator makes to their printed name, residence address or date they signed the petition

Signature	Date Signed mm/dd/yy	Print Name	Residence or Mailing Address street, city, zip code	Precinct # optional
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Circulator Certification This certification **must** be signed by the circulator!

I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each individual is an elector qualified to sign the petition. (ORS 249.061) I also certify that compensation I received, if any, was not based on the number of signatures obtained for this petition. **Warning!** Falsely signing this statement may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. (ORS 260.715)

Circulator Signature	Date Signed mm/dd/yy
Printed Name of Circulator	Circulator's Address street, city, zip code

County Elections Official Certification

I hereby certify _____ signatures on this petition are those of active registered voters in _____ County, Oregon.

Signature of County Elections Official	Date Certified mm/dd/yy	Sheet Number
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Statement of Organization for Candidate Committee**SEL 220**rev 01/10: ORS 260.037,
ORS 260.039, ORS 260.041

Filing a New Committee: This form, **along with the Campaign Account Information form (SEL 223)**, must be completed and filed within 3 business days of first receiving a contribution or making an expenditure. The "Original" box should be marked on both forms.

→ **A candidate may have only one Candidate Committee.**

A Candidate Who Serves as the Treasurer: A candidate may either serve as the candidate's own treasurer or may appoint a separate treasurer. A candidate who serves as their own treasurer, does not have an existing candidate's committee and does not expect to receive or spend more than \$350 for a calendar year is not required to establish a campaign account, file a Statement of Organization or file transactions. However, if at any time the candidate exceeds \$350 in either contributions or expenditures in a calendar year, the candidate must then establish a campaign account, file a Statement of Organization and file contribution and expenditure transactions.

Amending Information on this Form: Any change in the information on this form must be filed **within 10 days** of the change. To notify the Elections Division of a change in information, submit this form, completed in its entirety, and mark the "Amendment" box. An amended SEL 223 should not be filed unless the information on that form also changes.

Discontinuing: A candidate may discontinue their committee by disclosing all transactions that achieve a zero cash balance and filing a completed SEL 220 with the "Discontinuation" box marked.

Note: Prior to discontinuing a committee must file a Notice of Intent to Discontinue (form SEL 224) either electronically using ORESTAR or by filing the paper form SEL 224 with the Elections Division.

→ **Please type or print legibly in black or blue ink****This filing is an:** **Original** **Amendment** **Discontinuation****Committee Information****Name of Committee** (if changing the committee name, please include the former name)**Committee Address** (no post office box numbers)**City****State****Zip Code****Campaign Phone****Treasurer Information****Name of Treasurer** **Mr.** **Ms.****Mailing Address for Committee Correspondence****City****State****Zip Code****Work Phone****Home Phone****Fax****Email Address** (required)**Alternate Transaction Filer Information** (optional)**Name of Alternate Transaction Filer** (must be someone other than the candidate or treasurer) **Mr.** **Ms.****Mailing Address for Alternate Transaction Filer****City****State****Zip Code****Email Address** (required if designating an Alternate Transaction Filer)**Information for Correspondence Recipient Designated to Receive Notices Sent Under ORS Chapters 246-260** (optional)**Name of Correspondence Recipient** (must be someone other than the candidate or treasurer) **Mr.** **Ms.****Mailing Address for Correspondence Recipient****City****State****Zip Code****Email Address** (required if designating a Correspondence Recipient)**Candidate Information****Name of Candidate** **Mr.** **Ms.****Candidate Address** (no post office box numbers)**City****State****Zip Code****Mailing Address for Candidate Correspondence****City****State****Zip Code****Work Phone****Home Phone****Fax****Email Address** (required)

Statement of Organization for Political Action Committee

SEL 221

rev 01/10: ORS 260.042

Filing a New Committee: This form, **along with the Campaign Account Information form (SEL 223)**, must be completed and filed within 3 business days of first receiving a contribution or making an expenditure. The "Original" box should be marked on both forms.

Committee Directors: All political action committees must designate at least one committee director who is not the treasurer. The treasurer may be a committee director if the treasurer meets the definition of "committee director" in ORS 260.005(2), but the treasurer may not be the only committee director. If a committee has more than two directors, attach a list of additional directors and include all the information required on the form for each director.

Amending Information on this Form: Any change in the information on this form must be filed **within 10 days** of the change. To notify the Elections Division of a change in information, submit this form, completed in its entirety, and mark the "Amendment" box. An amended SEL 223 should not be filed unless the information on that form also changes.

Discontinuing: A committee may discontinue by disclosing all transactions that achieve a zero cash balance and filing a completed SEL 221 with the "Discontinuation" box marked.

Note: Prior to discontinuing a committee must file a Notice of Intent to Discontinue (form SEL 224) either electronically using ORESTAR or by filing form SEL 224 with the Elections Division.

→ **Please type or print legibly in black or blue ink**

This filing is an: **Original** **Amendment** **Discontinuation**

Committee Information

Name of Committee (if changing the committee name, please include the former name)		Abbreviation or Acronym	
Committee Address (no post office box numbers)	City	State	Zip Code

Campaign Phone

Treasurer Information

Name of Treasurer
 Mr. Ms.

Mailing Address for Committee Correspondence	City	State	Zip Code
Work Phone	Home Phone	Fax	Email Address (required)

Alternate Transaction Filer Information (optional)

Name of Alternate Transaction Filer (must be someone other than the treasurer)
 Mr. Ms.

Mailing Address for Alternate Transaction Filer	City	State	Zip Code
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Email Address (required if designating an Alternate Transaction Filer)

Information for Correspondence Recipient Designated to Receive Notices Sent Under ORS Chapters 246-260 (optional)

Name of Correspondence Recipient (must be someone other than the treasurer)
 Mr. Ms.

Mailing Address for Correspondence Recipient	City	State	Zip Code
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Email Address (required if designating a Correspondence Recipient)

Type of Political Action Committee (select only one)

<input type="radio"/> Caucus Committee	<input type="radio"/> Recall Committee	<input type="radio"/> Measure → Exclusively support or oppose one or more measures on a ballot	<input type="radio"/> Political Party → A major or minor party defined in ORS Chapter 248 → A committee established by a major or minor party under party bylaws	<input type="radio"/> Miscellaneous Support or oppose one or more of the following: → Specific candidates → Entire ticket of a political party → Candidate in a recall election → Multiple candidates and measures
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Election Activity

Primary 20 ____ General 20 ____ Other Election Date: _____

Political Party Name/Title or Number of Measure/Recall Candidate's Name

Support Oppose

Support Oppose

Support Oppose

Nature of Political Action Committee**Committee Information**

Is this committee a controlled committee? Yes No

If yes, identify the candidate who controls the committee:

Is this committee a slate mailer organization? Yes No

Committee Director(s)

If the committee has more than two directors, attach a list of additional directors and include all the information required on the form for each director.

1 Name of Committee Director	Address including zip code	
Phone Number	Occupation	
Employer's Name	City and State of Employer	<input type="radio"/> Self-Employed <input type="radio"/> Not Employed

2 Name of Committee Director	Address including zip code	
Phone Number	Occupation	
Employer's Name	City and State of Employer	<input type="radio"/> Self-Employed <input type="radio"/> Not Employed

If two or more directors of this political committee are also directors of another political committee, list the names of those directors and the name and address of the other political committee.

SEL 223

Attached is a Campaign Account Information Form (SEL 223) Yes No

By signing this document I acknowledge that I am personally liable for any penalties imposed under ORS Chapter 260 and attest that the information on the form is true and correct.

Treasurer's Signature

Date Signed

For Office Use Only

Initials

Committee ID Number

Date SEL 223 Received

Campaign Account Information

SEL 223

rev 01/10: ORS 260.039, ORS 260.042

Filing a New Committee: This form, **along with the appropriate Statement of Organization form (SEL 220, 221 or 222)**, must be completed and filed within 3 business days of first receiving a contribution or making an expenditure. The "Original" box should be marked on both forms.

Amending Information on this Form: Any change in the information on this form must be filed **within 10 days** of the change. To notify the filing officer of a change in information, submit this form, completed in its entirety, and mark the "Amendment" box. An amended SEL 220, 221 or 222 should not be filed unless the information on that form also changes.

Discontinuing: A committee may discontinue by disclosing all transactions that achieve a zero cash balance by filing a completed SEL 200, 221 or 222 with the "Discontinuation" box marked. It is not necessary to submit this form when discontinuing a committee.

Confidentiality: The SEL 223 and any information it contains is exempt from public records disclosure and shall be kept confidential by the Elections Division.

→ **Please type or print legibly in black or blue ink**

This filing is an:

Original

Amendment

Committee Information

Name of Committee (if changing the committee name, please include the former name)

Name of Oregon Financial Institution

Account Number

Name of Account (must be identical to name of committee)

Name of Account Holder

Names of Persons Who Have Signature Authority

By signing this document I attest that the above information is true and correct.

Candidate's Signature (for Candidate Committee only)

Date Signed

Treasurer's Signature

Date Signed

 **Important**

The information on this form is exempt from public records disclosure and shall be kept confidential by the Elections Division

For Office Use Only

Initials

Committee ID Number

Statement One or More Petition Circulators Will Be Paid

Recall Only

SEL 300

ORS 249.061, ORS 249.078,
rev 01/10: ORS 248.008,
ORS 249.740, ORS 249.865

I/We hereby declare one or more petition circulators will be paid money or other valuable consideration for obtaining signatures of active registered voters on the attached petition or certificate. I/We understand the filing officer must be notified not later than the 10th day after I/we first have knowledge or should have had knowledge that no petition circulator will be paid for obtaining signatures.

Identify Petition Name of Officeholder on Recall Petition

Signed

Date Signed

Statement must be signed by one of the following:

→ Chief Petitioner for Recall Petition

Statement No Petition Circulators Will Be Paid

SEL 300

rev 01/10: ORS 248.008,
ORS 249.061, ORS 249.078,
ORS 249.740, ORS 249.865

I/We hereby declare no petition circulators will be paid money or other valuable consideration for obtaining signatures of active registered voters on the attached petition or certificate. I/We understand the filing officer must be notified not later than the 10th day after I/we first have knowledge or should have had knowledge that one or more petition circulators will be compensated for obtaining signatures.

Identify Petition Name of Officeholder on Recall Petition

Signed

Date Signed

Statement must be signed by one of the following:

→ Chief Petitioner for Recall Petition

PC 7 Certificate of Limited Contributions and Expenditures

rev 01/10

→ *Please type or print legibly in black or blue ink*

Committee Information		
Name of Committee use full name		Committee ID Number
Treasurer's Name if different than candidate		Day Phone Number
Mailing Address as it appears on Statement of Organization, Street/Route		
City	State	Zip Code
Committee Type, Initiative or Measure Number or Office		
Year	Cash Balance on January 1	

I, _____,
name of candidate or treasurer

hereby certify I expect neither the aggregate contributions received nor the aggregate expenditures made by or on behalf of my candidacy or committee for this calendar year to exceed \$2,000. I understand that this form must be filed no later than seven calendar days after receiving a contribution or making an expenditure in the calendar year. I also understand that if the committee exceeds \$2,000 in total contributions or total expenditures during the calendar year, detailed transaction information must be filed electronically using ORESTAR for the calendar year within seven calendar days after exceeding the \$2,000 threshold. By signing this document I acknowledge that I am personally liable for any penalties imposed under ORS Chapter 260 and attest that the information on this form is true and correct.

Signature of Candidate or Treasurer	Date Signed
-------------------------------------	-------------

Notes

- If a candidate, political committee or petition committee does not **expect** to receive a total of more than \$2,000 or spend a total of more than \$2,000 for the entire calendar year, a Certificate of Limited Contributions and Expenditures may be filed. A certificate must be filed **no later than seven** calendar days after receiving a contribution or making an expenditure in the calendar year.
- If either the total contributions or total expenditures exceed \$2,000 during the calendar year, detailed contribution and expenditure information must be electronically filed. All transactions during the calendar year to date must be filed **no later than seven calendar days** after exceeding the \$2,000 threshold. Refer to the *Campaign Finance Manual* for further information.
- Deadline dates for filing a Certificate of Limited Contributions and Expenditures or contribution and expenditure transactions **must be** strictly observed. Under ORS 260.232, the Secretary of State may impose a civil penalty against a candidate or treasurer for filing a late Certificate of Limited Contributions and Expenditures.

For Office Use Only

Initials	Date Entered
Notes	

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 4 c	Topic: Mayor and Council Elections
Prepared By: Emily Gagner	Meeting Date: May 3, 2010	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

As you are aware, the terms of the Mayor and four Council members expire on January 1, 2011. The Dallas City Charter provides that those seeking the office of Mayor or City Council member shall file a nominating petition for the position not earlier than 100 days or later than 70 days before the election. This year that means all nominating petitions must be filed with the City Manager, as City Elections Officer, no earlier than July 26, 2010, nor later than 5:00 p.m. on August 24, 2010.

Nominating petitions must be signed by at least 25 electors (registered voters) who are residents of the City of Dallas. Nominating petitions should be picked up from the City Manager's office. No elector may sign more than one petition for each vacant position. The signatures on the petitions must be checked and certified by the County Clerk's office. If there should be less than 25 signatures certified, we can return the petitions to the candidate if there is time before the August 24 deadline. I encourage all candidates to file as early as possible. The required procedures are explained in the elections packets, which will be available beginning the last full week in June.

In order to be eligible to be nominated as a candidate, the candidate must be a qualified elector and have resided continuously in the city the twelve months immediately preceding the election.

If you have any questions, please contact me.

FISCAL IMPACT:

None

ATTACHMENTS:

None

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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 6:03 p.m.

Downtown parking

Mr. Wyatt reviewed the results of the meeting with the Chamber and downtown business owners where they discussed ways to make the downtown parking situation better. Mr. Wyatt explained there would be another downtown business meeting soon to recap the discussion. He noted the final staff proposal would be brought to the Council.

Council President Dalton stated the owner of Timber Country Sports would like a handicap parking spot in front of his business.

Councilor Lawson applauded the proposed 3-hour parking on the side streets, but said she would discourage dropping Main Street parking to 1-hour parking. She indicated there is a lot of ticketing done on Main Street, and many businesses such as Brixius Jewelers only have an entrance on Main Street. She added she would encourage staff to look further at issuing parking permits. Councilor Lawson said there used to be permits and every business had a couple. She noted there was no abuse. She reported a lot of the concern about downtown parking is hypothetical. She added she would discourage too many 15- and 30-minute spots because people don't realize they are parking in short-term parking spots.

Councilor Scroggin explained not all business owners want parking permits. He added one business owner he spoke to wanted to keep as much parking as possible for customers, not business owners. Councilor Lawson stated she didn't think the permits were necessarily for business owners, but for customers.

Fairview Avenue Intersection

Mr. Wyatt reviewed the ambulance accident that occurred at the Fairview and Oakdale Avenues intersection and stated staff has looked at what could be done to make the intersection safer. He explained staff determined the best thing to do would be to stencil in "stop ahead" on Oakdale Avenue prior to the stop sign.

Councilor Lawson asked the reason the speed limit couldn't be addressed as requested in the citizen email. Mr. Wyatt explained Kings Valley Highway is a state highway, so that would be up to ODOT to determine.

Ambulance Rate Review

Mr. Wyatt explained the Council requested a review of ambulance rates this year. He noted staff is not currently recommending any increases, but would watch our rates closely.

1 Councilor Lamb indicated he would like to remain competitive and asked why staff recommends not in-
2 creasing rates. Mr. Wyatt stated staff wants to be more aggressive with FireMed, noting the ambulance is
3 close to covering their costs. The consensus was to look at the rates again in one year.

4 **Police Chief's Report**

5 Chief Teague reported that the Police Department received \$28,000 in grant funds that he expects to get
6 every year. He noted the department purchased in-car computers with the grant money, as well as up-
7 dated uniforms to provide the whole department a more professional look.

8 Chief Teague noted the detectives have been attending training and are really coming along. He com-
9 mented that during a couple multi-agency investigations, he has heard that it was nice the City is now car-
10 rying our own load and that our detectives are very professional.

11 Chief Teague explained the department received an old ambulance from the Fire Department that they are
12 repackaging as an incident vehicle. He noted this would allow them to interview people privately and to
13 keep evidence processing equipment on that rig. He stated there is no cost to the Police budget other than
14 insurance.

15 Chief Teague discussed a complaint he had received recently from a citizen and explained he takes every
16 complaint seriously and he is handling that.

17 **Fire Chief's Report**

18 Chief Hahn reported that Polk and Marion Counties received a radio improvement grant for \$189,000,
19 which is a follow-up grant from those received last year. He indicated this would provide a second chan-
20 nel for fire operations, which would be especially helpful when both Dallas and Polk Fire District 1 are
21 working major incidences. He noted the grant would allow for new pagers that should provide better ser-
22 vice and reduce the current pager bill.

23 **Other**

24 There was no other business and the meeting was adjourned at 6:27.

MEETING AGENDA

PUBLIC SAFETY COMMITTEE

Monday, April 26, 2010

6:00 p.m.

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

1. Downtown parking
2. Fairview Avenue intersection
3. Ambulance rate review
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>	Agenda Item No. 1	Topic: Downtown Parking
Prepared By: Emily Gagner	Meeting Date: April 26, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

There was recently a meeting with several downtown business owners, City of Dallas officials, and the Chamber of Commerce to discuss downtown parking. From that discussion came several suggestions for making our downtown parking situation better. The key suggestions are as follows:

- No parking permits would be issued on Main Street
- Designate 30 or 15-minute parking stalls where appropriate
- Designate handicap parking stalls where appropriate
- Eliminate the drop off area in front of the Library
- Identify public parking areas and on-street parking with a map provided to businesses, on the City website, and to the Chamber of Commerce
- Change parking to 3 hours on side streets and 1 hour on Main Street
- Make it clear people can park anywhere after 3 PM unless it is designated 1-hour parking
- Establish the cost/value of a parking space in the downtown core area

No ordinance authority for parking permits exists in the Dallas City Code. Parking variances may be obtained through the Council only.

Staff is currently working on creating a map which would identify the proposed 15 and 30 minute parking spaces and handicap spaces as well as no-limit public parking lots and timed parking areas. Once a parking designation proposal is finalized, staff will bring it to the full Council.

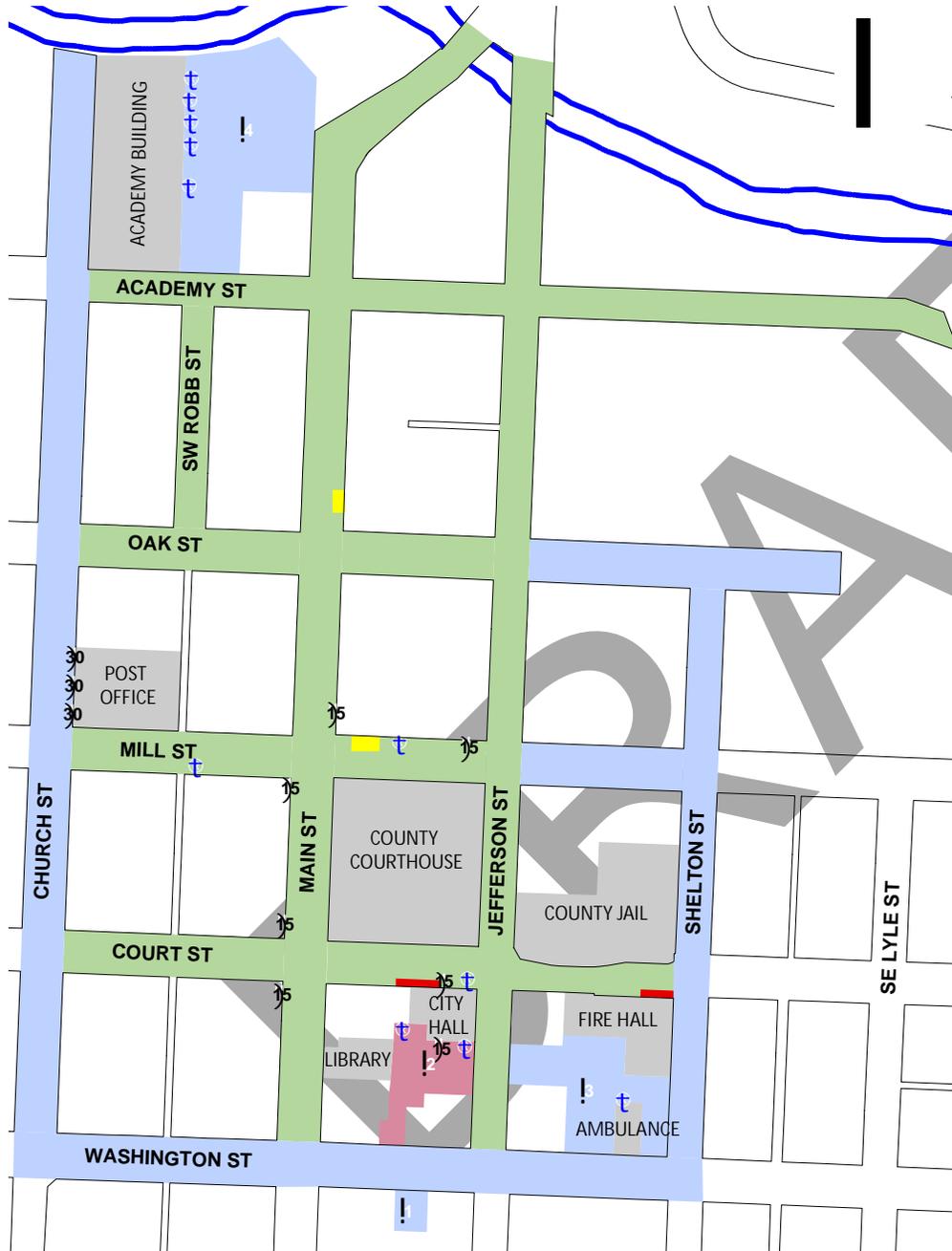
FISCAL IMPACT:

None

ATTACHMENTS:

Draft Downtown Parking Map

DOWNTOWN PARKING



- OPEN PARKING**
 - 1 - Washington St Lot
 - 3 - Jefferson St Lot
 - 4 - Academy Building Lot
- TIMED PARKING**
 - 2 HOUR**
 - 3 HOUR**
 - 2 - City Hall Lot
- EMERGENCY PERSONNEL PARKING**
- LOADING ZONE**
- t **HANDICAP PARKING**
-) **SHORT-TERM PARKING**



DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 2	Topic: Fairview Avenue Intersection
Prepared By: Emily Gagner	Meeting Date: April 26, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

As you know, there was recently an accident at the intersection of Fairview Avenue and Kings Valley Highway involving a City ambulance. Following the accident, we received the attached 2 emails from citizens expressing concern over that intersection. Staff is looking at traffic controls on Oakdale Avenue, including pavement stenciling that would read "Stop Ahead." We have already placed the speed trailer on Fairview Avenue and have increased patrol in the area.

FISCAL IMPACT:

Minimal

ATTACHMENTS:

2 citizen letters regarding the intersection

From: <support@civicplus.com>
To: <City.Mgr@ci.dallas.or.us>, <kim.marr@ci.dallas.or.us>, <emily.gagner@ci...>
Date: 3/22/2010 10:46 AM
Subject: Online Form Submittal: Report a Concern in Dallas, Oregon

The following form was submitted via your website: Report a Concern in Dallas, Oregon

Name:: [REDACTED]

Address:: [REDACTED] SW Fairview Ave.

Phone Number:: 503-[REDACTED]

Email Address:: [REDACTED]

<!--Please indicate the problem by checking the following boxes-->: Traffic signals,Traffic/Road signs

Brief Description (or other problem not listed): There was another near-fatal car accident where we live on the corner of Oakdale Rd and Fairview Ave this past Friday. This accident involved an occupied ambulance where three EMT's, and a patient on the way to the hospital were injured as well as two people in the van that were hit. In addition, a car parked in front of the house, that is on the corner, got totaled. This is at the minimum the 14th car accident on our corner where there was serious injury. Several times a year we have had vehicles end up in our front yards, especially my neighbor who is right on the corner. These are not including all of the near misses we see and hear. These accidents are caused by 1. excessive speed due to the speed limit changing from 30 mph to 45 mph right in front of my house. 2. drivers, which include huge log trucks, getting up to 60mph, or more at, the crest of the hill at Oakdale Rd. I have seen idiots pass drivers that are attempting to follow the speed limit right in front of my house. My husband and myself have escaped being rear ended as we turn into our driveway a number of times. The last time, just last week, a driver had to slam his brakes and swerve into the other lane to not rear end me. It's bad enough if I get hit, but my husband rides a motorcycle, the danger to him is exponentially worse. I am gathering signatures from all of neighbors who live at this dangerous intersection to strongly request that something is done here. Solutions we see as potentially helpful is not changing the 30 mph speed limit to 45 mph until Bridlewood. Actual traffic enforcement at this intersection could also be of some help. Three of my neighbors, including myself, have offered that the Dallas police department use our driveways as sting areas. They have never taken up the offer. Another solution to add to the changing of the speed limit is putting a crosswalk and flashing yellow light on Fairview. There has been one death on this corner fifteen years. Does another death have to happen for something to change here. Students also wait at this corner for their bus, cross the street here, as well as people just walking and jogging down Fairview both ways. There will be another death here, it is just a matter of time. I see the city as 100% responsible if this happens if the city does nothing to mitigate the danger. Sincerely, [REDACTED]

Location of Problem: The corner of Oakdale Road and Fairview Ave.

Additional Information:

Form submitted on: 3/22/2010 10:45:53 AM

Submitted from IP Address: 71.222.4.75

Form Address: <http://www.ci.dallas.or.us/forms.aspx?FID=42>

From: <support@civicplus.com>
To: <City.Mgr@ci.dallas.or.us>, <kim.marr@ci.dallas.or.us>, <emily.gagner@ci...>
Date: 3/19/2010 7:01 PM
Subject: Online Form Submittal: Report a Concern in Dallas, Oregon

The following form was submitted via your website: Report a Concern in Dallas, Oregon

Name:: [REDACTED]

Address:: [REDACTED]

Phone Number:: 503-[REDACTED]

Email Address:: [REDACTED]

<!--Please indicate the problem by checking the following boxes-->: Traffic signals,Traffic/Road signs

Brief Description (or other problem not listed): I live on the corner of Oakdale and Fairview avenues. Experiencing the aftermath of this morning's crash, I wonder again how long it will take for something to be done about this dangerous intersection. At the top of a blind hill, there need to be more signs, yellow flashing lights, video surveillance, police presence, more tickets given, etc. Why wait for more people to be injured and/or killed?

Location of Problem: Corner of Oakdale and Fairview Avenues.

Additional Information:

Form submitted on: 3/19/2010 7:00:50 PM

Submitted from IP Address: 97.120.175.113

Form Address: <http://www.ci.dallas.or.us/forms.aspx?FID=42>

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 3	Topic: Ambulance Rate Review
Prepared By: Emily Gagner	Meeting Date: April 26, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Staff recommends not raising fees at this time, but reviewing rates again in one year.

BACKGROUND:

In 2008, the Council voted to raise ambulance rates. At that time, the Council indicated a desire to have staff review our rates every 2 years to make sure we were staying competitive. As it has been 2 years since we raised rates, I had Todd Brumfield research current ambulance rates in the area. The table with those rates is attached.

FISCAL IMPACT:

NA

ATTACHMENTS:

2010 Ambulance Rate Review

	County	Fire-Med	Specialty Care Transport	BLS-Emergency	ALS 1 Emergency	ALS 2 Emergency	ALS 1 Non-Emergency	BLS Non-Emergency	Evaluation & Treatment No Transport	Transport Mileage (per mile)
Corvallis Fire (Current)	Benton	\$50.00	\$880.00	\$775.00	\$855.00	\$880.00	\$855.00	\$775.00	\$385.25	\$15.00
Eugene Fire & EMS	Lane	\$52.00		\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$800.00	\$20.00
Lane Rural Fire district	Lane	\$52.00		\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$800.00	\$20.00
Springfield Fire & Life	Lane	\$52.00		\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$800.00	\$20.00
Albany Fire	Linn	\$50.00	\$1,020.00	\$1,020.00	\$1,020.00	\$1,020.00	\$1,020.00	\$1,020.00	\$420.00	\$19.50
Jefferson Fire District	Linn	\$50.00		\$700.00	\$800.00	\$900.00	\$800.00	\$700.00	\$400.00	\$15.00
Lebanon Fire District	Linn	\$50.00		\$743.80	\$854.63	\$854.63	\$854.63	\$743.80	\$274.28	\$13.74
Sweet Home Fire	Linn	\$50.00		\$800.00	\$800.00	\$800.00	\$800.00	\$800.00	\$177.50	\$13.50
Salem Fire Department	Marion	\$50.00		\$586.00	\$810.50	\$838.50	\$810.50	\$270.00	\$408.25	\$12.50
Marion County Fire District #1	Marion	\$50.00		\$700.00	\$850.00	\$925.00	\$850.00	\$650.00	\$450.00	\$15.00
Keizer Fire District	Marion	\$50.00		\$586.00	\$810.50	\$838.50	\$810.50	\$270.00	\$408.25	\$12.50
Turner Fire District	Marion			\$700.00	\$850.00	\$925.00	\$850.00	\$700.00	\$0.00	\$15.00
Dallas Fire Department	Polk	\$50.00		\$712.00	\$894.00	\$894.00	\$894.00	\$712.00	\$450.00	\$15.00
Polk County Fire District #1	Polk		\$960.00	\$525.00	\$760.00	\$860.00	\$760.00	\$525.00	\$250.00	\$12.00
McMinnville Fire	Yamhill	\$50.00	\$1,316.00	\$837.00	\$977.00	\$977.00	\$977.00	\$837.00	\$150.00	\$16.50
Newberg Fire Department	Yamhill	\$45.00		\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$300.00	\$13.75
Median		\$50.00	\$990.00	\$759.40	\$854.82	\$912.50	\$854.82	\$759.40	\$404.13	\$15.00
Percent Increase to Median		0.0%	12.5%	0.0%	0.0%	3.7%	0.0%	0.0%	4.9%	0.0%

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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, 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 6:27 p.m.

Stop Signs at Jonathan Avenue

Mr. Braun reviewed the concerns raised by a citizen regarding the lack of traffic controls on Greening Drive, Jonathan Avenue, and Appleseed Drive. He stated warrants for an all-way stop are not met at these intersections. He noted a single stop sign could be installed on Greening and Appleseed south-bound.

Mayor Fairchild stated his understanding was the citizen's concern was for traffic on Jonathan Avenue out of the apartments. Mr. Wyatt explained staff did not want to stop the majority of traffic. There was discussion about using "Yield" signs instead of stop signs or using the speed trailer in the neighborhood.

The consensus of the committee was to leave it as it is for now and see what happens. Staff agreed to monitor the situation as it develops.

Watershed Water Quality Control

Mr. Braun explained staff is always looking at ways to improve our watershed, noting there are a number of options available at this point. Mr. Wyatt stated he would like a Task Force to be formed, which could work on a list of issues in the watershed. He indicated he would like people with experience in forest practices or watersheds. He added Stan McKinley from Weyerhaeuser would also be helpful.

Council President Dalton stated both he and Councilor Lamb were both interested in being on the Task Force. Councilor Scroggin stated Council President Dalton should be careful because he owns adjoining property. Mr. Shetterly explained the only conflict he could have would be if a decision would impact his property. Councilor Lamb urged Mr. Wyatt to get the Task Force started quickly.

Public Works Director's Report

Mr. Braun reported that staff is working on a FOG program to deal with fat, oils, and grease. He discussed the problems fats, oils, and grease can cause in the sewer system, noting fat accumulations at the Wastewater Treatment Facility interferes with the biological process. He explained one good way to alleviate the problem is with the use of interceptors, or vaults that are placed in the parking lot where food waste and greases can accumulate. He indicated the City could look at a two-tiered rate structure where businesses that need an interceptor and don't have one get charged a higher sewer rate because of the increased maintenance costs. He reported the program is still under development and he would bring specifics before the Council sometime in the future.

1 Mr. Braun indicated he would discuss the water budget during the budget meeting, but noted the
2 Council may need to look at a water rate increase soon or the beginning balance would be down to
3 \$0 in three years.

4 **Other**

5 There was no other business and the meeting was adjourned at 6:49 p.m.

MEETING AGENDA

PUBLIC WORKS COMMITTEE

Monday, April 26, 2010

6:00 p.m.

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

1. Stop signs at Jonathan Avenue
2. Watershed Water Quality Control
3. Public Works Director's Report
4. Other
5. Adjourn

MEMORANDUM

To: City Manager & Public Safety Committee

From: Fred Braun, Director of Public Works

Date: 4-23-10

Subject: Traffic Control at SE Jonathan Ave Intersections.

Attached is a map showing the subject intersection location. Concerns have been made by a resident regarding the lack of controls at the intersections and approach speed of traffic on SE Jonathan Avenue. There are no current stop controls.

Functionally, SE Jonathan Ave will serve as the future through street for the neighborhood (eastbound), and SE Greening and SE Appleseed Ave end at the intersection. It is unlikely that Greening or Appleseed will ever extend further south due to the railroad tracks and existing subdivision.

Traffic volumes at this location are relatively low, with approach volumes less than 100 vehicles per hour. To date, there has not been an accident history at these intersections.

For traffic control purposes, a single stop could be installed at the Southbound approach to SE Jonathan at SE Greening and SE Appleseed. There are no specific warrants to be satisfied for installation of a single stop sign.

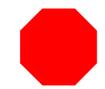
Installation of a multi-way Stop (i.e. stops at all approaches) has specific warrants that must be met per MUTCD. In this instance, the traffic volumes on the minor approach would not meet the criteria for installation of a multi-way Stop. The minor approach volume must average at least 200 vehicles per hour for an 8 hour period. Stop signs tend to increase the frequency of rear-end type collisions. Given the lack of accidents at these intersections, it is likely that the installation of a multi-way stop would increase the accident rate.

Stop signs are a traffic control device that should be used to improve the operation or safety at an intersection. Stop signs should not be used to slow down traffic. Traffic enforcement and public education are the preferred methods to address speeding vehicles.

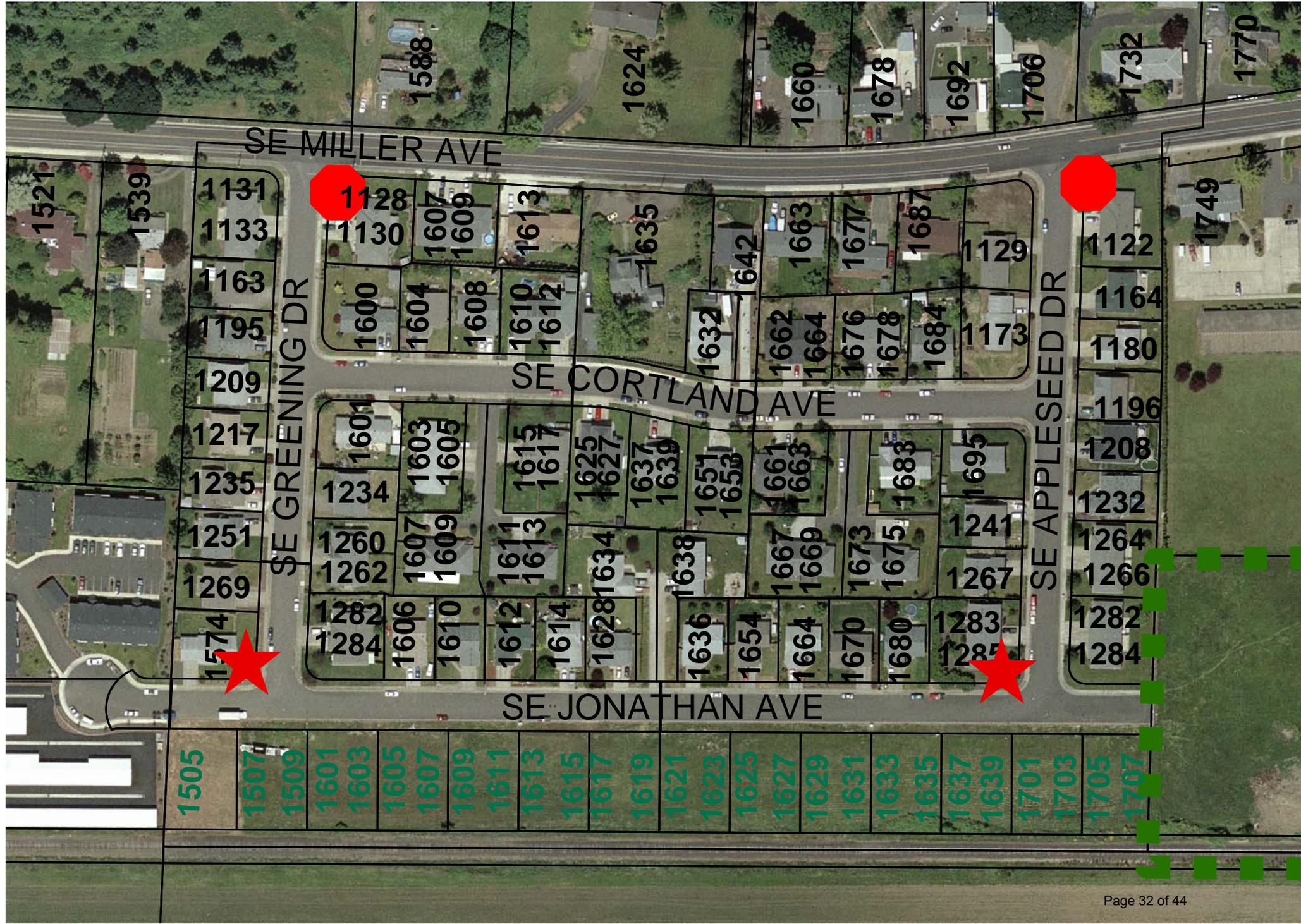
Staff recommends against installation of a multi-way stop, although single stop signs could be installed at the SB approach on SE Greening and SE Appleseed.



Proposed Stop Sign



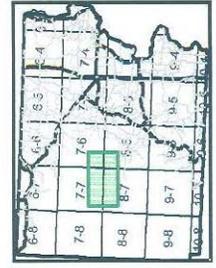
Existing Stop Sign



City of Dallas

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- City of Dallas
- County
- Roads
- CO-GRAVL
- Section
- Updates



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

ORDINANCE NO. 1723

An Ordinance granting an Electrical Utility Franchise and General Utility Easement to PacifiCorp.

WHEREAS, PacifiCorp d.b.a. Pacific Power, is a regulated public utility that provides electric power and energy to the citizens of the City of Dallas, Oregon (the "City") and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City;

WHEREAS, the City desires to set forth the terms and conditions by which PacifiCorp shall use the public ways of the City;

NOW, THEREFORE, THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Grant of Franchise and General Utility Easement. The City hereby grants to PacifiCorp the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across the present and future streets, alleys, bridges, public ways and public places (collectively referred to herein as "Public Ways") within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof. PacifiCorp shall provide electric service to customers within the City in accordance with the standards set forth in its Oregon tariff and applicable state regulations.

Section 2. Term. The term of this Franchise and General Utility Easement is for ten (10) years commencing on the date of acceptance by the Company as set forth in Section 3 below, subject to the City's right to increase the franchise fee as provided in Section 12.1, and the provisions for amendment during the term of this agreement as provided in Section 16

Section 3. Acceptance by PacifiCorp. Within sixty (60) days after the passage of this ordinance by the City, PacifiCorp shall file an unqualified written

acceptance thereof, with the City Recorder, otherwise the ordinance and the rights granted herein shall be null and void.

Section 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the City shall be nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides water or sewerage service to City residences; provided, however, that such use shall not unreasonably interfere with PacifiCorp's Electric Facilities or PacifiCorp's rights granted herein.

Section 5. City Regulatory Authority. In addition to the provision herein contained, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Oregon, the laws of Oregon or City Ordinances.

Section 6. Indemnification and Insurance Requirements.

6.1 Indemnification. The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by PacifiCorp of its Electric Facilities. PacifiCorp shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of PacifiCorp's use of the Public Ways within the City, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The City shall: (a) give prompt written notice to PacifiCorp of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) permit PacifiCorp to assume the defense of such claim, demand, or lien. If such defense is not assumed by PacifiCorp, PacifiCorp shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, PacifiCorp shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

6.2 Insurance. PacifiCorp shall maintain automobile, general liability, including bodily injury and property damage insurance protecting PacifiCorp and the City, as well as the City's officers, agents, and employees, from injuries and damages resulting from the operations related to this agreement, for which

PacifiCorp is legally liable. The insurance shall provide coverage in the amounts of the maximum limits of liability imposed on municipalities of the State of Oregon during the term of this franchise. These insurance policies may provide coverage in excess of self-insured retentions or deductibles in reasonable amounts that may exceed the maximum limits of liability imposed on municipalities of the State of Oregon. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the City and its officers, agents, and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing in this section shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured. The coverage must apply as to claims between insureds on the policy. The insurance policies shall provide that the insurance shall not be canceled or without thirty (30) days' prior written notice first being given to the City Manager. If the insurance is canceled within the term of this franchise, PacifiCorp shall provide a replacement policy with the same or equivalent terms. PacifiCorp shall maintain continuous uninterrupted coverage, in the terms and amounts required, upon and after the effective date of this franchise. Each party agrees to waive subrogation against the other for any claims described in this section to the extent that the claim is covered by the responsible party's insurance, or would have been covered but for the application of an insurance deductible.

Section 7. Annexation.

7.1 Extension of City Limits. Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electrical Facilities owned, maintained, or operated by PacifiCorp located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 Annexation. When any territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to PacifiCorp: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation. The notice shall be mailed to:

PacifiCorp Customer Contact Center
Attn: Annexations
P.O. Box 400
Portland, Oregon 97207-0400

With a copy to:

PacifiCorp
Attn: Office of the General Counsel
825 N.E. Multnomah, Suite 2000
Portland, Oregon 97232

Additional or increased fees or taxes, other than ad valorem taxes, imposed on PacifiCorp as a result of an annexation of territory to the City shall become effective on the effective date of the annexation if notice is given to PacifiCorp by certified mail not later than ten (10) working days after the effective date of the annexation. However, if notification of the effective date of the annexation is provided to PacifiCorp later than the tenth (10th) working day after the effective date of the annexation, the additional or increased fees or taxes will become effective on the date of the notification. This provision shall be subject to any amendment of ORS 222.005.

Section 8. Planning, Design, Construction and Installation of Company Facilities.

8.1 All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and city laws, codes and regulations.

8.2 Except in the case of an emergency, PacifiCorp shall, prior to commencing new construction or major reconstruction work in the public way or street or other public places, apply for a permit from the City which permit shall not be unreasonably withheld, conditioned, or delayed. PacifiCorp will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the City, and the City may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, PacifiCorp shall not be obligated to obtain a permit to perform emergency repairs.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the City and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

8.4 If, during the course of work on its Electrical Facilities, PacifiCorp causes damage to or alters any Public Way or public property, PacifiCorp shall (at its own cost and expense and in a manner reasonably approved by the City) replace and restore it to a condition comparable to that which existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, PacifiCorp shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance.

8.6 The City shall have the right without cost to use all poles and suitable overhead structures owned by PacifiCorp within Public Ways for City wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that PacifiCorp shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety hazards or interferences with PacifiCorp's use of same. Nothing herein shall be construed to require PacifiCorp to increase pole size, or alter the manner in which PacifiCorp attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of PacifiCorp and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by PacifiCorp in conjunction with PacifiCorp's standard pole attachment application process. PacifiCorp shall have the right to inspect, at the City's expense, such attachments to ensure compliance with this Section 8.6 and to require the City to remedy any defective attachments.

8.7 PacifiCorp shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the City. Before

installing new underground conduits or replacing existing underground conduits, PacifiCorp shall first notify the City of such work by written notice and shall allow the City, at its own expense (to include a pro rata share of the trenching costs), to share the trench of PacifiCorp to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with PacifiCorp's Electrical Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect PacifiCorp's Electric Facilities, the City shall give written notice to PacifiCorp.

8.9 No structures, buildings or signs shall be erected below PacifiCorp's facilities or in a location that prevents PacifiCorp from accessing or maintaining its facilities.

Section 9. Relocation of Electric Facilities.

9.1 The City reserves the right to require PacifiCorp to relocate overhead Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, PacifiCorp shall promptly commence the overhead relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of PacifiCorp, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City. The City shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of PacifiCorp to obtain reimbursement. In cases of capital improvement projects undertaken by the City, PacifiCorp shall convert existing overhead distribution facilities to underground, so long as PacifiCorp is allowed to collect the costs associated with conversion from overhead to underground distribution facilities consistent with OAR 860-022-0046, the Oregon Public Utility Commission rule on forced conversions.

9.2 PacifiCorp shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, PacifiCorp may charge the expense of removal or relocation to the developer or customer. For example, PacifiCorp shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development. In such event, the City shall require the developer to pay PacifiCorp for such relocation

costs as part of its approval procedures.

Section 10. Subdivision Plat Notification. Before the City approves any new subdivision and before recordation of the plat, the City shall mail notification of such approval and a copy of the plat to PacifiCorp:

PacifiCorp
Attn: Property Management / Right-of-Way Department
825 N.E. Multnomah, Suite 1700
Portland, Oregon 97232

Section 11. Vegetation Management. PacifiCorp or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways, to prevent the branches or limbs or other part of such trees or vegetation from interfering with PacifiCorp's Electrical Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent PacifiCorp, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

Section 12. Compensation.

12.1 In consideration of the rights, privileges, and franchise hereby granted, PacifiCorp shall pay to the City from and after the effective date of the acceptance of this franchise, seven percent (7%) of its gross revenues derived from within the corporate limits of City. The term "gross revenue" as used herein shall be construed to mean any revenue of PacifiCorp derived from the retail sale and use of electric power and energy within the municipal boundaries of the City after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. All amounts paid under this Section 12 shall be subject to review and audit by the City; provided that only payments which occurred during a period of thirty-six (36) months prior to the date the City notifies PacifiCorp of its intent to conduct a review shall be subject to such review and audit. Notwithstanding any provision to the contrary, at any time during the term of this Franchise, the City may elect to increase the franchise fee amount as may then be allowed by state law. The City shall provide PacifiCorp with prior written notice of such increase following adoption of the change in

percentage by the City. The increase shall be effective sixty (60) days after City has provided such written notice to PacifiCorp.

12.2 The franchise fee shall not be in addition to any other license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from PacifiCorp with respect to PacifiCorp's electric business or the exercise of this franchise within the corporate limits of the City and the amount due to the City under any such other license, occupation, franchise or excise taxes or other charges for corresponding periods shall be reduced by deducting there from the amount of said franchise fee paid hereunder.

12.3 If direct access is implemented by Grantee in accordance with state law and regulations adopted by the PUC, if the City so directs, instead of calculating the franchise fee in accordance with Section 12.1, Grantee shall calculate the franchise fee using volume-based methodologies in accordance with PUC regulations.

12.4 The franchise fee shall be due monthly on or before the 20th day of each month during the term of this agreement, and any renewal or extended term, and shall be computed based on the gross revenue from the previous month or portion thereof. PacifiCorp shall furnish to the City with each payment of compensation required by this section a statement showing the amount of gross revenue for the period covered by the payment.

Section 13. Renewal. At least 120 days prior to the expiration of this Franchise, PacifiCorp and the City either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. PacifiCorp shall have the continued right to use the Public Ways of the City as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

Section 14. No Waiver. Neither the City nor PacifiCorp shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

Section 15. Transfer of Franchise. PacifiCorp shall not transfer or assign any rights under this Franchise to another entity, except transfers and

assignments by operation of law, or to affiliates, parents or subsidiaries of PacifiCorp which assume all of PacifiCorp's obligations hereunder, unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however PacifiCorp may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom PacifiCorp (1) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

Section 16. Amendment. At any time during the term of this Franchise, the City, through its City Council, or PacifiCorp may propose amendments to this Franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the City and PacifiCorp and formally adopted as an ordinance amendment, which is accepted in writing by PacifiCorp.

SECTION 17. Termination for cause. The City may terminate this franchise as provided in this section, subject to PacifiCorp's right to a court review of the reasonableness of such action, upon the willful failure of the PacifiCorp to perform promptly and completely any term, condition or obligation imposed upon it under or pursuant to this ordinance. The City shall provide PacifiCorp written notice of any such failure and PacifiCorp shall have sixty (60) days from receipt of notice to cure the failure, or if the failure cannot reasonably be cured within sixty (60) days, to commence and diligently pursue curing the failure. If PacifiCorp does not cure the failure within the sixty day period, or does not commence and diligently pursue curing the failure to the City's satisfaction within the 60 day period, then the City Council may declare the franchise terminated.

Section 18. Non-Contestability--Breach of Contract.

18.1 Neither the City nor PacifiCorp will take any action for the purpose of securing modification of this Franchise before either the Oregon Public Utility Commission or any Court of competent jurisdiction; provided, however, that neither shall be precluded from taking any action it deems necessary to resolve

difference in interpretation of the Franchise nor shall PacifiCorp be precluded from seeking relief from the Courts in the event Oregon Public Utility Commission orders, rules or regulations conflict with or make performance under the Franchise illegal.

18.2 In the event PacifiCorp or the City fails to fulfill any of their respective obligations under this Franchise, the City, or PacifiCorp, whichever the case may be, will have a breach of contract claim and remedy against the other in addition to any other remedy provided by law, provided that no remedy which would have the effect of amending the specific provisions of this Franchise shall become effective without such action which would be necessary to formally amend the Franchise.

Section 19. Attorney Fees. In the event of suit or action between the parties arising under or relating to the terms of this franchise, including any action described in Sections 17 and 18, above, the prevailing party in such suit or action shall be entitled to recover such party's reasonable attorney fees, as may be awarded by the court in which such suit or action may be tried, heard or decided, and on any appeal therefrom.

Section 20. Notices. Unless otherwise specified herein, all notices from PacifiCorp to the City pursuant to or concerning this Franchise shall be delivered to the City Recorder's Office. Unless otherwise specified herein, all notices from the City to PacifiCorp pursuant to or concerning this Franchise shall be delivered to the Customer and Community Affairs Vice President, Pacific Power, 825 NE Multnomah, Lloyd Center Tower Suite 2000, Portland, Oregon 97232, and such other office as PacifiCorp may advise the City of by written notice.

Section 21. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

Section 22. Repeal of Ordinance Nos. 1439 and 1568. Upon the effective date hereof, but not otherwise, Ordinance No. 1439, passed and approved July

16, 1990, and Ordinance No. 1568, passed and approved March 1, 1999, are hereby repealed.

Section 23. Effective Date. This ordinance shall take effect August 24, 2010, upon the condition that PacifiCorp shall have by then filed with the City its written unqualified acceptance of this ordinance.

Read for the first time: April 19, 2010
Read for the second time: May 3, 2010
Adopted by the City Council: May 3, 2010
Approved by the Mayor: May 3, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER