



Dallas City Council Agenda

Monday, August 16, 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. Approve July 19, 2010 City Council Minutes **p. 3**

b. Approve IGA with SW Polk County Rural Fire Protection District for FY 10-11 **p. 6**

c. Acknowledge report of July 26 Administrative Committee Meeting (action items addressed under Items 8a, 9a, 9b, and 9c). **p. 13**

d. Acknowledge report of July 26 Building and Grounds Committee Meeting (no action items). **p. 29**

e. Acknowledge July monthly reports **p. 36**

5. ITEMS REMOVED FROM CONSENT AGENDA

6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS

7. REPORTS FROM CITY MANAGER AND STAFF

a. Employee and Volunteer of the Quarter

Presentation

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.

- b. Community Entrance Signage [p. 47](#) Information
- c. Kingsborough Park Design Meeting [p. 49](#) Information
- d. Other

8. RESOLUTIONS

- a. Resolution No. 3207: A Resolution establishing the fees for reservation of Dallas City Park areas. [p. 50](#) Roll Call Vote
- b. Resolution No. 3208: A Resolution adopting the Dallas Emergency Operations Plan. [p. 51](#) Roll Call Vote

9. FIRST READING OF ORDINANCE

- a. Ordinance No. 1727: An Ordinance amending Dallas City Code Section 2.200 relating to Department Heads. [p. 54](#) First Reading
- b. Ordinance No. 1728: An Ordinance repealing Dallas City Code Section 6.115, relating to roller skates. [p. 55](#) First Reading
- c. Ordinance No. 1729: An Ordinance amending provisions of the Dallas City Code Sections 5.384 and 5.387, relating to dogs. [p. 56](#) First Reading

10. SECOND READING OF ORDINANCE

11. OTHER BUSINESS

12. ADJOURNMENT

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The Dallas City Council met in regular session on Monday, July 19, 2010, at 7:00 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 Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor David Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.

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

Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitors Center, thanked the Council and staff for their help with the Good Vibrations motorcycle rally that took place in Dallas the past Saturday. She noted everything went very well and there was a positive police presence that was noticed and appreciated.

Ms. Pope reminded the Council that Summerfest would be the following week and stated she was expecting several thousand pirates in town for the event.

Rich Rohde read a statement regarding the Good Vibrations Motorcycle Rally, which is attached to these minutes as Exhibit A.

PUBLIC HEARINGS

CONSENT AGENDA

It was moved by Councilor Wilson and seconded by Councilor Marshall to approve the Consent Agenda as presented. The motion carried unanimously.

Items approved by the Consent Agenda were: a) approve June 21, 2010 City Council minutes; b) acknowledge receipt of Pre-audit SAS114 letter; and c) acknowledge June monthly reports.

ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the Consent Agenda.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

Councilor Wilson noted that in the minutes from June 21 it was mentioned that there was a need for money to replace flags in the downtown. She stated she sent an email to the Ceres Gleann community with a request for donations and received \$385 from them. She indicated the money was given to the City to purchase the flags and thanked the City Manager and Mayor for the nice thank you notes that were sent to the donors.

Councilor Lawson complimented the staff on the work to upgrade the Council Chambers.

Councilor Lamb announced he would not be running for another term for Council in November. Mr. Wyatt reported that Councilor Lamb served on several committees and hoped he would remain involved with the watershed.

Council President Dalton noted he had received many compliments on the directional signs that the Urban Renewal District had placed downtown.

1 Council President Dalton reported that the Oregon Liquor Control Commission (OLCC) had
2 asked the Dallas Liquor Store owner to vacate the downtown and establish a new location in a
3 strip mall. Councilor Dalton advised that the City was trying to attract business to the downtown
4 and when the State asks our businesses in the downtown to move to a strip mall on the north end
5 of town, it goes against what the City is trying to do. He suggested the Council or City write a
6 letter to the OLCC to let them know the City is not happy with what they've done and that it was
7 not in the City's best interest. He noted he would also like a copy to go to Representative Jim
8 Thompson and Governor Kulongoski. After further discussion Mayor indicated the consensus of
9 the Council was for him and the City Manager to draft a letter to the OLCC.

10 **REPORTS FROM CITY MANAGER AND STAFF**

11 **PRESENTATION ON STATUS OF SENIOR CENTER**

12 Mr. Wyatt introduced Diana Cvitanovich of Polk CDC. He reviewed the work with the Seniors
13 she had been doing on behalf of the City.

14 Ms. Cvitanovich explained it was a challenge to discuss the progress that had been made and the
15 progress still to be made without going in to a lot of detail. She reviewed her report which was
16 included in the Council packet. She explained the Seniors had been working very hard to raise
17 capital and noted that as of July 1, 2010, their 501(c)(3) issues had been resolved. Ms.
18 Cvitanovich reported that the seniors were now working with the Community Development Law
19 Center (CDLC) to update their by-laws and produce a policy manual. She noted these items are
20 very important if the seniors want to compete for grants. Ms. Cvitanovich advised that her time
21 working with the seniors was at an end, as the grant money had run out and the Seniors chose not
22 to pay for Diana's time.

23 Ms. Cvitanovich recommended the City put into writing what it's expectations were of the
24 Dallas Area Seniors for the new center when it is built, including what the City will manage and
25 what the Seniors will be responsible for. She noted the seniors should also put into writing what
26 they expect of the City. After further discussion, the consensus of the Council was to have Mr.
27 Wyatt work on a memorandum of understanding for the seniors. Mayor Fairchild asked that the
28 draft MOU be brought to the Administrative Committee.

29 Ms. Cvitanovich noted one issue facing the seniors is that they cannot apply for any of the \$1
30 million in CDBG funds until all other funding is secured and that can be difficult to get in this
31 economy. She added many organizations will only give money to projects that are ready to
32 break ground within 90 days.

33 Mayor Fairchild thanked Ms. Cvitanovich and Polk CDC for their time and effort to help this
34 project move forward.

35 **2009 ANNUAL WATER QUALITY REPORT**

36 Fred Braun reviewed the 2009 Annual Water Quality Report. He said the City of Dallas
37 continues to produce a very high quality water supply for our residents. In addition to the
38 compounds listed in the brochure, Mr. Braun stated the City tests for 200 additional compounds.
39 He indicated the City did not find any of those compounds, or if they were found, they were in
40 such small quantities that they were well below the State and Federal guidelines, which is good
41 news.

42 Councilor Lawson noted that after being in Arizona and tasting tap water there, it was good to be
43 home. Councilor Scroggin asked if the City would have enough water for the summer. Mr.
44 Braun explained there was still overflow at the dam, which was three or four weeks later than
45 usual. He stated there should be no water supply issues this year.

46 **OLCC APPLICATION FOR CHANGE OF OWNERSHIP**

47 Mr. Wyatt reviewed the application.

48 It was moved by Councilor Dalton and seconded by Councilor Shein to recommend to the OLCC
49 to grant the license for change of ownership at 962 Main Street to the Roundup Pub. The motion

1 carried unanimously.

2 OTHER

3 Mr. Wyatt stated there would be no Council meeting on August 2.

4 Mr. Wyatt reported to the Council on an incident of a near-drowning at the Dallas Aquatic
5 Center over the weekend, noting staff did an excellent job following procedures.

6 Mr. Wyatt explained staff was working to update the Garage Sale Code and asked the Council
7 for any ideas they may have to update that. He noted it would be brought to the Administrative
8 Committee in September.

9 Mr. Wyatt presented a certificate of appreciation to Mayor Fairchild for work done on the 2010
10 Census. Mayor Fairchild accepted it on behalf of the staff.

11 **RESOLUTIONS**

12 **FIRST READING OF ORDINANCE**

13 **SECOND READING OF ORDINANCE**

14 **OTHER BUSINESS**

15 There being no further business, the meeting adjourned at 7:48 p.m.

16 Read and approved this _____ day of _____ 2010.

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Mayor

ATTEST:

City Manager

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 4 b	Topic: Approve IGA with SW Polk Co Rural Fire Protection Dist. for FY10-11
Prepared By: Emily Gagner	Meeting Date: August 16, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

By approving the consent agenda, the Council is approving the intergovernmental agreement (IGA) with Southwest Polk County Rural Fire Protection District (SWPCRFPD) and authorizing the City Manager to sign the agreement.

BACKGROUND:

The City's IGA with SWPCRFPD expired July 1, 2010 and we need to approve a new contract. There has been very little change to the new contract, with the exception that the percentage of personnel costs paid by SWPCRFPD has increased, with a total reimbursement up almost 20%, and the total reimbursement for materials and services costs has gone up from 30% to 40%.

FISCAL IMPACT:

Slight positive impact to revenues

ATTACHMENTS:

Proposed IGA with SWPCRFPD

AGREEMENT, made and effective the 1 st day of July, 2010, by and between the CITY OF DALLAS, a municipal corporation, hereinafter called the City, and SOUTHWESTERN POLK COUNTY RURAL FIRE PROTECTION DISTRICT, a body politic of the State of Oregon, hereinafter call the District, WITNESSETH:

WHEREAS, the City and the District are the owners of various fire trucks and other miscellaneous firefighting equipment; and

WHEREAS, the City undertakes to furnish fire protection to the people and property situated within the corporate limits of the City and the District undertakes to furnish fire protection to the people and property situated within the boundaries of its district; and

WHEREAS, the corporate limits of the City and the boundaries of the District are contiguous; and

WHEREAS, the City and the District desire to cooperate in such a way as to furnish the maximum amount of fire protection in the most efficient way and at the least cost to the people and property in the respective areas:

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements hereinafter contained, the City and the District do hereby agree as follows:

1. The City agrees to provide garage and storage space in its fire hall for not less than two nor more than three fire trucks of the District and such other equipment as would usually be required in connection with the efficient operation of said fire trucks and the outfitting of the usual complement of firefighters assigned to each thereof.
2. The City further agrees to provide exterior storage space for not more than three trucks of the District.
3. The City further agrees to furnish the firefighters necessary to operate said trucks and equipment, which are mentioned in paragraphs 1 and 2 above in an efficient manner.
4. The City further agrees without cost to the District to dispatch its own trucks and equipment to fires occurring in the area served by the District if the Dallas Fire Chief determines that the trucks and equipment of the District are not sufficient for fire suppression, provided the safety and welfare of the City, its inhabitants and the property situated therein are not thereby impaired or jeopardized.
5. The City further agrees to provide normal maintenance services for the fire trucks and other equipment of the District, which it receives under the provisions of this agreement as long as paid as provided in Section 13.
6. It is understood and agreed by the parties hereto that the Dallas Fire Chief shall be in control of fire trucks and other equipment of the District used in fire suppression and other emergencies and in control of all fire suppression and other emergency activities conducted by the District, including, but not limited to, making all decisions relative to the number of fire trucks to be dispatched to each fire and the kind and quantity of equipment to accompany said truck or trucks; that the District is to maintain the fire suppression system described on Exhibit 1 hereto; and that the Dallas Fire Chief is to administer the day-to-day administrative functions of the District and the coordination of the training of the District's firefighters in cooperation

with the Dallas Fire Training Officer who shall be responsible for the ensuring scheduling of training for the District which meets all state standards.

7. The District shall hire an administrative Assistant, who shall at all times be an employee of the District. The Dallas Fire Chief shall supervise the day-to-day duties of the Administrative Assistant and shall periodically report to the District Board thereon. The Administrative Assistant shall devote one-half of his or her time to the performance of such duties for the City as directed by the Fire Chief and in consideration thereof the City agrees to pay and the District agrees to receive 50% of the salary of the Administrative Assistant, including all fringe benefits as more particularly described in paragraph 11(a), provided that the total payable by the City hereunder shall not exceed the sum of \$21,000 for the first year and as adjusted by agreement between the City and District in the second year.
8. The Dallas Fire Chief shall meet as needed with the Station Chief of the Rickreall substation and the Chief of the Falls City Fire Department to coordinate and discuss the operations of the District.
9. The District agrees that the City shall have the right, without cost to the City, to use the District's trucks and other equipment, which is the subject of this agreement, in combating any fires within the corporate limits of the City.
10. In the event fires occur simultaneously within the area served by the District and the corporate limits of the City, the extinguishment of the fire within the corporate limits of the City shall have priority, and the availability of city owned trucks, equipment and firefighters for the purpose of combating the fire in the area served by the District shall be dependent on the need for said trucks, equipment and manpower in combating the fire within the corporate limits of the City. The City agrees, however, that every reasonable effort will be made to respond to both fires simultaneously, or to the fire in the area served by the District, as soon as possible after the alarms have been received.
11. In consideration of the services to be performed by the City hereunder the District agrees to pay and City agrees to receive the following:
 - (a) 35% of the salary of the Dallas Fire Chief including all fringe benefits accruing on account of the employment of the Chief, including, but not limited to, cost of health care insurance, Social Security contributions, workers compensation insurance, unemployment contributions, travel and subsistence costs relating to the official duties of the Chief and in attending training schools and official conferences or conventions, clothing allowance and dues for professional organization;
 - (b) 25% of the salary of the Training Officer of the City including all fringe benefits accruing on account of the employment of the Training Officer as more particularly described in subparagraph (a) above;
 - (c) 25% of the Dallas Fire Inspector who shall serve as the Fire Inspector for the District including all fringe benefits accruing on account of the employment of the Fire Inspector as more particularly described in subparagraph (a) above;

- (d) 10% of the Logistics Officer including all fringe benefits accruing on account of the employment of the Logistics Officer as more particularly described in subparagraph (a) above;
- (e) Thirty percent (30%) of the contributions paid by the City for fringe benefits of the volunteer firefighters including, but not limited to, workers compensation and life and disability insurance premium payments;
- (f) Twenty-five percent (25%) of the cost of the City's Physician Advisor.
- (g) Fifty percent (50%) of the cost of maintaining the rescue truck, with the District's share not to exceed \$2,500.
- (h) Forty percent (40%) of the following supplies, services and costs of maintenance of the Dallas Volunteer Fire Department and the Dallas Fire Station:
 - 1. Supplies;
 - 2. Radios/Pagers;
 - 3. Turnouts;
 - 4. Telecommunication;
 - 5. Heat and power;
 - 6. Training and Education;
 - 7. Uniform allowance;
 - 8. Computer Services;

provided, that the total of all costs payable hereunder shall not exceed the maximum amount of such costs budgeted and approved by the City and the District as set forth in Exhibit 2 hereto.

Billings shall be made by the City to the District and the District to the City on a quarter-annual basis starting October 1, 2010, and continuing on the 1 st day of January, the 1 st day of April, and on the 30th day of June. Said quarter-annual billings shall be based upon the actual amounts expended by the City or the District and shall be due and payable within thirty (30) days after a billing is received.

- 12. In addition to the payment of sums described in paragraph 11 above, the District shall also pay the Dallas Volunteer Fire Association such sum as may be agreed upon between the District and the Association as fair reimbursement for expenses incurred by the Volunteers in performing their duties.
- 13. The City shall furnish gas and oil for and shall repair the District's equipment and the District shall pay the City the City's actual cost of providing such gas, oil and repairs.
- 14. The City shall furnish the District Administrative Assistant with office space for the conducting of the District's business at no charge.
- 15. This agreement shall become effective on July 1, 2010, and shall remain in effect until June 30, 2011, provided however, that each appropriation in the budget set forth on Exhibit 2.
- 16. Except as hereinabove provided neither the City nor the District shall be obligated to

the other of them, nor shall the District be otherwise obligated to the Dallas Volunteer Fire Department or any of its individual members.

17. Upon the effective date of this agreement, all other agreements relating to the same subject then in existence shall be cancelled, annulled and held for naught.

IN WITNESS WHEREOF, the City has caused this agreement to be executed in its name and on its behalf by its Mayor and attested by its City Manager and the District has caused this agreement to be executed in its name and on its behalf by its Chairman of its Board of Directors and attested by its Secretary.

CITY OF DALLAS, OREGON

By: _____
Mayor

By: _____
City Manager

SOUTHWESTERN POLK COUNTY RURAL
FIRE PROTECTION DISTRICT

By: _____
Chairman of Its Board of Directors

ATTEST:

By: _____
Secretary

DISTRICT CHAIN OF COMMAND

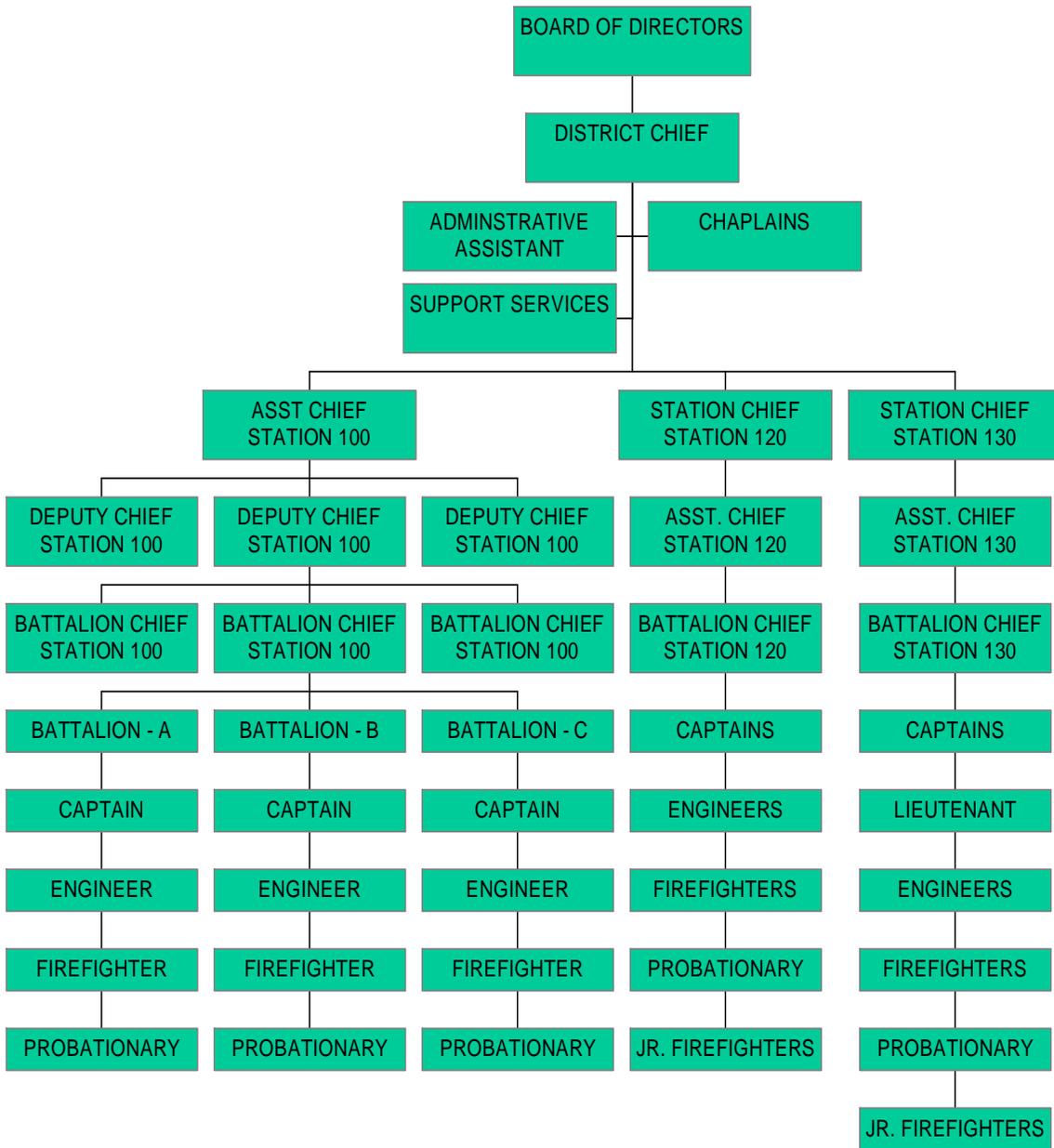


Exhibit 2

Southwestern Polk County Rural Fire Protection District

CONTRACT WITH CITY OF DALLAS

Budget 2010 - 2011

Salaries, Fringe, Fringe benefits – Volunteers

- Fire Chief – 35%
- Fire Inspector – 25%
- Fire Training Officer – 25%
- Logistics Officer – 10%

\$ 103,840.32

Materials and Services

• Supplies	\$ 7,500.00
• Radios/pagers	6,000.00
• Turnouts	40,000.00
• Telecommunications	12,000.00
• HVAC, energy & lights	20,000.00
• Training & Education	18,000.00
• Uniform Allowance	4,000.00
• Computer services	<u>4,000.00</u>
40% Reimbursement of total	\$ <u>44,800.00</u>

\$ 148,640.32

Physician Advisor (25% of \$6,000): 1,500

Rescue truck shared maintenance (50% each)
District share Not to Exceed 2,500

ACTUAL TOTAL \$ 152,640.32

Members Present: Chair Ken Woods, Jr., Kevin Marshall, David Shein, and Dave Voves.

Also Present: City Manager Jerry Wyatt, Mayor Jim Fairchild, City Attorney Lane Shetterly, Community Development Director Jason Locke, Assistant City Manager Kim Marr, and Recording Secretary Emily Gagner.

Chair Woods called the meeting to order at 4:17 p.m.

Municipal Judge Evaluation

Mr. Wyatt reviewed the staff report. He indicated he wanted to put together some kind of structure for the Council's evaluation of the judge, since he is appointed by the Council and doesn't work for the City Manager or City Attorney. He reported he would like some process in place prior to January 2011, so the Council has time to observe how the judge operates before it is time to reappoint him. Mr. Wyatt stated the proposed form could be altered. There was discussion about the amount of interaction the Council currently had with the judge. Mr. Shetterly explained that Councils always struggle with that and he recommended the Council meet with the Police Chief and City Manager since they actually work with the judge. Mayor Fairchild suggested the Council get a court summary report monthly or quarterly as the other departments provide. Councilor Shein asked if the City ever received complaints about the judge, noting it might be worthwhile to have a tracking system for those. Councilor Woods recommended staff bring a rough-draft evaluation form to the Council to review. Councilor Marshall asked what the purpose was of the judge and Council establishing a relationship. Mr. Wyatt explained the Council hires the judge and they are responsible to evaluate him, so it is important for the Council and judge to have a relationship so the Council knows how the judge is doing. Councilor Woods recommended the judge give a presentation during the goal setting session just like the other department heads. It was the consensus of the committee to have staff send the proposed evaluation form to the full Council for review and comments, and bring the findings back to the Committee in September.

Park Reservation Rate Structure Change

Mr. Wyatt reported that the reservation system is very popular, and he reviewed the current reservation rates. He explained we have a lot of people that will book an area for the whole day but only use it for a short period of time. He stated he felt it would be better for the citizens if they communicated how much time they needed a space and that would open up more time for others to use the facilities. He reviewed the staff proposal for changing the reservation rate structure, which was \$25 for the first hour plus \$10 for each additional hour, noting the change wouldn't go into effect until January 2011. There was discussion about charges for large groups, and it was decided to charge twice the regular rate. Councilor Woods asked how much time should be left between reservations. Mr. Wyatt recommended an hour, which the Committee agreed with.

It was moved by Councilor Voves and seconded by Councilor Marshall to recommend to the Council to adopt a park reservation fee of \$25 for the first hour and \$10 for each additional hour for groups up to 100 and a fee of \$50 for the first hour and \$20 for each additional hour for groups over 100. The motion carried unanimously.

Department Head Code Update

1 Mr. Wyatt reviewed the staff report, noting this was just a clean-up item.

2 It was moved by Councilor Voves and seconded by Councilor Shein to recommend the Council amend
3 the Dallas City Code to remove reference to the City Librarian and to remove “who is also the building
4 official and building inspector” from the description of the Community Development Director. The mo-
5 tion carried unanimously.

6 **Roller Skate Code Update**

7 Mr. Wyatt reviewed the staff report, noting the high school students use long boards as a mode of trans-
8 portation and the current code makes it illegal for them to be on the streets.

9 It was moved by Councilor Marshall and seconded by Councilor Shein to recommend to the Council to
10 repeal section 6.115 of the Dallas City Code – Use of Roller Skates Prohibited. The motion carried un-
11 animously.

12 **Animal Control Code Update**

13 Mr. Wyatt reviewed the staff report and made clear that the only thing changing was the title – the duties
14 of the dog control officer would remain the same as they were currently.

15 It was moved by Councilor Voves and seconded by Councilor Shein to amend the Dallas City Code to
16 reference “Dog Control” rather than “Animal Control” when referring to the dog control program of the
17 Police Department. The motion carried unanimously.

18 **Finance Director’s Report**

19 Ms. Ward reported that she met with the new auditors, who will be back in September for a full week of
20 field work. She noted they worked well with staff. She stated she was working through the last phase of
21 the new Finance software, with the time entry phase to be completed in September.

22 **Assistant City Manager’s Report**

23 Ms. Marr reported the City had hired a new part-time park employee, as well as a part-time sports coordi-
24 nation specialist. Councilor Voves stated the sports coordination specialist position was a long time com-
25 ing and he thanked Mr. Wyatt for getting it done. Mr. Wyatt reported that Mr. Brautigam, the sports
26 coordination specialist had only been working a week and had already met with Kids, Inc. and all the high
27 school coaches, was working on summer sports programs, and had contacted Western Oregon University
28 to have students there participate in the Dallas sports program.

29 **Other**

30 Mr. Wyatt indicated he had told the group of citizens who are against the trail that the City would hold an
31 open house about the trail, noting the meeting would not be a presentation with an audience. He stated
32 this would be a meeting to which the public was invited and there would be several stations set up, each
33 addressing one area of the trail. For instance, there would be one wetland/riparian area station manned by
34 the Watershed Council staff and a crime station with the Chief of Police. Mr. Wyatt indicated he would
35 like the Council to interact with the crowd. He noted the meeting would be held at the Dallas High
36 School so it was a neutral site. He stated the open house would be held August 31.

- 1 There was no other business and the meeting was adjourned at 5:00 p.m.

MEETING AGENDA

ADMINISTRATIVE COMMITTEE

Monday, July 26, 2010

4:00 p.m.

Ken Woods, Jr., Chair

Kevin Marshall

David Shein

Dave Voves

1. Municipal Judge evaluation
2. Park reservation rate structure change
3. Department Head Code update
4. Roller Skate Code update
5. Animal Control Code update
6. Finance Director's report
7. Assistant City Manager's report
8. Other
9. Adjourn

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 1	Topic: Municipal Judge Evaluation
Prepared By: Emily Gagner	Meeting Date: July 26, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Discussion only

BACKGROUND:

Our current municipal judge, Ira Feitelson, was hired 10/1/2002. He is appointed for a two-year term as required by the Charter, and was last reappointed January 5, 2009. It recently came to our attention that the judge has never been evaluated by the Council, something it is recommended the Council do from time to time. While the time to look at reappointment of the judge is several months off, we felt it was a good idea to discuss an evaluation now, to give the Councilors ample opportunity to schedule time to attend one or more court sessions. The following evaluation form is a recommendation only – staff would welcome suggestions and comments from the Councilors on improvements to the form.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed evaluation form

Municipal Judge Performance Evaluation

Here are some recommendations of sources that you can use to evaluate the performance of the Municipal Judge.

1. Visit court and observe proceedings.
2. Talk to department employee and City Manager.
3. Council should feel free to contact the Judge any time they have concerns and discuss those on a one-on-one basis. This would help the Judge and the Council maintain a working relationship.
4. Grade the court on the approved evaluation form using a numbered grading system.
5. Have staff expand the information supplied in the monthly report to include Police ticket statistics for speeding, DUI, un-insured motorist, etc. and have the Judge do the same thing with convictions, fines levied, and fines collected for each citation. This should be coordinated with the Chief and Judge and their input used.
6. Evaluations should be done annually at or about Budget time so the information is current.
7. The Judge's position is an at-will employee and no contract is required.
8. Salary can be reviewed by the Council and changes can be made when the Council reappoints the Judge every 2 years.

Municipal Court Judge Performance Evaluation

Instructions: Place a check mark on the line underneath the number you feel is appropriate for each item. The numerical rating (1 – 5) is an effort to quantify opinions and judgment about specific management responsibility. While subjective, it suggests a useful emphasis or relative degree of acceptability. Please use comment space to record specific comments on each point. Use the back of the form or a separate page if more space is needed.

A (6) rating is Not Rated/No Experience to Evaluate; (5) rating represents very satisfactory/excellent performance or behavior; (4) indicates performance or behavior that exceeds standards or is good; (3) is satisfactory; (2) represents an area that needs improvement; and (1) is indicative of performance or behavior that is not satisfactory.

<u>Professionalism</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Comments</u>
a. Projects a professional and positive image							
b. Courteous to the public and staff at all times							
c. Controls emotions effectively in difficult situations							

<u>City Council Relationship</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Comments</u>
a. Effectively handles City Council concerns							
b. Keeps City Council informed on issues concerning the court							
c. Effectively aids the City Council in establishing long-range goals							

<u>Communications</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Comments</u>
a. Communicates effectively with Police Dept.							
b. Oral communications are clear, concise, and accurate							
c. Written communications are clear, concise, and accurate							

<u>Court Administration</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Comments</u>
a. Creative in developing practical solutions to problems faced in the course of work							
b. Seeks to improve own skills and knowledge							
c. Controls uncollected fines							
d. Shows consistency in courtroom proceedings							
e. Proposes in a timely manner a balanced and well-prepared budget document							
f. Encourages training for professional staff							

Based on your overall evaluation of the Municipal Judge, what areas would you list as strong points?

Based upon your overall evaluation, what areas would you suggest the Municipal Judge work on to improve skills and be more effective? Please be as specific as possible.

Evaluator: _____

Date: _____

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 2	Topic: Park Reservation Rate Structure Change
Prepared By: Emily Gagner	Meeting Date: July 26, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Recommend to the Council to approve a change in the reservation rate structure for the Dallas City Park, effective January 1, 2011, as presented.

BACKGROUND:

At the June 22 Park and Recreation Board meeting, the Board discussed the current rate structure for park reservations. The consensus of the Board was to change the fees to an hourly rate with the goal of cost recovery. Staff has reviewed the rate structure and recommends the following: \$25 for the first hour of reservation and \$10 for each additional hour rented. The change would go into effect January 1, 2011.

FISCAL IMPACT:

May have minor positive impact to the general fund miscellaneous fee line item.

ATTACHMENTS:

Comparison chart showing other city's reservation rates

Dallas	\$50 - groups up to 100 / \$100 groups larger than 100 - no time limit
Salem	\$25 per hour (3 or 4 hour minimum depending on the park) + \$20 permit fee
Corvallis	M-Th - \$30 per four-hour time block / Fri-Sun & Holidays - \$45 per 4-hour time block
Stayton	\$80 for first 3 hours (minimum), plus \$15 for each additional hour
Canby	Residents: \$375/day or \$110 for five hours Nonresidents: \$750/day or \$220 for five hours
Silverton	Up to 8 hours - \$100. If using kitchen, also charge \$350 (refundable) deposit
McMinnville	Weekday Resident: \$60 Nonresident: \$72 - no time limit Weekend Resident: \$120 Nonresident: \$144 - no time limit

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 3	Topic: Department Head Code Update
Prepared By: Emily Gagner	Meeting Date: July 26, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Recommend amending the Dallas City Code to remove reference to the City Librarian and to remove “who is also the building official and the building inspector” from the description of the Community Development Director.

BACKGROUND:

Recently, we noticed the Department Head section of the Dallas City Code was outdated. We recommend updating the Code to reflect current duties.

FISCAL IMPACT:

None

ATTACHMENTS:

Redline version of DCC 2.200 Department Heads

DEPARTMENT HEADS

DALLAS CITY CODE/CHAPTER 2: GOVERNMENT AND ADMINISTRATION COUNCIL/DEPARTMENT HEADS/2.200 Department Heads.

2.200 Department Heads.

Titles of city department heads are as follows:

- (1) The head of the police department shall be known as the "chief of police."
- (2) The head of the public works department shall be known as the "director of public works."
- (3) The head of the community development department, ~~who is also the building official and the building inspector~~, shall be known as the "director of community development."
- ~~(4) The head of the city library shall be known as the "city librarian."~~
- (5) The head of the finance department shall be known as the "finance director."

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 4	Topic: Roller Skate Code Update
Prepared By: Emily Gagner	Meeting Date: July 26, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Recommend to the Council to repeal Section 6.115 of the Dallas City Code – Use of Roller Skates Prohibited.

BACKGROUND:

It was recently brought to our attention that our Code contains a section prohibiting any person using roller skates or riding in or by the means of a coaster, toy vehicle, skateboard, or similar device on the streets. Many high school students use skateboards and long boards as a means of transportation. Staff does not feel there is an issue with this, and recommends the Council repeal section 6.115 of the Code.

FISCAL IMPACT:

None

ATTACHMENTS:

Current Code 6.115 – Use of Roller Skates Prohibited

DALLAS CITY CODE / CHAPTER 6: VEHICLES AND TRAFFIC / GENERAL REGULATIONS / 6.115 Use of Roller Skates Prohibited.

6.115 Use of Roller Skates Prohibited.

No person upon roller skates or riding in or by means of a coaster, toy vehicle, skateboard, or similar device shall use the streets except while crossing at a crosswalk or while upon a street designated for such use.

DALLAS CITY COUNCIL SUBCOMMITTEE

REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 5	Topic: Animal Control Code Update
Prepared By: T. Simpson	Meeting Date: July 26, 2010	Attachments: Yes <input type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Recommend amending the Dallas City Code to reference Dog Control rather than Animal Control, when referring to the Dog Control program of the Police Department.

BACKGROUND:

Historically, the Dallas Police Department has operated a program to manage dogs at large and dogs which become nuisances, due primarily to the inattention of the owners. The program has been referred to as the Animal Control Program however the true focus has always been dogs. The persons hired to fill this position typically have a background in working with dogs and the training they receive once hired is focused heavily on dogs.

Citizens in the past have called upon the persons assigned this duty to help mitigate a variety of animal problems, many of which are not dog related. Some situations presented have been related to more exotic pets such as reptiles or wild animals such as Cougars, neither which fall into the realm of training our Community Service Officer assigned the program has received.

While the police department will strive to provide any assistance within our capabilities, calling our program Animal Control is misleading, implying we will assume responsibility for non-dog problems when in fact, we cannot. Recent examples include a cat in a tree, turkeys, a rat in a toilet and a pesky raccoon.

We are prevented by state statute from sufficiently handling wild animal complaints and lack the expertise to fetch treed cats & repair plumbing. We will happily assist, but we don't want to imply responsibility. We issue & manage dog licenses and our CSO assigned to the program enforces most city ordinances & state laws which pertain to dog control.

There are two areas of the Dallas City Code I've found which reference Animal Control.

Dallas City Code 5.384 makes four references to "Animal Control" in sub-section 1.

Dallas City Code 5.387 makes two references to "Animal Control" in its sub-section 1, one pertaining to Dallas Animal Control and the other referring to Polk County Animal Control.

Recommend the references in both of these chapters of the Dallas City Code be change to read "Dog Control."

In addition, Polk County's program is very specifically Dog Control, so the reference to that program in 5.387(1) should also be changed to Dog Control.

FISCAL IMPACT: None.

ATTACHMENTS: Attachment "A" – Excerpt from DCC, 5.384 & 5.387

5.384 Impoundment.

(1) When a dog is impounded under authority of section 5.380, the **animal control** officer shall give written notice to the owner or custodian of the dog, either by personal service or by posting notice on the front door to the owner or custodian's residence, if the dog has, on a tag or otherwise on the dog, information sufficient to enable the **animal control** officer to serve the owner or if the **animal control** officer has actual knowledge sufficient to enable the **animal control** officer to serve the owner.

(a) Such notice shall state the name of the dog, if known, a general description of the dog, the date it was impounded, the amount of the daily boarding fee and the redemption fee, that a license for the dog must be obtained before redemption, and the date after which the dog

5.387 Dangerous Dogs.

(1) Definitions: For purposes of this section, the following mean:

Business day. A day the Dallas City Hall is open for business.

Chief. The Chief of the Dallas Police Department, or the Chief's designee.

City. City of Dallas, Oregon.

Keeper. The person in actual or constructive charge of a dog at the time an alleged dangerous act occurs.

Menaces or menacing. Lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person's safety.

Notice. A dangerous dog notice.

Officer. A police officer, the City of Dallas **Animal Control** Officer, and the Polk County **Animal Control** Officer.

Order. A dangerous dog order.

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Members Present: Chair David Shein, Kevin Marshall, Dave Voves, and Ken Woods, Jr.
Also Present: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Community Development Director Jason Locke, Assistant City Manager Kim Marr, and Recording Secretary Emily Gagner.

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

No Smoking in City Parks Signage

Mr. Wyatt explained this was an item that had gone through the Park and Recreation Board and then Council. He indicated staff would be installing signs near the playground equipment in the park that stated there was no smoking allowed within 25 feet of the shelters and playground equipment. He reported those who had initially brought the Council their concerns were happy with the signage.

Councilor Marshall joined the meeting at 4:05.

Dallas Aquatic Center Rates

Mr. Locke reviewed his staff report, noting when the Council adopted the resolution that was included in the packet, that set the parameters for who sets what rates. He reported the Council sets the general admission, annual membership, coupon and facility rental rates and everything else is subordinated to the City Manager. He indicated he and staff had been reviewing all the costs for goods and services and would be making adjustments in concession food and non-food items. Mr. Locke explained the Aquatic Center had reached a point where the expenditures have been reviewed and gotten to a reasonable level, so now they are reviewing revenues. He noted many costs are increasing or have increased over the past six months and added even with the fairly modest increases, our facility will still be on the low end compared to other facilities. Councilor Woods asked what rates the City Manager set. Mr. Locke stated he set concession prices and swim lesson rates. Councilor Woods asked that next time, the staff report needs to be more specific about who set these rates, because he thought the Council did.

Community Development Director's Report

Mr. Locke reported still seeing a fairly high level of building activity. He indicated he had a mason look at the City Hall and Carnegie Library buildings to determine what needed to be done for maintenance.

Other

Councilor Voves indicated he had received several complaints about the park not being maintained and not having flowers planted. Ms. Marr reported that the only thing she saw that was a problem were the holes in the parking lot, which had recently been filled. She noted the section where the rocks are near the parking lot is just old, but the rocks are cemented in and can't be removed. She did acknowledge the park employees were a little behind in maintenance because of staffing shortages. Mr. Wyatt reported the trail graffiti had been removed and the rest of the damage on the trail would be taken care of shortly. He added that everything but the Park Street landscaping strip had been or would be taken care of.

There was no other business and the meeting was adjourned at 4:17 p.m.

MEETING AGENDA

BUILDING AND GROUNDS COMMITTEE

Monday, July 26, 2010

4:00 p.m.

David Shein, Chair
Kevin Marshall
Dave Voves
Ken Woods, Jr.

1. No Smoking in City Parks signage
2. Dallas Aquatic Center rates
3. Community Development Director's report
4. Other
5. Adjourn



Community Development Department

Memo

To: Buildings and Grounds Subcommittee
From: Jason Locke, Community Development Director
Date: July 22, 2010
Re: Aquatic Center Rates

Staff has begun an analysis of possible rate adjustments for the Dallas Aquatic Center. The rates set by the Council are contained in Resolution 3152. Other prices, such as concessions, lessons, party packages, etc, are approved by the City Manager. As an attached example, we are making some adjustments in our lesson rates and party packages. As you can see, the increases are modest and allow us to keep up with the cost of inflation. These rates have not been raised in at least 5 years.

RESOLUTION 3152

A Resolution establishing a schedule of rates and fees to be paid by persons using the Dallas Aquatic Center and repealing Resolution No. 2996.

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

Section 1: The fees and rates charged for persons using the Dallas Aquatic Center are hereby adopted as set forth in Exhibit "A", attached hereto and by reference incorporated herein.

Section 2: All other rates, fees, and prices not expressly set forth in Exhibit "A" may be set by the City Manager.

Section 3: Upon the effective date of this Resolution, Resolution No. 2996 is hereby repealed.

Section 4: This Resolution shall take effect on June 1, 2008.

Adopted: May 19, 2008

Approved: May 19, 2008

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

EXHIBIT “A”

DALLAS AQUATIC CENTER RATES

1) **General Admission Day Use Pass**

	<u>Resident</u>	<u>Non-Resident</u>
Adult (18-59)	\$4.50	\$6.00
Youth (under 18)	\$3.00	\$4.00
Senior (60 & over)	\$3.50	\$5.00
Family*	\$10.00	\$15.00

2) **Youth summer only Pass (June-August)**

	<u>Resident</u>	<u>Non-Resident</u>
Youth (18 & under)	\$75.00	\$100.00

3) **3-month Water Aerobics Pass (unlimited use)**

	<u>Resident</u>	<u>Non-Resident</u>
All ages	\$75.00	\$100.00

4) **Annual Membership**

(Includes all lap swims, recreation swims, and unlimited water aerobics, as well as a twenty percent discount on all classes and lessons, a ten percent discount on room and facility rentals and swimsuits, five free passes per year for friends and family, and discounts on special events)

	<u>Resident</u>	<u>Non-Resident</u>
Adult (18-59)	\$225.00	\$300.00
Youth (under 18)	\$175.00	\$240.00
Senior (60 & over)	\$175.00	\$240.00
Two-person	\$350.00	\$425.00
Family*	\$400.00	\$550.00

*"Family" means up to four persons related by blood, marriage, or other legally recognized arrangement, who reside together in the same household. For annual passes, add \$60.00 for each additional family member.

5) **20 coupons (non-expiring)**

	<u>Resident</u>	<u>Non-Resident</u>
Adult (18-59)	\$81.00	\$108.00
Youth (under 18)	\$54.00	\$72.00
Senior (60 & over)	\$63.00	\$90.00

6) **Facility rental rates**

Small room \$30.00/hour

Large Room \$60.00/hour

Entire facility (includes both rooms, all pools, lifeguards, and one lead lifeguard for one hour)

<u>Number of Guests</u>	<u>Rate**</u>
1-40	\$200.00
41-80	\$250.00
81-120	\$300.00
121-160	\$350.00
161-200	\$400.00
201-240	\$450.00

**Add \$75.00 for each additional hour.

Prices for the Aquatic Center June 2010

	fee now	proposed new fee
Private lessons (1) 1/2 hr	\$15	\$20
Semi Private lessons (2) 1/2 hr	\$12 each	\$16 each
5 week swim lesson (10) 1/2 hr each		
Resident	\$35	\$40
non residents	\$45	\$50
Birthday Party 1	\$30	\$35
Birthday Party 2	\$15 each	\$17
Birthday Party 3	\$18 each	\$20

COMMUNITY DEVELOPMENT

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

JULY 2010 Monthly Report - Planning, Building, Code Enforcement

REVENUES		Month	Fiscal YTD
Planning	Jul-10	\$ 1,719	\$ 1,719
Building	Jul-10	\$ 11,895	\$ 11,895

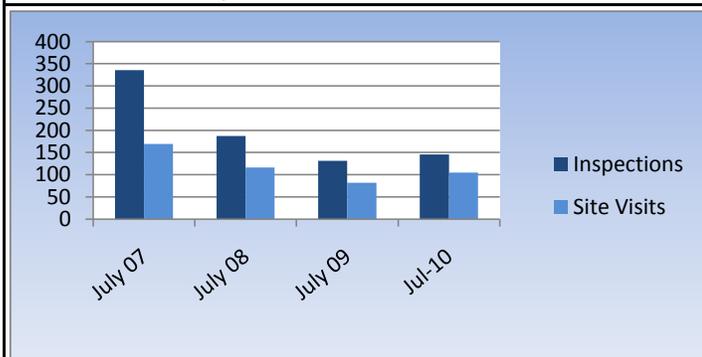
LAND USE APPLICATIONS

	Sign	Home Occupation	Conditional Use	Variance	Partition / Replat	Subdivision	Type II	Misc.	Zone Change
Jul-10	1	0	0	0	0	0	1	3	0
YTD 2010	4	3	4	0	3	1	1	7	1
Jul-09	0	1	0	0	0	0	0	1	0
YTD 2009	8	8	0	0	0	1	0	1	0

INSPECTIONS AND SITE VISITS

Monthly: Inspections - 146 Site Visits - 105

Year to Date: Inspections - 927 Site Visits - 533



CODE ENFORCEMENT

Current Open Cases: 36

New Cases processed in in June

6.505 Abandoned Vehicles	11
6.32 Vehicles Stored on Street	18
5.584 Vehicles Stored on Prop	13
5.582 Junk	0
5.556 Scattering Rubbish	9
6.125 Obstructions	5
5.588 Graffiti	3
6.125 Obstructions	0
Other Ordinances	0
Code Citations	0
Towed Vehicles	0

Number of Followups 139

BUILDING PERMIT SUMMARY

Permit Use	Jul-10	Jul-09	YTD Total 2010	Annual Total 2009	YTD Valuation 2010	Annual Valuation 2009
New Single Family	1	3	16	7	3,370,691	\$721,451
New Duplexes	0	0	0	0	0	0
New Multifamily	0	0	1	1	800,000	3,759,944
Residential Remodel	2	4	32	29	589,541	564,911
Residential Accessory Building	0	1	6	5	83,791	55,388
New Commercial	0	0	1	2	2,000	4,074
Commercial Remodel	5	1	41	27	2,466,178	1,219,663
New Industrial	0	0	0	1	0	46,530
Industrial Remodel	0	0	0	0	0	0
Public Building	0	0	0	3	0	11,533
Mobile Home Accessory	0	0	0	0	0	0
Misc./No Fee Permits	0	0	0	0	0	0
Total All Categories	8	9	97	75	7,312,201	\$6,383,494

Month	Inspections	Site Visits	YTD	Inspections	Site Visits
July 07	336	169	2007	2374	1155
July 08	187	116	2008	1612	867
July 09	131	82	2009	1027	540
Jul-10	146	105	2010	927	533

DALLAS AQUATIC CENTER



Director - Jason Locke
 Supervisor - Tina Paul

JULY 2010 MONTHLY REPORT

REVENUE	Month	Fiscal YTD
	Jul-10	\$44,320
	Jul-09	\$49,895

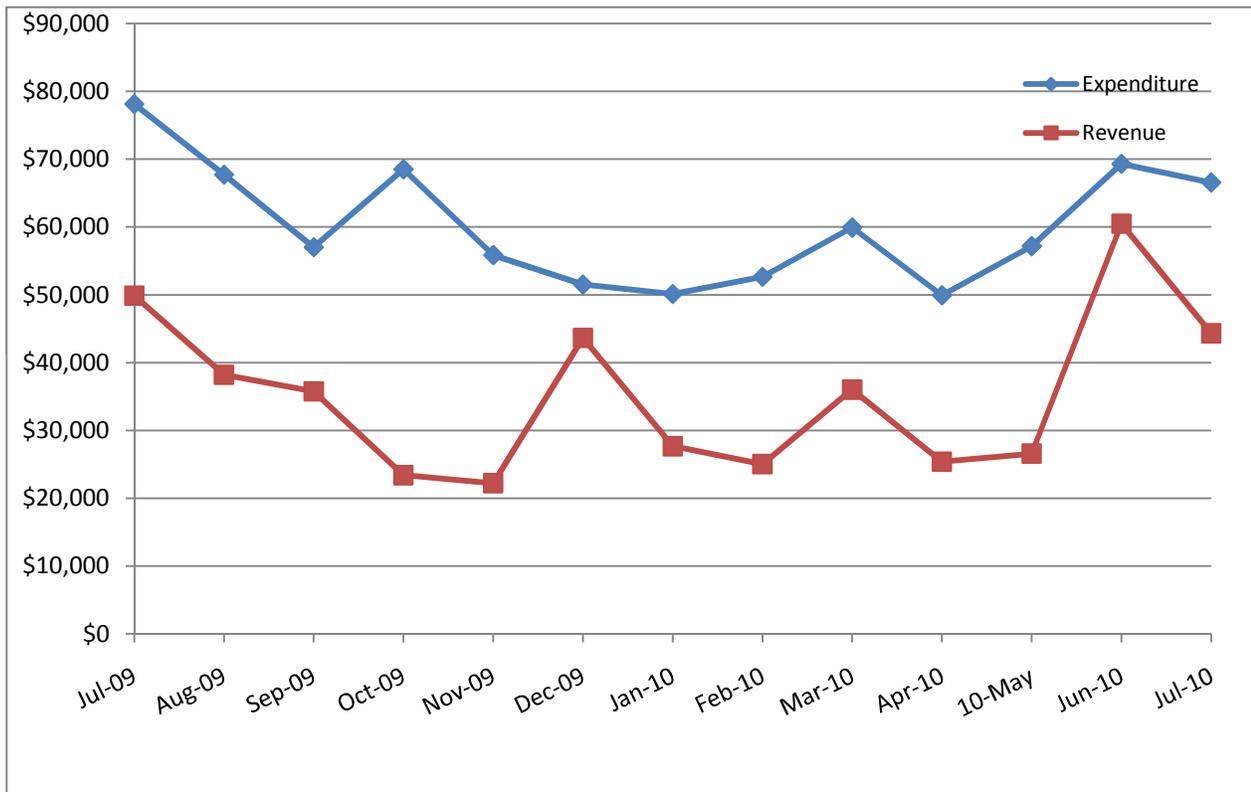
Current Members:	
Annual	802
3-month Water Aerobics	23

EXPENDITURES	Month	Fiscal YTD
	Jul-10	\$66,563
	Jul-09	\$78,113

Monthly Attendance:	
Jul-10	11,293
YTD	11,293

Utility Costs:	Jul-10	Fiscal YTD
Natural Gas	\$3,204	\$3,204
Electricity	\$5,311	\$5,311

R/E Ratio = 66.5%***
 (Revenue/Expenditure)



**Dallas Public Library
Monthly Report for July 2010**

Circulation Statistics

Adult	July 2010	July 2009		Children	July 2010	July 2009
Print Materials	8008	8149		Print Materials	3291	3085
Books on Tape/CD	560	537		Books on Tape/CD	216	166
AV Materials	1071	1212		AV Materials	857	990
Misc. items	879	981				
2010 Year to Date	74,362			2010 Year to Date	30,181	
Remote Renewals	1035			2010 Year to Date	6968	
Combined Total	104,543					

Additional Activity

	July 2010	July 2009	Year to Date 2010
Non-Resident User Fees	\$ 340.00	\$ 610.00	\$ 4490.00
Fines Collected	\$ 798.81	\$ 837.66	\$ 5498.25
Photocopies	\$ 132.29	\$ 73.80	\$ 819.63
Reference Questions	1006	996	7399
Volunteer Hours	406.5	305	2372.5

Registered Patrons – July 2010

City Residents		Non-Resident – Fee Paid		Non-Resident - Restricted	
Adult	5740	Adult	368	Adult	1284
Child	1453	Child	67	Child	8
YA (12-17)	465	YA (12-17)	31	YA (12-17)	173
Total	7658	Total Fee	466	Kids C.A.R.E.	474
				Total Restricted	1939
Non-Resident Total	2405				
Total Registered Patrons	10,063				

Summer sessions of both Infant/Toddler and Preschool Storytimes continue to be popular with children and their caregivers. Storytimes brought in 305 eager young patrons waiting for the opportunity to see and hear stories. Specialized Summer Reading events included 920 very excited and happy participants. A combined total of 1226 young people had the opportunity to see and hear great stories & performers, and participate in this year's "Make a Splash at the Library" Summer Reading Program.

Patron use of the Gale Databases, including magazine searches, continues to show how easy to use and popular these databases are with patrons. A total of 267 searches were registered during the month of July.

COUNCIL REPORT – JULY 2010

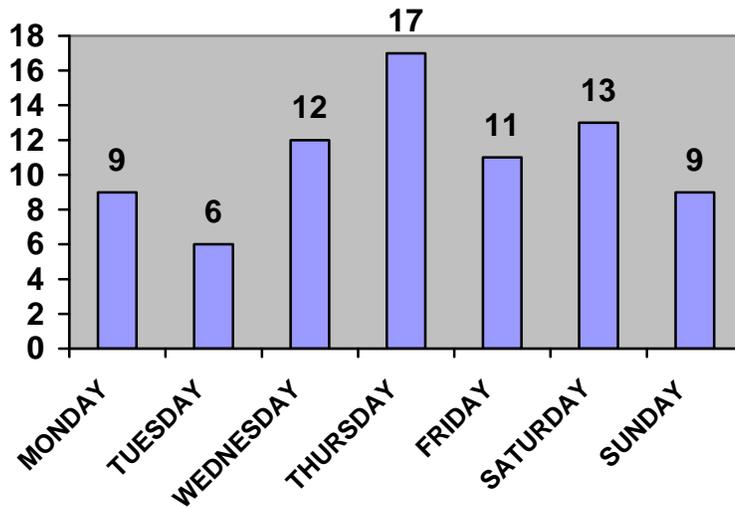
To: Mayor & City Council Members

From: Fire Chief Bill Hahn

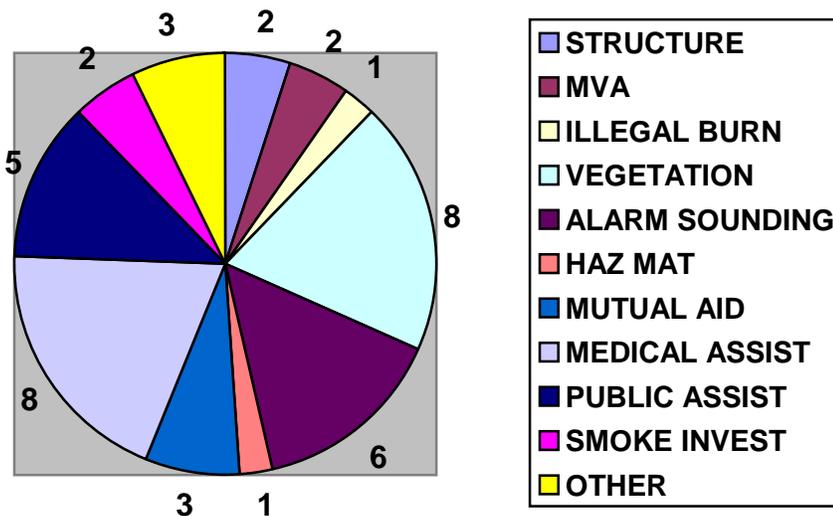
Dallas Fire Department:

Station 100 responded to 41 city calls and 36 rural responses for a total of 77, these are divided out by the day of the week.

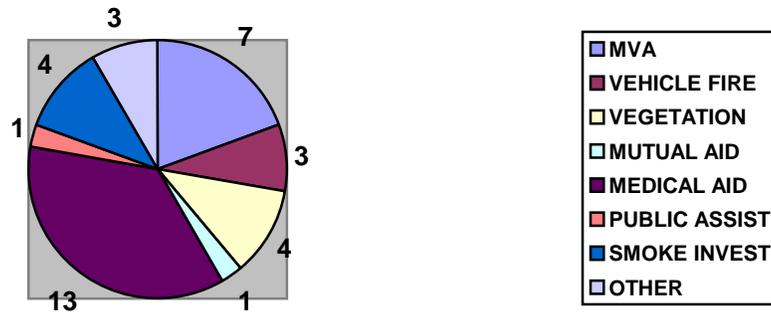
July Fire Reponses by Day



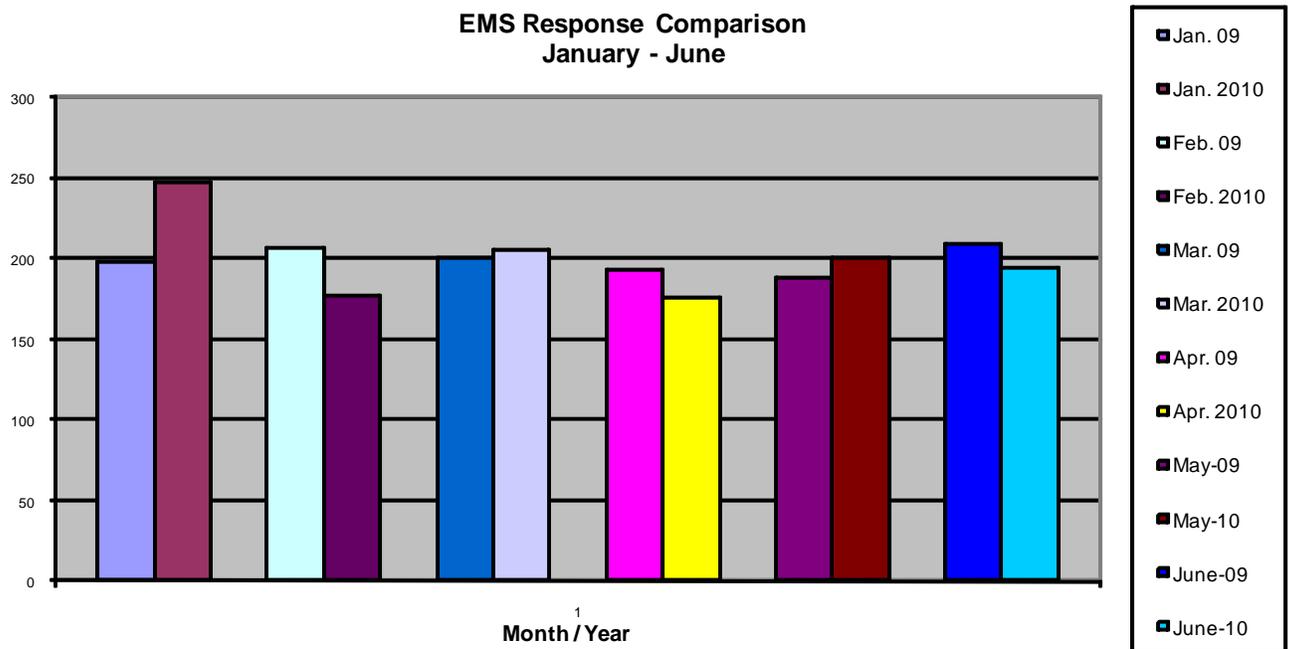
City Responded to the following incidents during the month from station 100.



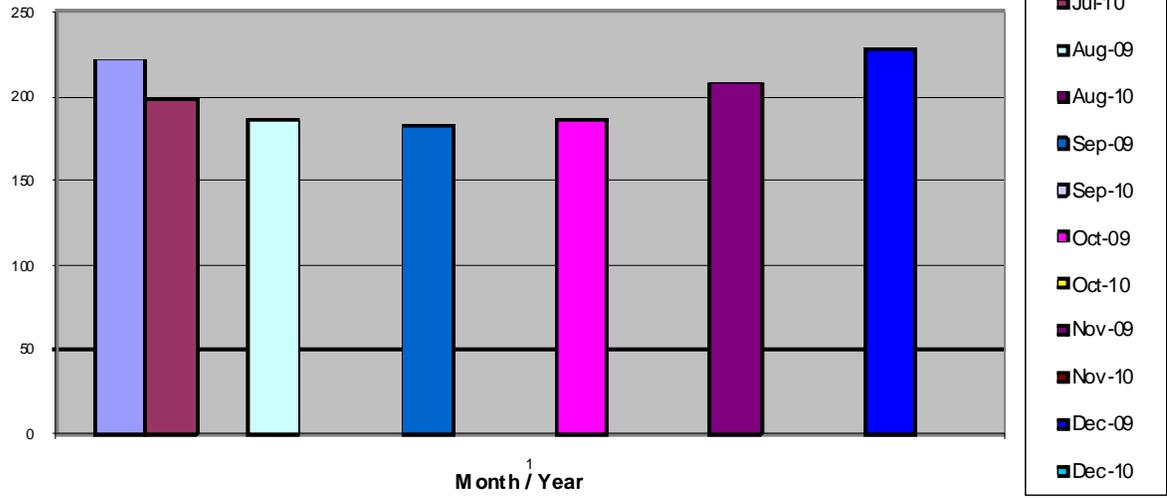
Rural responses by station 110 during the month were for the following incidents.



Dallas Emergency Medical Service:



EMS Response Comparison July - December



DALLAS POLICE DEPARTMENT

JULY 2010

Investigations / Arrests

Animal Offenses	Clear by Arr	06
Assaults	Clear by Arr	05
Computer Crime	Clear by Arr	01
Criminal Mischief	Clear by Arr	02
Curfew	Clear by Ref	09
Disorderly Conduct	Clear by Arr	05
DUII	Clear by Arr	06
Driving While Suspended	Clear by Arr	02
Drug Offenses	Clear by Arr	01
Fail Return Susp License	Clear by Arr	01
Fail Carry Present License	Clear by Arr	02
Fail Register Sex Offender	Clear by Arr	01
Fraud Use C/C	Clear by Arr	01
Interference Report	Clear by Arr	02
Menacing	Clear by Arr	01
Minor in Possession	Clear by Arr	03
Ordinance Offense	Clear by Arr	01
Recklessly Endangering	Clear by Arr	03
Refusal Breathalyzer	Clear by Arr	02
Runaway	Clear by Ref	02
Strangulation	Clear by Arr	02
Theft	Clear by Arr	15
Unlawfully Carrying Concealed	Clear by Arr	01
Violation Restraining Order	Clear by Arr	02
Warrants	Clear by Arr	09

85 TOTAL ARRESTS (July '09 Arrests: 83)

TOTAL CALLS FOR SERVICE: 779 (Jul '09 Calls for Service: 984)
Incident Case No.'s: 499 / CAD Event Reports: 280

The following is a summary of traffic violations committed:

14	Speeding Violations
09	License Violation
07	No Insurance or Fail to Carry Proof
11	Moving Violations
04	All Other

JUVENILES: Nine juveniles referred to authorities.

PARKING CITES ISSUED: 15

DOG IMPOUNDS: 07

DOG CITATIONS: 06

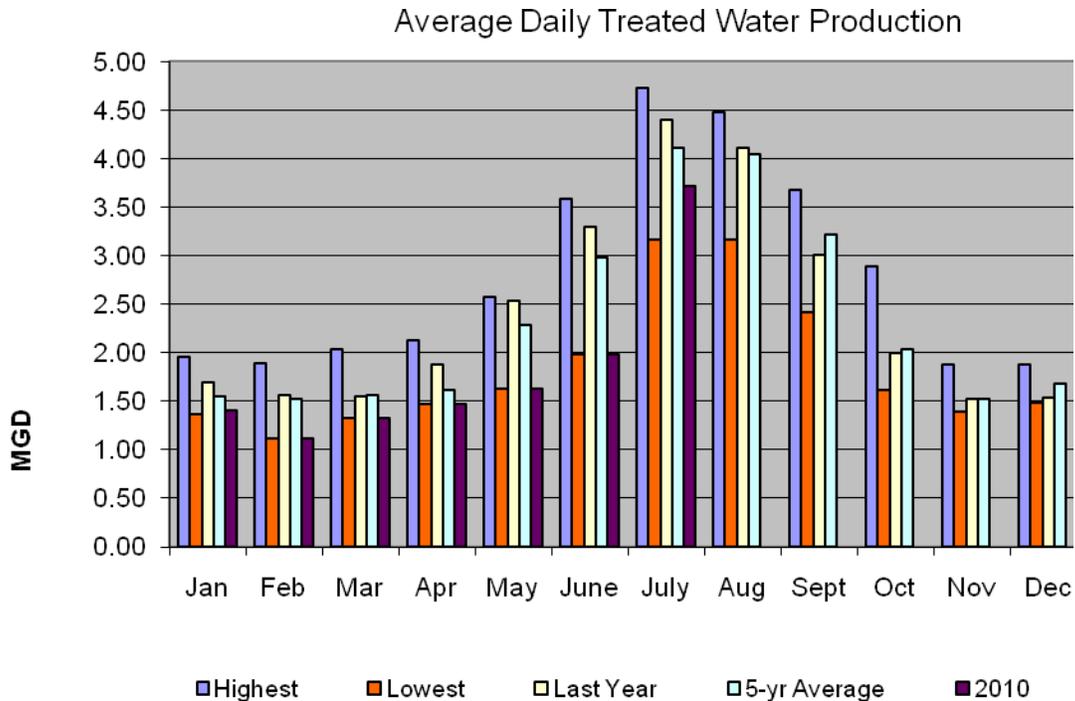
DOG LICENSES ISSUED: 94

DEPARTMENT OF PUBLIC WORKS

Monthly Report for July 2010

Water Division

	<u>2010</u>	<u>Unit</u>		<u>2009</u>	<u>Unit</u>
Total Discharge to Town	114.88	MG		13.7	MG
Total Water Raw	117.74	MG		12.9	MG
Peak Day	7-9 4.67	MG	7-30	5.8	MG
Daily Average-Raw	3.80	MGD		4.2	MGD
Daily Average-City	3.71	MGD		4.4	MGD
Backwash Water	2.32	MG		5.35	MG
Filter to Waste	0.53	MG		1.87	MG
Flushing	0.00	MG		0	MG
Discharge	.10	MG		.10	MG
ASR Injection	7.46	MG	7-1 to 7-10	7.19	MG
Average High Temp	82 ^o	F		86 ^o	F
Average Low Temp	53 ^o	F		56 ^o	F
Total Precipitation	.04	Inches		.68	Inches

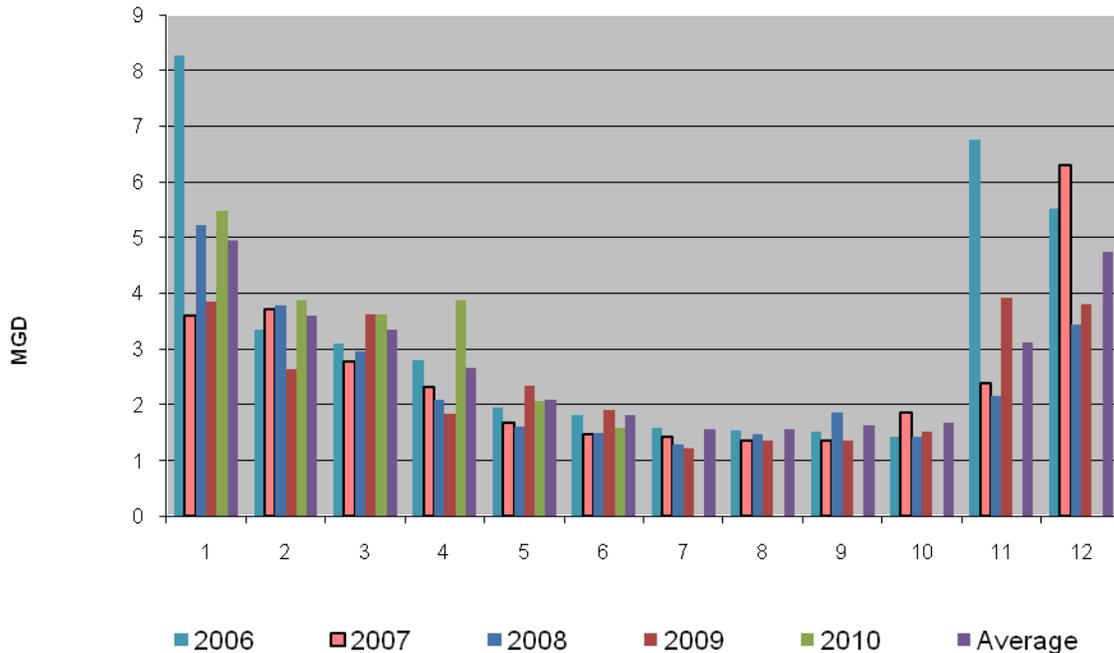


Wastewater Division

Effluent Flow

		<u>2010</u>	<u>Units</u>		<u>2009</u>	<u>Units</u>
Monthly Total Flow		42.93	MG		45.4	MG
Peak Day Flow	(July 1)	1.59	MG	(July 12)	1.90	MG
Daily Average Flow		1.38	MG		1.21	MG

Effluent - Average Daily Discharge by Month



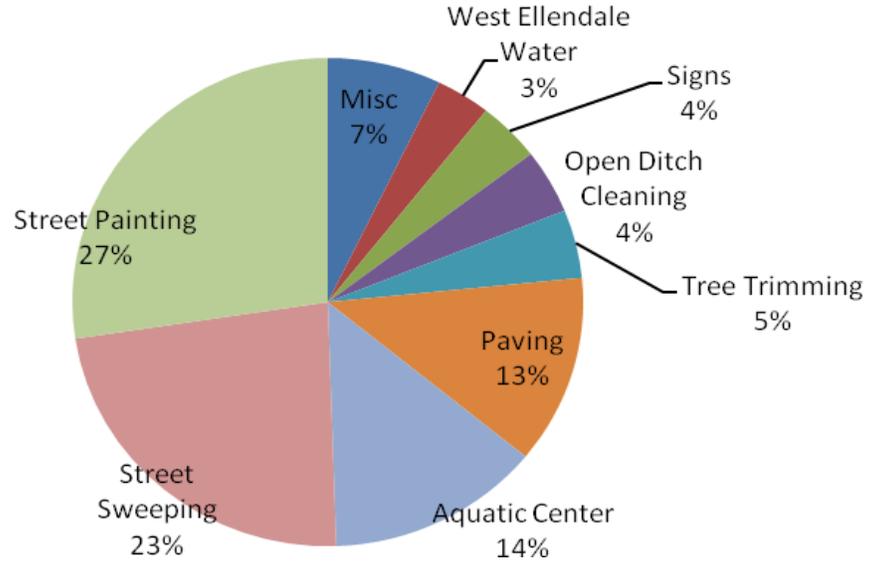
Plant Maintenance

- ✓ Continuing summer landscape care
- ✓ Began drying of biosolids
- ✓ Regular monthly preventative maintenance tasks performed

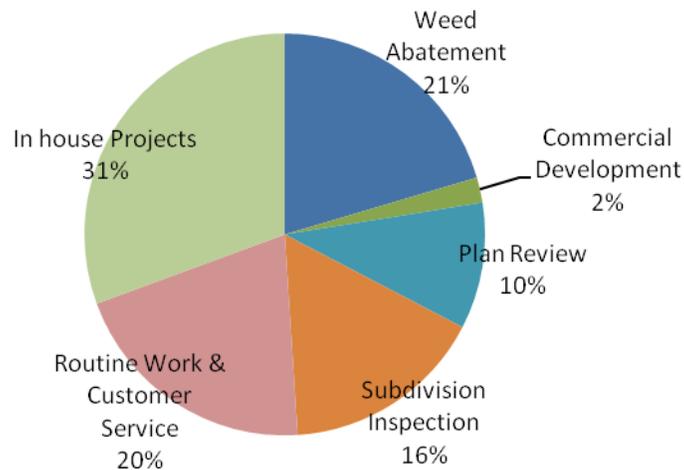
Plant Performance

The plant met all required permit parameters in July.

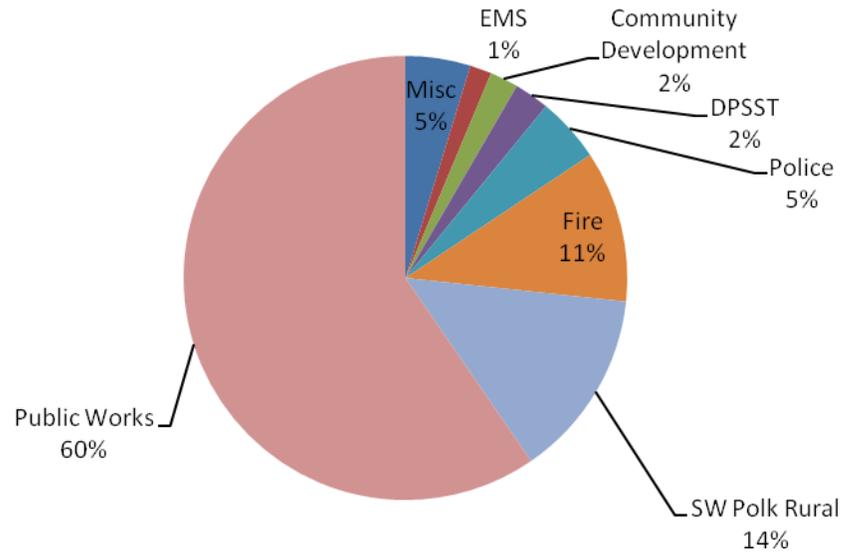
Street and Construction Division



Engineering



Fleet Management



DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 c	Topic: Community Entrance Signage
Prepared By: Kim Marr	Meeting Date: August 16, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Direct staff to proceed in getting several proposals for new community entrance signs.

BACKGROUND:

As you know, the entrance sign on Clow Corner Road was damaged and removed earlier this year. The other entrance sign, on Ellendale Avenue is old and looking run-down. In the past, we have discussed enhancing the entrances to Dallas to make visitors feel more welcome. We would like to look into installing new entrance signs.

Staff could provide the Council with three design options for entrance signs and either 1) the Council could choose the design or 2) we could present the three designs to the community and have them vote for the best design. The second option would get the community involved in the decision and let them take ownership in the project.

There are several parameters the Council will need to decide on before staff can proceed with the design phase:

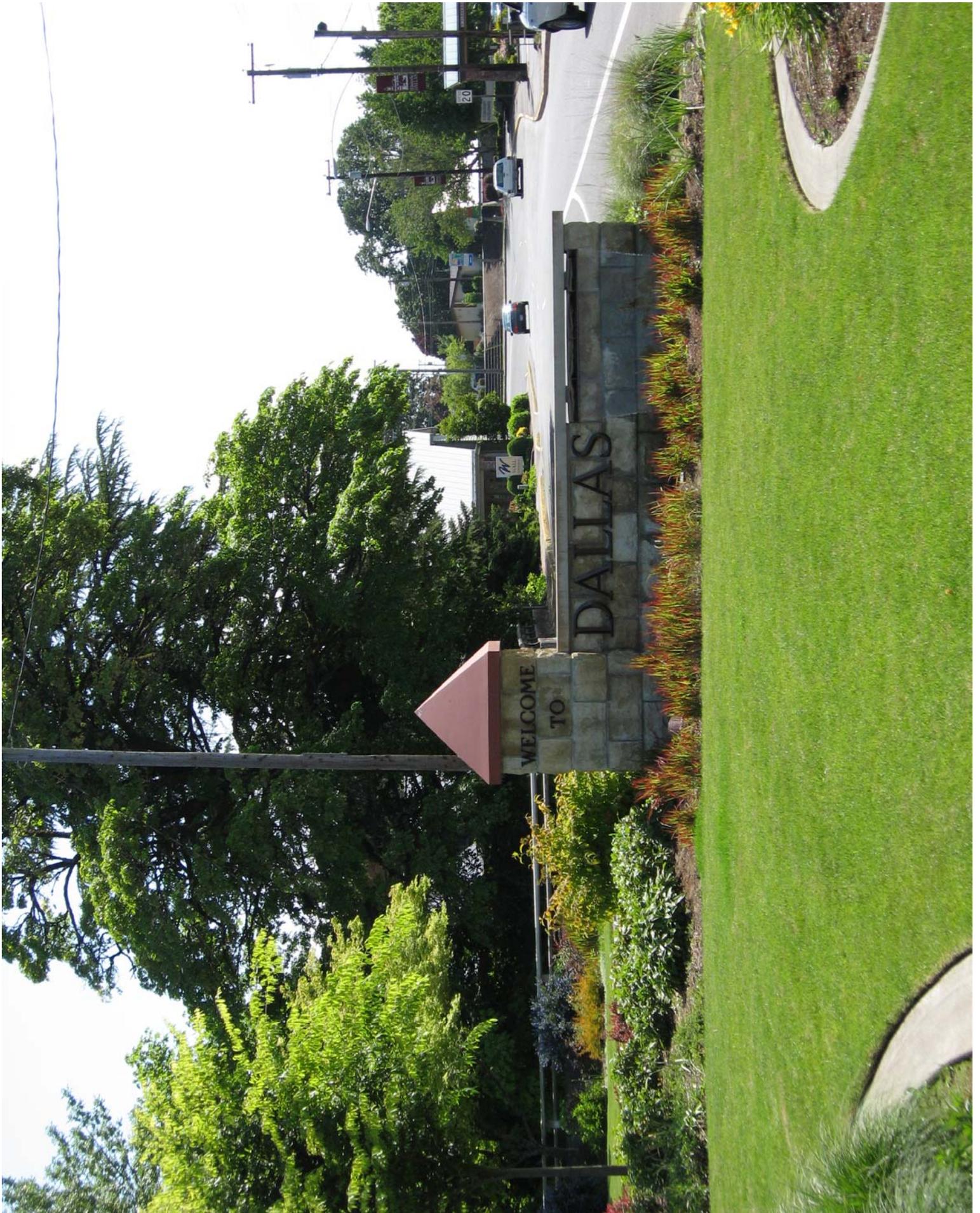
- **Location:** How many locations and where. We had two signs – one on Clow Corner Rd and one on Ellendale. Other places to consider include Kings Valley Highway coming in from Highway 22 (heading south), Kings Valley Highway south of town (heading north), and Orrs Corner Rd.
- **Construction Material/Design:** Should we look at brick, stone, wood? What about color?
- **Wording:** What should the entrance sign say? (e.g. “Welcome to Dallas”)
- **Price/Cost Constraints:** Budget amount per sign/entire project

FISCAL IMPACT:

To be determined

ATTACHMENTS:

Photo of Main/Jefferson Fountain



DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 c	Topic: Kingsborough Park Design Meeting
Prepared By: Emily Gagner	Meeting Date: August 16, 2010	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION:

None – staff will schedule a time to hold a neighborhood meeting for the Kingsborough Park redesign in the fall of this year.

BACKGROUND:

Kingsborough Park is one of the last parks in the City to be upgraded. There has been a great deal of discussion about this park in the Park and Recreation Board meetings, with discussion about possible storm detention areas incorporated into the design, etc. Our goal is to involve the neighborhood in the design discussion and would like to hold a neighborhood meeting with area residents. Staff has discussed having the meeting on a Saturday, and possibly serving hot dogs, etc. to encourage as much neighborhood participation as possible. We could have a couple different design options available for comment, or perhaps a “Wish List” for residents to vote for the most important features in the park. Ultimately, we’d love to get the neighborhood committed to helping dig holes, etc. for the new park features to really get community ownership of the park. We’d like to make sure the Councilors are involved in the neighborhood meeting, so we’re asking for your help in setting a date for the meeting. We’d also welcome any ideas you might have to help move through the process as smoothly as possible.

FISCAL IMPACT:

None

ATTACHMENTS:

None

RESOLUTION NO. 3207

A Resolution establishing the fees for reservation of Dallas City Park areas.

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

Section 1. The fee payable to the City of Dallas under Dallas City Code Section 2.558 by an applicant to reserve an area of the Dallas City Park identified in Section 2.556 shall be as follows:

(a) For groups of less than 100 -- \$25 for the first hour; \$10 for each additional hour.

(b) For groups of 100 or more -- \$50 for the first hour; \$20 for each additional hour.

Section 2. This resolution shall be effective January 1, 2011.

Adopted: August 16, 2010

Approved: August 16, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

DALLAS EMERGENCY MANAGEMENT

TO: CITY MANAGER

TO: CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 b	Topic: Res No. 3208 - Adopting Dallas EOP
Prepared By: John Teague	Meeting Date: August 16, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTIONS:

By resolution, repeal any previous City of Dallas emergency operation plans and establish the May 2010, City of Dallas, Oregon *Emergency Operations Plan*.

BACKGROUND:

Oregon Revised Statutes 401.305 requires local governing bodies in cities that have an emergency management program to establish policies which provide direction and identify and define the purpose and roles of the emergency management program, specify the responsibilities of the emergency program manager and staff, and establish lines of communication, succession, and authority of elected officials for an effective and efficient response to emergency conditions.

The City of Dallas Emergency Management, working with a vendor, paid through a state grant, has updated its emergency operations plan (EOP), bringing it into NIMS compliance and making it compatible with county, state, and federal plans. It also meets the requirements of ORS 401.305.

Because the EOP replaces the previous plan, it should be established by the City Council.

FISCAL IMPACT:

None.

ATTACHMENTS:

Resolution No. 3208

RESOLUTION NO. 3208

A Resolution adopting the Dallas Emergency Operations Plan.

WHEREAS, the emergency management organization of the City of Dallas is governed by a wide range of laws, regulations, plans and policies; and

WHEREAS, upon authority delegated by the Dallas City Council, the City Manager serves as the Emergency Management Director, and has the authority and responsibility for the overall administration of the emergency management organization (EMO), which derives its authority from state law and City Code; and

WHEREAS, Federal, State, and County emergency management documents and organizations provide planning and policy guidance to the City, which, collectively, are the foundation for the City of Dallas *Emergency Operations Plan* (EOP); and

WHEREAS, the EOP is an all-hazard, all-scale plan that provides the framework for the City of Dallas to respond to and recover from emergency incidents, describes how agencies and organizations in the City of Dallas will coordinate resources and activities with Federal, State, County, local, Tribal and private-sector partners in an organized and effective manner, and was developed in concert with the Polk County EOP and is consistent with that plan;

NOW, THEREFORE

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

Section 1. The Dallas Emergency Operations Plan dated May, 2010, and updated July 2010, is hereby approved and adopted as an official plan of the City of Dallas. A copy of the cover page of the Plan is attached hereto as Exhibit 1 and by reference incorporated herein.

Section 2. Department Heads and elected officials shall ensure that appropriate training is provided to themselves, their coworkers, and their subordinates to further prepare the City to successfully accomplish disaster response and recovery.

Section 3. All prior City Emergency Operations Plans are repealed.

Section 4. This resolution shall be effective upon its passage.

Adopted: August 16, 2010

Approved: August 16, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

City of Dallas
EMERGENCY OPERATIONS PLAN



May 2010
(Updated July 2010)

Prepared for:
City of Dallas
187 SE Court Street
Dallas, OR 97338

Prepared by:
Ecology and Environment, Inc.
333 SW Fifth Avenue, Suite 600
Portland, OR 97204

ORDINANCE NO. 1727

An Ordinance amending Dallas City Code Section 2.200 relating to Department Heads.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 2.200 is hereby amended to read as follows:

2.200 Department Heads.

Titles of city department heads are as follows:

- (1) The head of the police department shall be known as the "chief of police."
- (2) The head of the public works department shall be known as the "director of public works."
- (3) The head of the community development department shall be known as the "director of community development."
- (4) The head of the finance department shall be known as the "finance director."

Read for the first time: August 16, 2010
Read for the second time: September 7, 2010
Passed by the City Council: September 7, 2010
Approved by the Mayor: September 7, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1728

An Ordinance repealing Dallas City Code Section 6.115, relating to roller skates.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 6.115, "Use of Roller Skates Prohibited," is hereby repealed.

Read for the first time: August 16, 2010
Read for the second time: September 7, 2010
Passed by the City Council: September 7, 2010
Approved by the Mayor: September 7, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1729

An Ordinance amending provisions of the Dallas City Code Sections 5.384 and 5.387, relating to dogs.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.384 is hereby amended to read as follows:

5.384 Impoundment.

(1) When a dog is impounded under authority of section [5.380](#), the dog control officer shall give written notice to the owner or custodian of the dog, either by personal service or by posting notice on the front door to the owner or custodian's residence, if the dog has, on a tag or otherwise on the dog, information sufficient to enable the dog control officer to serve the owner or if the dog control officer has actual knowledge sufficient to enable the dog control officer to serve the owner.

(a) Such notice shall state the name of the dog, if known, a general description of the dog, the date it was impounded, the amount of the daily boarding fee and the redemption fee, that a license for the dog must be obtained before redemption, and the date after which the dog may be humanely killed or adopted if the dog has not been redeemed.

(2) The owner or custodian of the dog may reclaim the animal by paying a daily boarding fee and a redemption fee in the amounts set by resolution of the Council.

(3) No dog required to be licensed under section [5.382](#), that does not have a current license when impounded, shall be released from impoundment until the owner or custodian has obtained a license for the dog as provided by section [5.382](#). In addition, if the dog is (a) unlicensed or (b) licensed but not displaying the license tag required to be displayed under section [5.382\(3\)](#), the owner or custodian shall implant the dog with microchip identification and registration with an approved national database, and provide proof of such registration within seven days after release from impoundment.

(4) If, at the expiration of five days after notice was given, the owner or custodian has failed to reclaim the dog and pay the fees, the dog may be

humanely killed or ownership thereof may be transferred to a new owner (adoption) provided the prospective new owner prepays the actual cost of spaying or neutering (which funds shall be transferred to the veterinarian performing the procedure) and thereafter actually has the dog spayed or neutered. The fee for adoption shall be set by resolution. The Chief of Police, or his or her designee, may waive the requirement that the dog be spayed or neutered if, in his or her opinion, it would be unlikely that the dog would deliver or cause unwanted puppies. A prospective new owner may appeal the decision on the waiver to the City Manager by paying an appeal fee set by resolution. The fee for the adoption of a dog shall be set by resolution provided that fee shall be equal to the cost of neutering or spaying the dog if that requirement is imposed.

(5) If a written notice as described in subsection (1) above cannot be given within five days of impoundment, the dog may thereafter be humanely killed or adopted under the provisions of subsection (4).

Section 2. Dallas City Code Section 5.380 is hereby amended to read as follows:

5.387 Dangerous Dogs.

(1) Definitions: For purposes of this section, the following mean:

Business day. A day the Dallas City Hall is open for business.

Chief. The Chief of the Dallas Police Department, or the Chief's designee.

City. City of Dallas, Oregon.

Keeper. The person in actual or constructive charge of a dog at the time an alleged dangerous act occurs.

Menaces or menacing. Lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person's safety.

Notice. A dangerous dog notice.

Officer. A police officer, the City of Dallas Dog Control Officer, and the Polk County Dog Control Officer.

Order. A dangerous dog order.

Owner. The person(s) named on the dog's license as the owner, and if a dog is not licensed, the person(s) who claim ownership of the dog.

Provoking. Acting in a manner which a reasonable person would believe would cause the dog to act as a dangerous dog.

(2) A dog is a dangerous dog if it:

(a) Attacks, bites or otherwise injures any person or other domestic animal; or

(b) Menaces any person.

(3) Exception to dog as a dangerous dog. A dog is not a dangerous dog if it commits an act described in subsection (2) herein against a person:

(a) Wrongfully assaulting the dog, the dog's owner, or another person;

(b) Provoking the dog;

(c) Trespassing upon premises occupied by the dog's owner, or upon other premises where the dog is present with the consent of the person(s) in charge of that premises; and

(i) Provoking the dog;

(ii) Intending to commit an additional crime; or

(iii) After climbing over a fence or other enclosure with knowledge that the dog is enclosed.

(4) Reasonable restrictions. Upon a finding that a dog is a dangerous dog, the owner of the dog can be ordered to impose reasonable restrictions on the dog, including, but not limited to the following:

(a) Posting signs with "Beware!! Dangerous Dog!!" in letters not less than three inches high, which clearly contrast with the background color of the sign, on each portion of a fence or other enclosure that faces a sidewalk, street, or alley and encloses the dog, and one sign in any unenclosed area accessible to the dog when not under the direct control of the owner;

(b) Confining the dog in an outdoor kennel constructed of not less than nine gauge chain link with each side panel and roof panel reinforced on all four sides with a tension bar. The kennel shall be kept locked at all times the dog is in the kennel;

(c) Requiring the dog to be restrained by an adequate leash and muzzle and be under the direct control of the owner at all times when off the owner's property;

(d) Requiring any area to which the dog has access when not under the direct control of the owner to be enclosed by fencing not less than six feet high or such other height as is allowed by the Dallas Development Code, and constructed of materials and in a manner adequate to prevent escape;

(e) Impounding the dog, at the owner's expense, until other imposed reasonable restrictions are in place;

(f) Prohibiting the dog from remaining in and/ or returning to the city;

(g) Implantation of an identifying microchip in accordance with the rules of the State Department of Agriculture. Implantation shall be made prior to any adoption or relocation of the dog. The microchip information and the record of the dog shall be forwarded to the Department of Agriculture. City and the Department of Agriculture may charge reasonable fees to the dog owner to cover the cost of conducting and administering the microchip implantation program;

(h) Requiring the dog to be euthanized in a humane manner. In determining whether a dangerous dog should be euthanized, the Chief shall consider the following factors:

(i) The circumstances of the bite, including whether the dog was provoked by the person bitten or any other person;

(ii) Whether the owner has a history of owning or keeping dangerous dogs, or a history of allowing dog(s) to run at large, within the city or at any other location;

(iii) The impact of owner's actions on the behavior of the dog;

(iv) The severity of the bite;

(v) The ability and inclination of the owner to prevent the dog from behaving as a dangerous dog;

(vi) Whether the dog can be relocated to a secure facility;

(vii) The effect that a transfer of ownership would have on ensuring public safety;

(viii) Whether the dog acted as a dangerous dog prior to or after the notice and/or order; and

(ix) Any other factors the decision maker may deem relevant.

(i) Any other restrictions which, under the circumstances presented, are reasonably necessary to prevent the dog from committing further dangerous acts as defined herein.

(5) Bite of persons. In addition to the provisions of this chapter, a dog which bites a person shall be dealt with under rules of the Oregon Health Division Acute and Communicable Diseases Program.

(6) Dangerous dog notice. Any officer with reasonable grounds to believe a dog is a dangerous dog may issue the dog's owner written notice which includes the following:

(a) That the dog is considered dangerous;

(b) A description of the alleged dangerous act, including the date, time, and approximate location where the dangerous act occurred;

(c) Temporary restrictions which are immediately effective;

(d) The penalties for failures to institute and/or maintain temporary and/or permanent restrictions;

(e) The name, address, and telephone number of the owner;

(f) That the owner may request a hearing on the notice by submitting a request to the Chief within ten business days of the date the notice was issued and if a hearing is not requested, that the notice shall, without further action, constitute a dangerous dog order.

(g) Owner to be served. If not initially served, the person named as the dog's owner on the dog's license shall be served the notice. If the dog is not licensed, or the owner cannot be determined or found, the dog

may be impounded and notice of the impoundment shall be served personally or by mail upon the owner at the owner's last know address. The dog shall remain impounded until the owner redeems the dog, complies with all regulations for the redemption of impounded dogs, and the owner is served the notice, if not previously served. If the owner fails to redeem the dog within 15 business days from the date of impoundment or within 15 business days of the date the final dangerous dog order was issued, the dog may be euthanized in a humane manner or adopted if the Chief is of the opinion that public safety will not be jeopardized by the adoption. Failure to serve the owner shall not preclude a dangerous dog proceeding.

(7) Emergency temporary restrictions. If an officer issuing a notice has reasonable grounds to believe the dog alleged to be dangerous will, before an order can be entered, commit another act described in subsection (2) herein, the officer, at any time prior to the entry of an order, may, in the original notice or in an amended notice, impose temporary reasonable restrictions, except euthanasia, to keep the dog from committing another such act. The temporary restrictions shall be effective upon service of such notice.

(8) Conduct of hearing. The hearing before the Chief shall be held within ten business days of the date the notice was issued, and shall be informal, with such rules of evidence and procedure as the Chief believes are necessary for the reliability and expediency of the hearing, subject to the following:

(a) Proof of payment required. Before a hearing is scheduled, the owner must present written proof that all kennel, licensing, and veterinary costs of the dog have been paid in full. Additionally, if the dog will be impounded until the hearing takes place, kennel costs must be pre-paid for a period of time which ends 14 calendar days after the date of the hearing;

(b) The officer who issued the notice may appear by report only. The person requesting the hearing, and any witnesses, may appear personally, by telephone, or by written statement;

(c) The Chief shall cause notice of the date of the hearing to be mailed to the owner on the same day the Chief sets the hearing. The owner shall be entitled to one rescheduling by submitting a written request to the Chief which includes acknowledgment that any temporary restrictions will continue until the Chief's decision is issued;

(d) The Chief shall issue a written decision which affirms, modifies, or dismisses the notice and, unless dismissed, which sets forth any modifications to the reasonable restrictions set forth in the notice, within five business days of the hearing. The notice and the Chief's decision shall constitute an order;

(e) The Chief may only recommend euthanasia as a reasonable restriction. There shall be automatic review by the Municipal Court pursuant to subsection (10) herein, without a filing fee, of each case where the Chief recommends euthanasia.

(f) The order shall be mailed to the owner within five business days after the hearing. The decision shall include a statement that the recipient of the Chief's decision is entitled to appeal the Chief's decision to the Municipal Court by filing a notice of appeal and a \$150 non-refundable filing fee with the Municipal Court within ten business days after the date the decision and dangerous dog order is mailed; and

(g) Failure to serve the owner shall not preclude the availability of a hearing nor the effectiveness of the order.

(9) Proof of compliance. The owner shall provide acceptable proof of compliance with the emergency temporary restrictions, and/or the terms of an order to the Chief on or before the tenth business day after service of the notice or order.

(a) If proof of compliance is not provided within said ten days, there is a rebuttable presumption of a failure to comply. If the Chief finds the proof which was submitted is unacceptable, the Chief shall send notice of that finding to the owner within five business days after the proof was submitted and the owner shall have ten business days from the date the finding was mailed to provide acceptable proof of compliance and upon a failure to do so, there is a rebuttable presumption of a failure to comply and the owner may then be cited into the Dallas Municipal Court under subsection (11)(a) herein.

(b) A dog which is subject to emergency temporary restrictions and/ or an order may be seized and impounded by an officer until proof of compliance under subparagraph (a) above is received.

(10) Appeal. The owner may appeal the Chief's decision to the

Municipal Court by filing a written request, with the owner's name, address, telephone number, and the address where the dog is kept, if different, and except when euthanasia is recommended, a \$150 fee with the court within ten business days after the Chief's order was mailed. The appeal to the Municipal Court shall be de novo. The filing of an appeal does not stay the order.

(a) The Municipal Court shall schedule the hearing on the appeal for a date which is not more than ten business days after the Municipal Court receives the record, if the dog is impounded, or otherwise within 30 calendar days, and shall immediately provide written notice to the appellant, the Chief, and to the officer who issued the notice, of the hearing date.

(b) The Municipal Court's decision shall be issued and mailed to owner and the Chief within five business days of the date of the hearing, if the dog is impounded, or otherwise within 30 calendar days, and shall be effective when personally served upon the owner, or three business days after it is mailed to the owner at the address in the appeal request, whichever first occurs.

(11) Violations.

(a) An owner who is served a notice and/or order, or who otherwise is aware of the restrictions in the notice and/or order, and fails to immediately institute and maintain such restrictions shall be guilty of a violation punishable by a fine of not to exceed \$1,000 and an additional fine of not to exceed \$250 for each day the failure to institute continues.

(b) The owner of a dog subject to reasonable restrictions who has knowledge of the restrictions and transfers possession and/or ownership of that dog to a keeper and/or new owner without notifying the new owner/keeper of the restrictions shall be guilty of a violation, punishable by a fine of not to exceed \$1,000.

(c) Any owner and/or keeper knowingly hiding or harboring a dog with the intent to hinder an investigation into whether the dog is a dangerous dog or into whether reasonable restrictions have been implemented and/or maintained shall be guilty of a violation, punishable by a fine of not to exceed \$1,000 and an additional fine of not to exceed \$250 per day for each day the dog is hid or harbored.

(d) An order of the Polk County Dog Board regarding a dangerous dog shall be considered an order subject to the provisions of this subsection (11) if the dog is within the city regardless of whether the restrictions in that order are set forth in subsection (4) herein. Such violations are enforceable and punishable in the Dallas Municipal Court in the same manner as if the order had been issued by the city, including the enhanced penalty under subsection (11)(e) herein.

(e) If a dog subject to a notice and/or order bites a person while the owner is in violation of the provisions of subsection (11)(a), (b), or (c) herein, the owner shall be guilty of a Class C misdemeanor.

(f) If a dog subject to a notice and/or order bites a person while a keeper of the dog is aware of non-compliance with the restrictions and exposes the dog to the person who was bitten, that keeper shall be guilty of a Class C misdemeanor.

(12) Nothing herein shall prevent or prohibit an officer from referring an alleged dangerous dog to Polk County.

(13) Concurrent jurisdiction to enforce the terms of this section is granted to Polk County.

Read for the first time: August 16, 2010
Read for the second time: September 7, 2010
Passed by the City Council: September 7, 2010
Approved by the Mayor: September 7, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER