



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

Dallas City Council Agenda

Monday, November 1, 2010, 7:00 p.m.

Mayor Jim Fairchild, Presiding

Dallas City Hall
187 SE Court Street
Dallas, Oregon 97338

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please sign in on the provided card.

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. QUESTIONS OR COMMENTS FROM THE AUDIENCE <i>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.</i>	
4. PUBLIC HEARINGS <i>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.</i> <i>THERE ARE NO PUBLIC HEARINGS SCHEDULED.</i>	
5. CONSENT AGENDA <i>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.</i>	
a. Approve October 18, 2010 City Council Minutes p. 3	
b. Approve OLCC application for Change of Ownership/Change of Trade Name for Diamonds Garden Restaurant p. 7	
c. Acknowledge report of the Oct 25 Public Safety Committee meeting (action item addressed in item 10a) p. 14	
d. Acknowledge report of the Oct 25 Public Works Committee meeting (no action items) p. 19	
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	

Dallas City Council Agenda

Page 2

Our Vision

Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

Our Mission

The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.

Our Motto

*Commitment to the Community.
People Serving People.*

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

8. REPORTS FROM CITY MANAGER AND STAFF

- | | |
|--|--------------|
| a. Employee and Volunteer of the Quarter | Presentation |
| b. Chamber request for Winterfest p. 26 | Motion |
| c. Holiday scheduling p. 27 | Motion |
| d. Other | |

9. RESOLUTIONS

- | | |
|--|----------------|
| a. <u>Resolution No. 3211</u> : A Resolution honoring Veterans and members of the United States Armed Forces on the occasion of Veterans Day 2010, and designating the Levens Street Bridge as Veterans Memorial Bridge. p. 28 | Roll Call Vote |
| b. <u>Resolution No. 3212</u> : A Resolution establishing a fee for a garage sale permit after commencement of a sale pursuant to Dallas City Code Section 7.530. p. 31 | Roll Call Vote |

10. FIRST READING OF ORDINANCE

- | | |
|--|---------------|
| a. <u>Ordinance No. 1731</u> : An Ordinance amending provisions of Dallas City Code Section 5.642 relating to penalties for nuisances; and repealing conflicting provisions. p. 32 | First Reading |
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11. SECOND READING OF ORDINANCE

- | | |
|--|----------------|
| a. <u>Ordinance No. 1730</u> : An Ordinance amending Dallas City Code Section 7.500 to 7.545 relating to garage sales; and repealing conflicting provisions. p. 33 | Roll Call Vote |
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12. OTHER BUSINESS

13. ADJOURNMENT

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The Dallas City Council met in regular session on Monday, October 18, 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, and Councilor Ken Woods, Jr. Excused: Councilor David Voves and Councilor LaVonne Wilson.

Also present were: Student Body Liaison Courtney Pope, City Manager Jerry Wyatt, City Attorney Lane Shetterly, Community Development Director Jason Locke, Police Chief John Teague, Fire Chief Bill Hahn, Assistant City Manager Kim Marr, and Recording Secretary Emily Gagner.

Mr. Wyatt introduced the High School Representative, Courtney Pope, to the Council. Ms. Pope introduced herself, noting she was there as part of the Student Council. Mayor Fairchild welcomed her.

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 Visitor Center, reminded the Council the Chamber was hosting a community forum the following night for the community to get an opportunity to meet the Council and Mayor candidates.

Ms. Pope stated the Chamber would be hosting a Bounty Market wrap-up event and noted they were already getting ready to plan for the next year.

Ms. Pope reported that the Chamber would be hosting two Halloween events on Friday, October 29, adding she was already working with City staff to work out the logistics.

PUBLIC HEARINGS

There were no public hearings.

CONSENT AGENDA

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

Approved by the Consent Agenda: a) approve October 4, 2010 City Council minutes.

ITEMS REMOVED FROM CONSENT AGENDA

There were none.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

Mayor Fairchild reported on the groundbreaking ceremony that was held earlier in the day for the new Readiness Center for the local National Guard unit.

REPORTS FROM CITY MANAGER AND STAFF

AWARD ENGINEERING SERVICES CONTRACT FOR FIRE STATION SEISMIC UPGRADES

Mr. Wyatt stated the City was awarded a grant for seismic upgrades to the fire station, with a zero dollar match from the City. He indicated the first step the City needed was to go through

1 the RFP process for engineering services, which they did. He reviewed the scoring criteria used
2 to evaluate the submittals and noted staff recommended awarding the contract to KPFF
3 Consulting Engineers. He noted Mark Tobin from that firm was in the audience if there were
4 any questions. In response to a question, Mr. Wyatt reported the firm would draw up
5 construction plans and walk the City through the project. Councilor Shein asked when the City
6 would know the cost of the project. Mr. Wyatt explained that was part of what this contract
7 would accomplish, as they work through the construction items needed.

8 It was moved by Councilor Lamb and seconded by Councilor Shein to award the engineering
9 services contract for the fire station seismic upgrades to KPFF Consulting Engineers. The
10 motion carried unanimously.

11 INDUSTRIAL PROPERTY UPDATE

12 Mr. Wyatt introduced Greg Wallace and Matt Bergeron of Willamette Valley Renewable Energy
13 Center, who gave a presentation about their proposed biomass gasification plant.

14 Mr. Bergeron reviewed the leadership team and indicated the proposal would be a \$120-\$130
15 million project. Mr. Wallace indicated that other plants of this type are very safe and have a very
16 good track record, noting the electricity produced is carbon-neutral and all emissions fall within
17 government safety guidelines. He added the healthiest city in the United States has a biomass
18 plant in the downtown area right next to their city hall.

19 Mr. Bergeron stated the plant would create up to 200 jobs during construction, 60 jobs in the
20 biomass supply chain, as well as additional direct and indirect job creation in addition to the 25
21 permanent plant operating jobs. He noted a biomass plant creates three times as many jobs per
22 megawatt hour than wind or solar power, adding the plant would not use fuel that would
23 normally go to a lumber mill.

24 Mr. Wallace reviewed the timeline, with permitting to take about one year, starting in January
25 2011. Construction would then take about 18 months, with the plant start-up tentatively
26 scheduled for December 2013.

27 Mr. Wallace discussed the impacts of the proposed plant, stating there would be no smell,
28 although there would be water vapor emitted off the cooling tower. He stated there would be a
29 low hum from the turbine, but it wouldn't be more than the current sound from the Dallas
30 Planing Mill. He noted the truck traffic would be much less than what the City experienced from
31 the Weyerhaeuser plant. Mr. Wallace added there would be extensive air, water, noise traffic
32 and site studies done as part of the permitting process. Mr. Bergeron commented that three
33 SUVs would put out more pollution than the plant would over the period of one year. He
34 indicated the plant should be a draw for other development to the area.

35 Councilor Scroggin asked if the jobs created during the construction phase would be local jobs.
36 Mr. Bergeron stated he understands they would be predominantly local, although there would be
37 people brought in for management and in other areas requiring specific expertise.

38 Councilor Lawson stated she couldn't find a downside and asked for any possible real or
39 perceived objections. Mr. Wallace explained that if one looks only at the facts, it would be hard
40 to argue there is merit in constructing the biomass plant. He added there will be people who
41 don't like it or who don't have all the right information. He noted there will be local and
42 regional people as well as members of a national movement that will object because they just
43 don't like biomass. Mr. Wallace stated he hoped there would be no opposition, but wanted to be
44 prepared for it just in case.

45 Councilor Scroggin stated livability issues were what people would be interested in and how it
46 could relate to the saw mill. Mr. Bergeron indicated that compared to Weyerhaeuser, the
47 biomass plant would be minor as far as the number of trucks and noise. Mr. Wallace noted there
48 are ways to mitigate concerns by using best practices for things such as traffic routing. He added
49 there can be issues with people not wanting this in their back yard, so they will work with the
50 Council to get out accurate information about what the plant would and wouldn't be.

51 Council President Dalton asked if the biomass plant, by generating more power, would attract

1 other industries that needed cheap power. Mr. Bergeron stated he thought it would. Mr. Wallace
2 added that there are other businesses that could use the heat generated by the biomass plant,
3 which might open up opportunities for the adjacent lands.

4 Councilor Woods asked what might follow this proposed plant into Dallas. Mr. Bergeron stated
5 there were some inhibitions to other industries coming to Dallas because of a lack of power. He
6 indicated once this biomass plant is in place, there will be more opportunities for more
7 commercial development.

8 Mark McDonald asked what the chemical composition of ash was, if it was mostly methane, and
9 if it would be possible to utilize the rail line to deliver the biomass. Mr. Bergeron stated the
10 exact chemical composition of the ash would vary depending on the biomass used, adding the
11 ash would be less than 2% carbon residue. He noted the ash is often used as a soil conditioner.
12 Mr. Wallace explained that given the 40-50 mile radius for the biomass, rail doesn't make sense.
13 He stated there are no rail lines into the areas being logged, and every time the material is
14 touched (such as to move it from a truck to a train car), it adds expense.

15 Gene Henshaw asked if the biomass plant would be competitive with natural gas or if it would
16 need to be subsidized. Mr. Bergeron stated it is more expensive than what is currently used in
17 Oregon. Mr. Wallace noted that Washington, California and Oregon all have goals that a certain
18 percentage of power must be green energy by a certain date, which will help bridge that
19 difference.

20 Mr. Bergeron explained that once they were ready to start permitting, they would come back to
21 the Council to ask for their blessing to move forward with the project. Mayor Fairchild thanked
22 Mr. Bergeron and Mr. Wallace.

23 CITY MANAGER'S EVALUATION PROCEDURE

24 Mr. Wyatt reviewed the staff report. The Council approved having the executive session on
25 December 6.

26 OTHER

27 Mr. Wyatt stated the 162nd Engineering Company would be demobilizing and back in Dallas the
28 second week of November. He explained they requested to have the demobilization ceremony
29 downtown in front of the old armory building, which would require closing the street.

30 It was moved by Councilor Lawson and seconded by Councilor Shein to allow the City Manager
31 to work with the National Guard to do what was needed to accommodate the demobilization
32 ceremony. The motion carried unanimously.

33 In response to a question, Mr. Wyatt stated the Veterans Memorial Bridge resolution would be
34 brought to the November 1 Council meeting, with the actual dedication ceremony to be held on
35 November 11 at 11 a.m.

36 RESOLUTIONS

37 **Resolution No. 3210:** A Resolution establishing permit fees for the Oregon Solar Installation
38 Specialty Code and repealing prior conflicting Resolutions.

39 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3210 to have PASSED
40 BY A UNANIMOUS VOTE.

41 FIRST READING OF ORDINANCE

42 **Ordinance No. 1730:** An Ordinance amending provisions of the Dallas City Code Sections
43 7.500 to 7.545, relating to garage sales; and repealing conflicting provisions.

44 Council President Dalton stated he was pleased to see neighborhood associations recognized.

45 Mayor Fairchild declared Ordinance No. 1730 to have passed its first reading.

1 **SECOND READING OF ORDINANCE**

2 **OTHER BUSINESS**

3 There being no further business, the meeting adjourned at 8:13 p.m.

4 Read and approved this _____ day of _____ 2010.

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Mayor

9 ATTEST:

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City Manager

DRAFT

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 b	Topic: OLCC Liquor License Application for Change of Ownership
Prepared By: Emily Gagner	Meeting Date: November 1, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

With approval of the Consent Agenda, the Council would recommend to the OLCC that the license be granted for a change of ownership.

BACKGROUND:

The City received an OLCC application for a change of ownership at 413 Main Street for Diamonds Garden Restaurant.

The Police Chief has reviewed the application and found no items of concern.

FISCAL IMPACT:

None

ATTACHMENTS:

OLCC License Application for Diamonds Garden Restaurant.

MEMO

TO: JERRY WYATT
CITY MANAGER

FROM: JOHN TEAGUE 
CHIEF OF POLICE

RE: DIAMONDS GARDEN RESTAURANT
Change of Ownership Application
Location: 413 Main Street

DATE: October 21, 2010

This application is for a change of ownership and request for Full On-Premises & Limited On-Premises License. The applicant, Yan Ying Chen, is applying as a Limited Liability Company.

A routine background check has been completed and has revealed no items of concern.



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other Chg. iradeName

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____ (signature) _____ (date)

Name: _____

Title: _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

OLCC USE ONLY

Application Rec'd by: OLCC Pending

Date: 10/5/2010 SD

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① DIAMONDS GARDEN, LLC ③ _____

② _____ ④ _____

2. Trade Name (dba): Diamonds Garden Restaurant

3. Business Location: 413 MAIN STREET DALLAS POLK OREGON 97338
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 3557 SE 136TH AVE PORTLAND OREGON 97236
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-623-7978
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Qian Li Inc Type of License: LIMITED ON-PREMISES SALES

8. Former Business Name: NEW NAN YANG RESTURANT

9. Will you have a manager? Yes No Name: YAN YING CHEN (OWNER)
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? DALLAS
(name of city or county)

11. Contact person for this application: QIAN LI 503-432-8839
8733 SE DIVISION ST STE207 (name) (phone number(s))
PORTLAND, OR 97266 503-200-1947 QLI@UNITED-CPAS.COM
(address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① yan/ying chen Date 9/8/2010 ③ _____

② _____ Date _____ ④ _____

RECEIVED
OREGON LIQUOR CONTROL COMMISSION

SEP 21 2010



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

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

Trade Name (d.b.a.): DIAMONDS GARDEN Restaurant City: DALLAS

1. Name: CHEN YAN YING
(last) (first) (middle)

2. Other names used (maiden, other): NA

3. Residence Address: [REDACTED] PORTLAND OREGON 97236
(number and street) (city) (state) (ZIP code)

4. Home Phone: ([REDACTED]) Business Phone: (503) 623-7978

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

6. Driver License or State ID #: [REDACTED] State: OREGON Spouse's name: N/A

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

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes No
If yes, when, where and name of premises? _____

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

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

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

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

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

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

Applicant Signature: Yan Ying Chen Date: 09/08/2010

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

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

Applicant Signature: Yan Ying Chen Date: 09/08/2010

OSP/DMV
Search Completed

SEP 30 2010 (rev. 12/07)



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

INITIALS: [Signature]



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

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

Trade Name (d.b.a.): Diamonds Garden Restaurant City: Dallas

1. Name: JOBE TIAN
(last) (first) (middle)

2. Other names used (maiden, other): NA

3. Residence Address: [REDACTED] Portland, OR 97233
(number and street) (city) (state) (ZIP code)

4. Home Phone: ([REDACTED]) Business Phone: ([REDACTED]) NA

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

6. Driver License or State ID #: [REDACTED] State: OR Spouse's name: [REDACTED]

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

8. Do you currently hold, or have you ever held a liquor license in this or any other state? ___ Yes No
If yes, when, where and name of premises? _____

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

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

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

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

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

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

Applicant Signature: Tian Date: 10/05/2010

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

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

Applicant Signature: Tian Date: 10/05/2010



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

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: DIAMONDS GARDEN LLC Phone: 503-623-7978

Trade Name (dba): Diamonds Garden Restaurant

Business Location Address: 413 MAIN STREET

City: DALLAS ZIP Code: OR 97338

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 12:00PM to 09:00PM
Monday 11:00AM to 09:00PM
Tuesday 11:00AM to 09:00PM
Wednesday 11:00AM to 09:00PM
Thursday 11:00AM to 09:00PM
Friday 11:00AM to 09:30PM
Saturday 11:00AM to 09:30PM

Outdoor Area Hours:

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

The outdoor area is used for:

- Food service Hours: to
Alcohol service Hours: to
Enclosed area

The exterior area is adequately viewed and/or supervised by Service Permittees. Investigator's Initials)

Seasonal Variations: Yes No If yes, explain:

ENTERTAINMENT

Check all that apply:

- Live Music, Recorded Music, DJ Music, Dancing, Nude Entertainers, Karaoke, Coin-operated Games, Video Lottery Machines (NOT YET), Social Gaming, Pool Tables, Other:

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: 50 Outdoor:
Lounge: Other (explain): 10 FOR LOTTERY ROOM
Banquet: Total Seating:

OLCC USE ONLY
Investigator Verified Seating: (Y) (N)
Investigator Initials:
Date: 10/5/2010

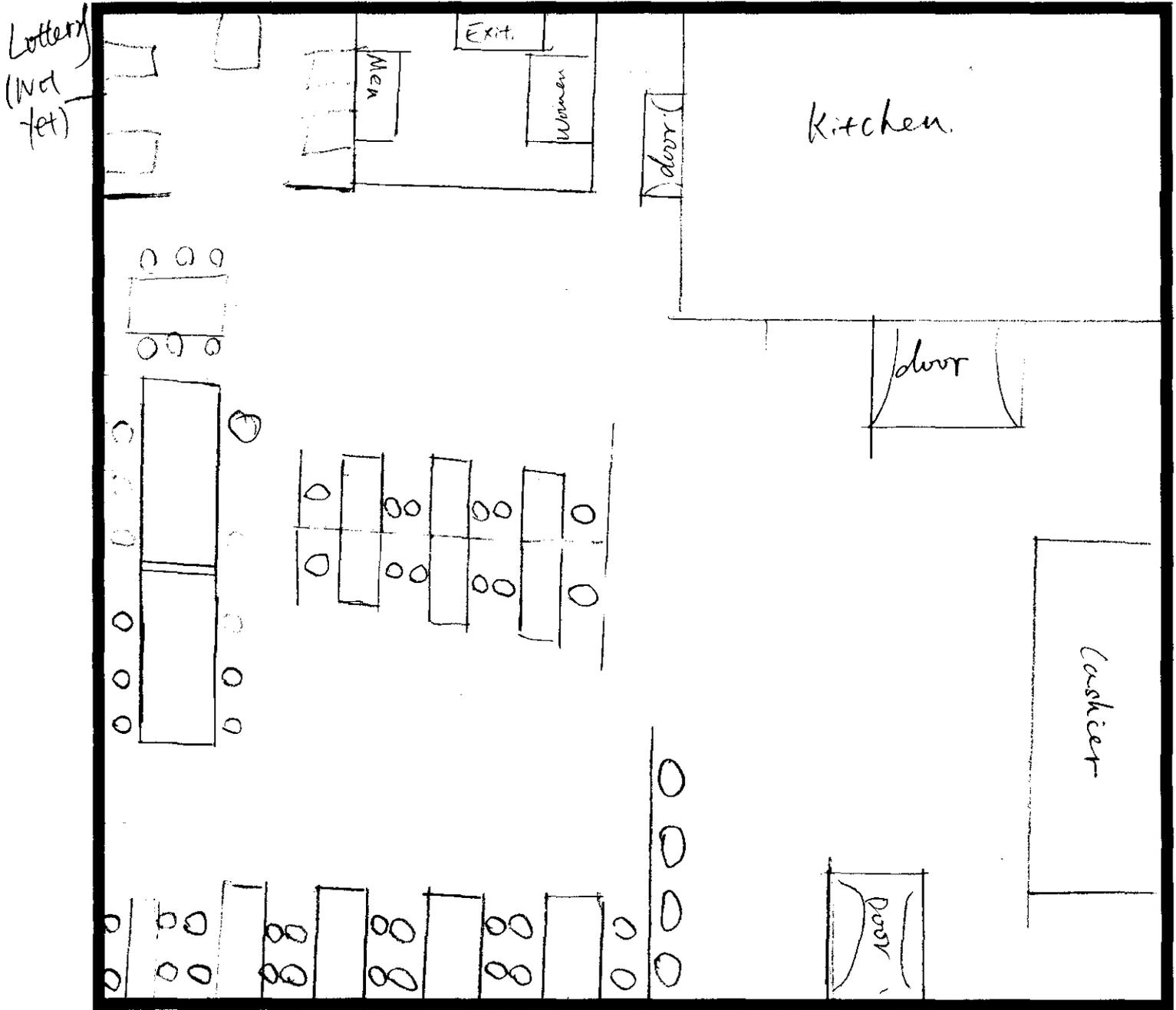
I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Yan Ying Chen Date: 09/08/2010



OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

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



Diamonds Garden LLC
Applicant Name
Diamonds Garden Restaurant
Trade Name (dba):
Dallas, OR 97338
City and ZIP Code

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

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

(rev. 12/07)

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Members Present: Chair Warren Lamb, Brian Dalton, Jackie Lawson, and Wes Scroggin. Excused: La-Vonne Wilson.

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

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

Nuisance Code Update

Mr. Locke reported that in the current code, public nuisances are all classified as a Class C misdemeanor, which meant that whenever the Code Enforcement Officer wanted to issue a citation for a nuisance violation, he would have to call in a sworn officer to issue the citation. Mr. Shetterly clarified that according to Oregon law, for non-criminal violations we could only issue a citation if it was done in the presence of a sworn officer. He explained by changing this to a civil infraction, it would allow the Code Enforcement Officer to issue a citation for the infraction. He noted the second violation of the same nature would still be a Class C misdemeanor. Mr. Shetterly added this would also allow the City to prosecute the first violation in municipal court, which provides for a faster response.

Council President Dalton noted this would add a step in the escalation of these cases, which might help the Code Enforcement Officer gain compliance.

It was moved by Councilor Scroggin and seconded by Council President Dalton to refer the ordinance change to the Council. The motion carried unanimously.

Police Chief's Report

Chief Teague reported that during the procession for Sgt. Tawney, he received several comments on how sharp looking and well behaved his officers were, noting it was in no small part to the small changes he made in the department, such as getting new uniforms and having all the officers get their uniforms dry-cleaned.

Chief Teague indicated he appreciated the Council's and City's efforts to keep his department staffed at the level it is, adding his ability to maintain a POINT team member was noticed.

Chief Teague stated he recently let a probationary officer go, and the City had advertised that open position. He noted of the eight-five applications received, about twelve were lateral applicants. He indicated if a lateral applicant were hired, they should be ready to go to work in early January.

Chief Teague reviewed the work being done with the Emergency plans. He explained the departments were currently working on a pre-arranged game plan in the event Mercer Dam was to break.

Fire Chief's Report

Chief Hahn reported that he and Mr. Wyatt recently met with Doug Keeler, the Weyerhaeuser representative in property management. He indicated Mr. Keeler was surprised the City already used 1.5 acres for the current fire training site. Chief Hahn explained that after father discussions about the City obtaining

1 the entire 5+ acre parcel, Mr. Keeler recommended the City have the property surveyed. Mr. Keeler also
2 suggested to Mr. Wyatt that the City could offer to purchase half the acreage. Mr. Wyatt indicated he and
3 Chief Hahn would continue to work with Mr. Keeler.

4 **Other**

5 Council President Dalton thanked the Fire Department for hanging the large American flag over Main
6 Street in honor of Sergeant Tawney. He noted the 162nd Engineering Company would be arriving back in
7 Dallas in early November and the Chamber would be organizing a parade in their honor.

8 There was no other business and the meeting was adjourned at 4:28.

MEETING AGENDA

PUBLIC SAFETY COMMITTEE

Monday, October 25, 2010

4:00 p.m.

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

1. Nuisance Code Update
2. Police Chief's report
3. Fire Chief's report
4. Other
5. Adjourn



Community Development Department

Memo

To: Public Safety Subcommittee
From: Jason Locke, Community Development Director
Date: October 18, 2010
Re: Nuisance Ordinance classification

Staff is proposing that Nuisances in Dallas City Code Sections 5.500-5.600 be reclassified to a civil infraction for the first offense and a Class C misdemeanor for a second offense (Currently, these nuisances are classified a Class C misdemeanors). This would allow the Code Enforcement Officer to issue a citation, which is currently prohibited, as a Class C misdemeanor offense must be cited by a sworn police officer.

This would not affect the City Council's ability to abate the nuisance, but allow for a more streamlined citation process.

I have spoken with Chief Teague, and he supports the change.

5.642 Penalties.

(1) A violation of a provision of sections [5.500](#) to [5.600](#) is punishable as a civil infraction upon a first offense. A second or additional violation of the same provision based on the same facts is a Class C misdemeanor.

(2) The abatement of a nuisance is not a penalty for violation of sections [5.500](#) to [5.600](#), but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance.

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

Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim Marr, City Attorney Lane Shetterly, Community Development Director Jason Locke, Public Works Director Fred Braun, Police Chief John Teague, and Recording Secretary Emily Gagner.

Chair Scroggin called the meeting to order at 4:28 p.m.

Solid Waste Franchise Agreement

Mr. Wyatt reported that he and City Attorney Shetterly had opened franchise agreement negotiations with Allied Waste and asked the Committee members for the parameters he and Mr. Shetterly should work within, such as adding street sweeping or leaf harvest. Mr. Shetterly noted Allied Waste will be adding composting. There was discussion about selling the yard waste to the biomass plant, but Councilor Lamb explained the biomass needed to be completely dry, so yard waste wouldn't work. Council President Dalton indicated it sounded like a good idea to privatize some things such as street sweeping and leaf harvest. He noted the transition would have to be done carefully so citizens would understand they didn't have to pay more to Allied Waste and the City. Mr. Shetterly explained that this wouldn't reduce what residents paid to the City. Council President Dalton indicated the City would have to point out some benefit to the residents, such as more street maintenance, then. Councilor Scroggin asked the length of the franchise agreement. Mr. Shetterly explained the term was seven years, but required six years' notice of non-renewal, adding the agreement just continued to roll, which was standard for the industry. Councilor Scroggin asked if there was any competition to Allied Waste that would be willing to step in. Mr. Shetterly replied it was a pretty controlled business with little competition.

Regional Industrial Wetlands/Wetlands Mitigation Project

Mr. Locke reviewed a project that was undertaken by the Cascades West Council of Governments to identify all the industrial property that was constrained by wetlands in Linn-Benton Counties. They then began pursuing developing a regional wetlands mitigation bank. He noted the Mid-Willamette Valley Council of Governments got their local jurisdictions together to see if this was an issue they would be interested in looking into as well. Mr. Locke indicated it might be valuable. Mr. Wyatt added most of the City's wetlands have already been delineated.

Councilor Lamb asked the City's role in the process. Mr. Locke stated the potential formation of a regional wetlands mitigation bank would be a collaborative effort between the local cities and Polk County. He noted it is becoming more difficult to find mitigation credits. Councilor Lamb indicated he didn't want staff to spend a lot of time on this project. Mr. Locke explained they wouldn't until the point where Monmouth, Independence, and Dallas all knew what they had for wetlands. Mayor Fairchild stated he was at the same meeting as Mr. Locke, and noted the City needs a local wetlands inventory first. He added he did find out the cost of a local wetlands inventory was much more within reach than he thought.

Public Works Director's Report

1 Mr. Braun reported on the scaled back timing of the leaf harvest, noting in years past the crews
2 would start in mid September and go into the new year. He explained this year's leaf harvest would
3 run from October 15 through December 15, and the City added three drop-off sites for leaves, which
4 are already being used.

5 Mr. Braun explained staff continued to work on the fats, oils, grease (FOG) program, noting most of
6 the call outs on the weekend were due to FOG. Mr. Braun showed the Committee a informational
7 packet on FOG interceptor installation that staff put together to give people who were opening new
8 restaurants in existing restaurant buildings that didn't have FOG interceptors. He noted the City
9 could provide some assistance to place these interceptors, since they would be a benefit to our sys-
10 tem. Councilor Lawson asked if an interceptor would be necessary if the restaurant didn't have a
11 fryer. Mr. Braun explained oil is only one problem, noting the interceptors also remove small food
12 particles which create issues in wastewater treatment.

13 Mr. Braun stated the City would be working with ODOT to overlay a portion of Washington Street
14 and Jefferson Street next June. He noted ODOT did core testing and have a fairly good design to
15 add ten years to the life of that section of road.

16 Mr. Braun provided the Committee with a draft copy of the ASR study recently completed with
17 funding from a state grant. He noted the study did uncover two previously undiscovered fault lines,
18 which make the study location an ideal location for a new ASR well. He explained where the two
19 fault lines intercept would have great permeability; much better than the first ASR well. He added
20 preliminary modeling shows the City could expect better production and water quality with two
21 ASR's running than with only one. Mr. Braun explained the modeling showed that when the City
22 brings ASR2 online, if we recharge it the first year, don't withdraw that summer, and then recharge
23 it a second year, we would get much better water quality. He noted with that methodology, the City
24 should get a 43% increase in water quality, or reduction in salt. Councilor Scroggin asked what the
25 timeline would be for the second well. Mr. Braun indicated it would be needed by about 2015, de-
26 pending on growth. Councilor Lamb asked if some of the money to be spent on the ASR would be
27 better spent on dredging the reservoir to increase storage. Mr. Braun explained losses in reservoir
28 storage have been less than 1% per year. He acknowledged that ASR wells would only get the City
29 through the medium term, or until about 2040.

30 Council President Dalton asked how many years each ASR would add to the City's water capacity.
31 Mr. Braun stated at today's growth rate, one ASR buys about 10 years, but typically, it would be
32 about 5 years additional.

33 **Other**

34 There was no other business and the meeting was adjourned at 5:11 p.m.

MEETING AGENDA

PUBLIC WORKS COMMITTEE

Monday, October 25, 2010

4:00 p.m.

Wes Scroggin, Chair

Brian Dalton

Warren Lamb

Jackie Lawson

LaVonne Wilson

1. Solid Waste Franchise Agreement
2. Regional Industrial Wetlands/Wetlands Mitigation Project
3. Public Works Director's Report
4. Other
5. Adjourn

Executive Summary

Regional Industrial Wetlands/ Wetlands Mitigation Project

The Issues

Almost all vacant industrially zoned land in the mid-Willamette Valley has some area that is known or suspected wetland¹. Development that may impact wetlands must be approved by the Oregon Department of State Lands (DSL) and, in most cases, the U.S. Army Corps of Engineers (US ACE).

Recognizing that the economic growth of a region directly relates to its ability to easily site industry, Oregon Cascades West Council of Governments (CWCOG) and eight cities in Linn and Benton Counties have been working with the State to develop a balanced approach to protecting wetlands resources while providing an adequate inventory of ready-to-go industrial land.

The first phase of this collaborative effort found that the major wetlands-related impediments to siting industry are the uncertainty and the time required to work through wetlands review, analysis, and approval processes. Hurdles include -

- ◆ A development plan must be on the table before regulatory review can begin.
- ◆ Review can take up to a year.
- ◆ Developers are responsible for mediating any differences between State and Federal permits.

If a wetlands area can not be avoided, the impacted area has to be mitigated² for. Creation of larger mitigation areas is generally preferred to on-site or individual approaches to mitigation as it-

- ◆ Allows for sharing of maintenance costs,
- ◆ Eases monitoring obligations, and
- ◆ Increases ability to enhance wetlands functions and values.

Industrial land demand to the year 2030 was projected for the eight partner cities. This regional Economic Opportunities Analysis (EOA) identified that 100 to 300 acres of wetlands mitigation area will be required to meet demand for new industrial sites of 10 or more acres. Additional mitigation area would be required to meet industrial demand for sites of under 10 acres (75% of industrial locations are projected to be on sites of under 10 acres). *EOA findings are summarized on the back.*



Our Opportunity – The Reg

The Proposed Solution

A regional approach to off-site mitigation of industrial wetlands appears possible -

- ◆ All partner cities are in the same river basin - Upper Willamette.
- ◆ Almost all wetlands are expected to fall within the same wetlands classification - PEM Flats.

A regional approach is expected to provide advantages of improved efficiency and increased effectiveness. The two most promising approaches appear to be joint negotiation of a purchase of wetlands credits³ or joint development of a wetlands mitigation bank⁴.

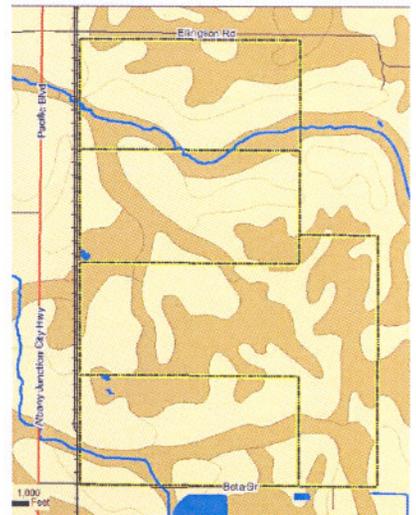
Purchasing wetlands mitigation credits is not currently considered to be a viable approach -

- ◆ Recent credit purchases are three times higher than the cost to develop and provide for long-term operation of a mitigation bank.
- ◆ Existing and planned Upper Willamette basin credits are almost all already purchased / spoken for.

Development of a regional wetlands mitigation bank by a regional consortium of governments appears to be a feasible and effective approach. In addition to the cost efficiency noted above, a public approach also allows other benefits to be incorporated alongside wetlands.

South Albany Industrial Area (PepsiCo)

247 acres – 125.5 acres delineated wetlands



The Partners

This "Regional Industrial Wetlands / Wetlands Mitigation Project" has been a highly collaborative effort coordinated by -

Oregon Cascades West Council of Governments

In cooperation with the -

City of Adair Village

City of Albany

City of Corvallis

City of Halsey

City of Harrisburg

City of Lebanon

City of Millersburg

City of Tangent

State of Oregon

Funding provided by -

Oregon Department of Land Conservation & Development

BL3 Regional Investment Board - Oregon Lottery Funds

Pacific Power

OCWCOG Member Dues

Oregon Department of State Lands

Regional Mitigation of Prime Industrial Wetlands

The Next Steps

There are two separate, but related, tracks that require further work. CWCOG will continue to work with partners to address these next steps into 2010.

Track 1: Streamlined Permitting

- ◆ Seek acceptance of a regional approach for a streamlined permitting process from U.S. Army Corps of Engineers and Oregon Department of State Lands.
- ◆ Identify which industrial sites to move into a regional permitting effort.
- ◆ Obtain funding for permit work.
- ◆ Conduct on-site analysis of selected sites, prepare regional alternatives analysis, and complete permit processes.

Track 2: Regional Wetlands Mitigation Bank

Share information with partners and gather feedback on how we might most effectively use a consortium approach to establish a wetlands mitigation bank, including -

- ◆ Frame a business plan, including implementation strategy and long-term operation and maintenance program, for establishment of a mitigation bank.
- ◆ Establish consortium for mitigation bank operation.
- ◆ Secure funding for bank development.
- ◆ Identify, acquire, and design mitigation bank site(s).
- ◆ Obtain “mitigation bank instrument” (regulatory approval).
- ◆ Conduct mitigation bank site work to establish bank.

Lebanon Rodeo Industrial Site

120.1 acres – 73.1 acres delineated wetlands



Essential Terms

¹ **Wetlands:** Areas inundated or saturated by surface or ground water sufficient to support hydrophyte plants. Not all wetlands are always wet - they may be seasonal or have been altered by farming, tiling, etc.

² **Mitigation:** Reducing adverse effects of a project by (in prioritized order):

- Avoiding impact
- Minimizing impact
- Compensation – restore, create, or enhance the wetlands area and functions lost

³ **Wetlands Mitigation Credit:** This is the unit of exchange used in compensatory mitigation. It represents attainment of wetlands functions, usually on an acreage basis in the range of 1:1 to 1:3.

⁴ **Mitigation Bank:** Wetlands constructed to compensate for future wetlands impacts. Wetlands mitigation banks generate wetlands credits for sale. A bank must be in same river basin and be the same wetlands type as the wetlands that are being mitigated for. Banks must be maintained in perpetuity.

For Further Information on Wetlands

The Oregon Department of State Lands posts several fact sheets on wetlands-related issues at: www.oregonstatelands.us/DSL/Wetland/wetlandfacts.shtml

The Details - Summary of Analysis Findings

Economic Opportunities Analysis: The amount of land needed to meet industrial development demand was projected to 2030* for the eight participating cities using State employment projections, an analysis of key sectors, and a local vantage point. These projections provided estimates that -

- ◆ Industrial employment in project cities will increase by about 4,932 jobs during 2006-2030.
- ◆ About 431 acres of currently vacant industrially-zoned land will be developed by 2030 (this is in addition to on-site expansion at existing industrial facilities) in these cities.
- ◆ An inventory of about 1,487 acres of vacant industrial land is needed to allow for development patterns (right-of-way, density, other uses) and to allow for market choice.
- ◆ This preferred inventory would require at least 84 industrial sites in ranges of:

Under 10 acres	63 sites needed	Totaling about 207 acres
10-19 acres	8 sites needed	Totaling about 120 acres
20-49 acres	6 sites needed	Totaling about 210 acres
50-99 acres	2 sites needed	Totaling about 150 acres
100 acres or more	4 sites needed	Totaling about 600 acres (+Lowes)

◆ About 3,560 acres are currently vacant and zoned industrial in the eight project cities.

* EOA methodology follows State guidelines & may be used to update Comprehensive Plans to 2030.

Mitigation Requirements: Because this project focused on addressing the wetlands issue on shovel ready-eligible sites, the remainder of the project worked on how to meet projected demand *only for sites of 10 acres or more*. 20 “key sites” that seemed best positioned for development in their respective size ranges were analyzed by DSL. It was assumed that the full industrial lands inventory will exhibit wetlands characteristics similar to these key sites. Findings for the key sites were that -

- ◆ 99 to 308 acres of wetlands will need to be mitigated for to meet future industrial demand, depending on which sites are actually selected for development.
- ◆ All sites are in the Upper Willamette basin. About 97% of the identified/potential wetlands on the key sites are in the same classification of Palustrine Emergent Flats (PEF).
- ◆ A Willamette Valley wet prairie ecosystem would be suitable for mitigation of these wetlands.

Options: Analysis included credit purchase costs, bank development and long-term operation cost, organizational needs, value-added options, and ability to provide certainty. Findings were that -

- ◆ A regional group could purchase credits at a preferential rate or establish its own bank.
- ◆ Credits in all existing and planned banks for the basin are currently already sold or spoken for.
- ◆ Recent credit purchases average much higher (\$84,500 statewide, \$93,654 Upper Willamette) than estimated bank development and long-term fund for operating costs (\$31,043).
- ◆ A bank created/operated for public entities could incorporate additional benefits and outcomes (recreation, habitat, filtering storm water, temperature reduction, etc.)

For Further Details

Regional Industrial Wetlands / Wetlands Mitigation Project report and accompanying Regional Industrial Wetlands Impact Analysis are posted at: www.ocwcog.org/sectionindex.asp?sectionid=106

Oregon Cascades West Council of Governments
Community & Economic Development

1400 Queen Ave SE, 205A / Albany, OR 97321 / 541-967-8551 / www.ocwcog.org



November 1, 2010

Jerry Wyatt
City of Dallas
187 SE Court Street
Dallas, OR 97338

Dear Mr. Wyatt, Mayor Fairchild and Members of the Council,

I would like to request approval to hold Dallas Winterfest in our downtown on December 3rd & 4th (Friday-Saturday).

The event has grown significantly over the last several years! This year we committed to expanding the event thru Saturday, pulling in partners such as; the Dallas Fire Department, Downtown Business Group, The Majestic, The Fox Theatre, several Non Profit Organizations and the Christmas BOT Revue.

Our plan is to host the Christmas Tree Lighting on Friday night as usual, with very little change to that program. Saturday, we would like for the vendors on the lawn to be open from 10am-3pm and are working with our partners to have plenty for people to do. We would like permission to work with city staff for items including;

- Closing parking stalls around the courthouse lawn from 3PM Friday thru 4PM Saturday.
- A police escort for Santa and his entourage. We would work with the Police Department in determining the best location to start from, and would want the escort to bring the vehicles to the Courthouse Lawn at approximately 6:30PM.
- The use of candlesticks and caution tape to assist in crowd control.
- Participation from the Fire Department in having vehicles on display as well as promoting Breakfast with Santa the following day.

We appreciate the continued support of the City in our effort to host events for our community. Please let me know if you have any questions, concerns or recommendations.

Thank you for your continued support!

Sincerely,

A handwritten signature in black ink that reads "Chelsea".

Chelsea Pope
Executive Director

cc: Dallas Area Chamber of Commerce Board of Directors

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 c	Topic: Holiday scheduling
Prepared By: Emily Gagner	Meeting Date: November 1, 2010	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to approve cancelling the December 20, 2010 Dallas City Council meeting.

BACKGROUND:

The busy holiday season is fast approaching, and staff is busy working on several upcoming events. The annual Mayor and City Manager's Coffee is going to be Thursday, December 9 from 4:00 to 5:00 p.m. in the Civic Center.

Staff is working on the third annual Community Holiday Dinner for those members of our community in need. We would like to hold the dinner on Monday, December 20. However, there is a Council meeting scheduled on that date. Currently we have no agenda items for the December 20 Council meeting, and with the proximity to Christmas, we were hoping the Council would approve cancelling the December 20 Council meeting.

I also want to remind you of those days City Hall will be closed for holidays:

Thursday, November 11
Thursday and Friday, November 25-26
December 23 (afternoon only)
December 24
December 31

FISCAL IMPACT:

None

ATTACHMENTS:

None

RESOLUTION NO. 3211

A Resolution Honoring Veterans and Members of the United States Armed Forces on the Occasion of Veterans Day, 2010, and Designating the Levens Street Bridge as Veterans Memorial Bridge.

WHEREAS, November 11, 1918 marked the end of World War I; and,

WHEREAS, in 1938, Congress passed a bill to make November 11th a permanent day of remembrance dedicated to the cause of world peace and known as Armistice Day; and,

WHEREAS, after World War II, the day became known as Veterans Day in honor of all those who have served in the United States Armed Forces; and,

WHEREAS, the residents of Dallas, Oregon have enjoyed the protection and service of members of the armed forces and the benefits that service has engendered, and count among themselves honored veterans and members of all branches of the United States Armed Forces who have served their community and their nation with distinction in war and in peace in all parts of the world; and

WHEREAS, the City Council of the City of Dallas desires to recognize, honor and memorialize the brave men and women who have served their country, and who are actively serving America today, protecting and defending the rights and freedoms of this nation and the blessings of liberty bestowed on its citizens;

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

Section 1. The City Council of the City of Dallas, on the occasion of this Veterans Day, November 11, 2010, and on behalf of the residents of the city, expresses its deepest gratitude, appreciation, and respect for the service of the veterans and members of the United States Armed Forces.

Section 2. As a fitting and lasting expression of such gratitude, appreciation and respect, the City Council hereby declares that the Levens Street bridge shall be dedicated and hereafter known as "Veterans Memorial Bridge."

Section 3. The Public Works Director shall mark and place appropriate signs at said bridge.

Section 4. This resolution shall be effective upon adoption and approval.

Adopted: November 1, 2010
Approved: November 1, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

Veterans' Memorial Bridge Dedication Ceremony

Date: November 11,
2010

Veterans' Day

Time: 11:00 AM

At the intersection of
SW Levens Street and
SW Walnut Avenue,
Dallas, Oregon

City of Dallas
187 SE Court St
Dallas, Oregon 97338

Dallas Area Chamber of Commerce
119 SW Court St
Dallas, Oregon 97338

For more information call:
503-831-3502
or
503-623-2564



Join us as we dedicate the
Veterans' Memorial Bridge
to honor the men and women of
Dallas who have served in our
nation's armed services.



RESOLUTION NO. 3212

A Resolution establishing the fee for a garage sale permit after commencement of a sale pursuant to Dallas City Code Section 7.530.

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 7.530 for a permit for a garage sale, where application for a permit is made after commencement of the garage sale, shall be \$15.

Section 2. This resolution shall be effective December 1, 2010.

Adopted: November 1, 2010

Approved: November 1, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1731

An Ordinance amending provisions of the Dallas City Code Section 5.642, relating to penalties for nuisances; and repealing conflicting provisions.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.642 is hereby amended to read as follows:

5.642 Penalties.

(1) A violation of a provision of sections [5.500](#) to [5.600](#) is punishable as a civil infraction upon a first offense. A second or additional violation of the same provision based on the same facts is a Class C misdemeanor.

(2) The abatement of a nuisance is not a penalty for violation of sections [5.500](#) to [5.600](#), but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance.

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

Read for the first time: November 1, 2010
Read for the second time: November 15, 2010
Passed by the City Council: November 15, 2010
Approved by the Mayor: November 15, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1730

An Ordinance amending provisions of the Dallas City Code Sections 7.500 to 7.545, relating to garage sales; and repealing conflicting provisions.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Sections 7.500 to 7.545 are hereby amended in their entirety to read as follows:

7.500 Definition.

For purposes of sections [7.500](#) to [7.545](#), "garage sale" means the public sale or offering for sale of new or used goods within the city by any individual or group of individuals from private or public property, including but not limited to garages, porches, carports and yards, when:

- (1) The individual or group of individuals is not regularly engaged in the business of selling such goods; or
- (2) When the property on which the sale is conducted is not regularly used for business purposes or is not in a zone permitting commercial use.

7.505 Exemption.

The following are exempt from the provisions of sections [7.500](#) to [7.545](#):

- (1) Offering for sale one item by public display with a sign indicating the item is for sale, and the sale of more than one individual item not offered for sale by public display or by signs concerning a sale or place of sale; and
- (2) Sales commonly referred to as "rummage sales," conducted by members of fraternal, civic, patriotic, religious, service, charitable or educational organizations with a chapter, lodge, post, congregation, or other unit existing within the city.

7.510 Permit Required.

- (1) No individual or group of individuals shall hold a garage sale without first obtaining a permit.
- (2) A homeowners association or condominium association organized and existing under the laws of the State of Oregon, including a mobile home or

manufactured park association organized as a condominium association, may obtain a permit for the benefit of identified individuals who are members of the association.

7.515 Application.

In addition to the provisions of sections [7.000](#) to 7.080, the application shall include:

(1) The name of the applicant. In the case of an application submitted by a group of individuals or by an association, as provided in Section 7.510, the application shall name all of the individuals who will be conducting a garage sale under the permit, and, in the case of an association, the name and address of the association.

(2) A description of the place from which the sale is to be held. In the case of an application submitted by a group of individuals or by an association, as provided in Section 7.510, the application shall identify the locations from which all garage sales under the permit are to be held.

(3) The dates and hours of the day during which the sale is to be conducted.

(4) Whether the owner of such goods is to pay any commission for the sale.

(5) Whether the owner or lessee in possession of the premises from which the sale is to be conducted is to receive any compensation for the use of the premises.

(6) Whether the individual conducting the sale has conducted any sales within the same calendar year during which the sale is to be held and, if so, how many. In the case of an application submitted by a group of individuals or by an association, as provided in Section 7.510, the application shall indicate whether any of the individuals named on the application have conducted any sales within the same calendar year during which the sale is to be held and, if so, how many.

(7) Whether other garage sales have been held upon the premises, or any of the premises, upon which the sale is to be held during the calendar year in which the proposed sale is to be held and, if so, how many.

7.520 Permit Issuance.

The city manager shall issue a permit for the sale if the city manager finds that:

- (1) The application is properly completed;
- (2) No commission is to be paid by the individual or individuals owning the goods to be sold and that no compensation is to be received by the owner or lessee of the premises from which the sale is to be conducted;
- (3) The individual, or individuals conducting the sale have not conducted two like sales previously during the same calendar year during which the sale is to be held; and
- (4) Not more than one other such sale has been held upon any of the premises upon which the garage sale is to be held during that portion of the same calendar year during which the sale is to be held in which the individual or individuals then occupying the premises have occupied the premises.
- (5) Notwithstanding the provisions of this section, the city manager may issue a permit for a third sale within a calendar year to the same person or to be held on the same premises.

7.525 Duration of Permit.

The permit issued by the city manager shall be valid for a period not to exceed three consecutive days and shall permit the sale only between the hours of 8 a.m. and 9 p.m.

7.530 Permit Fee.

No fee shall be required if the application is made prior to the commencement of the sale. If the application is made after the commencement of the sale, a fee in an amount set by resolution of the City Council shall be charged. In the case of more than one garage sale conducted by a group of individuals or an association, for which the application is made after commencement of the sale, each individual conducting a sale shall be subject to the fee.

7.535 Display of Permit.

No garage sale shall be held without a permit being prominently displayed so that it can be seen readily from the street.

7.540 Signs.

(1) Only one sign shall be posted upon the premises on which the garage sale is to be held.

(2) One off premises sign for the purpose of directing people to the garage sale shall also be permitted but only a sign issued by the city shall be allowed. In the case of more than one garage sale conducted under a permit by a group of individuals or an association, the group of individuals or association shall be entitled to one off premises sign. Such off premises sign shall be placed at the arterial street that is nearest to the location of the sale. The city shall have available a reasonable supply of garage sale signs for use by individuals at no cost. The city may secure a deposit up to an amount sufficient to cover the cost of replacing the sign in the event it is damaged or lost.

(3) Signs shall not be placed in the public right-of-way and shall be placed upon private property only with the consent of the property owner. Signs shall not be placed earlier than one hour before the garage sale starts and shall be removed by no later than one hour after the conclusion of the garage sale.

7.545 Penalty.

Violation of a provision of sections [7.500](#) to [7.540](#) is a civil infraction.

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

Read for the first time: October 18, 2010
Read for the second time: November 1, 2010
Adopted by the City Council: November 1, 2010
Approved by the Mayor: November 1, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER