



Dallas City Council Agenda

Monday, April 4, 2011, 7:00 p.m.
 Mayor Brian Dalton, Presiding
 Dallas City Hall
 187 SE Court Street
 Dallas, Oregon 97338

City Council

Mayor
 Brian Dalton

Council President
 Wes Scroggin

Councilor
 Jim Fairchild

Councilor
 Beth Jones

Councilor
 Jackie Lawson

Councilor
 Mark McDonald

Councilor
 Kevin Marshall

Councilor
 LaVonne Wilson

Councilor
 Ken Woods, Jr.

Councilor
 Vacant Seat

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.

<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.</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>	
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. Approval of March 7, 2011 City Council Minutes	p. 3
b. Acknowledge report of the Mar 28 Administrative Committee Meeting (action items addressed later on agenda)	p. 7
c. Acknowledge report of the Mar 28 Building & Grounds Committee Mtg (no action items)	p. 49
d. Approve no-smoking designation for all City parks	p. 51
e. Appoint Tim Grimes to the Budget Committee	p. 52
f. Approve the proposed City Manager's Evaluation form	p. 53
g. Direct staff to pursue broadcasting Council meetings	p. 54
h. Acknowledge proposed Ambulance rate change	p. 55
i. Acknowledge proposed water rate change	p. 56
j. Acknowledge proposed sewer rate change	p. 57
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.*

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- | | | |
|----|---|--------|
| a. | Action item from Mar 28 Administrative Committee:
<i>Award Bank Services RFP</i> p. 58 | Motion |
|----|---|--------|

8. REPORTS FROM CITY MANAGER AND STAFF

- | | | |
|----|--|-----------------|
| a. | Armory Building Update by Oregon National Guard | Presentation |
| b. | Request to defer PERS payback until FY 11-12 | p. 59
Motion |
| c. | Park Trail Contract Award | p. 65
Motion |
| d. | ODOT Cooperative Improvement Agreement for Jefferson Street paving project | p. 66
Motion |
| d. | Other | |

9. RESOLUTIONS

- | | | |
|----|---|-------------------------|
| a. | <u>Resolution No. 3219</u> : A Resolution establishing a schedule of rates for ambulance and emergency medical services, and repealing Resolution No. 3151. | p. 78
Roll call vote |
| b. | <u>Resolution No. 3220</u> : A Resolution establishing a schedule of increases in rates for water furnished by the City of Dallas according to the Consumer Price Index for All Urban Consumers, Portland, Oregon. | p. 80
Roll call vote |
| c. | <u>Resolution No. 3221</u> : A Resolution establishing a schedule of increases in rates for sewer services furnished by the City of Dallas according to the Consumer Price Index for All Urban Consumers, Portland, Oregon. | p. 81
Roll call vote |
| d. | <u>Resolution No. 3222</u> : A Resolution authorizing the transfer of budgetary funds. | p. 82
Roll call vote |
| e. | <u>Resolution No. 3223</u> : A Resolution authorizing an interfund loan. | p. 85
Roll call vote |

10. FIRST READING OF ORDINANCE

- | | | |
|----|---|-----------------------|
| a. | <u>Ordinance No. 1736</u> : An Ordinance amending Dallas City Code Section 9.850 relating to Development Fee Waivers. | p.86
First reading |
|----|---|-----------------------|

11. SECOND READING OF ORDINANCE

- | | | |
|----|---|-------------------------|
| a. | <u>Ordinance No. 1735</u> : An Ordinance adopting an oath of office for elected officials and certain appointed officers of the City of Dallas. | p. 91
Roll call vote |
|----|---|-------------------------|

12. OTHER BUSINESS

13. ADJOURNMENT

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2
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4 The Dallas City Council met in regular session on Monday, March 7, 2011, at 7:00 p.m. in the
5 Council Chambers of City Hall with Mayor Brian Dalton presiding.

6 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

7 Council members present: Council President Wes Scroggin, Councilor Jim Fairchild, Councilor
8 Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Mark McDonald,
9 and Councilor LaVonne Wilson. Excused: Councilor Ken Woods, Jr.

10 Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City
11 Manager Kim Marr, Police Chief John Teague, Fire Chief Bill Hahn, and Recording Secretary
12 Emily Gagner.

13 Mayor Brian Dalton led the Pledge of Allegiance.

14 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

15 There were no comments or questions from the audience.

16 **PUBLIC HEARINGS**

17 NONE

18 **CONSENT AGENDA**

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

21 Items approved by the Consent Agenda were: a) February 22, 2011, City Council minutes; b)
22 Dallas Arts Association request for Art in the Park on July 31, 2011; c) Dallas Chamber of
23 Commerce request for Summerfest on July 28-31, 2011; d) Dallas Area Visitors Center request
24 for Polk County Bounty Market from May 5 through September 29, 2011; e) report of the Feb 28
25 Public Works Committee meeting; f) report of the Feb 28 Public Safety Committee meeting; g)
26 report of the March 1 Urban Renewal District Advisory Committee meeting; and h) report of the
27 March 1 Park and Recreation Board meeting.

28 **ITEMS REMOVED FROM CONSENT AGENDA**

29 There were none.

30 **REPORTS OR COMMENTS FROM COUNCIL**

31 **ACTION ITEM FROM FEB 28 PUBLIC WORKS COMMITTEE: *WATERSHED***
32 ***MANAGEMENT RFP RESULTS***

33 Councilor Fairchild reviewed the staff report regarding the Watershed Management RFP results.

34 It was moved by Councilor Fairchild and seconded by Councilor Marshall to award the contract
35 for the "Rickreall Watershed Management Strategies Assessment" to Polk Soil and Water
36 Conservation District. The motion carried unanimously.

37 **ACTION ITEM FROM FEB 28 PUBLIC WORKS COMMITTEE: *RECOMMENDED***
38 ***IMPROVEMENTS AT SE MILLER AVE AND SE LACREOLE DRIVE INTERSECTION***

39 Councilor Fairchild reviewed the staff report for recommended improvements at the SE Miller
40 Avenue and SE LaCreole Drive intersection. Councilor Lawson asked if the school would still
41 have crossing guards for the school children. Mr. Wyatt confirmed they would. Councilor
42 McDonald stated with the removal of the flashing beacons, the project cost will be a wash, so this
43 made good sense. Council President Scroggin stated at one time the Council discussed the
44 possibility of a traffic circle at that intersection. Mr. Wyatt indicated it was still planned down the

1 road, but this would help get by until then.

2 It was moved by Councilor Fairchild and seconded by Councilor Wilson to direct staff to draft a
3 resolution to install stop signs on SE Miller Avenue and to direct staff to remove the railings and
4 flashing beacons and restripe the intersection at SE Miller Avenue and SE LaCreole Drive as
5 proposed. The motion carried unanimously.

6 **ACTION ITEM FROM FEB 28 PUBLIC SAFETY COMMITTEE: *REGIONAL***
7 ***OPPORTUNITIES FOR FIRE AND EMS***

8 Mr. Wyatt reviewed the staff report regarding regional opportunities for Fire & EMS. Councilor
9 Lawson recommended the Council appoint whoever was chosen to fill the Council vacancy.
10 Councilor Fairchild stated he would be interested in serving on the work group if the new
11 Councilor was not interested. Councilor McDonald commented it was a good idea to look into
12 this as a way to save resources.

13 It was moved by Councilor Wilson and seconded by Councilor Marshall to appoint Pete
14 Christensen and a Councilor to be determined at a later date to the working group to explore the
15 coordination and sharing of resources between fire and rescue agencies. The motion carried
16 unanimously.

17 Councilor Fairchild reported he would be heading to Washington DC for the National League of
18 Cities Congressional Conference, adding he would sit on the Steering Committee for Community
19 and Economic Development.

20 Mayor Dalton stated he recently attended the Mayors' Day at the state capital. He reviewed the
21 topics discussed at that event.

22 Courtney Pope, Dallas High School Student Body Liaison, reported that the High School would
23 hold an ice cream social on March 8, the Junior/Senior basketball game on March 10, and the Mr.
24 Dallas contest on March 12 with all proceeds going to the American Cancer Society. Ms. Pope
25 stated the choir concert would be held March 8 in the Bollman Auditorium.

26 **REPORTS FROM CITY MANAGER AND STAFF**

27 **FORD INSTITUTE LEADERSHIP PROGRAM PRESENTATION**

28 Councilor Lawson explained the Ford Institute Leadership Program to the Council, noting it helps
29 create a network of community members and provides knowledge and skills that help participants
30 take on new leadership roles.

31 Councilor Lawson showed a video that showcased Dallas and Falls City. She stated the group
32 was required to develop a community project, and they chose to develop a pocket park at the
33 Rickreall Creek Trailhead next to the Dallas Burger Chargrill Chicken Basket. She asked the
34 Council for their approval to move forward with the project, noting there would be no cost to the
35 City. Councilor Lawson pointed out the hope was that future classes would choose to take on
36 similar projects at other trailhead areas.

37 It was moved by Council President Scroggin and seconded by Councilor Fairchild to approve the
38 request to develop a pocket park on the land west of Main Street, south of Walnut Avenue, and
39 north of the creek. The motion carried unanimously.

40 **OTHER**

41 Mr. Wyatt reminded the Council that he would not be able to attend the March 21 Council
42 meeting and noted that there were no agenda items. He asked the Council to approve canceling
43 the March 21 Council meeting. It was moved by Councilor Wilson and seconded by Councilor
44 Marshall to cancel the March 21, 2011, Dallas City Council meeting. The motion carried
45 unanimously.

1 **RESOLUTIONS**

2 **Resolution No. 3215** – A Resolution establishing a schedule of rates and fees to be paid by
3 persons using the Dallas Aquatic Center, and repealing Resolution No. 3152.

4
5 Councilor McDonald stated he understood that both proposals were a rate increase and this was
6 the lesser of the two. Mr. Wyatt explained it was a slight rate increase for residents and a
7 reduction for non-residents. Mr. Shetterly stated the rate change was for a three-month trial
8 period only.

9
10 A roll call vote was taken and Mayor Dalton declared Resolution No. 3215 to have PASSED BY
11 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild,
12 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Mark
13 McDonald, and Councilor LaVonne Wilson voting YES.

14
15 **Resolution No. 3217** – A Resolution approving changes in rates for refuse collection service and
16 repealing Resolution No. 3179.

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18 A roll call vote was taken and Mayor Dalton declared Resolution No. 3217 to have PASSED BY
19 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild,
20 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Mark
21 McDonald, and Councilor LaVonne Wilson voting YES.

22
23 **Resolution No. 3218** – A Resolution of the City of Dallas authorizing a grant application under
24 the Oregon Parks and Recreation Department Local Government Grant Program for park
25 improvements at Kingsborough Park.

26
27 Ron Lines, Park Supervisor, reviewed the staff report included in the agenda packet. There was
28 some discussion about the risk of having the detention pond near the playground area. Mr. Wyatt
29 explained that aspect of the project was still being engineered.

30
31 A roll call vote was taken and Mayor Dalton declared Resolution No. 3218 to have PASSED BY
32 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild,
33 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Mark
34 McDonald, and Councilor LaVonne Wilson voting YES.

35 **FIRST READING OF ORDINANCE**

36 **Ordinance No. 1735:** An Ordinance adopting an oath of office for elected officials and certain
37 appointed officers of the City of Dallas.

38 Mayor Dalton declared Ordinance No. 1735 to have passed its first reading.

39 **SECOND READING OF ORDINANCE**

40 **Ordinance No. 1734:** An Ordinance relating to solid waste management in the City of Dallas,
41 Oregon, including, without limitation, granting to Dallas Disposal Co., dba Allied Waste Services
42 of Dallas, an Oregon corporation, the exclusive franchise to collect, transport, or transfer solid
43 waste over and upon the city streets and first option to dispose of or recover materials or energy
44 from solid waste generated or produced in the city; creating new provisions; providing penalties;
45 and repealing Ordinance No. 1327, the existing franchise dated September 7, 1982, and all
46 provisions of the City Code or ordinances in conflict herewith.

47 Mayor Dalton declared Ordinance No. 1734 to have passed its second reading. A roll call vote
48 was taken and Mayor Dalton declared Ordinance No. 1734 to have PASSED BY A MAJORITY
49 VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones,
50 Councilor Jackie Lawson, Councilor Kevin Marshall, and Councilor LaVonne Wilson voting
51 YES and Councilor McDonald voting NO.

52 **OTHER BUSINESS**

53 There being no further business, the meeting adjourned at 7:51 p.m.

1 Read and approved this _____ day of _____ 2011.

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Mayor

6 ATTEST:

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City Manager

DRAFT

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Members Present: Chair LaVonne Wilson, Beth Jones, and Jackie Lawson. Excused: Wes Scroggin
Also Present: City Manager Jerry Wyatt, Mayor Brian Dalton, Assistant City Manager Kim Marr, Finance Director Cecilia Ward, Community Development Director Jason Locke, EMS Director Todd Brumfield, and Recording Secretary Emily Gagner.

Visitor: Joe Koubek

Chair Wilson called the meeting to order at 4:05 p.m.

Bank RFP Results

Ms. Ward reviewed the request for proposals (RFP) process, noting the City received three proposals. She indicated staff recommended awarding the banking services contract to West Coast Bank because they offer many more services than Citizens Bank. Councilor Lawson asked what those services were, adding she liked Citizens Bank because it was local. Ms. Ward explained that West Coast Bank offered purchasing cards and cash back on those cards, more on-line services, and checks would be available to view on-line for a longer time. In response to a question, Ms. Ward stated the only difference in fees were what was offered by West Coast Bank in additional services. Mr. Wyatt commented that it was a tough decision because staff liked both of the banks' proposals and staff. He added purchasing cards would save the City money in the long run. Councilor Wilson and Councilor Jones both indicated they had been happy with the service they received from West Coast Bank. Ms. Ward reported that she had called references for both banks and all the references spoke highly of the banks. Councilor Lawson stated she liked the people at West Coast Bank, but had pulled all her accounts from there because too often there were accounting errors that the bank couldn't find. Mr. Wyatt noted they had a new manager that had been there for about six months.

It was moved by Councilor Jones and seconded by Councilor Wilson to recommend to the full Council to award banking services to West Coast Bank. The motion carried by a majority with Councilor Lawson voting no.

Request for No Smoking in City Parks

Mr. Wyatt indicated this came from the Park Board, noting the Board feels strongly about making all the City parks non-smoking. He added staff supports that. Mr. Wyatt stated there would not be "smoking police," but it would give staff the authority to stop someone from smoking, something they felt was needed. Councilors Jones and Lawson expressed their support of this action.

It was moved by Councilor Lawson and seconded by Councilor Jones to recommend the Council consider making all City parks no-smoking areas. The motion carried unanimously.

Enterprise Zone Discussion

Mr. Locke reviewed his staff report. He indicated he was assisted by Art Fish from Business Oregon, who recommended the City reward job creation, not facility construction. Mr. Locke stated the proposal would add a waiver that could be used to buy down SDC or building permit fees based on the number of jobs that were created that paid 150% of the Polk County average wage, which was currently about \$45,000. He advised this would reward good-wage job creation, not the building of a facility. Mr. Locke reviewed the claw-back provision which stated the company must maintain the jobs or the City would get the credit back

1 from them. Councilor Lawson expressed her concern that 150% of the Polk County average wage was
2 substantially high. Mr. Locke indicated that amount could be 100% of the Polk County average. Council-
3 or Jones stated she wouldn't go under 125% of the Polk County average wage for the credit.

4 It was moved by Councilor Jones and seconded by Councilor Lawson to forward to the Council for discus-
5 sion the Enterprise Zone incentives, with the credits being issued for jobs at 125% of the Polk County av-
6 erage. The motion carried unanimously.

7 **Building Permit Fees**

8 Mr. Locke reviewed his staff report, explaining the increase in permit fees would ensure revenue equaled
9 expenditures for the department and would allow staff to maintain the very high level of customer service
10 they provide.

11 Mr. Locke explained that permit fees were based on the valuation of construction, and those fees currently
12 increase by the CPI each year. He reviewed the comparison of options included in his report. Mr. Locke
13 noted the issue was that the Building Department was spending an inordinate amount of time on large
14 commercial projects and the existing fees were not covering the costs. Mr. Locke advised the Committee
15 that he had talked to six local builders and while none wanted to pay more, they generally indicated they
16 wanted to keep the level and quality of service they currently receive from staff. He pointed out permit
17 fees were typically not the issue in whether a project was done or not, but that SDCs and construction
18 costs were the issue. He indicated if the Committee approved, it wouldn't go directly to the Council be-
19 cause the State Building Codes Division must have 45 days notice of the proposed change.

20 Councilor Lawson stated it was not a good time with the economy. She noted a large number of permits
21 were for smaller remodels which bettered the community and its value and she didn't want to discourage
22 that with higher permit fees. Councilor Wilson asked if they could move forward with the changes for
23 high end projects, but not the lower end. Councilor Lawson stated perhaps the break could be for projects
24 over \$150,000. Councilor Jones agreed with Councilor Lawson. Councilor Wilson stated she didn't want
25 the City to not get paid for services they were providing. Mr. Locke stated the contractors on the small-
26 end projects were the ones staff primarily talked to and indicated a \$400 permit would not discourage an-
27 yone from building on a \$20,000 project. He stated he could change the proposed permit fee for projects
28 valued from \$4,001 to \$25,000 to \$75.00 for the first \$4,000 plus \$9.00 for each additional \$1,000 or frac-
29 tion thereof. Councilor Lawson indicated she would accept that.

30 It was moved by Councilor Jones and seconded by Councilor Lawson to recommend the Council adopt
31 the proposed building permit fees with the change discussed. The motion carried unanimously.

32 **Broadcasting Council Meetings**

33 Mr. Wyatt indicated broadcasting the Council meetings would provide another way for the Council to
34 connect with the community and allow citizens to see what occurs at Council meetings. He reviewed the
35 proposal from Visual Media, noting he would not recommend using them to record the meetings at this
36 time due to the high cost. He explained that for minimal cost, staff could provide stationary equipment
37 and pay for minimal editing to get the meetings broadcast on the PEG channel. He added there was mon-
38 ey in the budget to do this, and wanted to know if the proposal was acceptable.

1 Councilor Jones asked what the viewership would be. Mr. Wyatt acknowledged many residents have satellite television, but noted staff does get calls from residents when the system goes down. Councilor
2 Jones added the cameras could act as security cameras as well. There was discussion about putting the
3 recorded meetings on the website or providing DVDs of the meetings for those who did not have cable.
4

5 It was moved by Councilor Jones and seconded by Councilor Lawson to recommend the Council approve
6 pursuing broadcasting the Council meetings on the PEG channel with filming done in-house. The motion
7 carried unanimously.

8 **Temporary SDC Reduction**

9 Mr. Locke reviewed his staff report, noting many jurisdictions have done something like this with varying
10 levels of success. He reported this would not be a huge hit to capital funding, which SDCs pay for, because the City would not be doing much capital improvement work in the coming year. He noted this
11 would be a good opportunity to reach out and encourage development. He added that the proposal was
12 capped at \$10,000.
13

14 It was moved by Councilor Lawson and seconded by Councilor Jones to recommend the Council approve
15 the proposed SDC discount. The motion carried unanimously.

16 **Committee Appointments**

17 Mr. Wyatt reviewed the staff report.

18 Councilor Lawson advised that she supported the nomination of Mr. Grimes to the Budget Committee, but
19 did not support appointing Mr. DeDominick to the Biomass Committee because his application was not
20 timely. Councilor Jones asked if there was a need for more members on the Biomass Committee. Mr.
21 Wyatt stated there was not. He noted the Biomass Committee was a public meeting and anyone was welcome to attend. Councilor Jones indicated she was in agreement with Councilor Lawson.
22

23 It was moved by Councilor Lawson and seconded by Councilor Jones to recommend the Council appoint
24 Tim Grimes to replace Bob Ottaway on the Budget Committee. The motion carried unanimously.

25 **Taxi Parking Designation Request**

26 Mr. Wyatt reviewed the request from Squirrels Taxi to set up a designated taxi spot behind the Library.
27 He indicated staff didn't support the request. The committee concurred.

28 **Ambulance Rates**

29 Mr. Brumfield reviewed the proposed changes to the ambulance rate resolution, noting most changes were
30 for housekeeping and clarity. He explained the current rate charged per mile was \$15 and staff recommended increasing that to \$18 per mile to help keep up with the rising cost of fuel and maintenance on the
31 vehicles. Mr. Brumfield indicated it would give the department the potential to bill approximately
32 \$20,000 more annually. He noted the change would only affect 25% of patients, those who were not on
33 Medicare or Medicaid.
34

1 There was some discussion about offering a discount to non-insured patients if they paid their bill up
2 front. Mr. Brumfield indicated he'd need to check with the City Attorney because there were restrictions
3 with Medicare/Medicaid laws that require an entity to bill everyone the same.

4 It was moved by Councilor Lawson and seconded by Councilor Jones to recommend the Council approve
5 a resolution adopting the proposed changes to the ambulance rates. The motion carried unanimously.

6 **Utility Rates Tied to CPI-W**

7 Mr. Wyatt acknowledged it seemed like staff had been reviewing a lot of rates recently. He explained
8 staff was challenged by the Council to bring these proposals to them as they were needed and not wait un-
9 til the increases were much larger. He noted many communities were experiencing double-digit rate in-
10 creases. Mr. Wyatt indicated if the Council agreed to tie water and sewer rates to the CPI-W, that would
11 keep the City current with the increases it faces for utilities, fuel, and supplies each year. He added this
12 would be the easiest way to keep the rates at steady, smaller increases. Mr. Wyatt stated the City has in-
13 creasing costs of doing business just like everyone else.

14 Councilor Wilson asked if there was a possibility of capping the increase at a certain amount without fur-
15 ther Council review. Mr. Wyatt advised it could be capped at 3%.

16 It was moved by Councilor Jones and seconded by Councilor Lawson to recommend the Council approve
17 resolutions to tie water and sewer rates to the CPI-W, with Council approval required for a CPI-W over
18 3%. The motion carried unanimously.

19 **City Manager's 2011 evaluation form**

20 It was moved by Councilor Jones and seconded by Councilor Lawson to recommend the Council approve
21 the evaluation form for the City Manager and to designate the rating period from January to December
22 2011. The motion carried unanimously.

23 **Emergency Planning Update**

24 Mr. Wyatt explained staff had been doing a tremendous amount of work recently to update the Emergency
25 Action Plan, which now meets all NIMS (National Incident Management System) requirements. He noted
26 staff would hold an earthquake drill on April 6 and would also have a tabletop exercise soon on a dam
27 break scenario.

28 **Finance Director's Report**

29 Ms. Ward reported she was working on the 2011-12 Budget. She noted she would be bringing to the
30 Council a resolution to clean up the current budget, adding the City received some grants that weren't in
31 the budget and she would need to move some money from the contingency fund to the ambulance.

32 **Other**

33 Mr. Wyatt stated the Council goal of maintaining a 10% beginning balance in the funds would be met and
34 discussed some items impacting the current budget, including workers' compensation claims, the ambul-

- 1 ance accident, PERS findings at the Aquatic Center, and retirements. He noted the General Fund would
- 2 be reduced next year.

- 3 Councilor Lawson asked when the Committee would begin to look at the Charter. Mr. Wyatt stated he'd
- 4 like that to be a Council goal.

- 5 Mr. Wyatt reported that applications were due on March 31 for the Council vacancy.

- 6 There was no other business and the meeting was adjourned at 5:19 p.m.

MEETING AGENDA

ADMINISTRATIVE COMMITTEE

Monday, March 28, 2011

4:00 p.m.

LaVonne Wilson, Chair

Beth Jones

Jackie Lawson

Wes Scroggin

1. Bank RFP results
2. Request for no smoking in City parks
3. Enterprise Zone discussion
4. Building permit fees
5. Broadcasting Council meetings
6. Temporary SDC reduction
7. Committee appointments
8. Taxi parking designation request
9. Ambulance rates
10. Utility rates tied to CPI-W
11. City Manager's 2011 evaluation form
12. Emergency planning update
13. Finance Director's report
14. Other
15. Adjourn

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 1	Topic: Banking Services
Prepared By: Cecilia Ward	Meeting Date: March 28, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Recommend motion of full council to approve staff to award banking services to West Coast Bank.

BACKGROUND:

The City of Dallas has had its main operating account and credit card services with the same financial institution for over 14 years. With the constant rise of fees for banking services, drop in interest rates and a necessity for a solid banking relationship the current services are not adequate.

With approval from the City Council on December 6, 2010, staff sent out Request for Proposals for Banking Services to four local bank branches. Deadline for proposals was January 26, 2011. The City received proposals from Bank of America, Citizens Bank, and West Coast Bank.

The proposal considered many aspects of a financial institution such as services, fees, customer service and convenience. Services included main operating account, ACH services, credit card processing, corporate credit cards and online banking.

Staff recommends switching from Bank of America as their fees are higher and for customer service, the local branch has very limited authority. Citizens Bank and West Coast Bank would serve the City equally well. Some of the pros and cons are: West Coast Bank offers more services but Citizens Bank is closer in proximity. Citizens Bank's overall fees are lower but it is due to the elimination of a few services provided by West Coast Bank. Staff has contacted a governmental entity reference provided by each bank and each reference highly recommends each institution.

FISCAL IMPACT:

Potential savings

ATTACHMENTS:

NA

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 2	Topic: Request for No Smoking in City Parks
Prepared By: Emily Gagner	Meeting Date: March 28, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

If the Committee chooses, a motion to recommend the Council consider making all City parks no-smoking areas.

BACKGROUND:

The Park and Recreation Board has recommended to the Council several times that they designate all the City parks as no-smoking areas. The Code currently states smoking is not allowed within 25 feet of:

- (a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including, but not limited to, spectator areas and bleachers.
- (b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.
- (c) All playground equipment in any city park.
- (d) All roofed structures in city parks, including, but not limited to, covered picnic areas.
- (e) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.
- (f) Any bus shelter structure.

Staff spends quite a bit of time talking to park users who violate the 25-foot rule. They are also concerned of the fire hazard, as people throw their butts in the bark dust (where they continue to burn and burrow deep into the bark). Finally, staff must deal with the litter issues created by smokers throwing their butts on the ground and in the creek.

FISCAL IMPACT:

None

ATTACHMENTS:

None



Community Development Department

Memo

To: Admin Subcommittee
From: Jason Locke, Community Development Director
Date: March 28, 2011
Re: Enterprise Zone Incentives follow-up

At the prior meeting, staff proposed a number of changes to the incentives offered to qualifying businesses in the Enterprise Zone. The Committee directed staff to find out what other jurisdictions offered. The answer is that staff could not find another jurisdiction that offered additional incentives besides Salem and Portland, as well as Lebanon. In that light, staff received a suggestion from a Business Oregon staffer, Arthur Fish, that may be a much better approach for Dallas **if the objective is to create family wage jobs in the Zone.**

The new proposal would be to keep the following incentives:

9.850 Development Fee Waivers.

(1) The city manager shall grant the following development fee relief to those ***qualified*** business firms, **as defined in ORS 285C.050(15)** and **qualified properties, as defined in ORS 285C.050(16)** within the Dallas Enterprise Zone that the **zone** manager determines meet the requirements **for enterprise zone incentives and benefits under ORS Chapter 285C** and the administrative rules promulgated under state law.

(2) Fees and charges totally waived are:

(a) Sign permit fees.

- (b) Demolition permit fees.
- (c) Driveway permit fees.
- (d) Sidewalk permit fees.
- (e) Water and sewer service connection charges above actual cost of materials used.

(f) Cost of oversizing public works infrastructures, including, but not limited to, costs for water lines larger than six inches, sewer lines larger than eight inches, storm sewer lines larger than 18 inches, and streets wider than 34 feet.

(3) In addition to those benefits provided under subsection (2), above, an applicant for enterprise zone benefits and incentives shall be eligible for the benefits and incentives provided under subsection (4) if the applicant demonstrates at the time of application, to the satisfaction of the City Manager, that it has a plan to create and fill a new full-time employee position or positions for employees who will be paid at not less than 150 percent of the Polk County average annual wage, as determined under ORS 285C.050(4) at the time of application, and to maintain such position or positions full-time at not less than such wage for a period of at least five years.

(4) A qualified business firm shall be entitled to a credit in the amount of \$5000 for each new employee position that the firm has a plan to create and fill that meets the requirements of subsection (3), which the qualified business firm may apply against one or more of the following charges at the time of permitting:

- (a) Systems Development Charges;
- (b) Building permits, including structural, mechanical, and plumbing permits.

(5) A qualified business firm that claims a credit under subsection (3) shall enter into an agreement with the city to maintain the new employee positions for which the credit has been taken and shall file annual reports with the zone manager to demonstrate that it is maintaining such position or positions. Such agreement shall also provide that if a position for which a credit was claimed under subsection (3) is not filled as planned, or if the position is not maintained for five years as provided in subsection (3), the qualified business shall reimburse the city for such credit, or a portion thereof, as follows:

(a) If a position for which a credit was claimed is not filled or if the qualified business firm fails to maintain the position for which a credit was provided for less than one year, the qualified business firm shall reimburse the city the full amount of the credit claimed for such position.

(b) If a position for which a credit was claimed ceases to meet the requirements for the credit under subsection (3) after the first year of employment but before the end of the second year, the qualified business firm shall reimburse the city four-fifths of the amount of the credit claimed for such position.

(c) If a position for which a credit was claimed ceases to meet the requirements for the credit under subsection (3) after the second year of employment but before the end of the third year, the qualified business firm shall reimburse the city three-fifths of the amount of the credit claimed for such position.

(d) If a position for which a credit was claimed ceases to meet the requirements for the credit under subsection (3) after the third year of employment but before the end of the fourth year, the qualified business firm shall reimburse the city two-fifths of the amount of the credit claimed for such position.

(e) If a position for which a credit was claimed ceases to meet the requirements for the credit under subsection (3) after the fourth year of employment but before the end of the fifth year, the qualified business firm shall reimburse the city one-fifth of the amount of the credit claimed for such position.

(6) If a qualified business firm or property that is granted enterprise zone benefits and incentives thereafter, within five years after the date of such qualification, fails to comply with any conditions or requirements for such benefits and incentives, then, in addition to any other costs, penalties or loss of benefits to which the business firm may be subject, the business firm shall reimburse the city for any credits provided under subsection (3) according to the schedule set forth in subsection (5), based on the date of disqualification.

This approach ensures that credits/waivers are only being issued for businesses that create and maintain good jobs. For example, a qualified firm that created 50 new jobs, but only 25 of the jobs are at 150% of the Polk County average, would receive a \$125,000 credit toward their permitting and SDC's, with the condition that if 10 of those jobs disappear within 5 years, the firm would pay back up to \$50,000 to the city. This approach would ensure a quid pro quo.



Community Development Department

Memo

To: Admin Subcommittee
From: Jason Locke, Community Development Director
Date: March 28, 2011
Re: Building permit and plan review fee adjustments

Currently, building permit fees and all associated fees are adjusted by the CPI-W rate beginning every July 1 (1.85% this year). After an analysis of quality of service, other jurisdictions rates, and a need to generate revenue to cover the cost of services being provided, staff is proposing that the following changes be made. (Any changes would need to be submitted to the State Building Codes Division 45 days prior to adoption).

- 1) Raising the base rate for any permit to \$75 (including plumbing and mechanical).
- 2) Revising two valuation categories at the upper end of the range.
Existing: \$50,000-\$100,000 and \$100,001 and up
Proposed: \$50,000-\$150,000 and \$150,001 and up
- 3) Increasing the rate for the bottom two valuation categories by an average of 10% and increasing the rate for the top two valuation categories by 33% and 35% respectively. This has the effect of lessening the current discount for larger projects.
- 4) Changing the percentage of the amount charged for Plan Review from 65% of the building permit fee to 85% and changing the percentage of the Fire, Life, and Safety review from 40% to 60% of the building permit amount. (FLS only applies to commercial projects).

This action would increase the costs of permits beyond the CPI rate, but come closer to actual cost recovery. These changes would require 4 new resolutions addressing building, plumbing, structural and mechanical permits.

CURRENT FEES

A Resolution establishing permit fees for the Oregon Residential Specialty Code and repealing prior conflicting Resolutions.

Section 1. The following are hereby adopted as the permit fees under DCC 8.270:

<u>Valuation</u>	<u>Permit Fee</u>
\$1.00 to \$4000	\$62.11
\$4,001 to \$25,000	\$62.11 for the first \$4000 plus \$9.28 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$257.08 for the first \$25,000 plus \$6.97 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof
\$50,001 to \$100,000	\$431.30 for the first \$50,000 plus \$4.65 for each additional \$1,000 or fraction thereof, to and including \$100,000 or fraction thereof
\$100,001 and up	\$663.91 for the first \$100,000 plus \$3.87 for each additional \$1,000 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours \$62.11 per hour
2. Re-inspection fees.....\$62.11 each
3. Inspections for which no fee is specifically indicated \$62.11 per hour
4. Additional plan review required by changes, Additions or revisions to approved plans \$62.11 per hour

Section 2. The above fees shall automatically be adjusted each July 1, beginning July 1, 2009, based on the percentage of change in the Portland, Oregon Consumer Price Index (CPI-W) second half report, published in the preceding February of each year.

PROPOSED FEES

A Resolution establishing permit fees for the Oregon Residential Specialty Code and repealing prior conflicting Resolutions.

Section 1. The following are hereby adopted as the permit fees for the Residential Code under DCC 8.270:

<u>Valuation</u>	<u>Permit Fee</u>
\$1.00 to \$4000	\$75.00
\$4,001 to \$25,000	\$75.00 for the first \$4000 plus \$10.00 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$285.00 for the first \$25,000 plus \$8.00 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof
\$50,001 to \$150,000	\$485.00 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$150,000 or fraction thereof
\$150,001 and up	\$1185.00 for the first \$150,000 plus \$6.00 for each additional \$1,000 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours.....\$75.00 per hour
2. Re-inspection fees.....\$75.00 each
3. Inspections for which no fee is specifically indicated\$75.00 per hour
4. Additional plan review required by changes,
Additions or revisions to approved plans\$75.00 per hour

Section 2. The above fees shall automatically be adjusted each July 1, beginning July 1, 2012, based on the percentage of change in the Portland, Oregon Consumer Price Index (CPI-W) second half report, published in the preceding February of each year.

Section 3. *The structural plan review fee shall be 85% of the Residential structural permit fee.*

Section 4. This resolution shall take effect on July 1, 2011 and upon its effective date, all conflicting prior Resolutions are repealed.

COMPARISON OF OPTIONS

Dollar Value	CPI ONLY	\$75 base + new rate		Difference
	1.85%			
		65%	85%	
20,000.00	214.46	235.00		
plan review	139.40	152.75	199.75	
Total fee	353.86	387.75	434.75	80.89
100,000.00	676.21	835.00		
plan review	439.54	542.75	709.75	
Total fee	1,115.75	1,377.75	1,544.75	429.00
150,000.00	873.21	1,185.00		
plan review	567.59	770.25	1,007.25	
Total fee	1,440.80	1,955.25	2,192.25	751.45
250,000.00	1,267.21	1,785.00		
plan review	823.69	1,160.25	1,517.25	
Total fee	2,090.90	2,945.25	3,302.25	1,211.35
500,000.00	2,252.21	3,285.00		
plan review	1,463.94	2,135.25	2,792.25	
Total fee	3,716.15	5,420.25	6,077.25	2,361.11
1,000,000.00	4,222.21	6,285.00		
plan review	2,744.44	4,085.25	5,342.25	
Total fee	6,966.65	10,370.25	11,627.25	4,660.60

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 5	Topic: Broadcasting Council Meetings
Prepared By: Emily Gagner	Meeting Date: March 28, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to pursue the goal of broadcasting the Council meetings.

BACKGROUND:

A recurring Council goal has been to improve communications so we can better reach the public. One way that could be accomplished is by recording and broadcasting the Council meetings on the PEG channel. Visual Media Center has submitted a quote to provide video production services, including 2.5 hours, 2 cameras with editing, graphics, and encoding for \$546.25 per meeting. We feel we could do it for much less expense in-house.

FISCAL IMPACT:

Depends on method of recording; cost could easily fit within the budget.

ATTACHMENTS:

Quote from Visual Media Center
Chart showing costs for other cities

Results of survey of other cities that broadcast their Council meetings

City	Cost	Who
Redmond	\$344/mtg	Local cable company tapes
Silverton	Purchase of equipment	High School media dept tapes all meetings
Estacada	Free	Live feed provided through cable company
Wilsonville	\$300 for each meeting (incl. airing live, taping, formatting, making 2 DVD copies)	
Beaverton	3 meetings/mo free - otherwise \$75/hour as part of franchise	
Newport	Minimum wage pay	High school media dept tapes
Ontario	Minimum wage pay	High school student operates camera
Baker City	\$6,000/yr - web only	Rotary volunteers record
Tillamook	\$250/mtg + \$10 for DVD	Videographer

address: 289 E. Ellendale Ave., Suite 601
Dallas, OR 97338

phone: 503-623-9501

email: info@visualmediacenter.com

fax: 503-623-9565

web: www.visualmediacenter.com

To:

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

Date: 3/10/2011

Quote #: 486

The quote is good for 30 days

Description	Qty/Hours	Rate	Total:
City Council Meetings Video Production: 2 cameras (1 operator) , film, edit. setup for broadcast		546.25	546.25
A 30% deposit is required to begin this project.			

At the Visual Media Center we believe in the "highball" approach to quotes. If we can, we will come in, at, or below this figure.

Total \$546.25

Roger Pope
Creative Director



Community Development Department

Memo

To: Admin Subcommittee
From: Jason Locke, Community Development Director
Date: March 28, 2011
Re: SDC Discount program

Staff has been questioned on occasion regarding the reduction or elimination of Systems Development Charges (SDC's) in order to spur development. Some jurisdictions have attempted waivers and reductions with varying success.

Given this information, staff is proposing that a limited 10% discount on SDC's, which would be approximately \$1100 on a new single family residence, and with a cap of \$10,000 per project, might provide a development boost, and not unduly impact capital improvement funding. It should also be tied to adoption of new building permit fees and rates being proposed and can act as a cushion to those proposed increases.

Staff would propose that the Committee recommend a 6-month, 10% reduction for SDC's (not to exceed \$10,000 per project), to take effect July 1, 2011 and end December 31, 2011. This could be done via a Resolution.

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 7	Topic: Committee Appointments
Prepared By: Emily Gagner	Meeting Date: March 28, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to recommend the Council appoint Steven DeDominick to the Biomass Facility Citizens Advisory Committee and appoint Tim Grimes to the Budget Committee.

BACKGROUND:

The Council appointed members to its Biomass Facility Citizens Advisory Committee at its February 7, 2011 meeting. At the February 22 meeting, Steven DeDominick requested he be added to the committee and Councilor McDonald made a motion to do so, though it died for lack of a second. The other person that indicated an interest in serving on the committee does not live in Dallas City limits and did not submit an interest form.

Bob Ottaway resigned his position on the Budget Committee, as he no longer resides in Dallas. Tim Grimes, owner of Dallas Liquor, has submitted a citizen committee interest form indicating a desire to serve on the Budget Committee. Staff has reviewed his form and feels he would serve the Budget Committee well.

FISCAL IMPACT:

None

ATTACHMENTS:

Committee interest forms



CITIZEN COMMITTEE INTEREST FORM

Name: STEVEN M. DeDominickAddress: 691 S.E. AZALEA AVE. DALLASMailing Address: SAMEPhone: Work: — Home: 503-623-8148E-mail Address: STEVEDEDominick@hotmail.com Yrs as Dallas Resident: 15Occupation and Employer: N/AEmployer's Address and Telephone: N/AMay we contact you at work? Yes No

I am interested in serving on the following Committee(s):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Budget Committee | <input type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> Citizens Advisory Committee for the Comprehensive Plan | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Economic Development Commission | <input type="checkbox"/> Urban Renewal District Advisory Committee |
| <input type="checkbox"/> Library Board | <input checked="" type="checkbox"/> Gasification Facility Advisory Committee |

 I am interested in being on a waiting list if there are no current vacancies.

Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. Include the skills, experience, and knowledge you possess that would help you contribute in this position. Feel free to attach a resume or other information you feel would be helpful.

AS A PRIOR CANDIDATE FOR CITY COUNCIL, I HAVE ATTENDED RECENT CITY COUNCIL MEETINGS AND HEARD MATT BUEGERON'S PRESENTATION ON THE GASIFICATION PROJECT. I FEEL I AM QUALIFIED TO REPRESENT THE PEOPLE OF DALLAS ON THESE COMMITTEES.

Educational Background

High School: BONITA VISTA H.S., CHULA VISTA CA Graduated GED

College: SOUTHWESTERN College Degree: A.A. - PHYSICAL EDUCATION

Previous Volunteer/Committee Experience:

Volunteer Agency: _____

Address: _____ Telephone: _____

Duties: _____

Have you ever been convicted of a felony? Yes No

AUTHORIZATION WAIVER

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

Steven M. De Dominich
Applicant's Signature

2-2-11
Date

Please return completed application to:
City Manager's Office
City of Dallas
187 SE Court St
Dallas, OR 97338
503-831-3502

.....
Date received at City Hall: _____ Date appointed: _____

Board, Commission or Committee: _____



CITIZEN COMMITTEE INTEREST FORM

Name: Tim Grimes

Address: 170 W Ellendale Ave Ste 105

Mailing Address: Same

Phone: Work: 503 623 9668 Home: 503 569 0369

E-mail Address: Tim.GRIMES@yahoo.com yrs as Dallas Resident: 4 yrs

Occupation and Employer: Business Owner - Dallas Liquor

Employer's Address and Telephone: Same as above

May we contact you at work? Yes No

I am interested in serving on the following Committee(s):

- Budget Committee
- Citizens Advisory Committee for the Comprehensive Plan
- Economic Development Commission
- Library Board
- Parks and Recreation Board
- Planning Commission
- Urban Renewal District Advisory Committee
- Gasification Facility Advisory Committee

I am interested in being on a waiting list if there are no current vacancies.

Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. Include the skills, experience, and knowledge you possess that would help you contribute in this position. Feel free to attach a resume or other information you feel would be helpful.

Have done community work in every town I have lived in for 20 years. Most recently in Dallas on Urban Renewal and Downtown committees. Prior to that served on committees in Stacyton for 4 years, 3 years on City Council. Managed (owned) businesses for 30+ years.

Educational Background

High School: _____

Graduated GED

College: Several

Degree: _____

Previous Volunteer/Committee Experience:

Volunteer Agency: Many - some on front

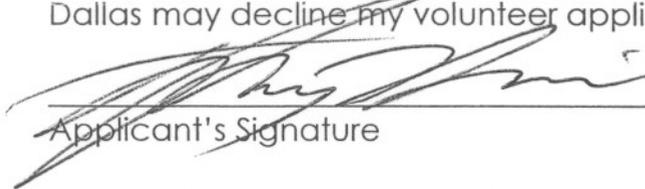
Address: _____ Telephone: _____

Duties: _____

Have you ever been convicted of a felony? Yes No

AUTHORIZATION WAIVER

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.


Applicant's Signature

Date

Please return completed application to:
City Manager's Office
City of Dallas
187 SE Court St
Dallas, OR 97338
503-831-3502

.....
Date received at City Hall: _____ Date appointed: _____

Board, Commission or Committee: _____

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 8	Topic: Taxi Parking Designation Request
Prepared By: Emily Gagner	Meeting Date: March 28, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

The City received a request from Merlin Berkey of Squirrels Taxi Service, Inc. to designate a spot behind the Round Up Pub and Library as a "Taxi Zone." Staff has reviewed the request and does not recommend doing so at this time.

FISCAL IMPACT:

None

ATTACHMENTS:

Request letter from Merlin Berkey



SQUIRRELS TAXI SERVICE INC.

**P.O. BOX 652
DALLAS, OR 97338**

1-28-17

Mr Wyatt:

I'm writing this per discussion we had on the 24th, about designating a spot behind the roundup bar and the Library as a taxi zone.

Sincerely

Morlin D. Berkey

Squirrels Taxi Service Inc

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 9	Topic: Ambulance Rates
Prepared By: Todd Brumfield	Meeting Date: March 28, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to recommend the Council approve a resolution adopting the proposed changes to the current ambulance rates.

BACKGROUND:

Upon review of the Resolution it was noted that the formatting needed to be corrected and the rate structure needed to be clarified.

Staff is recommending an increase to the mileage rate in order to meet the needs of increased fuel costs and the increased mileage put on Medic Units. The proposed rate of \$18.00 is well within the median of rates for the Willamette Valley.

Staff would recommend removing Section 1 (e), as BLS transfers account for only 0.5% of our transport volume; we should just use the \$18/mile rate for these.

Finally, staff recommends removing Section 3. It refers to services that were listed in a previously removed section (lift assists) and are covered under the charges listed in Section 1 anyway.

FISCAL IMPACT:

Raising the mileage rate will allow us to bill approximately \$20,200.00 more in fees annually. This rate increase will affect customers with private insurance providers and those without insurance. We will not collect 100% of this increase, but it will help in meeting the needs of fuel and maintenance. Medicare/Medicaid mileage reimbursement rates are set at \$6.94 per mile, regardless of our fee schedule.

ATTACHMENTS:

Redlined version of Resolution No. 3151
Proposed Resolution

RESOLUTION NO. ~~3151~~

A Resolution establishing a schedule of rates for ambulance and emergency medical services and repealing Resolution ~~3088~~3151.

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

Section 1. The following rates shall apply to ambulance and emergency medical services provided by the City of Dallas:

(a) Resident rates:

Advanced Life Support (ALS) 2 Emergency	\$894
ALS 1 Emergency	<u>\$894</u>
ALS 1 Non-emergency	894
<u>ALS 2 Emergency</u>	<u>894</u>
<u>ALS 2 Non-emergency</u>	<u>894</u>
Basic Life Support (BLS) Emergency	\$712
<u>BLS Emergency</u>	<u>\$712</u>
BLS Non-emergency	712
Evaluation and treatment (No transport)	<u>\$450</u>

(b) Non-resident rates:

<u>Advanced Life Support (ALS)</u>	
ALS 1 Emergency	<u>\$1,038</u>
ALS 1 Non-emergency	<u>1,038</u>
ALS 2 Emergency	<u>1,038</u>
ALS 2 Non-emergency	<u>1,038</u>
\$1,038	1,038
<u>Basic Life Support (BLS)</u>	
BLS Emergency	<u>\$894</u>
BLS Non-emergency	<u>894</u>
<u>BLS</u>	<u>894</u>

(c) Service delivery fee, where an ambulance is called to a location but neither transportation nor medical services are required and were not reasonably anticipated to be required \$150

(d) For mileage from the point where the

patient is picked up to the point where the patient is delivered, per mile \$ ~~15~~18

~~(e) Mileage for pre-authorized BLS transfer for patient care or contact mileage only, per mile; provided transport is only from the patient's initial location to the requested location, and BLS transfer rate must be pre-authorized and care may not exceed the level of BLS skills _____ \$ ~~9~~~~

~~Section 3. A care facility calling for such service on behalf of a patient or resident shall be responsible for the billing; provided there shall be no charge to the care facility for the first such call to an individual or care facility within a twelve month period. The second and all subsequent calls within a twelve month period shall be billed at the above rates, and a care facility shall be responsible for any such billings regardless whether the call is made for the same or a different patient or resident.~~

Section 42. The rates established hereunder shall be effective for services provided on and after May 1, ~~2008~~2011.

Section 53. Resolution No. ~~3088~~3151 is repealed effective as of the date the new rates set forth herein go into effect.

Adopted: April ~~21, 2008~~4, 2011
Approved: April ~~21, 2008~~4, 2011

~~JAMES B. FAIRCHILD~~BRIAN W.

DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

RESOLUTION NO. _____

A Resolution establishing a schedule of rates for ambulance and emergency medical services and repealing Resolution 3151.

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

Section 1. The following rates shall apply to ambulance and emergency medical services provided by the City of Dallas:

(a) Resident rates:

Advanced Life Support (ALS):

ALS 2 Emergency	\$894
ALS 2 Non-emergency	894
ALS 1 Emergency	894
ALS 1 Non-emergency	894

Basic Life Support (BLS):

BLS Emergency	\$712
BLS Non-emergency	712

Evaluation and treatment (No transport) \$450

(b) Non-resident rates:

Advanced Life Support (ALS):

ALS 2 Emergency	\$1,038
ALS 2 Non-emergency	1,038
ALS 1 Emergency	1,038
ALS 1 Non-emergency	1,038

Basic Life Support (BLS):

BLS Emergency	\$894
BLS Non-emergency	894

(c) Service delivery fee, where an ambulance is called to a location but neither transportation nor medical services are required and were not reasonably anticipated to be required \$150

(d) For mileage from the point where the patient is picked up to the point where the

patient is delivered, per mile

\$ 18

Section 2. The rates established hereunder shall be effective for services provided on and after May 1, 2011.

Section 3. Resolution No. 3151 is repealed effective as of the date the new rates set forth herein go into effect.

Adopted: April 4, 2011

Approved: April 4, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 10	Topic: Utility Rates Tied to CPI-W
Prepared By: Emily Gagner	Meeting Date: March 28, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to tie water and sewer rates to the 12-month average Portland/Salem CPI-W.

BACKGROUND:

In an attempt to stay current on the increases the City faces in fuel and utility price increases, it is proposed the utility rates be increased annually by the Portland/Salem CPI-W (cost of living increase). In years such as last year, where the average CPI-W was zero or years when the average is negative, staff proposes the rates not reflect a change.

These smaller, more regular increases would also help meet the Council's requests in recent years that staff attempt to apply smaller, more frequent rate increases to avoid implementing huge rate jumps for our residents.

FISCAL IMPACT:

None

ATTACHMENTS:

Draft resolutions

RESOLUTION NO. _____

A Resolution establishing a schedule of increases in rates for sewer service furnished by the City of Dallas according to the Consumer Price Index for All Urban Consumers, Portland, Oregon.

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

Section 1. The rates established for sewer service furnished by the City of Dallas, as set forth in Resolution No. 3147, adopted March 17, 2008, shall be adjusted effective June 1, 2011, according to the change in the Consumer Price Index for All Urban Consumers, Portland, Oregon, established by the Bureau of Labor Statistics, for the period from January 1, 2010 to December 31, 2010.

Section 2. Thereafter, on and as of June 1 of each year, beginning with June 1, 2012, the rates for sewer service furnished by the City of Dallas, as previously adjusted, shall be adjusted according to the change in the Consumer Price Index for All Urban Consumers, Portland, Oregon, established by the Bureau of Labor Statistics, for the immediately preceding calendar year.

Adopted: April 7, 2011

Approved: April 7, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

RESOLUTION NO. _____

A Resolution establishing a schedule of increases in rates for water furnished by the City of Dallas according to the Consumer Price Index for All Urban Consumers, Portland, Oregon.

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

Section 1. The rates established for water furnished by the City of Dallas, as set forth in Resolution No. 3180, adopted April 20, 2009, shall be adjusted effective June 1, 2011, according to the change in the Consumer Price Index for All Urban Consumers, Portland, Oregon, established by the Bureau of Labor Statistics, for the period from January 1, 2010 to December 31, 2010.

Section 2. Thereafter, on and as of June 1 of each year, beginning with June 1, 2012, the rates for water furnished by the City of Dallas, as previously adjusted, shall be adjusted according to the change in the Consumer Price Index for All Urban Consumers, Portland, Oregon, established by the Bureau of Labor Statistics, for the immediately preceding calendar year.

Adopted: April 7, 2011

Approved: April 7, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 11	Topic: City Manager's 2011 Evaluation Form
Prepared By: Emily Gagner	Meeting Date: March 28, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to recommend to the Council to approve the evaluation form for the City Manager and to designate the rating period from January to December, 2011.

BACKGROUND:

Below is the process adopted in 2009 in the *City Manager Performance Evaluation Procedure*:

1. In its first meeting of each calendar year, the Committee on Public Administration of the City Council shall review and recommend to the City Council the format and content of the Manager's evaluation documentation. The recommendations will include the following:
 - a. The Evaluation Form to be used.
 - b. The rating period, which shall be from January to December, or such other period as the Committee may specify.

2. At the next City Council meeting following the Public Administration Committee meeting, the City Council shall formally approve and adopt the Evaluation Form and rating period, either as recommended by the Committee on Public Administration or with such amendments as the Council shall deem necessary and appropriate. The procedure will be as defined herein, or as modified by the Council at the meeting.

3. Not later than one week following the Council's adoption of the Evaluation Form, rating period, and procedure, the Council President and the Chair of the Committee on Public Administration will meet in person with the City Manager to convey the Council's directions with regard to the performance evaluation.

FISCAL IMPACT:

None

ATTACHMENTS:

Evaluation Procedure and Evaluation Form used last year

CITY OF DALLAS
Performance Evaluation Procedure
City Manager

Introduction

The City Manager is a City employee. Under sections 10, 11, and 21 of the Dallas City Charter, the City Council is charged with the duty of selecting, hiring, and compensating the City Manager. The City Manager is thus the Council's employee, and his or her supervision is the Council's responsibility.

To be fair and effective, supervision must be based on performance benchmarks which are clearly defined and communicated so that performance can be evaluated objectively. Fairness demands that the standards be conveyed at the beginning of the rating period so that the City Manager knows exactly what is expected and how performance will be judged.

Purpose

The purpose of this document is to define a regular, structured, and consistent procedure for evaluating the City Manager's discharge of his or her duties and responsibilities as specified by the Charter, the City Code, and the City Council.

The objective of the performance evaluation is to provide an objective basis for recognizing and acknowledging exemplary performance, identifying areas for improvement if any, and determining appropriate compensation. The process is intended to insure that the management of City operations, personnel, and fiscal resources adhere consistently to the highest possible standard.

Procedure

The City Council shall conduct a periodic review and evaluation of the City Manager's work performance. The evaluation shall commend areas of good performance and identify areas for improvement where appropriate. It shall also be the basis for decisions regarding compensation and continued employment of the City Manager.

The review shall be conducted according to the following procedure:

1. In its first meeting of each calendar year, the Committee on Public Administration of the City Council shall review and recommend to the City Council the format and content of the Manager's evaluation documentation. The recommendations will include the following:
 - a. The Evaluation Form to be used.
 - b. The rating period, which shall be from January to December, or such other period as the Committee may specify.
2. At the next City Council meeting following the Public Administration Committee meeting, the City Council shall formally approve and adopt the Evaluation Form and rating period, either as recommended by the Committee on Public Administration or with such amendments as the Council shall deem necessary and appropriate. The procedure will be as defined herein, or as modified by the Council at the meeting.
3. Not later than one week following the Council's adoption of the Evaluation Form, rating period, and procedure, the Council President and the Chair of the Committee on Public Administration will meet in person with the City Manager to convey the Council's directions with regard to the performance evaluation. If the Council President or Chair of the Public Administration Committee is unavailable, the person most senior on the Council will act in substitution. This will apply to actions in #6 and #9 below as well.
4. Not later than the second Council meeting in November, a copy of the approved Evaluation Form will be provided to each Council member via electronic means. Paper copies will also be available to Councilors upon request.
5. Each Council member shall return his or her completed and dated Evaluation Form to the Assistant City Recorder not later than 5 working days prior to the first Council meeting in December. The information should be submitted on electronic media such as a flash drive, CD, or other such media [not via email]. Paper copies will be accepted but electronic copies are preferred. After receipt, a paper copy of each Councilor's Evaluation Form will be printed out by the Assistant Recorder for that Councilor to sign prior to the review session (paragraph 7 below). The Assistant City Recorder shall treat this information as extremely confidential.
6. The City Council President and the Chair of the Public Administration Committee shall compile the results of the Evaluation Forms as submitted. The compilation will

consist of averaging the numeric scores within each rating category, and compiling the written comments of Council members within each rating category. Comments shall not be edited or selectively parsed, but simply transcribed as written within each category. The final document will be the Performance Evaluation Summary.

7. At the last Council meeting in December, the Council will meet to review the City Manager's performance. Unless the City Manager explicitly requests an open hearing, the meeting will take place in executive session pursuant to ORS 192.660(2)(i). Printed copies of the Performance Evaluation Summary shall be distributed to Council members at that meeting. Individual Councilors desiring an advance copy of the Evaluation Summary can make arrangements with the Assistant City Recorder to obtain a copy prior to the meeting. To preserve maximum confidentiality, neither the completed individual evaluations nor the Evaluation Summary will be transmitted in whole or in part on the internet or via email. Councilors will treat the evaluation summary as confidential, and shall not copy or distribute the evaluation summary to any other person.
8. After the Council has completed its review of the performance evaluation, it shall meet with the City Manager to review the evaluation. This meeting will normally take place immediately following the Council's review, and shall be in executive session unless the City Manager explicitly requests an open hearing.
9. Following the review session(s), the City Manager will be furnished a written copy of the Evaluation Summary as well as the individual councilors' Evaluation Forms. These documents will be presented in person to the City Manager by the City Council President and the Chair of the Public Administration Committee, and copies will also be made a permanent part of the Manager's personnel file.

Compensation Review

The performance of the City Manager has a direct bearing on his or her compensation package. As such, the performance review will include a review of the base salary and other benefits provided under the terms of the employment agreement of the Manager and adjustments, if any, will be made as deemed appropriate by the Council.

Evaluation Form

The format for the Evaluation Form is attached. This form will be updated and approved every year as prescribed in the Procedure paragraph above.

Effective Date

This policy will take effect on February 2, 2009, and will remain in effect until amended or rescinded by action of the City Council. If the criteria, standards, or policy directives governing the review should change, a public process shall be followed as outlined in ORS 192.610 to 192.690.

CITY MANAGER PERFORMANCE EVALUATION

Rating Scale Definitions (1-5)

Unsatisfactory (1)	The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.
Improvement Needed (2)	The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.
Meets Job Standard (3)	The employee's work performance consistently meets the standards of the position.
Exceeds Job Standard (4)	The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.
Outstanding (5)	The employee's work performance is consistently excellent when compared to the standards of the job.

I. PERFORMANCE EVALUATION AND ACHIEVEMENTS

1. **City Council Relationships** 1 2 3 4 5 Not observed

Comments:

2. **Public Relations** 1 2 3 4 5 Not observed

Comments:

3. **Effective Leadership of Staff** 1 2 3 4 5 Not observed

Comments:

4. Fiscal Management

1 2 3 4 5 Not observed

Comments:

5. Personal Traits

1 2 3 4 5 Not observed

Comments:

6. Intergovernmental Affairs

1 2 3 4 5 Not observed

Comments:

7. Planning and Implementation of Council Policies and Goals

1 2 3 4 5 Not observed

Comments:

II. SUMMARY RATING

Overall Performance Rating – Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

Unsatisfactory Improvement Meets Job Exceeds Job Outstanding
Needed Standards Standards

GENERAL COMMENTS:

Date

Signature

Building and Grounds Committee
Monday, March 28, 2011

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Members Present: Chair Jackie Lawson, Beth Jones, and LaVonne Wilson. Excused: Wes Scroggin

Also Present: City Manager Jerry Wyatt, Mayor Brian Dalton, Assistant City Manager Kim Marr, Finance Director Cecilia Ward, Community Development Director Jason Locke, EMS Director Todd Brumfield, and Recording Secretary Emily Gagner.

Visitor Joe Koubek

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

Community Development Director's Report

Mr. Locke reported that staff would be putting the fire station project for seismic upgrades out to bid the following week, noting the project should be completed by the end of summer.

Mr. Locke reviewed recent commercial building activity, including the new medical facility on Academy Street and the Academy Building upgrade.

Other

There was no other business and the meeting was adjourned at 4:05 p.m.

MEETING AGENDA

BUILDING AND GROUNDS COMMITTEE

Monday, March 28, 2011

4:00 p.m.

Jackie Lawson, Chair
LaVonne Wilson
Beth Jones
Wes Scroggin

1. Community Development Director's report
2. Other
3. Adjourn

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 d	Topic: Approve “no smoking” designation in all City parks
Prepared By: Emily Gagner	Meeting Date: April 4, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approval of the Consent Agenda would direct staff to prepare an Ordinance to designate all City parks, including the Rickreall Creek Trail System as no-smoking areas.

BACKGROUND:

The Park and Recreation Board has recommended the Council adopt a no-smoking policy in all City parks. The current rules state there is no smoking allowed within 25 feet of sports fields, tennis courts, playground equipment, roofed structures, and other areas defined in DCC 5.210. This rule is difficult to enforce and does not address the issues with the litter and fire issues created by smoking the parks. Staff and the Administrative Committee recommend adopting a no-smoking policy for all City parks and the Rickreall Creek Trail System.

FISCAL IMPACT:

None

ATTACHMENTS:

None

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 e	Topic: Appoint Tim Grimes to the Budget Committee
Prepared By: Emily Gagner	Meeting Date: April 4, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

With approval of the Consent Agenda, the Council will appoint Tim Grimes to fill Bob Ottaway’s seat on the Budget Committee, with the term ending December 31, 2012.

BACKGROUND:

Bob Ottaway recently informed Jerry of the fact that he no longer lives within the city limits and needed to resign his seat from the Budget Committee. Tim Grimes has submitted a committee interest form indicating his interest in serving on the Budget Committee. The Administrative Committee recommended the Council appoint Mr. Grimes to fill the vacancy.

FISCAL IMPACT:

None

ATTACHMENTS:

None – you may view Mr. Grimes’ application in the Administrative Committee Agenda Packet under item 5b.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 f	Topic: Approve proposed City Manager's Eval form
Prepared By: Emily Gagner	Meeting Date: April 4, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approval of the Consent Agenda would approve and adopt the evaluation form and rating period of January through December for the City Manager.

BACKGROUND:

Each year, the Administrative Committee reviews and recommends to the Council the format & content of the City Manager's evaluation documentation. The Committee recommended approval of the forms presented at the March 28, 2011, meeting.

FISCAL IMPACT:

None

ATTACHMENTS:

None – the proposed form and procedure can be viewed in the Administrative Committee Agenda Packet under item 5b.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 g	Topic: Direct staff to pursue broadcasting Council meetings
Prepared By: Emily Gagner	Meeting Date: April 4, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

By approval of the consent agenda, the Council would direct staff to pursue broadcasting City Council meetings. This would entail purchasing and setting up camera equipment to record the meetings. Costs would not exceed \$1,500.

BACKGROUND:

A recurring Council goal has been to improve communications so we can better reach the public. We have discussed the possibility of broadcasting our Council meetings on the PEG channel. Staff could purchase camera equipment to record the meetings in-house and have the recorded meetings transmitted on Channel 17. Staff will also pursue putting a link on the website to the recorded meetings.

FISCAL IMPACT:

Maximum expenditure of \$1,500 for equipment. Cost is within budget for this fiscal year.

ATTACHMENTS:

None

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 h	Topic: Acknowledge proposed ambulance rate change
Prepared By: Emily Gagner	Meeting Date: April 4, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approval of consent agenda indicates your acknowledgement of the proposed ambulance rate change. The resolution adopting the changes will be voted on later in the meeting.

BACKGROUND:

Ambulance rates have not increased since 2008, though the cost for fuel and maintenance has increased.

Staff is recommending an increase to the mileage rate in order to meet the needs of increased fuel costs and the increased mileage put on Medic Units. The proposed rate of \$18.00 is well within the median of rates for the Willamette Valley.

FISCAL IMPACT:

Potential increase in revenue of approximately \$20,000

ATTACHMENTS:

None

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 i	Topic: Acknowledge proposed water rate change
Prepared By: Emily Gagner	Meeting Date: April 4, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approval of consent agenda indicates your acknowledgement of the proposed change to water rates – to tie annual rate increases to the 12-month average Portland/Salem CPI-W. The resolution affecting this change will be voted on later in the meeting.

BACKGROUND:

The Council has directed staff in the past to apply smaller, more frequent rate increases rather than less frequent, large rate jumps. In order to accomplish this, while staying current on the increases the City faces in fuel and utility price increases, staff proposed having water rates be increased annually by the Portland/Salem CPI-W (cost of living increase). In years such as last year, where the average CPI-W was zero or years when the average is negative, staff proposed the rates not reflect a change.

The Administrative Committee reviewed the proposal and recommended the Council adopt the proposed changes with one addition. The Council must approve any rate increase over 3%.

FISCAL IMPACT:

Small increase to revenue in water fund, which will allow us to keep up to increases in utility and fuel costs.

ATTACHMENTS:

None

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 j	Topic: Acknowledge proposed sewer rate change
Prepared By: Emily Gagner	Meeting Date: April 4, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approval of consent agenda indicates your acknowledgement of the proposed change to sewer rates – to tie annual rate increases to the 12-month average Portland/Salem CPI-W. The resolution affecting this change will be voted on later in the meeting.

BACKGROUND:

The Council has directed staff in the past to apply smaller, more frequent rate increases rather than less frequent, large rate jumps. In order to accomplish this, while staying current on the increases the City faces in fuel and utility price increases, staff proposed having sewer rates be increased annually by the Portland/Salem CPI-W (cost of living increase). In years such as last year, where the average CPI-W was zero or years when the average is negative, staff proposed the rates not reflect a change.

The Administrative Committee reviewed the proposal and recommended the Council adopt the proposed changes with one addition. The Council must approve any rate increase over 3%.

FISCAL IMPACT:

Small increase to revenue in sewer fund, which will allow us to keep up to increases in utility and fuel costs.

ATTACHMENTS:

None

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 7 a	Topic: Awarding Bank Service RFP
Prepared By: Emily Gagner	Meeting Date: April 4, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to approve awarding banking services to West Coast Bank.

BACKGROUND:

With approval from the City Council on December 6, 2010, staff sent out Request for Proposals for Banking Services to four local bank branches. We received proposals from Bank of America, Citizens Bank, and West Coast Bank. Services included main operating account, ACH services, credit card processing, corporate credit cards and online banking.

Staff recommends switching from Bank of America as their fees are higher and for customer service, the local branch has very limited authority. West Coast Bank offers more services and staff and the Administrative Committee recommend using them for our banking services.

FISCAL IMPACT:

Positive impact, as the proposed fees are less than we are currently paying

ATTACHMENTS:

None

DALLAS CITY COUNCIL

REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 b	Topic: Request to defer remaining PERS payback until FY2011-2012
Prepared By: Jason Locke, Com Dev Director	Meeting Date: April 4, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION: Direct staff to contact PERS and request a deferral on paying the remaining balance of unpaid PERS on Aquatic Center employees until next fiscal year.

BACKGROUND: This is being placed on the agenda at the request of the Mayor.

On June 5, 2000, the City Council approved an amendment to the City of Dallas personnel rules that would exempt the city from making PERS contributions on “students” working at the Aquatic Center. The amendment was based on the recommendation of the former City Manager, who determined that the “students” were exempt from PERS coverage based on his and the former City Attorney’s interpretation of the Oregon Administrative Rules (OAR) governing PERS eligibility. The OAR specifically prohibits exempting employees as students with the intent of “avoidance PERS contributions”, which is apparently exactly what occurred. In 2008, it was discovered that the City should have been paying PERS for all eligible employees (those “students”) that worked at the Aquatic Center since 2000 that met the PERS 600 hours/year and all other requirements. The City notified PERS of this issue, and the PERS audit resulted in the City paying approximately \$77,000 (as of March 22, 2011) out of our PERS account to make up the missed contributions, earnings, and interest on those current and former Aquatic Center employees. It appears likely that the city could be responsible for at least another \$70-\$80,000 based on the fact that we have not paid on the years 2000-2004 yet.

This has resulted in the Aquatic Center budget being charged for these payments. Prior to these PERS payments, we were on course to recognize \$80,000 in budgetary savings this fiscal year. As it stands, not only will those savings be erased, we will in all likelihood be \$70-\$80,000 dollars over budget if we cannot obtain a deferral on the remaining PERS payments until next fiscal year.

FISCAL IMPACT:

As of March 22, 2011, the City has paid approximately \$77,000 in back PERS for misclassified Aquatic Center employees. Staff anticipates that we will owe at least another \$70-\$80,000.

ATTACHMENTS:

- 1) Council Memorandum dated June 2, 2000
- 2) Minutes of June 5, 2000 Council meeting

MEMORANDUM

Date: June 2, 2000

To: Mayor Gwen VanDenBosch and City Council Members

From: Roger Jordan, City Manager

Re: Dallas Personnel Rules Amendment

Recommended Action: Amend the Dallas Personnel Rules by inserting a provision that students, as defined by OAR 459-010-0025, are not eligible for PERS coverage.

Background: A person who works 600 hours or more for a PERS covered employer is eligible for PERS coverage. We have never had any student employees exceed the 600 hour limit, but it might be an issue with the students employed at the aquatic center. Since student employees generally are not anticipating receiving retirement benefits, and the cost to the City far exceeds any benefits, we are recommending that the City Council adopt the exclusion allowed by PERS for student employees. A copy of OAR Section 459-010-0025 is attached.

I have discussed this with City Attorney Mark Irick, who reviewed the issue and indicated the City could use this exemption. The proposed change would be made to Section XV of the Personnel Rules by adding the sentence shown in italics and underlined:

“SECTION XV. RETIREMENT BENEFITS

Public Employees Retirement System (PERS)

Regular employees, after serving a six-month probationary period, will participate in PERS. *Student employees, as defined by OAR 459-010-0025, will be exempt from participation in the PERS program.* New employees who have been covered under PERS will not be required to wait the six-month probationary period. The City will contribute an amount equal to six percent of the employee's salary into a PERS account in the employee's name. The money in this account is the employee's and can be withdrawn at retirement or upon termination of employment with the City. In addition, the City will contribute a percentage, as determined by PERS and based on the employee's salary to a PERS account from which the employee can withdraw in accordance with PERS policy. Furthermore, upon retirement from the City, the dollar equivalent of one-half of the employee's unused sick leave will be contributed to the employee's retirement fund. PERS rules and policies are subject to change at any time.”

If you have any questions or comments before Monday's meeting, please let me know.

RJ:meh

459-010-0012

Membership of Community College Employees

- (1) For purposes of establishing membership in the system, effective July 1, 1988, an academic employee of a community college who is employed .375 full-time equivalent (FTE) on a 12-month basis or .50 FTE on a 9-month basis is deemed to be employed 600 hours or more in a year. For an academic employee of a community college, a year shall be the 12 month period beginning July 1 and ending the following June 30.
- (2) For an academic employee of a community college, an FTE shall be measured against an academic year beginning July 1 in a given year and ending June 30 of the year following.
- (3) An academic employee of a community college is an instructor who teaches classes offered for college-approved credit or on a non-credit basis. Librarians, counselors, and aides in non-teaching positions, tutors, or other non-teaching faculty, and classified, professional or nonprofessional support staff are not academic employees for the purposes of ORS 237.017(3); but are subject to the membership requirements under ORS 237.011.
- (4) Each community college shall determine who is an academic employee in its employ under this rule. In making that determination, a community college shall consider all disciplines (academic activity) collectively when an employee's assignment includes multiple disciplines.
- (5) For persons concurrently employed in academic positions in two or more community colleges, the combined FTE shall be used in determining eligibility for membership. If the combined FTE is less than the criteria in section (1) of this rule, the combination of hours of service shall be considered in determining eligibility for membership pursuant to ORS 237.011.
- (6) For academic employees concurrently employed in an academic and a non-academic position in one or more community colleges, the combination of academic and non-academic duties shall be considered in determining eligibility for membership pursuant to ORS 237.011. For the purposes of this section, a year shall be any consecutive 12-month period.
- (7) Employment of retired members of the system in academic or non-academic positions is subject to the limitations in ORS 237.143.

Stat. Auth.: ORS 237.263

Stats. Implemented:

Hist.: PERS 3-1992, f. & cert. ef. 5-4-92

459-010-0025

Student Employee

- (1) Under ORS 238.015(5), student employees, inmates of a state institution, and aliens on a training or educational visa are not eligible for membership in the system. A participating employer is responsible for determining whether an employee is ineligible for membership in the system because the employee is a student employee, an inmate of a state institution, or an alien on a training or educational visa.

(2) As used in this rule:

(a) The term "school" includes an accredited or certified public or private elementary school, high school, community college, or institution of higher education, or an Oregon education service district, or the Oregon State School for the Deaf or the Oregon State School for the Blind; but

(b) The term "school" does not include:

(A) Private technical, trade or correspondence schools that do not grant educational degrees; and

(B) Course(s) offered by a school that are not applied toward a degree.

(c) The terms "half-time enrolled" or "enrolled half time" mean that a person is enrolled at least 50% of a full-time enrolled status in a school, as defined in subsection (a) of this section, and as determined by the school in which enrolled.

(3) A participating employer may reasonably designate an employee as a "student employee" if the employee is a person:

(a) Who is enrolled at least half time in a school and whose employment is principally for the purpose of furthering the person's education; or

(b) Whose employment is principally related to the employee's status as a student, e.g. a work-study program.

(4) An employee may be a student employee under the following circumstances:

(a) The employer is a school and the employed person's principal relationship to the school is as at least a half-time enrolled student.

(b) The employer is not a school, but the person employed is enrolled half time in a school and the work performed for the employer is primarily for the purposes of furthering the person's course of study at the school, or is otherwise related to the person's education. For example:

(A) A student intern at the Legislative Assembly who will receive academic credit for the internship is a student employee.

(B) If an employer requires, for reasons legitimately related to the employment of the person, that an employee be at least a half-time enrolled student; the employee is a student employee.

(5) An employee who is also a student shall be eligible for membership in the system if the employee's work for the employer is the principal basis for the employment relationship and is not related to the employee's course of study at a school. For example:

(a) A full-time employee who attends classes outside of working hours for purposes unrelated to the work performed for the employer is not a student employee, except as provided in section (3) of this rule.

(b) A full-time employee who is granted administrative time off to attend class and the course is recommended or authorized by the employer to maintain or improve the employee's job performance is not a student employee.

(c) A full-time employee, or a part-time employee employed in a position which qualifies the employee for active membership in PERS who is taking a course or is enrolled less than half time in a school, is not a student employee, except as provided in section (3) of this rule.

(6) If an employee qualifies as a student employee under section (3) of this rule, the employee may be deemed a student employee during a break between semesters or quarters of study provided that the student employee has declared, or otherwise indicated, the intent to resume at least half-time enrolled status following the break, provided that the break does not exceed an academic quarter or semester, and the employer has a reasonable expectation that the employee shall resume at least a half time enrolled status following the break.

(7) For an employee whose employment relationship with the employer varies from time to time, from that as a student employee to not as a student employee, the majority employment relationship during a school year shall prevail in determining whether an employee is a student employee for that year.

(8) The employer's policy designating a position or an employment relationship as that of a student employee shall be in writing, and shall reflect the following:

(a) The designation is not primarily for the avoidance of PERS contributions; and

(b) The designation shall be in accordance with applicable laws and regulations pertaining to employment practices.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.015(5)

Hist.: PER 8, f. 12-15-55; PERS 8-1998, f. & cert. ef. 5-22-98

459-010-0030

Determination of Employee Status

(1) The term "employee" shall have the same meaning as provided in ORS 238.005(5) and OAR 459-005-0001.

(2) Determination of whether an individual is an employee is made under common-law rules. Under common-law rules, every individual who performs labor or services subject to the direction and control of an employer, both as to what must be done and how it must be done, is an employee. It does not matter that the employer allows the employee discretion and freedom of action, so long as the employer has the legal right to control both the method and the result of the labor or services, resulting in an employee/employer relationship.

(3) If, under the common-law rules, there is an employee/employer relationship, it makes no difference how it is described. It is not controlling whether the employee is called an employee. It is not controlling how the payments are measured, how they are made, or what they are called. It is not controlling whether the individual is employed full time or part time. There is no distinction made between classes of employees. Superintendents, executives, managers, supervisors, and other supervisory personnel are all employees.

(4) In applying the common-law rules, the 20-factor test as described in Internal Revenue Service Ruling 87-41 shall be used in determining whether or not an individual is an employee. The degree of

through their own companies and the City will save substantial money by purchasing.

Council President Bevens moved to reject all the SCBA bids and rebid since this is in the best interests of the City. Councilor Fairchild seconded the motion, which CARRIED UNANIMOUSLY with Council President Bevens, Councilor Fairchild, Councilor Marshall, Councilor Propes, Councilor Scatterday, Councilor Scroggin, and Councilor Wilson voting YES.

PROPOSED
AMENDMENT TO
PERSONNEL RULES

Mr. Jordan asked the Council to approve the proposed amendment to the personnel rules regarding PERS coverage. He explained that normally, a person who works 600 hours or more in a year is eligible for PERS coverage. He indicated that with the new aquatic center, there is a possibility that some students might work over 600 hours, so he is recommending adopting an exclusion, which will save considerable money. He noted that most students aren't interested in retirement coverage.

Councilor Marshall moved to approve the proposed personnel rules amendment to exempt students from PERS coverage. Councilor Scatterday seconded the motion, which CARRIED UNANIMOUSLY with Council President Bevens, Councilor Fairchild, Councilor Marshall, Councilor Propes, Councilor Scatterday, Councilor Scroggin, and Councilor Wilson voting YES.

SKATE PARK
PLANS

Mr. Jordan said the next item was review and approval of the plans for the skate park. He indicated that some students prepared a model so we can see what it will look like. He added that he is requesting that the Council agree that the City will act as the general contractor for the project and will match up to \$30,000 of private sector donations. He said they are working with local contractors to see if any contractors who might be willing to do some of the work as an in-kind contribution.

Councilor Scatterday moved to approve the plans for the skate park and to have the City act as the general contractor, and to use up to \$30,000 as matching funds for private sector donations. Councilor Propes seconded the motion. Councilor Scroggin asked if this is for skateboards, or would it include bicycles. Mr. Jordan answered that it is for skateboards and roller blades, but not bicycles. He said we would encourage bicyclists to use the motocross area by Lyle School. Councilor Fairchild asked about the City's liability. Mr. Jordan answered that he checked into that, and if we don't have claims, we won't have problems. He added that the City will work with the users to have it self-policing. Councilor Scroggin asked if it will be open around the clock. Mr. Jordan answered that there will not be lights, and it will probably have hours. The motion CARRIED UNANIMOUSLY with Council President Bevens, Councilor Fairchild, Councilor Marshall, Councilor Propes, Councilor Scatterday, Councilor Scroggin, and Councilor Wilson voting YES.

PARK AND
RECREATION
BOARD APPOINT-
MENT

Mr. Jordan indicated that there needs to be a Kids Inc. representative appointed to the Park and Recreation Board, and Kids Inc. has recommended Dean Fitzgerald.

Councilor Fairchild moved to appoint Dean Fitzgerald to the Park and Recreation Board. The motion was duly seconded and CARRIED UNANIMOUSLY with Council President Bevens, Councilor Fairchild, Councilor Marshall, Councilor Propes, Councilor Scatterday, Councilor Scroggin, and Councilor Wilson voting YES.

AQUATIC CENTER
CONSTRUCTION
REPORT

Mr. Jordan said the next item was the report on the status of the aquatic center construction. Councilor Propes asked the depth of the lazy river portion of the pool. Assistant to the City Manager Al Knox answered that it is four feet deep.

DALLAS CITY COUNCIL

REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 c	Topic: Bids Received for Phase 3 of Rickreall Creek Trail System
Prepared By: Tom Gilson	Meeting Date: April 4, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Approve awarding the contract for excavation and path construction of Phase 3 of the Rickreall Creek Trail System to CG Contractors, LLC.

BACKGROUND:

In April 2009, the City applied for partial funding through the Local Government Grants Program for construction of the next phase of the Rickreall Creek Trail System. On November 30, 2010 the City was awarded grant number LGP0313 in which the State has agreed to pay \$224,220. The value of the Sponsor (City) contribution for this project is \$580,000 (land value, Park SDCs), which is the difference between the total project cost and the State grant. Project consists of construction of the River Gleann section of the trail including land donation, picnic tables and approximately 2,640 feet of trail.

Following is a list of bids received for construction of the next phase of the Rickreall Creek Trail System project. The low bid was \$105,662, which is less than the amount budgeted for this phase of the project and below the engineer's estimate of \$369,600. I have given notice of our intent to award this contract to the low bidder, CG Contractors LLC.

CG Contractors, LLC	\$ 105,662
JJ&L Excavation	\$ 134,951
Gelco Construction	\$ 140,220
Pacific Land Construction	\$ 145,116
North Santiam Paving	\$ 159,866
Pacific Excavation, Inc.	\$ 161,290
J.P. Contractors	\$ 166,010
Brown Contracting	\$ 179,998
Corp Inc.	\$ 191,462
Hard Rock Concrete	\$ 204,250

FISCAL IMPACT:

Project is grant-funded through the Oregon Local Government Grants program

ATTACHMENTS: None

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 d	Topic: ODOT Cooperative Improvement Agreement for Jefferson St Paving Project
Prepared By: Emily Gagner	Meeting Date: April 4, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to direct the City Manager to sign the ODOT agreement for the cooperating paving project on Jefferson Street.

BACKGROUND:

At the August 30, 2010, October 25, 2010, and February 28, 2011, Public Works Committee meetings, staff has discussed the City entering into a cooperative agreement with ODOT to pave Jefferson Street. We have received the Cooperative Improvement Agreement from ODOT and are requesting the Council’s authorization for the City Manager to sign it.

The agreement proposes doing an inlay paving project on Jefferson Street. Total cost of the project is estimated to be \$120,000, with that cost split between the City and ODOT.

FISCAL IMPACT:

Approximate \$60,000 cost is within the Street Fund budget

ATTACHMENTS:

ODOT Cooperative Improvement Agreement – Oregon Route 223 Paving

COOPERATIVE IMPROVEMENT AGREEMENT
Oregon Route 223 Paving
City of Dallas

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and the CITY OF DALLAS, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties".

RECITALS

1. Oregon Route 223 (OR 223) is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC) and is routed through the corporate limits of the City of Dallas as a portion of Main Street, Washington Street, and Jefferson Street. Washington Street, Jefferson Street, Academy Street (sections not routed on OR 223) are part of the city street system under the jurisdiction and control of Agency.
2. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. State, by ORS, is vested with complete jurisdiction and control over the roadways of other jurisdictions taken for state highway purposes. By the authority granted by ORS 373.020, the jurisdiction extends from curb to curb, or, if there is no regular established curb, then control extends over such portion of the right of way as may be utilized by State for highway purposes. Responsibility for and jurisdiction over all other portions of a city street remains with the Agency.
4. By the authority granted in ORS 810.080 State has the authority to establish marked pedestrian crosswalks on its highway facilities.
5. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than State, except with its written approval. Traffic signal work on this Project will conform to the current State standards and specifications.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, State and Agency agree Agency shall design and construct an overlay project on OR 223 from approximately Academy Street to Washington Street, hereinafter referred to as "Project". The location of the Project is approximately as shown on the map attached hereto, marked Exhibit A, and by this reference made a part hereof.
2. The Project will be financed at an estimated cost of \$120,000 in State and Agency funds. The estimate for the total Project cost is subject to change. In the event the Project cannot be constructed within the budget, State and Agency shall examine alternatives for a reduced Project scope and/or reevaluate funding obligations. If State and Agency agree on changes to the Project scope or funding obligations, then an amendment to this Agreement will be entered into to reflect such changes. If such agreement cannot be reached, State at its sole discretion shall determine whether the Project scope must be modified to meet the Project budget or to commit additional funds to the Project.
3. This Agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance responsibilities for the useful life of the facilities constructed as part of the Project. The useful life is defined as twenty (20) calendar years. The Project shall be completed within one (1) calendar year following the date of final execution of this Agreement by both Parties.

AGENCY OBLIGATIONS

1. Agency shall conduct the necessary field surveys, prepare plans and contract documents, advertise for bid proposals, award all contracts, and supervise construction of the Project.
2. Agency shall, prior to advertisement for construction bid proposals, provide Project preliminary and final plans and specifications to State's Project Manager for review and written concurrence.
3. Agency shall keep accurate cost accounting records. Agency shall prepare and submit an itemized invoice for construction directly to State's Project Manager for review and approval. Such invoice will be in a form identifying the Project, the

City of Dallas/ODOT
Agreement No. 27102

Agreement number, the invoice number or the account number or both, and will itemize all expenses for which reimbursement is claimed. Under no conditions shall State's obligations exceed \$60,000, including all expenses. Travel expenses shall not be reimbursed.

4. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its contractors complies with these requirements.
5. Agency shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.
6. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after completion of Project. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
7. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that the State shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the State, be indemnified by the contractor and subcontractor from and against any and all Claims.
8. Any such indemnification shall also provide that neither the Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of

its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Agency's contractor if the State of Oregon elects to assume its own defense.

9. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
10. Agency shall construct the Project in accordance with the requirements of ORS 276.071 including the public contracting laws within ORS Chapters 279A, 279B and 279C.
11. If Agency chooses to assign its contracting responsibilities to a consultant or contractor, Agency shall inform the consultant or contractor of the requirements of ORS 276.071, to ensure that the public contracting laws within ORS Chapters 279A, 279B and 279C are followed.
12. Agency/Developer or its contractor shall follow the Oregon Locate Laws (ORS 757 and OAR 952).
13. Agency shall obtain a permit to "Occupy or Perform Operations upon a State Highway" from assigned State District 3 Project Manager as well as land use permits, building permits, and engineering design review approval from State. Agency agrees to comply with all provisions of said permit(s), and shall require its developers, contractors, subcontractors, or consultants performing such work to comply with such permit and review provisions.
14. Pursuant to the statutory requirements of ORS 279C.380 Agency shall require their contractor to submit a performance bond to Agency for an amount equal to or greater than the estimated cost of the Project.

15. If Agency enters into a construction contract for performance of work on the Project, then Agency will require its contractor to provide the following:
- a. Contractor shall indemnify, defend and hold harmless State from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of Contractor or its officers, employees, subcontractors, or agents under the resulting contract.
 - b. Contractor and Agency shall name State as a third party beneficiary of the resulting contract.
 - c. Commercial General Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the resulting contract, Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverages that are satisfactory to State. This insurance will include personal and advertising injury liability, products and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage will be written on an occurrence basis. If written in conjunction with Automobile Liability the combined single limit per occurrence will not be less than \$ 1,000,000 for each job site or location. Each annual aggregate limit will not be less than \$ 2,000,000.
 - d. Automobile Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the resulting contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence will not be less than \$1,000,000.
 - e. Additional Insured. The liability insurance coverage, except Professional Liability, Errors and Omissions, or Workers' Compensation, if included, required for performance of the resulting contract will include State and its divisions, officers and employees as Additional Insured but only with respect to Contractor's activities to be performed under the resulting contract. Coverage will be primary and non-contributory with any other insurance and self-insurance.
 - f. Notice of Cancellation or Change. There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from Contractor's or its insurer(s) to State. Any failure to comply with the reporting provisions of this clause will constitute a material breach of the resulting contract and will be grounds for immediate termination of the resulting contract and this Agreement.

16. Agency shall, at its own expense, be responsible for all maintenance of the city streets not on OR 223 and for the maintenance back of curb on the sections of the Project or OR 223.
17. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
18. Agency's Project Manager for this Project is Fred Braun, City of Dallas Public Works Director, 187 SE Court Street, Dallas, Oregon 97338; (503) 831-3555; fred.braun@ci.dallas.or.us, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. In consideration for the services performed, State agrees to pay Agency within forty-five (45) days of receipt by State of the Project invoice a maximum amount of \$60,000 in state funds. Said maximum amount shall include reimbursement for all expenses. Travel expenses shall not be reimbursed.
2. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.
3. State grants authority to Agency to enter upon State right of way for the construction of this Project as provided for in miscellaneous permit to be issued by State District 3 Office.
4. State shall, at its own expense, be responsible for curb-to-curb maintenance of the sections of the Project on OR 223.
5. State's Project Manager for this Project is Don Jordan, District 3 Manager, 885 Airport Road SE, Building P, Salem, Oregon 97301-4788, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both Parties.

City of Dallas/ODOT
Agreement No. 27102

2. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
4. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
5. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in

City of Dallas/ODOT
Agreement No. 27102

settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

6. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
7. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
8. If Agency fails to maintain facilities in accordance with the terms of this Agreement, State, at its option, may maintain the facility and bill Agency, seek an injunction to enforce the duties and obligations of this Agreement or take any other action allowed by law.
9. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
10. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or

City of Dallas/ODOT
Agreement No. 27102

representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

On June 18, 2003, the Oregon Transportation Commission approved Delegation Order No. 4 which delegates to the Director, Deputy Director, Highways, Deputy Director, Central Services and Chief of Staff the authority to approve and execute agreements up to \$75,000 not included in the Statewide Transportation Improvement Program or not included in a line item in the biennial budget approved by the Commission.

On August 2, 2005, the Director, Deputy Director, Highways and Chief Engineer approved Subdelegation Order No. 5, in which the Director, Deputy Director, Highways and Chief Engineer delegate authority to the Region Managers to approve and sign intergovernmental agreements up to \$75,000 not included in the Statewide Transportation Improvement Program (STIP) or not included in a line item in the biennial budget approved by the Commission, provided that engineering sufficiency is recommended by the Technical Services Manager/Chief Engineer.

City of Dallas/ODOT
Agreement No. 27102

CITY OF DALLAS, by and through its
designated officials

By _____
City Manager

Date _____

By _____
Public Works Director

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Agency Counsel

Date _____

Agency Contact:

Fred Braun
City of Dallas Public Works Director
187 SE Court Street
Dallas, Oregon 97338
(503) 831-3555
Fred.braun@ci.dallas.or.us

State Contact:

Don Jordan
District 3 Manager
885 Airport Road SE, Building P
Salem, Oregon 97301-4788
(503) 986-2900
Donald.l.jordan@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 2 Manager

Date _____

APPROVAL RECOMMENDED

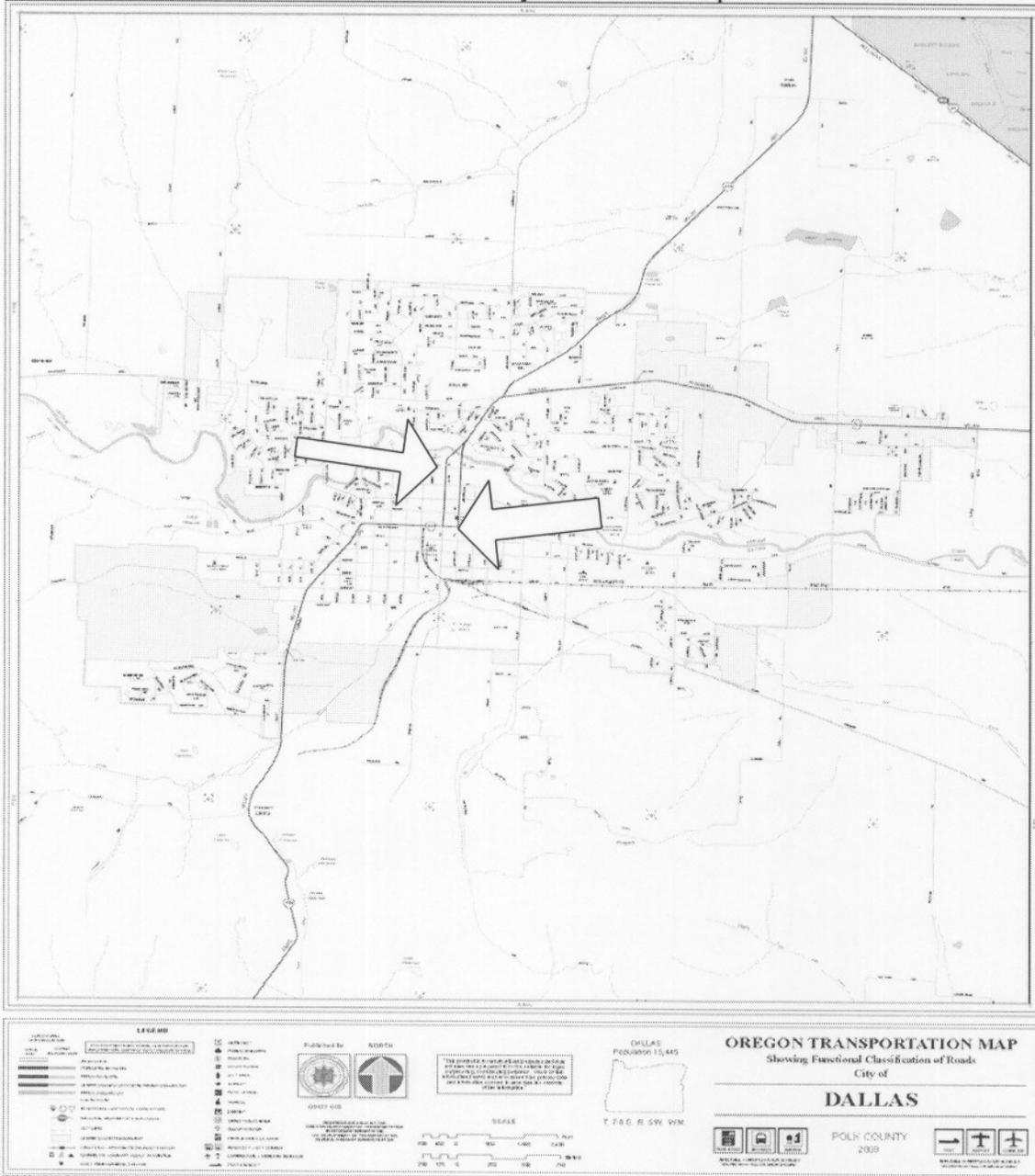
By _____
Region 2 Maintenance and Operations
Manager

Date _____

By _____
District 3 Manager

Date _____

EXHIBIT A – Project Location Map



Project Location – OR 223 (Main Street and Jefferson Street) from Academy Street to Washington Street

RESOLUTION NO. 3219

A Resolution establishing a schedule of rates for ambulance and emergency medical services and repealing Resolution 3151.

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

Section 1. The following rates shall apply to ambulance and emergency medical services provided by the City of Dallas:

(a) Resident rates:

Advanced Life Support (ALS):

ALS 2 Emergency	\$894
ALS 2 Non-emergency	894
ALS 1 Emergency	894
ALS 1 Non-emergency	894

Basic Life Support (BLS):

BLS Emergency	\$712
BLS Non-emergency	712

Evaluation and treatment (No transport)	\$450
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(b) Non-resident rates:

Advanced Life Support (ALS):

ALS 2 Emergency	\$1,038
ALS 2 Non-emergency	1,038
ALS 1 Emergency	1,038
ALS 1 Non-emergency	1,038

Basic Life Support (BLS):

BLS Emergency	\$894
BLS Non-emergency	894

(c) Service delivery fee, where an ambulance is called to a location but neither transportation nor medical services are required and were not reasonably anticipated to be required

\$150

(d) For mileage from the point where the patient is picked up to the point where the

patient is delivered, per mile

\$ 18

Section 2. The rates established hereunder shall be effective for services provided on and after May 1, 2011.

Section 3. Resolution No. 3151 is repealed effective as of the date the new rates set forth herein go into effect.

Adopted: April 4, 2011

Approved: April 4, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3220

A Resolution establishing a schedule of increases in rates for water furnished by the City of Dallas according to the Consumer Price Index for All Urban Consumers, Portland, Oregon.

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

Section 1. The rates established for water furnished by the City of Dallas, as set forth in Resolution No. 3180, adopted April 20, 2009, shall be adjusted effective June 1, 2011, according to the change in the Consumer Price Index for All Urban Consumers, Portland, Oregon, established by the Bureau of Labor Statistics, for the period from January 1, 2010 to December 31, 2010.

Section 2. Thereafter, on and as of June 1 of each year, beginning with June 1, 2012, the rates for water furnished by the City of Dallas, as previously adjusted, shall be adjusted according to the change in the Consumer Price Index for All Urban Consumers, Portland, Oregon, established by the Bureau of Labor Statistics, for the immediately preceding calendar year, subject to Section 3, below.

Section 3. The adjustment in water rates provided by Section 2 shall not exceed three percent (3%) in any one-year period.

Adopted: April 4, 2011
Approved: April 4, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3221

A Resolution establishing a schedule of increases in rates for sewer service furnished by the City of Dallas according to the Consumer Price Index for All Urban Consumers, Portland, Oregon.

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

Section 1. The rates established for sewer service furnished by the City of Dallas, as set forth in Resolution No. 3147, adopted March 17, 2008, shall be adjusted effective June 1, 2011, according to the change in the Consumer Price Index for All Urban Consumers, Portland, Oregon, established by the Bureau of Labor Statistics, for the period from January 1, 2010 to December 31, 2010.

Section 2. Thereafter, on and as of June 1 of each year, beginning with June 1, 2012, the rates for sewer service furnished by the City of Dallas, as previously adjusted, shall be adjusted according to the change in the Consumer Price Index for All Urban Consumers, Portland, Oregon, established by the Bureau of Labor Statistics, for the immediately preceding calendar year.

Section 3. The adjustment in sewer rates provided by Section 2 shall not exceed three percent (3%) in any one-year period.

Adopted: April 4, 2011
Approved: April 4 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3222

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$240,000 from the Grant Fund, Community Development Block Grant, to the Grant Fund, Fire Seismic Upgrade Grant, for an unanticipated grant; and

WHEREAS, it is necessary to transfer the appropriation authority of \$10,000 from the Grant Fund, Community Development Block Grant, to the Grant Fund, FEMA AFG Grant, for an unanticipated grant; and

WHEREAS, it is necessary to transfer the appropriation authority of \$1,000 from the Grant Fund, Community Development Block Grant, to the Trust Fund, Harpy Bovard Scholarship Fire Trust, for additional scholarships; and

WHEREAS, it is necessary to transfer resources of \$100,000 from the Grant Fund, Community Development Block Grant, to the Systems Development Fund, Park SDC Charges and Reimbursement-Sewer SDC Loan, for unanticipated additional resources; and

WHEREAS, it is necessary to transfer the appropriation authority of \$80,000 from the General Fund, Operating Contingency, to the General Fund, Ambulance Department, for unanticipated workers compensation and liability costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$15,500 from the Water Fund, Capital Outlay-Trench Restoration Contract, to the Water Fund, Capital Outlay-Equipment, for an unanticipated water systems security plan at the water treatment plant and early warning system at the city dam; and

WHEREAS, it is necessary to transfer the appropriation authority of \$130,000 from the Water Fund, Personal Services, to the Water Fund, Materials and Services-Professional Services, for unanticipated water distribution contract services; and

WHEREAS, it is necessary to transfer the appropriation authority of \$29,000 from the Water Fund, Capital Outlay-Water Line Replacement Project, to the Water Fund, Materials and Services-Professional Services, for unanticipated water distribution contract services; and

WHEREAS, it is necessary to transfer the appropriation authority of \$30,000 from the Water Fund, Operating Contingency, to the Water Fund, Materials and Services-Professional Services, for unanticipated water distribution contract services; and

WHEREAS, it is necessary to transfer the appropriation authority of \$583,000 from the Grant Fund, American Recovery & Reinvestment Act, to the System Development Fund, Transfer to General Fund Sewer Project, for infrastructure planning; and

WHEREAS, it is necessary to transfer the appropriation authority of \$200,000 from the Grant Fund, American Recovery & Reinvestment Act, to the Grant Fund-Trail Project, for an unanticipated grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$240,000 from the Grant Fund, Community Development Block Grant, to the Grant Fund, Fire Seismic Upgrade Grant.

Section 2. That the City Manager be, and he hereby is, authorized and to transfer the appropriation authority of \$10,000 from the Grant Fund, Community Development Block Grant, to the Grant Fund, FEMA AFG Grant.

Section 3. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$1,000 from the Grant Fund, Community Development Block Grant, to the Trust Fund, Harpy Bovard Scholarship Fire Trust.

Section 4. That the City Manager be, and he hereby is, authorized and directed to transfer resources of \$100,000 from the Grant Fund, Community Development Block Grant, to the Systems Development Fund, Park SDC Charges and Reimbursement-Sewer SDC Loan.

Section 5. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$80,000 from the General Fund, Operating Contingency, to the General Fund, Ambulance Department.

Section 6. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$15,500 from the Water Fund, Capital Outlay-Trench Restoration Contract, to the Water Fund, Capital Outlay-Equipment.

Section 7. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$130,000 from the Water Fund, Personal Services, to the Water Fund, Materials and Services-Professional Services.

Section 8. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$29,000 from the Water Fund, Capital Outlay-Water Line Replacement Project, to the Water Fund, Materials and Services-Professional Services.

Section 9. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$30,000 from the Water Fund, Operating Contingency, to the Water Fund, Materials and Services-Professional Services.

Section 10. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$583,000 from the Grant Fund, American Recovery & Reinvestment Act, to the System Development Fund, Transfer to General Fund-Sewer Project.

Section 11. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$200,000 from the Grant Fund, American Recovery & Reinvestment Act, to the Grant Fund-Trail Project.

Section 12. This Resolution shall be effective upon its passage.

Adopted: April 4, 2011
Approved: April 4, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3223

A Resolution authorizing an interfund loan.

WHEREAS, it is necessary to establish and authorize an interfund loan from the Sewer System Development Fund to Fleet Management Fund for approved ambulance purchase; and

WHEREAS, the principal amount of the interfund loan is not to exceed \$220,000, with 0% interest; and

WHEREAS, payment of the loan shall be made as follows:

Annual payments from the Fleet Management Fund budget shall be made in the amount approved by the city council. Full loan repayment is anticipated and shall occur in no more than 10 years as authorized by Oregon budget law ORS 294.460. NOW, THEREFORE;

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

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$220,000 from the Sewer System Development Fund to the Fleet Management Fund and establish an interfund loan on the terms and conditions set forth above.

Section 2. This resolution shall be effective upon its passage.

Adopted: April 4, 2011
Approved: April 4, 2011

BRIAN DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 10 a	Topic: Enterprise Zone local incentives Ordinance 1736
Prepared By: Jason Locke, Com Dev Director	Meeting Date: April 4, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION:

Proceed with the first reading of Ordinance No. 1736

BACKGROUND:

The City offers local incentives for qualifying businesses locating in the Dallas Enterprise Zone in addition to the standard 3-year tax abatement.

Sections 9.850(3) and (4) are proposed for removal. They read:

- (3) *Fees to receive a waiver of 50 to 100 percent are:*
 - (a) *Building permit fees.*
 - (b) *Plumbing permit fees.*
 - (c) *Heating permit fees.*
 - (d) *A waiver of more than 50 percent must be approved by the council.*

- (4) *Systems development charges shall be initially assessed, with 20 percent of the charges being eliminated for each full year from the date the charges are assessed that the business firm or property continues to qualify until the assessment is totally eliminated. No payments on the assessment shall be required nor shall interest accrue on the assessment so long as the business firm or property continues to qualify. If the business firm or property ceases to qualify before the expiration of five years from the date of assessment, the city manager shall notify the business firm or owner of the property of the disqualification, and the balance of the assessment owing on the date of the notice shall be immediately due and shall become a lien against the real property on which the business firm is located or upon the real property subject to the disqualification, and the balance shall bear interest from the date of the notice at the rate then applicable to other system development charges.*

In its place, an incentive is being proposed that actually rewards the creation of family wage jobs (125% of Polk County Average= \$37,500) and helps ensure that the jobs are maintained or the incentive can be recovered on a prorated basis. For each job created that met the criteria, the firm would be given a \$5,000 credit to apply towards either SDCs or building permit fees, instead of outright waiving fees with no accountability to maintain the jobs and no control over

the huge potential impact to various city budgets. The full text of the proposal is contained in the attached ordinance.

The Administrative Subcommittee reviewed this item and is forwarding it to the full City Council with a recommendation for approval.

FISCAL IMPACT:

The impact will vary, depending on the number of qualifying jobs that are created.

ATTACHMENTS:

- 1) Ordinance # 1736

ORDINANCE NO. 1736

An Ordinance Amending Dallas City Code Section 9.850 relating to Development Fee Waivers.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 9.850, relating to Development Fee Waivers, is hereby amended as follows:

9.850 Development Fee Waivers.

(1) The city manager shall grant the following development fee relief to those qualified business firms, as defined in ORS 285C.050(15) and qualified properties, as defined in ORS 285C.050(16) within the Dallas Enterprise Zone that the zone manager determines meet the requirements for enterprise zone incentives and benefits under ORS Chapter 285C and the administrative rules promulgated under state law.

(2) Fees and charges totally waived are:

(a) Sign permit fees.

(b) Demolition permit fees.

(c) Driveway permit fees.

(d) Sidewalk permit fees.

(e) Water and sewer service connection charges above actual cost of materials used.

(f) Cost of oversizing public works infrastructures, including, but not limited to, costs for water lines larger than six inches, sewer lines larger than eight inches, storm sewer lines larger than 18 inches, and streets wider than 34 feet.

(3) In addition to those benefits provided under subsection (2), above, an applicant for enterprise zone benefits and incentives shall be eligible for the benefits and incentives provided under subsection (4) if the applicant

demonstrates at the time of application, to the satisfaction of the City Manager, that it has a plan to create and fill a new full-time employee position or positions for employees who will be paid at not less than 125 percent of the Polk County average annual wage, as determined under ORS 285C.050(4) at the time of application, and to maintain such position or positions full-time at not less than such wage for a period of at least five years.

(4) A qualified business firm shall be entitled to a credit in the amount of \$5000 for each new employee position that the firm has a plan to create and fill that meets the requirements of subsection (3), which the qualified business firm may apply against one or more of the following charges at the time of permitting:

(a) Systems Development Charges;

(b) Building permits, including structural, mechanical, and plumbing permits.

(5) A qualified business firm that claims a credit under subsection (3) shall enter into an agreement with the city to maintain the new employee positions for which the credit has been taken and shall file annual reports with the zone manager to demonstrate that it is maintaining such position or positions. Such agreement shall also provide that if a position for which a credit was claimed under subsection (3) is not filled as planned, or if the position is not maintained for five years as provided in subsection (3), the qualified business shall reimburse the city for such credit, or a portion thereof, as follows:

(a) If a position for which a credit was claimed is not filled or if the qualified business firm fails to maintain the position for which a credit was provided for less than one year, the qualified business firm shall reimburse the city the full amount of the credit claimed for such position.

(b) If a position for which a credit was claimed ceases to meet the requirements for the credit under subsection (3) after the first year of employment but before the end of the second year, the qualified business firm shall reimburse the city four-fifths of the amount of the credit claimed for such position.

(c) If a position for which a credit was claimed ceases to meet the requirements for the credit under subsection (3) after the second year of employment but before the end of the third year, the qualified business firm shall reimburse the city three-fifths of the amount of the credit claimed for such position.

(d) If a position for which a credit was claimed ceases to meet the requirements for the credit under subsection (3) after the third year of employment but before the end of the fourth year, the qualified business firm shall reimburse the city two-fifths of the amount of the credit claimed for such position.

(e) If a position for which a credit was claimed ceases to meet the requirements for the credit under subsection (3) after the fourth year of employment but before the end of the fifth year, the qualified business firm shall reimburse the city one-fifth of the amount of the credit claimed for such position.

(6) If a qualified business firm or property that is granted enterprise zone benefits and incentives thereafter, within five years after the date of such qualification, fails to comply with any conditions or requirements for such benefits and incentives, then, in addition to any other costs, penalties or loss of benefits to which the business firm may be subject, the business firm shall reimburse the city for any credits provided under subsection (3) according to the schedule set forth in subsection (5), based on the date of disqualification.

Read for the first time: April 4, 2011
Read for the second time: April 18, 2011
Passed by the City Council: April 18, 2011
Approved by the Mayor: April 18, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1735

An Ordinance adopting an oath of office for elected officials and certain appointed officers of the City of Dallas.

WHEREAS, Section 30 of the Dallas Charter of 1964 provides that “[b]efore entering the duties of his [sic] office, each officer shall take an oath or shall affirm that he [sic] will support the constitution and laws of the United States and of Oregon and that he [sic] will faithfully perform the duties of his [sic] office;” and

WHEREAS, the oath of office of the Mayor and members of the City Council has historically included an oath to support the charter and ordinances of the city, in addition to the constitution and laws of the United States and of Oregon; and

WHEREAS, the City Council finds that a standard form of oath for persons elected to serve the City of Dallas as Mayor and as members of the City Council is important to maintain the consistency and integrity of the oath of office; and

WHEREAS, the City Council further finds that each appointed member of the Dallas Planning Commission, the City Manager appointed pursuant to Section 21 of the Dallas Charter and the Municipal Judge appointed pursuant to Section 22 of the Dallas Charter should likewise be required to take an oath upon initial appointment to such office; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Each person elected or appointed as Mayor and city councilor, upon the commencement of each term of office, and before entering upon the duties of such office, shall take an oath or affirmation substantially in the form set forth in Section 3 or 4.

Section 2. Each person appointed to the Dallas Planning Commission and each person appointed as City Manager and Municipal Judge of the City of Dallas shall, upon initial appointment, and upon re-appointment after any break in service, and before entering upon the duties of such office, shall take the oath or affirmation set forth in Section 3.

Section 3. The oath or affirmation required under Section 1 for each person elected or appointed as Mayor and city counselor may be given, and for

persons appointed to the Dallas Planning Commission and as City Manager and Municipal Judge shall be given, in substantially in the following form:

State of Oregon)
County of Polk) ss
City of Dallas)

I, [name], do solemnly [swear or affirm] that I will support the constitution and laws of the United States and the State of Oregon, and the charter and ordinances of the City of Dallas, and that I will, to the best of my ability, faithfully discharge my duties as [Mayor, City Council member, Planning Commission member, City Manager, Municipal Judge] during my continuance therein [so help me God].

[Signature]

Subscribed and sworn before me this [date] day of [month], [year].

[Attestation by City Manager, City Recorder, or other person authorized to take oaths under the laws of the State of Oregon]

Section 4. A person elected or appointed as Mayor and city counselor may, in lieu of the oath provided in Section 3, give the oath provided in this section, substantially in the following form:

State of Oregon)
County of Polk) ss
City of Dallas)

I, [name], do solemnly [swear or affirm] that I will support the constitution and laws of the United States and the State of Oregon, and that I will, to the best of my ability, faithfully discharge my duties as [Mayor, City Council member] during my continuance therein [so help me God].

[Signature]

Subscribed and sworn before me this [date] day of [month], [year].

[Attestation by City Manager, City Recorder, or other person authorized to

take oaths under the laws of the State of Oregon]

Section 5. No person shall attest his or her own oath of office.

Section 6. This ordinance shall apply to all persons elected or appointed to the offices described in Sections 1 and 2 after the effective date of this ordinance.

Section 7. No person serving in any of the offices described in Sections 1 or 2 as of the effective date of this ordinance who has not taken an oath of office substantially in a form set forth in this ordinance shall be required to take such oath as a condition of continuing in such office until such person has been re-elected or re-appointed to such office.

Read for the first time: March 7, 2011
Read for the second time: April 4, 2011
Passed by the City Council: April 4, 2011
Approved by the Mayor: April 4, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER