



# Dallas City Council Agenda

Monday, April 18, 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 April 4, 2011 City Council Minutes <b>p. 3</b>	
b. Acknowledge report of April 12 Planning Commission <b>p. 9</b>	
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
8. REPORTS FROM CITY MANAGER AND STAFF	
a. Adopt procedure to fill Council vacancy <b>p. 10</b>	Motion
b. Community Economic Readiness Assessment Process <b>p. 13</b>	Motion
c. Watershed Council report	Information
d. Other	
9. RESOLUTIONS	

# 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. Resolution No. 3224: A Resolution approving the 2011-12 Intergovernmental Agreement between the City of Dallas and Southwest Polk County Rural Fire Protection District for mutual assistance in providing fire protection within the boundaries of the respective parties. **p. 29** Roll call vote

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## 10. FIRST READING OF ORDINANCE

- a. Ordinance No. 1737: An Ordinance amending provisions of the Dallas City Code Section 5.210 relating to smoking. **p. 35** First reading
- b. Ordinance No. 1738: An Ordinance amending Dallas City Code Section 5.102 relating to discharge of weapons; and declaring an emergency. **p. 39** First reading

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## 11. SECOND READING OF ORDINANCE

- a. Ordinance No. 1736: An Ordinance amending Dallas City Code Section 9.850 relating to Development Fee Waivers. **p.42** Roll call vote

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## 12. OTHER BUSINESS

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## 13. ADJOURNMENT

**Note: Following the Council meeting, there will be meetings of the Budget Committee and the Urban Renewal District Budget Committee.**

**DALLAS CITY COUNCIL**  
**Monday, April 4, 2011**  
**Council Chambers**

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

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

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

Mayor Brian Dalton led the Pledge of Allegiance.

Mayor Dalton introduced Mr. Dallas, Braden McKinley, and commented it was nice to see young folks participate in democracy.

**QUESTIONS OR COMMENTS FROM THE AUDIENCE**

Ron Lines, Park Supervisor, invited the Council to attend the Arbor Day celebration at Kingsborough Park on Friday. He stated there would be trees available to plant and staff would be available to answer questions about the proposed development of the park. Mr. Lines added there would be a representative from the Department of Forestry available to answer questions on the proper planting and care of trees.

Michael Matthews stated it was his understanding that Ordinance 1735 was initiated because Mr. McDonald chose to take the legal oath versus the customary oath. He asked the members of the Council to explain to him what the difference was between the legal oath and customary oath and what the problem was with that. He stated pledging the Dallas Charter and Ordinances should not be necessary if they are aligned with the Constitution and spirit of the country. He commented he feared the Council was heading toward group-think with the ordinance. He wondered if it was safe for a Councilor to vote no if he or she had taken an oath to uphold the Charter and Ordinances of the City. He expressed his concern about the effort to redefine local law as something different from common law of the land. He asked the Council to consider the motive of the ordinance and what the end result would be.

Mayor Dalton stated there would be discussion when the Ordinance was addressed later on the agenda.

**PUBLIC HEARINGS**

NONE

**CONSENT AGENDA**

Mayor Dalton reviewed the items that were included on the Consent Agenda. He indicated items h through j regarding the rate changes would be addressed later in the meeting with the resolutions.

Councilor Fairchild stated if approval of broadcasting the Council meetings was just for staff to examine alternatives, he would not ask for it to be removed from the Consent Agenda. Mayor Dalton confirmed it was just to direct staff to examine the options.

Councilor McDonald requested to remove items d, e, h, i, and j from the consent agenda. Mayor Dalton stated items h, i and j would be addressed with the proposed resolutions later in the agenda and confirmed that approving a no smoking designation for all city parks and the appointment of Tim Grimes to the Budget Committee would be removed from the Consent Agenda.

1 Mayor Dalton commented that two items under the Administrative Committee meeting were  
2 referred to the Council but would be brought at a later date, as the SDC and Building Permit fee  
3 changes required some administrative work first.

4 It was moved by Councilor Scroggin and seconded by Councilor Fairchild to approve the Consent  
5 Agenda as presented with items d and e removed. The motion carried unanimously.

6 Items approved by the Consent Agenda were: a) March 7, 2011, City Council minutes; b) report  
7 of March 28, 2011, Administrative Committee Meeting; c) report of March 28, 2011, Building  
8 and Grounds Committee Meeting; f) proposed City Manager's evaluation form; g) pursue  
9 broadcasting Council meetings; h) proposed ambulance rate change; i) proposed water rate  
10 change; and h) proposed sewer rate change.

#### 11 **ITEMS REMOVED FROM CONSENT AGENDA**

##### 12 **APPROVE NO-SMOKING DESIGNATION OF ALL CITY PARKS**

13 Councilor McDonald asked how much public involvement the City had regarding this issue. He  
14 indicated he did not want to restrict the public's use of the parks in a way that they couldn't use  
15 them. He stated the parks were very important to everyone in the community and recommended  
16 designating smoking areas in the parks and providing receptacles for cigarette waste. He added a  
17 no smoking designation would keep a large number of people out. Mayor Dalton responded that  
18 no smoking in the parks had been the subject of a number of meetings. Mr. Wyatt added this  
19 recommendation came from the Park and Recreation Board, who had met several times on the  
20 topic. Councilor Fairchild reported that as a long time member of the Park Board, they had talked  
21 with a number of people who used the park and no smoking is the preferred direction from the  
22 majority of people. Council President Scroggin stated there was some history on the subject, as  
23 the concerts at the Academy Building are smoke free, and all school fields are no smoking for  
24 games. He added it was past due and shouldn't be a great surprise to anyone. Councilor Wilson  
25 indicated parents would be very pleased to have no smoking in the parks, adding the parks were  
26 primarily for younger people. Councilor McDonald stated young people did use the parks, but  
27 many different types of people also used them. Councilor Jones indicated that she uses the parks  
28 a lot and felt very confident that she represented families. She added the Council couldn't take  
29 every item to the people, which was why they voted for the Councilors to represent them.

30 It was moved by Councilor Wilson and seconded by Councilor Scroggin to direct staff to prepare  
31 an Ordinance to designate all City parks, including the Rickreall Creek trail System as no-  
32 smoking areas. The motion carried by a majority with Councilor McDonald voting NO.

##### 33 **APPOINT TIM GRIMES TO THE BUDGET COMMITTEE**

34 Councilor McDonald indicated this was the first he had heard of a spot being open. He asked if  
35 the vacancy on the Budget Committee was advertised. Mr. Wyatt stated there was an  
36 advertisement and the City did receive applications for several vacant committee positions.

37 It was moved by Councilor Wilson and seconded by Councilor Woods to appoint Tim Grimes to  
38 fill a vacant seat on the Budget Committee, with a term ending December 31, 2012. The motion  
39 carried unanimously.

#### 40 **REPORTS OR COMMENTS FROM COUNCIL**

41 Councilor Fairchild reported on his attendance at the National League of Cities Congressional  
42 Conference in Washington, D.C. He noted no City funds were used for the trip.

##### 43 **ACTION ITEM FROM MARCH 28 ADMINISTRATIVE COMMITTEE: AWARD BANK** 44 **SERVICES RFP**

45 Councilor Wilson reviewed the staff report regarding the Bank Service RFP results.

46 Councilor Woods stated the City used to do business with as many local banks as possible and

1 asked if that was still the case. Mr. Wyatt stated the services advertised in the RFP were mostly  
2 the City's checking account and noted the rest of the City's money was spread among various  
3 institutions. Councilor McDonald reported that the independent rating for West Coast Bank was  
4 abysmal, adding they may have good customer service, but from a financial standpoint it was not  
5 that good an institution. He recommended looking at another institution such as Washington  
6 Federal. Mr. Wyatt commented that the City could not utilize a savings and loan. Councilor  
7 Fairchild declared both banks were a good local choice and asked what the additional services  
8 were that West Coast Bank offered. Mr. Wyatt explained they offered purchasing cards with cash  
9 back available on those, as well as more online offerings with online access to checks for a longer  
10 period of time.

11 It was moved by Councilor Wilson and seconded by Councilor Jones to award the City's banking  
12 services to West Coast Bank. The motion carried by a majority with Councilor McDonald voting  
13 NO.

#### 14 **REPORTS FROM CITY MANAGER AND STAFF**

##### 15 **ARMORY BUILDING UPDATE BY OREGON NATIONAL GUARD**

16 Mr. Wyatt introduced Roy Swafford, Deputy Director of Installations Division.

17 Mr. Swafford indicated the National Guard has been monitoring the conditions of the armory  
18 building and noted the recent debris falling from the façade is not structural. He reported that the  
19 National Guard is in the process of doing an invitation to bid to dismantle the building, allowing  
20 them to reuse some of the building material that has a resale value. He advised the engineering  
21 work would probably be completed by June, with the deconstruction contract awarded in July.  
22 He added the actual deconstruction should be completed by the end of October. Mr. Swafford  
23 stated the intent was to have the lot leveled and seeded and the utilities capped, at which time the  
24 National Guard would go through the property disposal process to sell the lot.

25 Council President Scroggin asked that the National Guard be cognizant and respectful of the  
26 City's needs with community events throughout the summer. Mr. Swafford stated the National  
27 Guard, the contractor, and the City would coordinate the deconstruction.

28 Councilor Jones asked the status of the new Readiness Center. Mr. Swafford stated they intended  
29 to move the job trailer on site as soon as it dried out and the construction was still on track for  
30 completion in late summer or early fall of next year.

31 Mayor Dalton commented that the National Guard was really appreciated in the community.

##### 32 **REQUEST TO DEFER PERS PAYBACK UNTIL FY 11-12**

33 Mr. Wyatt reviewed the staff report, noting approval by the Council would give staff more  
34 authority to deal with PERS. Councilor McDonald asked what the total was that the City needed  
35 to pay for the settlement. Mr. Wyatt stated the City has paid \$77,000 so far, and PERS still needs  
36 to review four years of employment records, which may cost an additional \$50,000 to \$70,000.

37 It was moved by Councilor Fairchild and seconded by Councilor Wilson to direct staff to contact  
38 PERS and request a deferral on paying the remaining balance of unpaid PERS on Aquatic Center  
39 employees until next fiscal year. The motion carried unanimously.

##### 40 **PARK TRAIL CONTRACT AWARD**

41 Mr. Wyatt reviewed the staff report. Councilor Woods asked if the City had worked with the  
42 contractor before. Mr. Wyatt indicated it had not, but staff did check their background.  
43 Councilor Fairchild asked if the additional funds from the grant could be used to improve the  
44 asphalt trails in the City Park. Mr. Wyatt stated he would negotiate with the state, but their  
45 answer was typically no.

46 It was moved by Council President Scroggin and seconded by Councilor Wilson to award the  
47 contract for excavation and path construction of Phase 3 of the Rickreall Creek Trail System to  
48 CG Contractors, LLC. The motion carried unanimously.

1 ODOT COOPERATIVE IMPROVEMENT AGREEMENT FOR JEFFERSON STREET  
2 PAVING PROJECT

3 Mr. Wyatt reviewed the staff report, noting the cost for the project was within the budget.  
4 Councilor Woods asked if the paving would be curb to curb or just the center of the street. Mr.  
5 Braun explained it would be in the travel lanes only, from the Washington signal project down  
6 Jefferson Street to the couplet. Council President Scroggin commented Jefferson Street was a  
7 state highway that was falling apart and asked why the state didn't fix it themselves. Mr. Wyatt  
8 reported that the state would eventually get to it, but it would be at least six years, at which time  
9 the road would be a mess. Councilor Woods noted the City and ODOT have had many successful  
10 partnerships within the City.

11 It was moved by Councilor Woods and seconded by Councilor Fairchild to direct the City  
12 Manager to sign the ODOT agreement for the cooperative paving project on Jefferson Street. The  
13 motion carried unanimously.

14 OTHER

15 Mr. Wyatt stated the Council goals were not yet finalized and recommended finishing those up at  
16 the May Council workshop.

17 **RESOLUTIONS**

18 **Resolution No. 3219** – A Resolution establishing a schedule of rates for ambulance and  
19 emergency medical services and repealing Resolution 3151.

20  
21 Councilor McDonald read a letter, a copy of which is included with the official minutes,  
22 regarding his concern with the legality of the use of resolutions by the Council.

23 A roll call vote was taken and Mayor Dalton declared Resolution No. 3219 to have PASSED BY  
24 A MAJORITY VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor  
25 Beth Jones, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES and  
26 Councilor McDonald voting NO.

27  
28 **Resolution No. 3220** – A Resolution establishing a schedule of increases in rates for water  
29 furnished by the City of Dallas according to the Consumer Price Index for All Urban Consumers,  
30 Portland, Oregon.

31  
32 Councilor McDonald asked where the Council got the power to enact resolutions. Mr. Shetterly  
33 stated Chapter 2 of the Charter gave a broad delegation of power to act. He stated there was not a  
34 bright line between ordinances and resolutions, so Councils had broad latitude to designate an  
35 action by either unless prohibited by their Charter. He stated historically fees have been enacted  
36 by resolution. Councilor McDonald indicated he was concerned because resolutions could be  
37 passed the same evening they were read so there was no time for people to provide input. He  
38 added he didn't want to open the City to liability further on. Mr. Shetterly assured him the  
39 Council was not doing anything illegal. Councilor McDonald stated the CPI was calculated by  
40 the Bureau of Labor Statistics in Washington and noted he wanted to keep decisions local. He  
41 commented that seemed to be a delegation of authority the Council should not give up.

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43 A roll call vote was taken and Mayor Dalton declared Resolution No. 3220 to have PASSED BY  
44 A MAJORITY VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor  
45 Beth Jones, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES and  
46 Councilor McDonald voting NO.

47  
48 **Resolution No. 3221** – A Resolution establishing a schedule of increases in rates for sewer  
49 service furnished by the City of Dallas according to the Consumer Price Index for All Urban  
50 Consumers, Portland, Oregon.

51  
52 A roll call vote was taken and Mayor Dalton declared Resolution No. 3221 to have PASSED BY  
53 A MAJORITY VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor  
54 Beth Jones, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES and  
55 Councilor McDonald voting NO.

1 **Resolution No. 3222** – A Resolution authorizing the transfer of budgetary funds.

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3 Mr. Wyatt indicated this resolution helped tie up loose ends, noting some items had to do with  
4 receiving unanticipated grant or trust money and some were due to unanticipated expenditures.

5 Mr. Wyatt reviewed each item addressed in the resolution.

6

7 Councilor McDonald indicated he still had a problem with the resolution process. He added he  
8 couldn't vote for a resolution until he knew the Council had the authority. He noted that if this  
9 was an Ordinance, he would vote for it.

10 A roll call vote was taken and Mayor Dalton declared Resolution No. 3222 to have PASSED BY  
11 A MAJORITY VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor  
12 Beth Jones, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES and  
13 Councilor Mark McDonald voting NO.

14 **Resolution No. 3223** – A Resolution authorizing an interfund load.

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16 A roll call vote was taken and Mayor Dalton declared Resolution No. 3223 to have PASSED BY  
17 A MAJORITY VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor  
18 Beth Jones, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES and  
19 Councilor Mark McDonald voting NO.

#### 20 **FIRST READING OF ORDINANCE**

21 **Ordinance No. 1736:** An Ordinance amending Dallas City Code Section 9.850 relating to  
22 Development Fee Waivers.

23 Mayor Dalton declared Ordinance No. 1736 to have passed its first reading.

#### 24 **SECOND READING OF ORDINANCE**

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

27 Councilor McDonald read a letter, a copy of which is included with the official minutes,  
28 regarding the oath of office ordinance. He made a motion to postpone the ordinance indefinitely.  
29 The motion died for lack of a second.

30 Mayor Dalton declared Ordinance No. 1735 to have passed its second reading. A roll call vote  
31 was taken and Mayor Dalton declared Ordinance No. 1735 to have PASSED BY A MAJORITY  
32 VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones,  
33 Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES and Councilor McDonald  
34 voting NO.

#### 35 **OTHER BUSINESS**

36 Mr. Shetterly stated he would not do a memorandum for individual Councilors, but if the rest of  
37 the Council would like one on ordinances and resolutions he could do it. Councilor McDonald  
38 asked again for what statute or provision in the Constitution gives the Council the authority for  
39 resolutions. Mr. Shetterly stated it was in the Charter and case law. There was some further  
40 discussion. Mayor Dalton indicated he did not sense the Council would like such an opinion from  
41 the City Attorney.

42 Mayor Dalton reviewed the proposed procedure for filling the Council vacancy. Councilor  
43 McDonald asked if the Council would be allowed to question the candidates. Mayor Dalton  
44 stated each Councilor would be allowed to ask one question each.

45 There being no further business, the meeting adjourned at 8:10 p.m.

46 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

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ATTEST:

Mayor

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City Manager

DRAFT



**AGENDA**  
**City of Dallas Planning Commission**  
**TUESDAY, APRIL 12, 2011 - 7:00 p.m.**  
**City Hall Council Chambers**  
**187 SE Court Street**

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- Planning Commission**
- President  
Chuck Lerwick
- Vice President  
Dave Pederson
- Commissioner  
Bob Wilson
- Commissioner  
David Shein
- Commissioner  
Paul Holstege
- Commissioner  
Carol Kowash
- Commissioner  
Murray Stewart
- Staff**
- Community Development Director  
Jason Locke
- City Attorney  
Lane Shetterly
- Planner  
John Swanson
- Recording Secretary  
Kris Pierce
1. CALL TO ORDER
  2. ROLL CALL
  3. APPROVAL OF MINUTES - Regular meeting of March 8, 2011
  4. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please.)
  5. PUBLIC HEARINGS
    - A) **Conditional Use Application (CUP 11-01) and Variance Request (VAR 11-01) for drive through use**  
**Applicant: Weber Properties LP**  
  
**Location: NW corner of W. Ellendale Avenue and Jasper Street**  
**Map ID: 7529DD 7100 Tax Lot: 7100**
  6. OTHER BUSINESS
  7. COMMISSIONER COMMENTS
  8. STAFF COMMENTS
  9. ADJOURN

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For questions or comments on the agenda, contact: John Swanson at 503.831.3572 or [john.swanson@ci.dallas.or.us](mailto:john.swanson@ci.dallas.or.us)

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8 a</b>	<b>Topic:</b> Adopt procedure to fill Council vacancy
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 18, 2011	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Motion to adopt the proposed procedure to fill the Council vacancy.

BACKGROUND:

The Councilors received a copy of the proposed procedure to fill the seat vacated by Dave Voves at the last Council meeting. The Charter is silent on the method the Council must use to fill a vacancy, stating simply that vacancies “shall be filled by a majority of the incumbent members of the Council.” The attached proposal was drafted by Mayor Dalton and reviewed by our City Attorney.

The candidates were interviewed at the Council workshop on April 13, 2011.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed procedure to fill vacant Council seat

MONDAY, APRIL 18, 2011 – CITY COUNCIL MEETING

TOPIC: Selection Procedure

Because all the Councilors will not be available for the selection process on this night, we will use this session to adopt the procedures to be used at the next Council meeting (May 2) for the actual selection.

Inasmuch as the Charter requires that the vacancy be filled by a majority of the incumbent Council members, that means that the appointment will require at least 5 votes. The first candidate to achieve 5 votes will be the candidate appointed to the Council. In the event of a tie vote (in this case, 4-4), the Mayor may choose, at his discretion, to cast the deciding vote.

The Selection Procedure recommended for adoption at this meeting is as follows:

1. That during the regular Council meeting on May 2, as an Agenda item, the selection process will take place.
2. Each Councilor will be distributed a ballot with the names of all the applicants on it. There will also be a blank space for each Councilor to write their own name on the ballot (by state law this process must not be by secret ballot).
3. After the ballots are distributed to the Councilors, the Mayor will open up the floor for any discussion regarding the procedures or comments regarding the applicants. It would be appropriate at this time for any Councilor to discuss the merits of any or all of the applicants and/or to declare what their vote will be and why.
4. Each Councilor will then fill out their ballot indicating their selection of one of the applicants to fill the vacant position. They will also write their own name on the ballot in the space provided.
5. The ballots will be gathered, the results read aloud by the clerk and the outcome summarized. Each Councilor's name will be read out loud in conjunction with their vote, for example, "Councilor Smith votes in favor of Mrs. Jones." At the end, the Secretary will announce the summarized results. For example, "Mrs. Jones has received 5 votes, Mr. Quick has received 2 votes and Mr. Elmer has received 1 vote." In that example, the Mayor would then declare that Mrs. Jones has won the appointment to the Council by the necessary margin.
6. In the event that none of the applicants receives the necessary 5 votes, then a second written ballot will be taken using the exact same procedures as in round one of the balloting. That is, distribution of the ballots, then a discussion period followed by the voting by ballot.

7. If after 3 rounds of ballot voting no applicant has yet received the required 5 votes, the Mayor will declare a 10-minute recess.
8. Following the recess, the Mayor will open up the floor to a motion from any of the Councilors to appoint a particular person from the list of applicants to fill the open position. For example, "I move that Mrs. Jones be appointed to fill the vacant Council seat." (It would not be proper to say, "I move to nominate Mrs. Jones to fill the vacant Council seat."). The motion will require a second. A roll-call vote will then be taken on the motion. If the motion receives 5 or more votes, then that applicant will be appointed to the open position. If not, then the floor will again be opened for another motion, and so forth until either an applicant receives the necessary votes or it is clear that there is a stalemate.

MONDAY, MAY 2, 2011 – CITY COUNCIL MEETING

TOPIC: Selection

This evening the Council will go through the selection process to fill the Council vacancy.

1. The selection process will be in accordance with the procedure that the Council adopted at the April 18<sup>th</sup> Council meeting (see above).
2. If the stalemate described in paragraph 7 above results from the process, the Council will then postpone the decision to the next Council meeting where all 8 of the Councilors will be in attendance (no absences). At that subsequent meeting, the Council may want to institute modified procedures such as elimination rounds where applicants who get few, if any, votes are eliminated from contention.

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8 b</b>	<b>Topic:</b> Community Economic Readiness Assessment Process
<b>Prepared By:</b> Jason Locke, Com Dev Director	<b>Meeting Date:</b> April 18, 2011	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED ACTION:**

Direct staff to proceed with the Community Economic Readiness Assessment process and appoint one Councilor to the stakeholder group.

**BACKGROUND:**

The Council recently discussed the Dallas 2030 Project with a brief presentation from staff. At that time, staff was directed to bring back some additional details, costs, etc. Recently, we received an offer from Nick Harville, who works with the city on numerous issues in his capacity with SEDCOR, to conduct a Community Economic Readiness Assessment. Nick has conducted similar assessments with other cities in the valley, and has found them to be quite productive. He has offered to facilitate the process here in Dallas, and once complete, produce a report of the results which could be distributed throughout the community for input.

Staff supports this process, which could be a precursor to the Dallas 2030 project conversation. It would not cost the city anything other than staff time and minimal supply costs.

**FISCAL IMPACT:**

Approximately 20-30 hours of staff time.

**ATTACHMENTS:**

- 1) Community Economic Readiness Assessment outline

# Facilitator's checklist

## Stakeholder groups to participate

- City council and staff
- Education
- Small businesses
- Minority groups
- Industry groups or associations
- Housing authorities
- Real estate agents
- Fire, police and emergency response
- Health services
- Community organizations (chamber, seniors, etc.)
- Regional organizations (Economic Development Districts, Councils of Government, County/City Economic Development Departments, Regional Partnerships or Regional Investment Boards, Community Action Agencies)
- Other community leaders

## Organizing the assessment

- Establish local contact (preferably someone with the city)
- Review purpose and outcomes of the assessment with local contact
- Review stakeholder categories and ask local contact to organize stakeholder group, time and location for the assessment (Allow 3 weeks prior to the assessment to recruit stakeholder group)
- Make sure at least 2 hours are scheduled to complete the assessment
- Review stakeholder list to make sure there is a good cross section of community prior to assessment
- Get copy of assessment tool to the local contact and let that contact share tool with participants at least a few days prior to assessment
- Secure and review all community and economic development plans, list of projects on the Needs and Issues, recently funded state projects in the community, and demographic and economic indicators for the community prior to the assessment
- Decide how to record the group's responses and consensus decisions during the meeting

## **How to conduct the assessment**

At the assessment, circulate an attendance sheet to get a record of who participated. The facilitator should then explain the process and the response scale, discuss the benefits of participation and let participants introduce themselves. This is a good opportunity for partners and resource providers like a Council of Government, Economic Development District, regional economic development staff or volunteers, and Oregon Economic and Community Development staff to introduce themselves and explain services they can provide to the community. After introductions, the facilitator should read each statement, ask the group for their responses, and record results.

The object is to build consensus where possible and record comments. If consensus is not possible record the range of responses and any specific explanations for the range of responses. Be sure to check with all participants and periodically call on those that have not responded to see if they agree and give them an opportunity to comment.

There are 85 statements and several of them have more than one part. For example, "There are police services available, city, county and/or state." Mark yes if there are police services available and circle all that apply. In this next example, "There are single and multi-family rental housing for low and moderate income," be sure to ask if there are both single and multi-family housing for both low and moderate income. Record all aspects that are present in the community.

Be certain to record the comments that illuminate the group's responses. For example, one very small community in the test pilot noted that it had a functioning entrepreneurial support program. What leaders meant was that the local coffee shop served as an effective networking arena. This is good information to consider for regional and state organizations that hope to assist the community

It is also important to encourage the respondents to be frank. There is a tendency for respondents to want to rate the community better than it really is. Answering questions truthfully will help identify priority areas for improvement that might otherwise be overlooked if everything was answered with a yes, adequate. Remind respondents that this is a self-assessment and there are no wrong answers. It is okay to answer "not relevant to our community" or "we do not know the answer to this statement". Encourage the participants to acknowledge the value of even small efforts in order to help build a sense of action and momentum and confidence concerning what they have accomplished.

Included in the appendix is a checklist for facilitators as an easy reference to use while organizing and facilitating the assessment.

## **After the assessment meeting**

The facilitator will review the results and create a draft report with recommendations. A sample final report is attached to this guide. In addition to the assessment results, the report should include a review of all community and economic development plans, projects on the Needs and Issues List, recently funded projects by the state and region, and the distressed area index for the community. The report should include recommendations for possible next steps that reflect both the assessment discussion and the issues raised in other planning documents reviewed. High priority projects and any inconsistencies in priorities should be flagged—for example; the focus group may spend much time discussing an issue that is not at all reflected in existing (but outdated) plans. Recommended next steps should include potential follow up by local, regional and state stakeholders.

Once the report is completed, it should be shared with the community, further revised if needed, and then shared with the Oregon Economic and Community Development Department's regional team and other interested parties. Once the final report is complete, it is critical to make sure local community leaders hear back from regional and state agency stakeholders so work can begin on next steps without loss of momentum. Ideally, this follow up should happen within 45 days of completion of the report. Thus, as a final step of the report review process, the facilitator should be sure to clarify who will contact the community, and who that community contact person should be, to begin the process of follow up capacity building and project implementation.

## **Conducting the assessment**

- Circulate attendance sheet
- Introductions of participants (name and organization)
- Allow partners to introduce themselves and briefly explain why they are interested in participating and describe any service they can provide to the community
- Explain the process and benefits of the assessment
  - The object is to build consensus where possible or record range of responses and get clarifying comments on each item
  - Process stimulates discussion and builds consensus about next steps for enhancing community capacity. Can lead to addition resources for enhancing capacity
  - Encourage participants to be frank if they want to get maximum benefit from process
- Record all responses and comments (comments are essential for good recommendations)
- For multiple part questions, Make sure you record responses and comments for each part
- Encourage participation from everyone, check-in periodically with the silent ones

## **Next steps**

- Thank everyone for participating
- Let them know when a draft report will be ready for their review (recommended to be no more than 30 days)
- If participants will be asked to review and provide comments, allow time needed for incorporation of comments and revisions to draft report
- Develop final report with results and recommendations
- Share results with community participants, Oregon Economic and Community Development Department staff, and other partners
- Follow-up by facilitator or state to meet with group and discuss results (recommended within 45 days or less of final report)

## Community and Economic Development Readiness Assessment

# Assessment Questionnaire

The following statements will be answered with the following scale:

- Yes, adequate
- Needs improvement, actively making progress
- Needs improvement, little progress to date
- Needs attention, no action yet
- NA, this item is not relevant for our community
- DK, Don't Know

There are also two open ended questions.

**Baseline Capacity:** Services without which a community can't function well. These characteristics, such as safe water supply, telecommunications, and access to health care, are comparable across communities and over time, and are needed in all communities regardless of their economic development strategy.

<b>Baseline Capacity Statements</b>	Yes	Actively Making Progress	Little Progress To Date	No Action Yet	NA	DK
1. The community has a water system that meets or exceeds state and federal standards. Comments:						
2. The community has a water system that has capacity for growth. How much capacity is currently being used? _____% Comments:						
3. The community has water meters. Comments:						
4. The community has a wastewater system that meets or exceeds state and federal standards. Comments:						

Baseline Capacity Statements	Yes	Actively Making Progress	Little Progress To Date	No Action Yet	NA	DK
5. The community has a waste water system that has capacity for growth. How much capacity is currently being used? _____% Comments:						
6. The community has storm water drainage and flood retention systems. Comments:						
7. There are local businesses providing goods and services to residents. Comments:						
8. Community and businesses are served with adequate road and street system. Comments:						
9. There is local fire service available. Comments:						
10. There are police services available. What type? <input type="checkbox"/> city <input type="checkbox"/> county <input type="checkbox"/> state Comments:						
11. There are local Emergency Medical Services (EMS) available. Comments:						
12. There is a local clinic or primary care services (Nurse Practitioner, Physician Assistant, Family Physician) available in the community. Comments:						
13. There is a hospital within a 60 minute drive. Comments:						

<b>Baseline Capacity Statements</b>	Yes	Actively Making Progress	Little Progress To Date	No Action Yet	NA	DK
	14. There are local immunization services available for children and adults. Comments:					
15. There is an assisted living facility in the community. Comments:						
16. There are single and multi-family rental housing for low and moderate income levels. Comments:						
17. The community has phone service available. Comments:						
18. The community has local internet access. Comments:						

**Civic Capacity:** Community vision, strategic plan, trained leadership, functional organizations, partnerships and collaboration. These items and baseline capacity need to be in place before community and economic development strategies or projects can be implemented and sustained.

<b>Civic Capacity Statements</b>	Yes	Actively Making Progress	Little Progress To Date	No Action Yet	NA	DK
	1. The community has a clear vision for the present and future. Comments:					
2. The community has considered its strengths, weaknesses, opportunities and threats and developed a strategic community and economic development plan. Comments:						
3. The strategic plan considers regional and state wide strategies and opportunities. Comments:						

<b>Civic Capacity Statements</b>	<b>Yes</b>	<b>Actively Making Progress</b>	<b>Little Progress To Date</b>	<b>No Action Yet</b>	<b>NA</b>	<b>DK</b>
4. Citizens are well informed about economic development activities. Comments:						
5. Citizens are given the opportunity to join community and economic development efforts. Comments:						
6. There is a track record of positive community action. Comments:						
7. There is a system to measure progress and to learn from results of action. Comments:						
8. The community celebrates successes. Comments:						
9. There is a recognized community and economic development group with structures and procedures that sustain positive action in the community. What is the Name of the group? _____ Comments:  <b>If there is no recognized community and economic development group, skip to statement #18</b>						
10. The community and economic development group process is open and participatory; members are willing to contribute and explore new ideas. Comments:						
11. The community and economic development group is successfully building partnerships with other groups within and beyond the community. Comments:						

Civic Capacity Statements	Yes	Actively Making Progress	Little Progress To Date	No Action Yet	NA	DK
12. The community and economic development group is successful in obtaining <b>local</b> assistance and resources necessary to carry out its project goals. Comments:						
13. The community and economic development group is successful in obtaining <b>external</b> assistance and resources necessary to carry out its project goals. Comments:						
14. The community and economic development group has active participation by the diverse segments of the community. (e.g., economic, cultural, educational, occupational, neighborhood, age, ethnic, length of residence, etc.) Comments:						
15. Leadership of the community and economic development group reflects the diverse segments of the community. Comments:						
16. The community and economic development group seeks out training and assistance to improve members' skills and knowledge base to carry out action plans and accomplish goals. Comments:						
17. The leadership shares responsibility for carrying out the work of the community and economic development group rather than trying to do it all themselves. Comments:						
18. Leaders have skills and technical knowledge to work effectively in our community. Comments:						
19. Over time, the council and community groups have been able to draw new people into leadership positions (executive committee members, task force chairs, project leaders, etc.). Comments:						

<b>Civic Capacity Statements</b>	<b>Yes</b>	<b>Actively Making Progress</b>	<b>Little Progress To Date</b>	<b>No Action Yet</b>	<b>NA</b>	<b>DK</b>
20. A culture of entrepreneurship exists that recognizes and rewards new ideas, innovation, partnerships and collaboration. Comments:						
21. There is public and private sector participation and cooperation in local and regional efforts. Comments:						
22. The community boards, organizations and council have no open positions and there is a pool of volunteers to fill vacancies as they arise. Comments:						

**Economic Development Capacity:** Infrastructure, facilities and programs that contribute to economic development potential such as industrial sites, zoning that matches market realities, transportation infrastructure, etc. The importance of these items depends on a community's choice of strategy, so these should not be used to compare across communities.

<b>Economic Development Capacity Statements</b>	<b>Yes</b>	<b>Actively Making Progress</b>	<b>Little Progress To Date</b>	<b>No Action Yet</b>	<b>NA</b>	<b>DK</b>
1. There is a community and economic development group that is proactive rather than reactive. Comments:						
2. There is a committee or group that provides or brokers assistance to start up businesses or entrepreneurs. Comments:						
3. There is a committee or group that provides or brokers assistance to help retain or expand local businesses and industry. Comments:						
4. There is a committee or group that is involved with targeted recruitment of new retail, service and industrial businesses. Comments:						

Economic Development Capacity Statements	Yes	Actively Making Progress	Little Progress To Date	No Action Yet	NA	DK
5. The community has industrially zoned land that is ready to build or occupy at a reasonable market rate. Comments:						
6. The community has industrially zoned buildings that are ready to occupy or renovate at a reasonable market rate. Comments:						
7. The community has commercially zoned land that is ready to build or occupy at a reasonable market rate. Comments:						
8. The community has commercially zoned buildings that are ready to occupy at a reasonable market rate. Comments:						
9. The community has financial resources available for business and industrial development (revolving loan funds, venture capital, lending institutions, etc.). Comments:						
10. There is a focused business development organization that coordinates local efforts, markets assets, develops leads, negotiates and closes deals. Comments:						
11. There is local ownership of many businesses. Comments:						
12. Local owners of business and industry are committed to work with the community on improvements. Comments:						

<b>Economic Development Capacity Statements</b>	<b>Yes</b>	<b>Actively Making Progress</b>	<b>Little Progress To Date</b>	<b>No Action Yet</b>	<b>NA</b>	<b>DK</b>
13. There is economic diversity (e.g., diversified industries and many smaller businesses providing jobs in the community). Comments:						
14. There is a capable and productive workforce available. Comments:						
15. There is at least one organization providing or able to provide workforce education and training. Comments:						
16. There are training and educational opportunities for citizens of all ages. Comments:						
17. There are school to work, job shadow and intern programs available. Comments:						
18. Community and businesses are within close proximity (3-5 miles) to interstate or major hwy. Comments:						
19. The community and industry have access to rail service. Comments:						
20. The community and industry have access to barge or river transport. Comments:						
21. The community has access to commercial air service within 60 minutes. Comments:						

<b>Economic Development Capacity Statements</b>	<b>Yes</b>	<b>Actively Making Progress</b>	<b>Little Progress To Date</b>	<b>No Action Yet</b>	<b>NA</b>	<b>DK</b>
22. The community has competitively priced natural gas available. Comments:						
23. The community has competitively priced electricity available. Comments:						
24. There is access for citizens and business to high speed, broadband, interactive telecomputing technologies that support electronic exchange of data and information. Comments:						
25. There is wireless communication service available. Comments:						
26. There is a local or regional information technology forum or equivalent organization that is capable of providing planning, marketing, training and coordination in the use of telecomputing technologies. Comments:						

**Community Development Capacity:** Facilities, programs, attitudes and ordinances that contribute to quality of life and community development potential such as a community center, park, public transportation, etc.

<b>Community Development Capacity Statements</b>	<b>Yes</b>	<b>Actively Making Progress</b>	<b>Little Progress To Date</b>	<b>No Action Yet</b>	<b>NA</b>	<b>DK</b>
1. The community has public transportation available (bus or taxi) within the community. Comments:						
2. Community members feel a sense of pride and attachment to the community and are optimistic about their future. Comments:						

Community Development Capacity Statements	Yes	Actively Making Progress	Little Progress To Date	No Action Yet	NA	DK
3. The community has clean-up and beautification as an ongoing priority. Comments:						
4. The community has a spirit of people helping each other. Comments:						
5. The community has library services available to citizens. Comments:						
6. The community has an adequately funded K12 school system. Comments:						
7. The community has at least one park. Comments:						
8. The community has recreation facilities available for residents of all ages. Comments:						
9. There is a community center. Comments:						
10. The community has a senior center and services. Comments:						
11. The community has a youth center and services. Comments:						
12. The community has childcare centers or services available sufficient to meet local needs. Comments:						

Community Development Capacity Statements	Yes	Actively Making Progress	Little Progress To Date	No Action Yet	NA	DK
13. There is open or green space in and around the community. Comments:						
14. The community has working relationships with the public and private sector managers of surrounding natural resources (fisheries, forests, ranches, etc.). Comments:						
15. The environmentally sensitive resources of the community are being adequately protected. Comments:						
16. The community approaches community and economic development in a sustainable way. Please define what this means to you. Comments:						
17. There are uniform building codes, subdivision ordinances and architectural standards. Comments:						
18. There is a utility operation and maintenance ordinance including rates and connection fees. Comments:						
19. There is a systems development charge ordinance. Comments:						

What strategies or projects have been successfully completed?

What are the key strategies the community is pursuing?

RESOLUTION NO. 3224

A Resolution approving the 2011-12 Intergovernmental Agreement between the City of Dallas and Southwest Polk Rural Fire Protection District for mutual assistance in providing fire protection within the boundaries of the respective parties.

WHEREAS, The City of Dallas and the Southwest Polk Rural Fire Protection District own various fire trucks and other firefighting equipment and provide fire protection services to the people and property situated within their respective jurisdictions; and

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

WHEREAS, the City and the District have provided cooperative fire protection and related services as a way to provide the maximum amount of fire protection services efficiently and at the least cost to the people and property of their respective areas; and

WHEREAS, the City and the District have agreed to extend their cooperative agreement for the year beginning July 1, 2011 and ending June 30, 2012, according to the terms of the written Intergovernmental Agreement attached hereto as Exhibit A and by reference incorporated herein, and the City Council of the City has determined it is in the best interest of the City to do so; NOW, THEREFORE,

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

Section 1. The Intergovernmental Agreement between the City of Dallas and the Southwest Polk Rural Fire Protection District for the cooperative provision of fire protection and related services for the year beginning July 1, 2011 and ending June 30, 2012, attached hereto is approved.

Section 2. The Mayor and City Manager are hereby authorized and directed to execute said agreement on behalf of the City.

Adopted: April 18, 2011

Approved: April 18, 2011

\_\_\_\_\_  
BRIAN W. DALTON, MAYOR

ATTEST:

\_\_\_\_\_  
JERRY WYATT, CITY MANAGER

Exhibit A

AGREEMENT, made and effective the 1st day of July, 2011, by and between the CITY OF DALLAS, a municipal corporation, hereinafter called the City, and SOUTHWESTERN POLK COUNTY RURAL FIRE PROTECTION DISTRICT, a body politic of the State of Oregon, hereinafter call the District, WITNESSETH:

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

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

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

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

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

1. The City agrees to provide garage and storage space in its fire hall for not less than two nor more than three fire trucks of the District and such other equipment as would usually be required in connection with the efficient operation of said fire trucks and the outfitting of the usual complement of firefighters assigned to each thereof.
2. The City further agrees to provide exterior storage space for not more than three trucks of the District.
3. The City further agrees to furnish the firefighters necessary to operate said trucks and equipment, which are mentioned in paragraphs 1 and 2 above in an efficient manner.
4. The City further agrees without cost to the District to dispatch its own trucks and equipment to fires occurring in the area served by the District if the Dallas Fire Chief determines that the trucks and equipment of the District are not sufficient for fire suppression,

provided the safety and welfare of the City, its inhabitants and the property situated therein are not thereby impaired or jeopardized.

5. The City further agrees to provide normal maintenance services for the fire trucks and other equipment of the District, which it receives under the provisions of this agreement as long as paid as provided in Section 13.
6. It is understood and agreed by the parties hereto that the Dallas Fire Chief shall be in control of fire trucks and other equipment of the District used in fire suppression and other emergencies and in control of all fire suppression and other emergency activities conducted by the District, including, but not limited to, making all decisions relative to the number of fire trucks to be dispatched to each fire and the kind and quantity of equipment to accompany said truck or trucks; that the District is to maintain the fire suppression system described on Exhibit 1 hereto; and that the Dallas Fire Chief is to administer the day-to-day administrative functions of the District and the coordination of the training of the District's firefighters in cooperation with the Dallas Fire Training Officer who shall be responsible for the ensuring scheduling of training for the District which meets all state standards.
7. The District shall hire an administrative Assistant, who shall at all times be an employee of the District. The Dallas Fire Chief shall supervise the day-to-day duties of the Administrative Assistant and shall periodically report to the District Board thereon. The Administrative Assistant shall devote one-half of his or her time to the performance of such duties for the City as directed by the Fire Chief and in consideration thereof the City agrees to pay and the District agrees to receive 50% of the salary of the Administrative Assistant, including all fringe benefits as more particularly described in paragraph 11(a), provided that the total payable by the City hereunder shall not exceed the sum of \$21,000 for the first year and as adjusted by agreement between the City and District in the second year.
8. The Dallas Fire Chief shall meet as needed with the Chiefs of the Rickreall and Falls City Fire Departments to coordinate and discuss the operations of the District.
9. The District agrees that the City shall have the right, without cost to the City, to use the District's trucks and other equipment, which is the subject of this agreement, in combating any fires within the corporate limits of the City.

10. In the event fires occur simultaneously within the area served by the District and the corporate limits of the City, the extinguishment of the fire within the corporate limits of the City shall have priority, and the availability of city owned trucks, equipment and firefighters for the purpose of combating the fire in the area served by the District shall be dependent on the need for said trucks, equipment and manpower in combating the fire within the corporate limits of the City. The City agrees, however, that every reasonable effort will be made to respond to both fires simultaneously, or to the fire in the area served by the District, as soon as possible after the alarms have been received.
  
11. In consideration of the services to be performed by the City hereunder the District agrees to pay and City agrees to receive the following:
  - (a) 35% of the salary of the Dallas Fire Chief including all fringe benefits accruing on account of the employment of the Chief, including, but not limited to, cost of health care insurance, Social Security contributions, workers compensation insurance, unemployment contributions, travel and subsistence costs relating to the official duties of the Chief and in attending training schools and official conferences or conventions, clothing allowance and dues for professional organization;
  
  - (b) 25% of the salary of the Training Officer of the City including all fringe benefits accruing on account of the employment of the Training Officer as more particularly described in subparagraph (a) above;
  
  - (c) 15% of the Dallas Fire Inspector who shall serve as the Fire Inspector for the District including all fringe benefits accruing on account of the employment of the Fire Inspector as more particularly described in subparagraph (a) above;
  
  - (d) 20% of the Logistics Officer including all fringe benefits accruing on account of the employment of the Logistics Officer as more particularly described in subparagraph (a) above;
  
  - (e) Thirty percent (30%) of the contributions paid by the City for fringe benefits of the volunteer firefighters including, but not limited to, workers compensation and life and disability insurance premium payments;

- (f) Thirty percent (30%) of the cost of the City's Physician Advisor.
- (g) Fifty percent (50%) of the cost of maintaining the rescue truck, with the District's share not to exceed \$2,500.
- (h) Fifty percent (50%) of the following supplies, services and costs of maintenance of the Dallas Volunteer Fire Department and the Dallas Fire Station:
  - 1. Supplies;
  - 2. Radios/Pagers;
  - 3. Turnouts;
  - 4. Telecommunication;
  - 5. Heat and power;
  - 6. Training and Education;
  - 7. Uniform allowance;
  - 8. Computer Services;
  - 9. Building and property insurance;

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

Billings shall be made by the City to the District and the District to the City on a quarter-annual basis starting October 1, 2011, and continuing on the 1 st day of January, the 1 st day of April, and on the 30<sup>th</sup> day of June. Said quarter-annual billings shall be based upon the actual amounts expended by the City or the District and shall be due and payable within thirty (30) days after a billing is received.

12. In addition to the payment of sums described in paragraph 11 above, the District shall also pay the Dallas Volunteer Fire Association such sum as may be agreed upon between the District and the Association as fair reimbursement for expenses incurred by the Volunteers in performing their duties.

13. The City shall furnish gas and oil for and shall repair the District's equipment and the District shall pay the City the City's actual cost of providing such gas, oil and repairs.

14. The City shall furnish the District Administrative Assistant with office space for the conducting of the District's business at no charge.

15. This agreement shall become effective on July 1, 2011, and shall remain in effect until June 30, 2013, provided however, that each appropriation in the budget set forth on Exhibit 2.
16. Except as hereinabove provided neither the City nor the District shall be obligated to the other of them, nor shall the District be otherwise obligated to the Dallas Volunteer Fire Department or any of its individual members.
17. Upon the effective date of this agreement, all other agreements relating to the same subject then in existence shall be cancelled, annulled and held for naught.

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

CITY OF DALLAS, OREGON

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Manager

SOUTHWESTERN POLK COUNTY  
RURAL FIRE PROTECTION DISTRICT

By: \_\_\_\_\_  
Chairman of Its Board of Directors

ATTEST:

By: \_\_\_\_\_  
Secretary

"Compared" version of the No Smoking Code

**5.210 No Smoking.**

Smoking is prohibited and no person shall smoke:

(1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.

(2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.

(3) On or within 25 feet of the external boundaries of the following:

(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.

(4) In all city parks, including the Rickreall Creek Trail, and all parking lots adjacent to such parks and trail.

(54) The restrictions of subsections (1), (2) and (3) of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

| (65) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

| (76) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section.

| (87) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section [5.428](#).

ORDINANCE NO. 1737

An Ordinance amending provisions of the Dallas City Code Section 5.210, relating to smoking.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.210 is hereby amended to read as follows:

**5.210 No Smoking.**

Smoking is prohibited and no person shall smoke:

- (1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.
- (2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.
- (3) On or within 25 feet of the external boundaries of the following:
  - (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) 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.
  - (d) Any bus shelter structure.
- (4) In all city parks, including the Rickreall Creek Trail, and all parking lots adjacent to such parks and trail.
- (5) The restrictions of subsections (1), (2) and (3) of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment

under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(6) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

(7) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section.

(8) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section [5.428](#).

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

Read for the first time: April 18, 2011  
Read for the second time: May 2, 2011  
Adopted by the City Council: May 2, 2011  
Approved by the Mayor: May 2, 2011

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BRIAN W. DALTON, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

## "Compared" version of the Discharge of Weapons Code

### 5.102 Discharge of Weapons.

(1) Except at firing ranges approved by the chief of police, no person other than an authorized peace officer shall fire or discharge a gun or other weapon, including spring or air-actuated pellet guns, air guns, BB guns, bow and arrow, or any weapon which propels a projectile by use of gunpowder or other explosive, jet, or rocket propulsion.

(2) The provisions of this section shall not be construed to prohibit firing or discharging a weapon by a person in the lawful defense or protection of his or her person, family, or property.

(3) The city manager, or the city manager's designee, may, upon application and subject to such conditions and limitations as the city manager or the city manager's designee may deem necessary and appropriate under the circumstances, grant a variance for a limited duration from the prohibitions in subsection (1) to:

(a) ‡The National Guard of the United States and the Oregon National Guard, and members thereof, for the purpose of and while engaged in official training or other official activities.

(b) Peace officers, for the purpose of and while engaged in official training or other official activities.

(c) Persons named as agents and authorized to shoot wildlife under a kill permit issued by the Oregon Department of Fish and Wildlife upon application of the city, subject to and in accordance with the terms of such permit.

(4) Violation of this section is a Class C misdemeanor.

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ORDINANCE NO. 1738

An Ordinance amending Dallas City Code Section 5.102 relating to discharge of weapons; and declaring an emergency.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code section 5.102 is hereby amended as follows:

**5.102 Discharge of Weapons.**

(1) Except at firing ranges approved by the chief of police, no person other than an authorized peace officer shall fire or discharge a gun or other weapon, including spring or air-actuated pellet guns, air guns, BB guns, bow and arrow, or any weapon which propels a projectile by use of gunpowder or other explosive, jet, or rocket propulsion.

(2) The provisions of this section shall not be construed to prohibit firing or discharging a weapon by a person in the lawful defense or protection of his or her person, family, or property.

(3) The city manager, or the city manager's designee, may, upon application and subject to such conditions and limitations as the city manager or the city manager's designee may deem necessary and appropriate under the circumstances, grant a variance for a limited duration from the prohibitions in subsection (1) to:

(a) The National Guard of the United States and the Oregon National Guard, and members thereof, for the purpose of and while engaged in official training or other official activities.

(b) Peace officers, for the purpose of and while engaged in official training or other official activities.

(c) Persons named as agents and authorized to shoot wildlife under a kill permit issued by the Oregon Department of Fish and Wildlife upon application of the city, subject to and in accordance with the terms of such permit.

(4) Violation of this section is a Class C misdemeanor.

Section 2. This ordinance being necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall take effect on second reading and approval.

Read for the first time: April 18, 2011

Read for the second time: May 2, 2011

Passed by the City Council: May 2, 2011

Approved by the Mayor: May 2, 2011

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BRIAN W. DALTON, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

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

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BRIAN W. DALTON, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER