

DALLAS CITY COUNCIL
Monday, April 18, 2011
Council Chambers

The Dallas City Council met in regular session on Monday, April 18, 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 Jackie Lawson, Councilor Mark McDonald, and Councilor Ken Woods, Jr. Excused: Councilor Kevin Marshall and Councilor LaVonne Wilson.

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.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

There were no questions or comments from the audience.

PUBLIC HEARINGS

There were no public hearings.

CONSENT AGENDA

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

Items approved by the Consent Agenda were: a) April 4, 2011, City Council minutes; and b) report of April 12, 2011, Planning Commission Meeting.

ITEMS REMOVED FROM CONSENT AGENDA

There were none.

REPORTS OR COMMENTS FROM COUNCIL

Councilor Fairchild commented that the Rotary Club would be holding a combined Monmouth, Independence, and Dallas meeting for a group study exchange.

Councilor McDonald joined the meeting at 7:03 p.m.

Councilor Jones thanked the staff for putting together the Arbor Day celebration. She stated she took her kids and they got to plant a tree and had so much fun. Mayor Dalton commented that the State Forester who was at the celebration said it was the best event he'd seen for a Tree City, USA ceremony.

Councilor McDonald read a memorandum, a copy of which is included with the official minutes, regarding his interpretation on the legality of resolutions to raise fees. Councilor McDonald moved to refer the matter of the conflicting ordinance 4.460 to the Public Works Committee. The motion died due to lack of a second.

REPORTS FROM CITY MANAGER AND STAFF

ADOPT PROCEDURE TO FILL COUNCIL VACANCY

Mayor Dalton reviewed the staff report. Councilor Woods asked what would happen if some Councilors did not write their own name on the ballots. Mr. Shetterly stated if a Councilor submitted a ballot unmarked, it would invalidate that vote and the Council would have to go to an oral vote. Councilor Woods added the recent Commissioner selection process had a procedure that those who received zero votes, or the bottom third of the vote-getters were eliminated each

round. Mayor Dalton advised that if the Council reached a stalemate, the Council could modify the rules at that time. Councilor Lawson stated she would like to see anyone who received zero votes, or the person with the lowest number of votes automatically removed for subsequent rounds of voting. Mayor Dalton advised that Councilor Wilson would not be at the May 2 meeting, so she would be calling in and would verbally say her vote once the written ballots had been completed so as not to influence anyone's vote.

It was moved by Councilor Lawson and seconded by Councilor Fairchild to adopt the proposed procedure with the addition that the names of anyone with zero votes or one vote would be dropped from subsequent votes. There was further discussion about the procedure to be used. Councilor Woods stated he was not opposed to dropping off the names that received zero votes, but wasn't sure if it was good to drop off the names of those receiving one vote. The motion carried by a majority with Councilor Woods voting NO.

COMMUNITY ECONOMIC READINESS ASSESSMENT PROCESS

Mr. Locke reviewed the staff report. He advised there would not be any cost to the City for this. Mr. Locke stated he was looking for one Council representative, adding there would not be a big time commitment, just one meeting for a couple hours. He stated he would bring the results back to the Council.

It was moved by Councilor Lawson and seconded by Council President Scroggin to direct staff to proceed with the Community Economic Readiness Assessment process. The motion carried unanimously.

Councilor Jones volunteered to serve on the stakeholder group.

WATERSHED COUNCIL REPORT

Mr. Wyatt advised that Mr. Warren Lamb was still the Council representative to the Watershed Council and asked him to give a report.

Mr. Lamb stated he would provide an update to the Council on a quarterly basis. He thanked the Council on behalf of the Watershed Council for their continued support. Mr. Lamb reported that they were looking to form a Youth Watershed Council and were looking for an intern from a nearby college to set that program up. He indicated the watershed council and City were working with the Polk Soil and Water Conservation District to apply for a grant to redirect the channel and provide riparian restoration of Forestry Creek. Mr. Lamb stated they are proceeding with construction of traps for the Fish Trap and Haul Program at Mercer Dam. He added the initial design for a spillway pillow at the dam has been submitted to ODF&W for approval. He reported that the Watershed Council was working with the County and the City on a drug take-back program which would help keep drugs out of Rickreall Creek. Mr. Lamb concluded by saying the Rickreall Watershed Council should have its own website up and running by the next month.

OTHER

Christy Perry, Dallas School District Superintendent, handed out a paper with frequently asked questions related to a local option levy and a list of the history of reductions in the district over three years. She reviewed the School Board's decision to put a measure on the May ballot for the local option levy. Ms. Perry stated if passed, the \$1 per thousand would go directly to education funding.

RESOLUTIONS

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.

A roll call vote was taken and Mayor Dalton declared Resolution No. 3224 to have PASSED BY A MAJORITY VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, and Councilor Ken Woods, Jr. voting YES and Councilor Mark McDonald voting NO.

FIRST READING OF ORDINANCE

Ordinance No. 1737: An Ordinance amending provisions of the Dallas City Code Section 5.210 relating to smoking.

Councilor McDonald stated he still felt like everyone in Dallas paid taxes and should be free to enjoy the parks. He indicated to exclude smokers entirely from the parks was not correct, adding some people could only go outside to smoke and this took away quite a bit of their freedom. Councilor Lawson stated that just because the parks were no-smoking, that didn't mean smokers couldn't participate in activities at the park. Councilor Fairchild noted smokers could walk into the street or outside the park to smoke.

Mayor Dalton declared Ordinance No. 1737 to have passed its first reading.

Ordinance No. 1738: An Ordinance amending Dallas City Code Section 5.102 relating to discharge of weapons; and declaring an emergency.

Mr. Wyatt explained that the emergency clause on the ordinance allowed it to go into effect immediately upon passage, which was necessary due to the turkey harvest that would happen on Douglas Street. Mr. Shetterly added that there was a time limit on the permit for the turkey harvest, so there would still be a second reading of the ordinance at the next meeting, but it would go into effect immediately.

Mayor Dalton declared Ordinance No. 1738 to have passed its first reading.

SECOND READING OF ORDINANCE

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

Mayor Dalton declared Ordinance No. 1736 to have passed its second reading. A roll call vote was taken and Mayor Dalton declared Ordinance No. 1736 to have PASSED BY A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, and Councilor Ken Woods, Jr. voting YES.

OTHER BUSINESS

There being no further business, the meeting adjourned at 7:44 p.m.

Read and approved this _____ day of _____ 2011.

Mayor

ATTEST:

City Manager