



**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  
Murray Stewart

Councilor  
LaVonne Wilson

Councilor  
Ken Woods, Jr.

**Staff**

City Manager  
Jerry Wyatt

City Attorney  
Lane Shetterly

Admin Svc Mgr  
Robert Spivey

Community Development  
Director  
Jason Locke

Finance Director  
Cecilia Ward

Fire Chief  
Bill Hahn

Police Chief  
John Teague

Public Works Director  
Fred Braun

City Recorder  
Emily Gagner

# Dallas City Council Agenda

MONDAY, September 19, 2011, 7:00 p.m.

Mayor Brian Dalton, Presiding

Dallas City Hall  
187 SE Court Street  
Dallas, Oregon 97338

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

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. QUESTIONS OR COMMENTS FROM THE AUDIENCE <i>This time is provided for citizens to address the Council or introduce items for Council consideration on any matters.</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 September 6, 2011 City Council Minutes <b>p. 3</b>	
b. Recommend approval of OLCC License for off-premises sales at L'Attitude Point One, 904 Main Street <b>p. 6</b>	
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
8. REPORTS FROM CITY MANAGER AND STAFF	
a. Dallas Aquatic Center Promotional Rates <b>p. 11</b>	Discussion
b. Dallas Recreation	Discussion
c. Longboard Event <b>p. 15</b>	Motion
d. Economic Development Update	Information
e. Other	

# Dallas City Council Agenda

## Page 2

### Our Vision

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

### Our Mission

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

### Our Motto

*Commitment to the Community.  
People Serving People.*

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

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## 9. RESOLUTIONS

- a. Resolution No. 3235 - A Resolution establishing a schedule of Roll Call Vote rates and fees to be paid by persons using the Dallas Aquatic Center, and repealing Resolution No. 3152. **p. 16**

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## 10. FIRST READING OF ORDINANCE

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## 11. SECOND READING OF ORDINANCE

- a. Ordinance No. 1741 – An Ordinance amending Dallas City Roll Call Vote Code Section 5.020, relating to Unnecessary Noise; and repealing prior conflicting ordinances. **p. 19**

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## 12. OTHER BUSINESS

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## 13. ADJOURNMENT

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4 The Dallas City Council met in regular session on Tuesday, September 6, 2011, at 7:00 p.m. in  
5 the 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 Mark McDonald, Councilor Murray Stewart,  
9 and Councilor LaVonne Wilson. Excused: Councilor Kevin Marshall and Councilor Ken Woods,  
10 Jr.

11 Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Administrative  
12 Services Manager Robert Spivey, Police Chief John Teague, Public Works Director Fred Braun,  
13 Finance Director Cecilia Ward, and Recording Secretary Emily Gagner.

14 Mayor Brian Dalton led the Pledge of Allegiance.

15 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

16 Gerold Floyd stated he was a Kids, Inc. Board Member and the current softball coordinator,  
17 adding he was addressing the Council as a citizen and parent. He indicated he was concerned  
18 about the direction of sports in Dallas being taken by David Brautigam, a City employee. He  
19 added the direction was without consultation of Kids, Inc. with meetings taking place after  
20 decisions were made, when Kids, Inc. was just told of the decision. Mr. Floyd commented it was  
21 a grave injustice to Kids, Inc. which was a pillar of the community for over 50 years and brought  
22 sports to the community in an economical way that was supportive of the participants. He stated  
23 sports were taken away from Kids, Inc. with no explanation as to why. He asked what was wrong  
24 with the old system that sports needed to be redone. He indicated Kids, Inc. played a vital role in  
25 offering sports opportunities to kids in the community. He asked how, when Kids, Inc. was a  
26 non-profit organization, that a City employee could tell them what they could or could not do.  
27 Mr. Floyd stated his concern was that the decisions were being made without the full  
28 understanding of the Council. He recommended taking the time to ask what the benefits were to  
29 the direction being taken. Mr. Floyd reported that the explanation he got was that the City and  
30 School District felt it was necessary to put each sport under one specific organization. He stated  
31 football was now under Pop Warner and he was told that was a decision by the school district and  
32 coaches. Mr. Floyd indicated the Kids Inc football coordinator was told by the High School staff  
33 that it wasn't their direction. Mr. Floyd asked where the decisions were coming from. He stated  
34 the concept sounded great, but the new organizations were competitive leagues, not designed or  
35 built for recreational sports that involved all kids regardless of their capabilities. He reported  
36 Kids, Inc. didn't turn anyone away and every participant got playing time. Mr. Floyd declared the  
37 other organizations wouldn't provide an opportunity for all participants to play. He added with  
38 increasing obesity, recreational sports provided a way for kids to get active and fight obesity.

39 **PUBLIC HEARINGS**

40 There were none.

41 **CONSENT AGENDA**

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

44 Items approved by the Consent Agenda: a) August 15, 2011, City Council minutes; b)  
45 acknowledge report of the August 22 Public Safety Committee Meeting; and c) acknowledge  
46 report of the August 22 Public Works Committee meeting.

47 **ITEMS REMOVED FROM CONSENT AGENDA**

48 There were none.

49 **REPORTS OR COMMENTS FROM COUNCIL**

50 Councilor McDonald indicated he was interested in the situation with Kids, Inc., adding that was

1 the first he'd heard about the change in programs. He asked for some facts to be brought forward  
2 to the Council. Mr. Wyatt stated the Council had been briefed twice about the direction of the  
3 sports program and added he would have staff follow up with a briefing to the full Council.  
4 Councilor Lawson indicated the topic had been discussed at length in the Park and Recreation  
5 Board meetings and referred Councilor McDonald to the minutes of those meetings.

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

### 7 **REFINANCING SEWER OBLIGATIONS**

8 Mr. Wyatt reviewed the staff report.

9 Ms. Ward and Kieu-Oanh Nguyen, of Western Financial Group, LLC, gave a presentation. Ms.  
10 Ward stated the amount for the DEQ loan was actually \$7.6 million now, since a payment was  
11 made August 1. Ms. Nguyen indicated she had worked for Dallas on many bond financings over  
12 the years, noting she was involved when the DEQ loan was originated. She stated it was a very  
13 low rate of 3.93%, and never thought the City would beat that. She noted since interest rates were  
14 currently so low and the bonds were getting shorter until their maturity, the estimates show the  
15 City would be replacing that debt with a rate of 2.9%, or about \$390,000 in savings. She added  
16 that would be an annual savings of \$50 to \$60 thousand for the sewer fund. Ms. Nguyen  
17 reviewed the process for the refinancing and reported she anticipated selling the bonds at the end  
18 of September and closing by the first part of October.

19 In response to a question, Ms. Nguyen stated this refinancing would not extend the maturity date  
20 for either loan.

21 Councilor McDonald asked if Ms. Nguyen foresaw any problems selling the bonds. Ms. Nguyen  
22 stated it had been an unstable market, but with the volatility of the stock market, many investors  
23 were seeking out the safety of municipal bonds. Councilor McDonald asked if the sale wasn't  
24 successful would the old instruments remain in place. Ms. Nguyen reported that anytime a City  
25 refinanced, there was concern that the savings may not be achieved. She added in the notice of  
26 sale, it would state the City would have the ability to not award the bond if it didn't achieve a  
27 certain level of savings. In response to a question, Ms. Nguyen stated that her conservative  
28 estimate would be that the final cost would be around 2.86%, adding she was hopeful the City  
29 could achieve higher savings than anticipated.

30 There was some discussion about the maturity dates of the two loans. Ms. Nguyen explained that  
31 the dates would stay the same, so that the OECD loan would still be paid off in 2017.

### 32 **AWARD CONTRACT FOR 2011 KINGSBOROUGH PARK IMPROVEMENT PROJECT**

33 Mr. Wyatt reviewed the staff report.

34 It was moved by Councilor Stewart and seconded by Council President Scroggin to award the  
35 contract for the 2011 Kingsborough Park Improvement Project to J.P. Contractors, Inc., of  
36 Portland, in the amount of \$129,500. The motion carried unanimously.

### 37 **OTHER**

## 38 **RESOLUTIONS**

39 **Resolution No. 3234:** A resolution of the City of Dallas, Polk County, Oregon, authorizing the  
40 issuance and sale of full faith and credit refunding obligations, series 2011; designating an  
41 authorized representative; authorizing the execution and delivery of a financing agreement and an  
42 escrow agreement; and related matters.

43 Councilor McDonald commented that it was important for the City to make hay while the sun  
44 shines so if the City could lower its debt service obligation, it should before the opportunity  
45 passed. He added he appreciated the work of Ms. Ward to save money.

46 A roll call vote was taken and Mayor Dalton declared Resolution No. 3234 to have PASSED BY  
47 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild,  
48 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Murray

1 Stewart, and Councilor LaVonne Wilson voting YES.

2 **FIRST READING OF ORDINANCE**

3 **Ordinance No. 1741:** An Ordinance amending Dallas City Code Section 5.020, relating to  
4 Unnecessary Noise; and repealing prior conflicting ordinances.

5 Mayor Dalton reviewed the staff report.

6 Councilor McDonald stated he could identify with the needs of the Police for a specific  
7 ordinance. He noted it was difficult because different people had different sensitivities. He  
8 acknowledged this particular ordinance might have benefits.

9 Mr. Shetterly reviewed the standard in section 2A of the Ordinance that defined a noise  
10 disturbance as a sound that annoyed a reasonable person of normal sensitivities. He explained  
11 that gave Law Enforcement some latitude so hypersensitive people would not get the full benefit  
12 of the ordinance.

13 Councilor Stewart asked why the Code didn't provide a warning but went straight to a civil  
14 infraction with a fine of \$142. Mr. Shetterly explained the Police could still issue a warning.  
15 There was some discussion about the procedure used for barking dogs. Chief Teague indicated  
16 that was usually not a long-term issue because people cooperated.

17 Mayor Dalton declared Ordinance No. 1741 to have passed its first reading.

18 **SECOND READING OF ORDINANCE**

19 **Ordinance No. 1740:** An Ordinance amending Dallas City Code Section 2.200 relating to  
20 Department Heads.

21 Mayor Dalton declared Ordinance No. 1740 to have passed its second reading. A roll call vote  
22 was taken and Mayor Dalton declared Ordinance No. 1740 to have PASSED BY A  
23 UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor  
24 Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Murray Stewart,  
25 and Councilor LaVonne Wilson voting YES.

26 **OTHER BUSINESS**

27 There being no further business, the meeting adjourned at 7:36 p.m.

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

29  
30

31 \_\_\_\_\_  
32 Mayor

32 ATTEST:

33 \_\_\_\_\_

34 City Manager

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 5 b</b>	<b>Topic:</b> OLCC Liquor License Application Additional Privilege
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> September 19, 2011	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

With approval of the Consent Agenda, the Council would recommend to the OLCC that the license for off-premises sales be granted.

BACKGROUND:

The City received an OLCC application for additional privileges for off-premises sales at 904 Main Street for L'Attitude Point One.

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

FISCAL IMPACT:

None

ATTACHMENTS:

OLCC License Application for L'Attitude Point One



OREGON LIQUOR CONTROL COMMISSION  
LIQUOR LICENSE APPLICATION

Application is being made for:

<b>LICENSE TYPES</b> <input type="checkbox"/> Full On-Premises Sales (\$402.60/yr) <input type="checkbox"/> Commercial Establishment <input type="checkbox"/> Caterer <input type="checkbox"/> Passenger Carrier <input type="checkbox"/> Other Public Location <input type="checkbox"/> Private Club <input type="checkbox"/> Limited On-Premises Sales (\$202.60/yr) <input checked="" type="checkbox"/> Off-Premises Sales (\$100/yr) <input type="checkbox"/> with Fuel Pumps <input type="checkbox"/> Brewery Public House (\$252.60) <input type="checkbox"/> Winery (\$250/yr) <input type="checkbox"/> Other: _____	<b>ACTIONS</b> <input type="checkbox"/> Change Ownership <input type="checkbox"/> New Outlet <input type="checkbox"/> Greater Privilege <input checked="" type="checkbox"/> Additional Privilege <input type="checkbox"/> Other _____
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**90-DAY AUTHORITY**  
 Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

**APPLYING AS:**  
 Limited Partnership     Corporation     Limited Liability Company     Individuals

**CITY AND COUNTY USE ONLY**

Date application received: \_\_\_\_\_

The City Council or County Commission: \_\_\_\_\_  
 (name of city or county)

recommends that this license be:  
 Granted     Denied

By: \_\_\_\_\_  
 (signature) (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**OLCC USE ONLY**

Application Rec'd by: acc Pending

Date: 7/24/2011 ED

90-day authority:  Yes  No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]  
 ① Latitude Enterprises LLC ③ \_\_\_\_\_  
 ② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): Latitude Point One

3. Business Location: 904 Main St., Dallas Polk OR. 97338  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 904 Main St., Dallas OR 97338  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503 831 1588 503 623 8861  
(phone) (fax)

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

7. If yes to whom: Latitude Enterprises LLC Type of License: Full-On Premises

8. Former Business Name: Latitude Point One

9. Will you have a manager?  Yes  No Name: \_\_\_\_\_  
(manager must fill out an Individual History form)

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

11. Contact person for this application: Penny Cox \_\_\_\_\_  
(e-mail address) (phone number) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:  
 ① Penny Cox Date 7-30-11 ③ \_\_\_\_\_  
 ② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_

**RECEIVED**  
 OREGON LIQUOR CONTROL COMMISSION  
 Date JUL 20 2011

1-800-452-OLCC (6522) • www.oregon.gov/olcc  
 (rev. 08/2009)  
**SALEM REGIONAL OFFICE** Page 7 of 22



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

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

Trade Name (d.b.a.): Latitude Point One City: Dallas

1. Name: COX Perry Marlene  
(last) (first) (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: [REDACTED] Richreal OR 97371  
(number and street) (city) (state) (ZIP code)

4. Home Phone: [REDACTED] Business Phone: (503) 831-1588

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

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

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

8. Do you currently hold, or have you ever held a liquor license in this or any other state?  Yes  No  
If yes, when, where and name of premises? Pearl gallery, Dallas OR 2009

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony?  Yes  No  
If yes, what, when and where? Traffic Violation - Salem, OR, April 2011 Turned on red light

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

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

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

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

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

Applicant Signature: Perry Cox Date: 4-30-11

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

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

Applicant Signature: Perry Cox Date: Search Completed



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

INITIALS: Y (rev. 12/07)

JUL 22 2011



# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Latitude Enterprises, LLC Phone: 503 831 1588

Trade Name (dba): Latitude Point One

Business Location Address: 904 Main St.

City: Dallas ZIP Code: 97338

### DAYS AND HOURS OF OPERATION

#### Business Hours:

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	<u>1pm</u>	to	<u>4pm</u>
Friday	<u>1pm</u>	to	<u>4pm</u>
Saturday	<u>1pm</u>	to	<u>4pm</u>

#### Outdoor Area Hours:

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	<u>1pm</u>	to	<u>4pm</u>
Friday	<u>1pm</u>	to	<u>4pm</u>
Saturday	<u>1pm</u>	to	<u>4pm</u>

The outdoor area is used for:

Food service Hours: 1pm to 9pm  
 Alcohol service Hours: 1pm to 9pm  
 Enclosed, how garden enclosed by buildings  
 The exterior area is adequately viewed and/or supervised by Service Permittees.  
 \_\_\_\_\_ (Investigator's Initials)

Seasonal Variations:  Yes  No If yes, explain: garden not used in winter

### ENTERTAINMENT

Check all that apply:

- |  |   |
|--|---|
| <input type="checkbox"/> Live Music                | <input type="checkbox"/> Karaoke                |
| <input checked="" type="checkbox"/> Recorded Music | <input type="checkbox"/> Coin-operated Games    |
| <input type="checkbox"/> DJ Music                  | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing                   | <input type="checkbox"/> Social Gaming          |
| <input type="checkbox"/> Nude Entertainers         | <input type="checkbox"/> Pool Tables            |
|  | <input type="checkbox"/> Other: _____           |

### DAYS & HOURS OF LIVE OR DJ MUSIC

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

### SEATING COUNT

Restaurant: 49 Outdoor: 30  
 Lounge: N/A Other (explain): \_\_\_\_\_  
 Banquet: 20 Total Seating: 99

OLCC USE ONLY	
Investigator Verified Seating: _____(Y) _____(N)	
Investigator Initials: _____	
Date: _____	

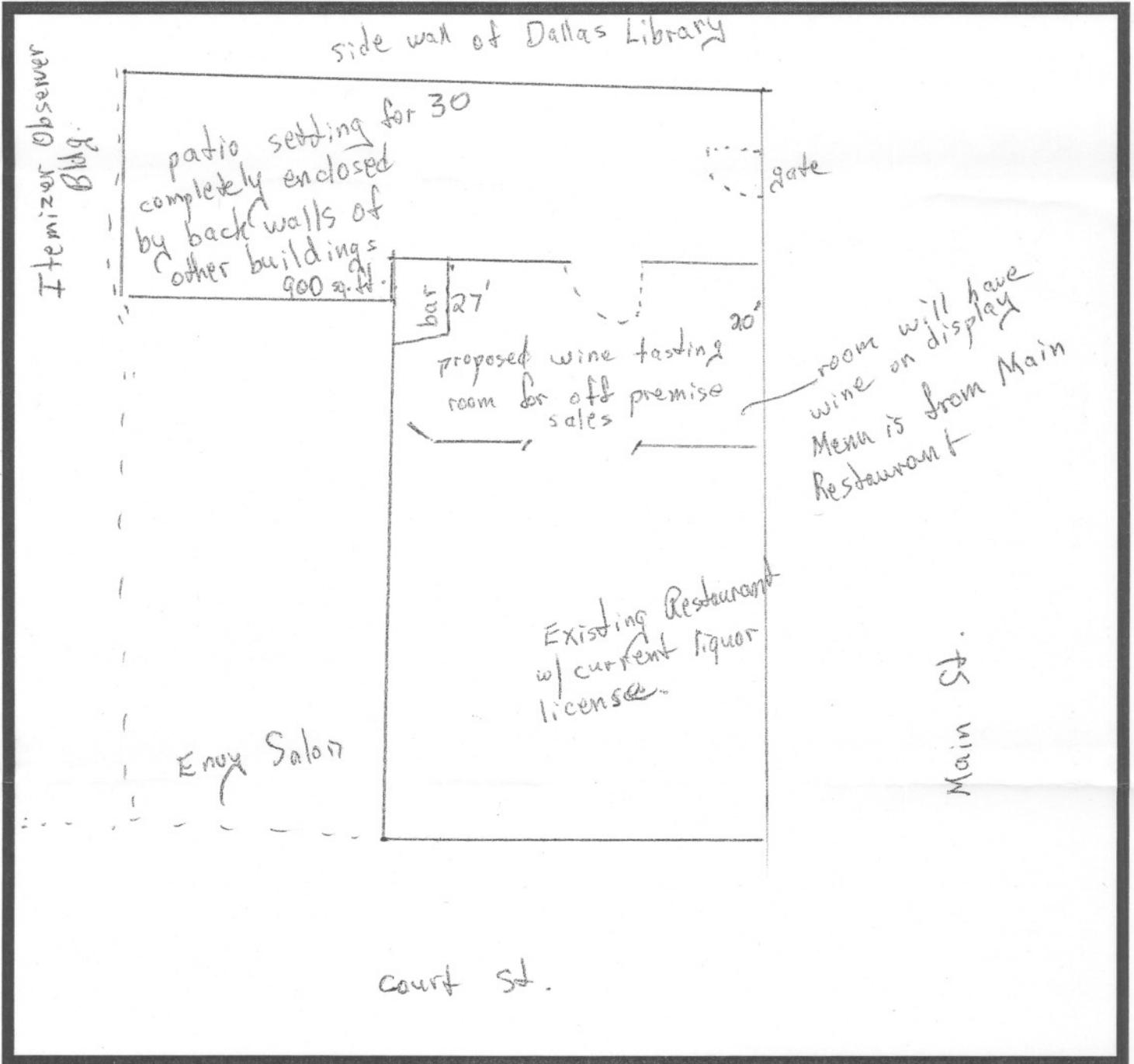
I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 7-30-11



# OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

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



Latitude Enterprises LLC  
Applicant Name

Latitude Point One  
Trade Name (dba):

Dallas 97338  
City and ZIP Code

.....OLCC USE ONLY.....  
MINOR POSTING ASSIGNMENT(S)

Date: \_\_\_\_\_ Initials: \_\_\_\_\_

# 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> Aquatic Center Rates Resolution
<b>Prepared By:</b> Jason Locke, Com Dev Director	<b>Meeting Date:</b> September 19, 2011	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED ACTION:** Based on the results of the promotional rates, staff is recommending adopting the single rate (See Resolution No. 3235 contained later in the agenda). This would be necessary so that the rates would be in place by October 1.

**BACKGROUND:** The promotional rates adopted by the City Council were implemented on April 1, 2011. They are slated to run through September 30, 2011, at which time the rate structure will revert back to the original rates. These promotional rates include a single rate for day use passes, coupon books, and annual memberships regardless of residency (city residents receive a 10% discount on annual memberships). The purpose was to determine whether the single rate would produce more attendance, and therefore increase revenue in order to close the gap between revenue and expenditures at the facility. The total revenue increase over the same months in 2010 (April-August) came to \$5,530 over the 5-month period, a modest gain. In particular, the months of June and July were below expectations, due in large part to the poor weather. There is a direct correlation between the weather and revenue /attendance at the Aquatic Center. Also, we were open on Sundays this year, but not in 2010.

Given economic conditions not significantly different from 2010, the new rates could be considered a minor success. It has encouraged more use of the Aquatic Center by both residents and non-residents. In addition, we have signed up approximately 50 new annual members who are not city residents and renewed 200+ memberships during the time the promotional rates have been in effect.

**COUNCIL OPTIONS:**

- 1) Adopt the single rate structure in Resolution # 3235, contained later in the agenda (*Recommended*).
- 2) Do nothing, in which case the rates revert to the pre-promotional dual rate structure.
- 3) Extend the promotional rates again to a date certain (*would require a new Resolution*).

**FISCAL IMPACT:** If the single rate structure is adopted, revenue could increase by \$10,000-\$25,000/year.

**ATTACHMENTS:**

- A) DAC Revenue Comparison
- B) DAC Membership and Daily Admission Comparison

## Attachment A

### AC 2010-2011 revenue comparison

#### February (pre-promo rates)

2010	\$25,038	
2011	\$24,603	Almost exactly the same

#### March (pre-promo rates)

2010	\$36,030	
2011	\$36,209	Almost exactly the same

#### April (promo rates in effect)

2010	\$25,408	
2011	\$32,037	+\$6629

#### May

2010	\$26,592	
2011	\$40,011	+\$13,419

#### June

2010	\$60,493	
2011	\$40,011	-\$20,482

#### July

2010	\$44,320	
2011	\$38,776	-\$5544

#### August

2010	\$38,039	
2011	\$49,547	+11,508

**TOTAL THROUGH August 31      +\$5530**

## ATTACHMENT B

### DAC membership counts- City residents and non residents 2011

Keep in mind each month some expire some renew

Apr-11

	New		Re New	
	Res	Non	Res	Non
Adult		1	2	
Senior	1	3	3	2
2 Person	2	8	2	3
Family		2		
Youth				
<b>total</b>	<b>3</b>	<b>14</b>	<b>7</b>	<b>5</b>

TOTAL

93
194
134
410
16
<b>29 847</b>

May-11

	New		Re New	
	Res	Non	Res	Non
Adult	1		4	1
Senior	1	4	5	2
2 Person		1	1	
Family	3	5		
Youth				
<b>total</b>	<b>5</b>	<b>10</b>	<b>10</b>	<b>3</b>

TOTAL

93
194
138
409
14
<b>28 848</b>

Jun-11

	New		Re New	
	Res	Non	Res	Non
Adult	1	2	4	2
Senior	4	2	14	8
2 Person	5	4	2	3
Family	4	2	1	1
Youth				
<b>total</b>	<b>14</b>	<b>10</b>	<b>21</b>	<b>14</b>

TOTAL

92
186
146
412
11
<b>59 847</b>

Jul-11

	New		Re New	
	Res	Non	Res	Non
Adult	3	1	3	2
Senior	2		7	4
2 Person	3	2	1	
Family		3	4	1
Youth		1	1	
<b>total</b>	<b>8</b>	<b>7</b>	<b>16</b>	<b>7</b>

TOTAL

100
189
138
388
14
<b>38 829</b>

Aug-11				
	New		Re New	
	Res	Non	Res	Non
Adult	4	0	4	2
Senior	3	4	12	3
2 Person	1	1	5	
Family	3	1	1	1
Youth	2		0	
total	13	6	22	6

TOTAL

98
187
136
375
13
47 809

### Membership count as of Sept 13, 2011

2 person	138
Adult	96
Family	395
Senior	192
Youth	14

**835**

### Passes Scanned

	2010		2011	
	Total	Individual *	Total	Individual *
March	3198	475	3534	562
April	2864	479	3828	565
May	3092	528	3268	546
June	2242	503	2586	540
July	2952	526	3213	552
August	2942	546	3534	547

\*Individual means unique member scans

### Daily Admissions

	2010*	2011
	number	number
March	2527	3084
April	1654	1916
May	1738	2151
June	2200	2265
July	3542	3359
August	3254	3079

\* Closed on Sundays

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No.</b> 8 c	<b>Topic:</b> Longboard Event
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> September 19, 2011	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Motion to authorize the City Manager to work with groups interested in holding a longboard event in Dallas. The request is to use City streets and have the City as a co-sponsor of the event.

BACKGROUND:

There will be a presentation from a representative with Polk County Commission for Children and Families about a proposed longboard event to be held in Dallas. A longboard event consists of either a race using paved streets, or a “slide” down a steep street. We anticipate 100 people at an event this fall and an event in the summer could be sponsored by a longboard shop and bring in over 300 people.

FISCAL IMPACT:

None

ATTACHMENTS:

None

RESOLUTION NO. 3235

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

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

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

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

Section 3. This Resolution shall be effective October 1, 2011.

Section 4. Upon the effective date of this resolution, all prior and conflicting Resolutions are hereby repealed.

Adopted: September 19, 2011  
Approved: September 19, 2011

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BRIAN W. DALTON, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

## EXHIBIT A

### DALLAS AQUATIC CENTER RATES

1) General Admission Day Use Pass

Adult (18-59)	\$5.00
Youth (under 18)	\$4.00
Senior (60 & over)	\$4.00
Family <sup>1</sup>	\$12.00

*\*\*Infants 3 and under wading pool use \$1.00*

2) Youth summer only Pass (June-August)

Youth (18 & under)	\$100.00
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3) 3-month Water Aerobics Pass (unlimited use)

All ages	\$75.00
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4) Annual Membership

(Includes all lap swims, recreation swims, and unlimited water aerobics, as well as a 20% discount all classes/lessons, 10% discount on room/facility rentals and swimsuits, 5 free passes per year for friends and family, and discounts on special events)

**(Residents receive 10% discount on annual pass)**

Adult (18-59)	\$250
Youth (under 18)	\$200
Senior (60 & over)	\$200
Two-person	\$375
Family <sup>1</sup>	\$450

5) 20 coupons (non-expiring)

Adult (18-59)	\$85.00
Youth (under 18)	\$60.00
Senior (60 & over)	\$60.00

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<sup>1</sup> "Family" means up to four persons related by blood, marriage or civil union who reside together in the same household. In the case of an annual pass, add \$60.00 for each additional family member.

6) Facility rental rates

Small room           \$30.00/hour  
Large Room           \$60.00/hour

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

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

\*Add \$75.00 for each additional hour.

ORDINANCE NO. 1741

An Ordinance amending Dallas City Code Section 5.020, relating to Unnecessary Noise; and repealing prior conflicting ordinances.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.020 is amended as follows:

5.020 Unnecessary Noise.

(1) No person shall create, assist in creating, permit, continue, or permit the continuance of any noise disturbance.

(2) As used in this section:

(a) "Noise disturbance" means any sound that: (i) Annoys or disturbs a reasonable person of normal sensitivities; or (ii) Injures or endangers the health or safety of a person.

(b) "Plainly audible" means the listener can clearly hear the sound produced by a sound source with unaided hearing faculties.

(3) The following acts are declared to be noise disturbances in violation of this section per se, if the sound produced thereby is plainly audible within or on the grounds or yard of any dwelling unit, church or other religious facility, business, day care center, hospital or school, other than the source of the sound. This subsection shall not be deemed to limit noise disturbances for the purposes of this section to those enumerated herein.

(a) Keeping a dog or other animal that causes frequent or continued noise.

(b) Operating any idling engine for more than 15 consecutive minutes between 10:00 p.m. and 7:00 a.m.

(c) Operating any mechanical device which is built in or attached to a motor vehicle, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers, for more than 30 minutes between the hours of 10:00 p.m. and 7:00 a.m.

(d) Operating domestic power tools or equipment used for home or building repair or maintenance and landscaping, including, but not limited to

powered hand tools, lawn mowers, garden equipment, blowers and snow removal equipment, during the hours of 10:00 p.m. to 7:00 a.m.

(e) Erecting, excavating, demolishing, altering, or repairing a building in a residential district between the hours of 10:00 p.m. and 7:00 a.m.

(f) Using or operating a musical instrument, radio, television, loudspeaker, or other similar sound producing equipment during the hours of 10:00 p.m. to 7:00 a.m.

(j) Repairing or testing any motor vehicle between 10:00 p.m. and 7:00 a.m.

(k) Using unmuffled engine brakes, commonly known as "Jake Brakes."

(4) Exemptions. The following sounds are exempted from the provisions of this Ordinance:

(a) Sounds made by work necessary to restore property to a safe condition following a natural or other disaster, or work required to protect persons or property from imminent exposure to danger.

(b) Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however, that burglar or fire alarms shall not operate continuously for more than 15 minutes.

(c) Sounds made by the Dallas Fire Department siren during use and testing.

(d) Sounds made by an emergency vehicle, as defined in ORS 801.260, when responding to or from an emergency or when in pursuit of an actual or suspected violator of the law.

(e) Sounds made by activities by or on direction of the City of Dallas in maintenance, construction, or repair of public improvements in public rights-of-way or easements.

(f) Sounds produced pursuant to a specific variance granted by the Oregon Environmental Quality Commission.

(g) Sounds produced by the audience, participants, and sound amplifying equipment at athletic or other public events on public property and

sponsored, sanctioned, or otherwise approved by the City or the Dallas School District 2.

(5) Any person who owns, controls, or operates any sound source which does not comply with a provision of this Ordinance may apply for a variance.

(6) An applicant for a variance shall submit in writing to the City Manager or the City Manager's designee an application that includes:

(a) The reason or reasons why the variance is requested;

(b) The physical characteristics of the sound involved;

(c) The times when the sound will be emitted;

(d) A site plan sketch that shows the area of sound generation and designates whether the uses in the area within 500 feet of the source of the sound are residential, commercial, or industrial, where the sound will not be generated by a mobile source that moves beyond the boundaries of one block;

(e) Any other information the City Manager or the City Manager's designee may reasonably require to allow consideration of the conditions set forth in this section.

(7) Where the sound will not be generated by a mobile source that moves beyond the boundaries of one block, the applicant for a variance shall provide written notification by mail or personal delivery to the occupants of all properties within 500 feet of the area of sound generation. Notice shall be provided at least ten (10) days before the event. Notice shall include a description of the proposed event and the phone number for the City Manager's office so that recipients may comment on the proposed variance. The notice shall state that any comments are due within three business days after the date of the notice. The applicant for a variance shall file with the City Manager or the City Manager's designee a list of the names and addresses of persons to whom notice under this subsection was given.

(8) The City Manager or City Manager's designee may grant a variance, after considering the written application for variance and any comments submitted by persons under subsection (7), when it appears that the following conditions exist:

(a) There are unnecessary or unreasonable hardships or practical difficulties that can be most effectively relieved by granting the variance; and

(b) That granting the application will not be unreasonably detrimental to the public welfare.

(9) The City Manager or City Manager's designee shall grant or deny a variance within five (5) days of receipt of a complete variance application, including proof of notice required under subsection (7).

(a) The City Manager or City Manager's designee may impose such limitations and conditions as deemed necessary or appropriate to protect the public safety and welfare. A violation of any such condition or limitation shall constitute a violation of this Ordinance.

(b) A decision to grant or deny a variance shall be in writing and shall state the reasons for such decision. The City Manager or City Manager's designee shall notify the applicant of the decision and shall make it available to any person who has submitted comments on the application.

(10) Violation of this section is a civil infraction, subject to a minimum bail amount of \$142, except as provided below:

(a) For a second or successive violation of this section within a six-month period the minimum bail amount shall be \$242.

(b) For a second or successive violation of this section within a three-month period the minimum bail amount shall be \$427.

Section 2. All prior and conflicting ordinances are hereby repealed as of the effective date of this ordinance.

Read for the first time: September 6, 2011  
Read for the second time: September 19, 2011  
Passed by the City Council: September 19, 2011  
Approved by the Mayor: September 19, 2011

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BRIAN W. DALTON, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER