



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 Services Director
Robert Spivey

Community Development/
Operations Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Bill Hahn

Police Chief
John Teague

Director of Engineering
Fred Braun

City Recorder
Emily Gagner

Dallas City Council Agenda

Monday, October 3, 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 p. 3	
b. Approval of September 19, 2011, City Council Minutes p. 6	
c. Acknowledge report of the September 26, 2011, Administrative Committee Meeting (no action items) p. 12	
d. Acknowledge report of the September 26, 2011, Building & Grounds Committee Meeting (no action items) p. 35	
e. Recommend approval of OLCC License for new outlet at Aces Up Poker Club, Inc., 147 SW Court Street p. 46	
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
8. REPORTS FROM CITY MANAGER AND STAFF	

Dallas City Council Agenda

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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.

a. Other

9. RESOLUTIONS

10. FIRST READING OF ORDINANCE

11. SECOND READING OF ORDINANCE

12. OTHER BUSINESS

13. ADJOURNMENT

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The Dallas City Council met in regular session on Tuesday, September 6, 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, Councilor Murray Stewart, and Councilor LaVonne Wilson. Excused: Councilor Kevin Marshall and Councilor Ken Woods, Jr.

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

Mayor Brian Dalton led the Pledge of Allegiance.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

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

PUBLIC HEARINGS

There were none.

CONSENT AGENDA

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

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

ITEMS REMOVED FROM CONSENT AGENDA

There were none.

REPORTS OR COMMENTS FROM COUNCIL

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 a half a percent loan rate, and never thought the City would beat that. She
14 noted since interest rates were currently so low and the bonds were getting shorter until their
15 maturity, the estimates show the City would be replacing that debt with a rate of 2.9%, or about
16 \$390,000 in savings. She added that would be an annual savings of \$50 to \$60 thousand for the
17 sewer fund. Ms. Nguyen reviewed the process for the refinancing and reported she anticipated
18 selling the bonds at the end 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. Councilor McDonald stated bundling the loans into one was fiscally
28 responsible. He asked if the spread between the interest rate and the APR would be less than an
29 eighth of a percent. Ms. Nguyen stated that in the bond world, they state it differently. She
30 indicated her estimate of the anticipated interest rate was around 2.47%. She noted that by the
31 time the cost of the underwriters was added it would be around 2.7%. She explained some banks
32 offer lower interest rates and charge more for the salesmen's compensation, while some do the
33 reverse, noting from the City's standpoint they didn't really care. Councilor McDonald noted
34 that three-tenths of a percent point was not a lot with a rate under 3%. Ms. Nguyen explained that
35 when all the other costs were added, her conservative estimate would be that the final cost would
36 be around 2.86%, adding she was hopeful the City could achieve higher savings than anticipated.

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

39 **AWARD CONTRACT FOR 2011 KINGSBOROUGH PARK IMPROVEMENT PROJECT**

40 Mr. Wyatt reviewed the staff report.

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

44 **OTHER**

45 **RESOLUTIONS**

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

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

4 A roll call vote was taken and Mayor Dalton declared Resolution No. 3234 to have PASSED BY
5 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild,
6 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Murray
7 Stewart, and Councilor LaVonne Wilson voting YES.

8 **FIRST READING OF ORDINANCE**

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

11 Mayor Dalton reviewed the staff report.

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

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

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

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

24 **SECOND READING OF ORDINANCE**

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

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

32 **OTHER BUSINESS**

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

34 Read and approved this _____ day of _____ 2011.

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36 _____
37 Mayor

38 ATTEST:
39 _____
40 City Manager

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The Dallas City Council met in regular session on Monday, September 19, 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, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Administrative Services Director Robert Spivey, Community Development/Operations Director Jason Locke, Sports Coordination Specialist David Brautigam, and Recording Secretary Emily Gagner.

Mayor Brian Dalton led the Pledge of Allegiance.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

Jim Brown stated he was in support of agenda item 8a to maintain a single rate for all pool users. He indicated he had been watching since the single rate went into effect and attendance was much better than it used to be. Mr. Brown reported the pool recently held a barbecue for members only and there were a lot of people there and everyone enjoyed a pleasant evening. Mr. Brown asked if the City had plans to deal with the minimum wage increase to \$8.80 that would go into effect on January 1.

Rob Marshall of Independence stated he supported keeping rates the same for residents and non-residents. He noted his mom, also a resident of Independence, recently purchased an annual membership to the pool to help with her physical fitness. He explained she couldn't afford a membership prior to the change in rates. He indicated the single rate system helped not only the Dallas community, but surrounding communities, something he noted would look better for the City.

William Myers indicated he was a retired disabled veteran that lived just outside city limits on James Howe Road. He advised that going to the pool and exercising there has made it possible for him to improve his heart function from 50% to 75%. He stated he supported the Council keeping a single rate system for the pool.

Roger Fletcher reported that he had been swimming at the Dallas Aquatic Center since the day it opened. He commented that the Dallas Aquatic Center was a treasure pearl for the community and the greater Dallas area. He noted he had been paying more for use of the pool, which was fair since he lived outside of the city limits and didn't pay city taxes. He added the pricing difference needed to be defensible, clearly articulated, and understood by both residents and nonresidents. Mr. Fletcher stated the rates should be affordable to the rank and file. He shared that when he first started swimming, he would have the entire lap pool to himself, but what has come to pass recently is that the pool is getting greater use and serving a benefit to the community.

Sheila Myers stated she lived just outside the city limits and noted she was a volunteer aerobics instructor at the pool in the mornings. She reported that her class consisted of mostly retired people on limited retirement income and thought that about half of the participants were from out of town. She explained that she noticed a big jump in class attendance when the rates went down, and saw many at the recent member barbecue, so they must be members. She stated the pool would lose a lot of those members if the rates went back up.

Connie Long indicated she lived on Mistletoe Road outside of city limits. She stated she moved from West Salem and got started swimming then, although she couldn't afford to swim very often when she first started. Ms. Long reported that when the rates were changed, she got an annual membership and hoped the Council would keep the one rate system so everyone could afford to go.

Marjorie Kirkland stated she also lived on Mistletoe and that she and four other ladies in that area used the pool regularly. She reported that Ms. Myers morning class had more than doubled in size since the rate had gone down. She shared that water aerobics was an activity even her sister-in-law could participate in, despite her many illnesses. She expressed her hope that the Council maintain the single rate so everyone could use the pool.

1 Nancy Rogers indicated her understanding that the Council was in the process of setting goals.
2 She stated that if they didn't have a process in place, she wondered if the Council could have
3 town hall meetings or forums to get resident feedback on what they thought should be the goals
4 for their town. She noted several other cities did that. Mayor Dalton explained the goal setting
5 sessions were always open to the public, and noted public outreach was being discussed as part of
6 the goals.

7 **PUBLIC HEARINGS**

8 There were none.

9 **CONSENT AGENDA**

10 Councilor McDonald asked to remove the September 6, 2011, minutes from the consent agenda.

11 It was moved by Councilor Marshall and seconded by Councilor Wilson to approve the Consent
12 Agenda as presented with the minutes removed. The motion carried unanimously.

13 Item approved by the Consent Agenda: b) recommend approval of OLCC License for off-
14 premises sales at L'Attitude Point One, 904 Main Street.

15 **ITEMS REMOVED FROM CONSENT AGENDA**

16 Councilor McDonald asked that the discussion about the difference between the advertised rate
17 for the bond issue and the annual percentage rate be included in the minutes because it was
18 pertinent to the actual cost of the loan. The recording secretary indicated she would listen to the
19 recording from the September 6 meeting and add the requested information.

20 **REPORTS OR COMMENTS FROM COUNCIL**

21 **REPORTS FROM CITY MANAGER AND STAFF**

22 **DALLAS AQUATIC CENTER PROMOTIONAL RATES**

23 Mr. Locke reviewed the staff report, noting they were five and a half months into what was
24 originally a three-month promotional rate. He explained the numbers weren't as good as he had
25 hoped partly because of the lousy weather we experienced in June and most of July. He noted
26 he'd heard from members that the new rate was the spur that allowed them to participate in
27 activities on a regular basis. He added coupon book sales were not included in the totals in the
28 Council packet, but those had increased significantly. Mr. Locke recommended the Council
29 adopt the single rate structure because it was successful from an accessibility and a revenue
30 perspective. He reported that many other municipally owned pools had gone to a single rate, but
31 those rates went up in a lot of instances. He noted residents still got a discount on annual
32 membership purchases. Mr. Locke explained the single rate has helped continue to close the gap
33 between revenues and expenditures at the pool and has set the table for more revenue to come in
34 when the economic conditions improved. He noted a lot of pools in Oregon were struggling, but
35 the Dallas Aquatic Center was not; in fact he had managed to reduce expenditures while
36 increasing service. Mr. Locke urged the Councilors to go to the pool and talk to people, adding
37 they would hear many of the same types of stories they had heard earlier in the meeting.

38 Councilor Marshall asked what the cost to the City was to give a 10% discount to residents. Mr.
39 Locke said it would be about \$15,000, though it wasn't a cost; just revenue the City didn't
40 receive. Councilor Marshall asked about bumping the resident discount to 15%. Mr. Locke
41 stated it wouldn't impact the revenue a significant amount, maybe \$5,000 to \$7,000 more. He
42 reminded the Council the rates at the Dallas Aquatic Center were reduced across the board in
43 2008.

44 Councilor Stewart asked how long the pool had been open on Sundays. Mr. Locke stated since
45 June. Mr. Stewart asked how the Sunday revenues compared to the expenditure of having the
46 pool open on Sunday. Mr. Locke stated the break-even point each Sunday was \$400, and they
47 have consistently been above that level, sometimes even double or triple that.

48 Councilor McDonald stated he appreciated the work staff had done, noting attendance was
49 dramatically higher than it had been. He requested staff put figures provided into a graph so they
50 could be compared side-by-side so it would be easier to take in at a glance. Councilor McDonald

1 indicated he knew how much attendance had increased, knew there had been cost savings to
2 members, and it was difficult to factor in the economy as a whole. With that in mind, he stated he
3 was not in favor of raising the rates to where they were. He advised he would like to continue the
4 study for an entire year, at which time the Council could look at a side-by-side comparison.
5 Councilor McDonald noted what Mr. Locke had been doing at the Dallas Aquatic Center had a
6 positive effect monetarily for the City and surrounding communities. He requested the final
7 report also contain notations of things such as weather conditions and when promotions occurred.

8 Council President Scroggin stated he swam at the pool three days per week with his wife. He
9 indicated his support of maintaining the single rate. He noted the old rate system missed those
10 who lived on the periphery of Dallas. He commented that those members who are coming to the
11 Dallas Aquatic Center from other towns drive here, and maybe fill their car up at one of the
12 Dallas gas stations, or perhaps stop at a store while here. He stated there were other things to
13 consider than just the Dallas Aquatic Center. He noted the water was there regardless, so getting
14 more people there just made sense.

15 Councilor Fairchild echoed Council President Scroggin's sentiments. He indicated a one-year
16 graph would be a good thing, but urged the Council to make a decision, noting they would have
17 the right to change it at any time. He indicated his support of adopting the single rate for the
18 many reasons stated.

19 Councilor Stewart commented that the Councilors had the same discussion three months ago and
20 agreed with Councilor Fairchild that it was time for a decision.

21 Councilor Lawson stated she was not opposed to a single rate. She indicated if the biggest impact
22 of the single rate was for seniors, perhaps they could offer the single rate for seniors only. She
23 commented that if the promotional rate only gained \$5,500 over 6 months, what about the costs of
24 increased attendance in chemicals and staff needs. Mr. Locke explained costs were level with the
25 increased attendance, and in fact expenditures were still declining.

26 Councilor McDonald commented that Mr. Locke had done a fabulous job putting a lot of thought
27 into how to promote the pool and increase membership. He indicated he supported extending the
28 single rate for 6 more months and if it worked out better, that was great. He noted if it didn't
29 work out, the City would be in the same place as it was now.

30 DALLAS RECREATION

31 Mr. Brautigam stated he wanted to clarify some things that were discussed at the last Council
32 meeting. He indicated he had been working for the past year with the School Superintendent and
33 High School Athletic Director and coaches to get each sport, including recreation and competitive
34 sports, under one cohesive organization.

35 Mr. Brautigam indicated that contrary to what was said at the last meeting about Kids, Inc. not
36 being involved in the Pop Warner decision, he had two meetings with the High School Athletic
37 Director, High School Football Coach, a majority of the youth coaches, and the Kids, Inc. Board
38 before the decision was made.

39 Mr. Brautigam reported that Mr. Floyd asked at the last meeting what was wrong with the old
40 sports system. He indicated that the goal was to get a cohesive sports system and the old system
41 had a lot that worked against that. He noted there would sometimes be two organizations running
42 the same sport with two different sets of expectations and the kids would get caught in that
43 transition.

44 Mr. Brautigam explained that it was mentioned at the previous Council meeting that the switch to
45 Dallas Basketball Association (DBA) and Pop Warner were only competitive leagues and not
46 built for rec programs. He stated that Pop Warner had a minimum play requirement that stated
47 each player had to play a minimum of 14 plays per game. He explained that with DBA, there
48 would be a rec program for all the kids in Dallas and also a competitive side for those kids to
49 excel.

50 Mr. Brautigam reported that he had a meeting recently with Kids, Inc. and DBA in which a Kids,
51 Inc. representative said he couldn't care less about High School sports. He expressed his concern

1 with that comment, noting the focus needed to be on getting our kids ready for High School
2 sports. He discussed the Mat Club, which was a k-12 system and as cohesive as it gets. He stated
3 every level had the same expectation and work ethic and it was a model to strive for in all the
4 other youth programs.

5 Mr. Brautigam acknowledged that there was a transition period, noting nobody liked change. He
6 stated people needed to look at the system in general and ask if it was currently working.

7 Mr. Brautigam commented that he talked at length with the high school coaches. He stated the
8 current sports programs were preparing kids to be the best in Dallas, but were not preparing them
9 to win a state or conference championship. He added building cohesive programs with the same
10 expectations would hopefully be a step in the right direction.

11 Councilor Fairchild advised that the changes may or may not be good. He indicated he would
12 like to see statistics brought to the Council so they knew where the sports programs were. He
13 recommended including items such as the number of participants this year versus last year, the
14 number of games played, the costs, and perhaps responses to a survey. He noted then the Council
15 would have something valid on which to make a judgment.

16 Councilor McDonald stated he wasn't concerned about who provided the activities but was
17 interested in feedback from the parents and children involved. He noted if there were a number of
18 complaints that the new system was not good or was excluding kids that would need to be
19 considered. He indicated his main concern was that all children had the opportunity to participate
20 and the parents were satisfied, adding numbers and costs were great to have, but he wanted to
21 know the results for the kids.

22 Councilor Jones indicated the problem with statistics after one year was that programs were long-
23 term so the statistics might not immediately show all the benefits of a new program. She added
24 that, for instance, the costs for Pop Warner might look more expensive compared to Kids, Inc.,
25 but the first year might not tell a lot. Mr. Brautigam acknowledged that it took time to make
26 transitions and that needed to be understood.

27 Councilor Woods commented that Silverton and Dallas were similar in size, noting three years
28 ago Silverton dropped middle school football and went to Pop Warner. He reported they now
29 have too many freshmen football players. He stated he didn't know if that was a fluke or if
30 perhaps more people were interested in football because of Pop Warner. He indicated that if it
31 stimulated more turnout, that was great. He added Dallas football almost didn't have enough
32 players for a JV team and they were struggling.

33 Councilor Stewart stated anything that Dallas could use to gain an advantage in sports was a good
34 thing, noting Dallas was already at a disadvantage. He added any positive things to improve
35 sports and make them more cohesive were a positive step forward.

36 Council President Scroggin asked if the City made any commitment to any programs. Mr.
37 Brautigam stated there was no commitment, adding they would look at the pros and cons after a
38 year and make a decision then.

39 LONGBOARD EVENT

40 Mr. Wyatt reported the City had been working to use recreation as an economic tool, noting he
41 was also trying to recruit Longboard Larry from Independence. He pointed out there were many
42 kids who in Dallas who longboard and a group of them was interested in having an event in
43 Dallas. He added the kids he knows that longboard are very respectful and have a code of
44 conduct among them. He asked for the Council to allow him to work with an interest group to
45 have a longboard event this fall and a larger one next summer. He indicated Nicole, who works
46 for the county, approached him asking for a partnership between the City and County to facilitate
47 this event.

48 Nicole Walker Sundby stated she was the Prevention Coordinator for Polk County and it was her
49 job to look for positive youth activities. She noted she was recently involved in putting together a
50 youth activities survey to help find alternative activities for area youth that didn't involve
51 drinking or drugs. She stated at her Summerfest booth, a lot of respondents on the survey were

1 longboarders and they had indicated they wanted to showcase their skills at an event.

2 Tristan Wheeler explained longboarders have push races and slide jams. He reported a slide race
3 goes up and down hills and can be as short as one or two miles long. He indicated slide
4 competitions are on shorter hills and the participants show off their skills and are judged on
5 different things.

6 Ms. Walker Sundby stated she was looking at having the initial race small and more for local
7 kids. She indicated in the future there could be much larger events, as there are few events held
8 locally. She noted the economic development piece could grow with larger events.

9 David Mitchell stated he worked for Longboard Larry and he and Tristan had both done a lot of
10 competitions, adding the sport was really starting to grow. He indicated he wanted to be
11 educational, noting there was a certain amount of stereotyping of skateboarders because of some
12 who were rebellious. He said many longboarders were different and trying to promote a healthy
13 activity and represent themselves well. He indicated longboard events could have large financial
14 benefits. He discussed a recent event in Washington that involved five events. He noted there
15 were signs throughout the town that welcomed the longboarders, and the event brought people
16 from as far away as California and Canada.

17 Councilor McDonald asked if participants were required to wear safety gear. Mr. Mitchell
18 indicated they always wore helmets, noting safety was the number one rule.

19 Council President Scroggin asked about release requirements. Mr. Shetterly stated the City would
20 require participants to sign a release, adding the City was covered under its liability insurance.

21 Several Councilors indicated their full support of the idea. Mr. Wyatt explained the response to
22 this has been overwhelmingly positive from everyone he's talked to.

23 It was moved by Councilor Lawson and seconded by Council President Scroggin to authorize the
24 City Manager to work with groups interested in holding a longboard event in Dallas. The motion
25 carried unanimously.

26 ECONOMIC DEVELOPMENT UPDATE

27 Mr. Wyatt discussed economic activity throughout the community and surrounding area. He
28 acknowledged residential single family applications were down, but the City was fortunate to
29 have an increase in commercial activity to offset that.

30 OTHER

31 RESOLUTIONS

32 **Resolution No. 3235:** A Resolution establishing a schedule of rates and fees to be paid by person
33 using the Dallas Aquatic Center, and repealing Resolution No. 3152.

34 It was moved by Councilor Fairchild and duly seconded to adopt Resolution No. 3235.

35 Councilor McDonald stated he would like to see more time given on the single rates, noting he
36 didn't see any benefit to adopting the rates at the present time. He indicated the Council should
37 let a full year go by and let Mr. Locke build some graphs to give a true indication of the benefits.

38 Councilor Stewart recommended adopting the resolution as stated and the Council could perform
39 a review in March.

40 Councilor Lawson asked what the difference in rates was for only seniors. Mr. Locke stated the
41 nonresident senior rate was \$240 per year and under the proposed single-rate system, that would
42 be \$200. He indicated for residents it would go from \$175 to \$180. Councilor Lawson stated she
43 wasn't comfortable having the rates go up for local seniors. Councilor Marshall recommended
44 increasing the resident discount to 15%, which would more than offset the increase. He stated he
45 wasn't opposed to one rate structure, but 10% wasn't an adequate discount for residents.

46 Mr. Shetterly pointed out that if the Council didn't take any action, the rates would revert to the

1 old structure. He explained that resolutions were always temporary and could always be brought
2 back at a later date.

3 It was moved by Councilor Lawson to amend the motion to extend the rate for another two month
4 trial to work out more details. The motion died for lack of a second. It was moved by Councilor
5 Marshall to amend the motion to increase the resident discount to 15%. The motion died for lack
6 of a second.

7 It was moved by Council President Scroggin and seconded by Councilor Lawson to amend the
8 motion by extending the single rate system only until April 1, 2012. The amendment carried by a
9 unanimous vote. Mr. Shetterly clarified that the updated resolution would be effective October 1,
10 2011, and the rates would end on April 1, 2012, unless extended by an action of the Council.

11 A roll call vote was taken and Mayor Dalton declared Resolution No. 3235 extending the single
12 rate system for the Dallas Aquatic Center through March 31, 2012, to have PASSED BY A
13 UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor
14 Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Kevin Marshall,
15 Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting
16 YES.

17 **FIRST READING OF ORDINANCE**

18 **SECOND READING OF ORDINANCE**

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

21 Mayor Dalton declared Ordinance No. 1741 to have passed its second reading. A roll call vote
22 was taken and Mayor Dalton declared Ordinance No. 1741 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 Kevin Marshall,
25 Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting
26 YES.

27 **OTHER BUSINESS**

28 Councilor McDonald requested the agendas be emailed to the Councilors a week in advance. Mr.
29 Wyatt indicated that would only be possible if the Council went to one Council meeting per
30 month.

31 There being no further business, the meeting adjourned at 8:30 p.m.

32 Read and approved this _____ day of _____ 2011.

33

34

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37

38

ATTEST:

City Manager

Mayor

Members Present: Chair LaVonne Wilson, Beth Jones, Jackie Lawson, and Murray Stewart. Unexcused: Wes Scroggin.

Also Present: City Manager Jerry Wyatt, Mayor Brian Dalton, City Attorney Lane Shetterly, Administrative Services Manager Robert Spivey, Finance Director Cecilia Ward, Community Development/Operations Director Jason Locke, and Recording Secretary Emily Gagner.

Chair Wilson called the meeting to order at 4:34 p.m.

Administrative Services Director's Report

Mr. Spivey reported there had been ten new hires recently, mostly at the Dallas Aquatic Center. He noted the Dog Control/Parking Enforcement Officer recently left so he was in the process of hiring for that and the Lead Librarian position. He indicated those positions would likely be filled by October 24. In response to a question, Mr. Spivey stated the Police Chief and he would most likely interview the dog control candidates, while the Lead Librarian candidates would be interviewed by a panel including representatives from the Library staff, the Library Board, the Friends of the Library, and a Library Director from another city. He explained there were so many interested or vested stakeholders in the Library that it was important to get that input.

Mr. Spivey indicated work on the Rickreall Creek Trail System through the City Park was nearly complete, noting people could now walk from Main Street to the Arboretum on the trail. He recommended the Committee members walk that section of trail because it was very beautiful. He noted Phase I of the Kingsborough Park Improvements was going very well and should be completed by the end of October.

Mr. Spivey explained the Library recently acquired a donated drive-up book drop that would allow patrons to drop books off from their vehicles on Main Street. He noted it should be installed soon.

Finance Director's Report

Ms. Ward reported the auditors had been in the first part of September to perform their audit for the final numbers and everything went smoothly. She indicated the auditors and she were now working on the CAFR documents and they should be completed in October. She noted the sewer bond refinancing bids would be opened on Thursday and she anticipated they would be better than originally anticipated.

Vacant Commercial Building Ordinance

Mr. Locke stated the idea of a vacant building ordinance was originally brought to the Committee in March, 2010, adding the current report didn't contain anything new. He noted it had recently come up in different forums as something that was important for the City. He indicated some jurisdictions dealt with long term commercial vacancies primarily because long-term vacant space, especially in the downtown, was detrimental to the rest of the downtown, adding it created an additional burden on City staff because of things such as break-ins and graffiti issues. Mr. Locke indicated it would provide a process by which the City could deal with buildings like the Blue Garden, where the building was currently secure and not a danger to the public but was just sitting vacant. He explained as long as the building owner maintained the safety of the building, there was nothing else the City could do. He noted some jurisdictions had adopted vacant building ordinances that required a fee of some sort, some pretty steep, with the idea that vacant buildings were so detrimental to the life of a downtown that they needed to look at imposing a fee.

1 Mr. Locke added some cities were doing vacant building ordinances for both commercial and residential
2 buildings, but he was not advocating going into residential areas; rather he wanted to focus on the down-
3 town. Councilor Wilson expressed her concern about just addressing the downtown and asked if the in-
4 dustrial areas could be included as well. Mr. Locke explained the ordinance could define what buildings
5 were affected, noting the industrial buildings by class were considered commercial buildings.

6 Mr. Locke stated what some communities had done was a building maintenance code which would ensure
7 buildings, either residential or commercial, were maintained to a certain standard, noting Monmouth re-
8 cently adopted such an ordinance. He indicated the same people who publish the building code also had a
9 maintenance code. Mr. Locke also discussed the possibility of having a vacant building registration,
10 where if a building was vacant for more than six months, the owner must fill out a registration form in-
11 cluding contact information and pay a minimal registration fee. Mr. Locke explained the building main-
12 tenance code would circumvent having to go through the process of declaring a dangerous building. In
13 response to a question, Mr. Locke acknowledged it could be complicated and extremely politically sensi-
14 tive.

15 Councilor Stewart indicated he liked the idea of this because of the current state of the downtown, noting
16 this idea would prod the owners to sell the vacant properties. He added that would energize everyone to
17 take pride of ownership and give them a vested interest.

18 Councilor Lawson declared she didn't like it because it infringed on property rights. She stated the City
19 already had a lot of maintenance codes on the books and encouraged the City to continue to go that direc-
20 tion. She indicated if someone owned a building and wanted to keep it empty, the City shouldn't impose
21 fines because of that.

22 Mr. Locke clarified that the City didn't currently have a maintenance code. Councilor Lawson stated that
23 would be a good place to start.

24 Councilor Wilson expressed her support of starting with a maintenance code but also having a vacant
25 building registration in place. Mr. Locke noted there may be a registry in place in another City depart-
26 ment and he would look further into that.

27 Councilor Wilson encouraged Mr. Locke to hold discussions with the Urban Renewal Advisory Commit-
28 tee and realtors about this topic. Mr. Locke explained a lot of the push to revisit this came from those
29 groups. Mr. Wyatt added those groups are asking why the City didn't do more.

30 There was more discussion about ways to reach the building owners to encourage maintenance as well as
31 surveying business owners about their thoughts for the downtown.

32 The consensus of the Committee was to have staff draft a version of the components discussed, and hold
33 meetings with small groups of interested parties to gather their opinions. Once more information was ga-
34 thered, staff was directed to bring the information back to the Administrative Committee.

35 **Other**

36 There was no other business and the meeting was adjourned at 5:10 p.m.

MEETING AGENDA

ADMINISTRATIVE COMMITTEE

Monday, September 26, 2011

4:00 p.m.

LaVonne Wilson, Chair

Beth Jones

Jackie Lawson

Wes Scroggin

Murray Stewart

1. Vacant Commercial Building Ordinance
2. Administrative Services Manager's report
3. Finance Director's report
4. Other
5. Adjourn



Community Development Department

Memo

To: Admin Subcommittee
From: Jason Locke, Community Development Director 
Date: September 19, 2011
Re: Vacant Commercial Building Ordinance

Staff was directed to prepare information on a possible Vacant Commercial Building Ordinance. In doing the research, there appears to be some different approaches taken by cities, one of which involves the creation of a registration for vacant street-level storefronts and payment of an annual registration fee based on the amount of time the building has been vacant. This is a fairly straightforward approach.

Another approach has been taken in Astoria, who recently adopted an ordinance that requires that fees be paid for vacant buildings after 5 years as a way to encourage the use of those buildings for their intended purpose and to prevent blight and neighborhood degradation. (In Astoria, they have also adopted a building maintenance code)

In addition, another component that may be considered is building maintenance codes, which have been adopted by many cities in different forms. Dallas currently does not have a building maintenance code.

Attached are some examples of the various approaches mentioned above for the committee to review.

If the subcommittee wants to proceed, staff would advise addressing these questions:

- 1) What is the problem we are trying to address? Maintenance or vacancy, commercial, industrial, or residential
- 2) Is a Vacant Building Ordinance/registration the way to address it?
- 3) Are there other ways to address the problem?
- 4) Is there community support?

ORDINANCE NO. 3127-09



An Ordinance Regulating Exterior Building Maintenance and Street-Level Vacant Commercial Space in the Central Business District, Adding a New Chapter to Title 16 of the Everett Municipal Code.

WHEREAS, the City Council of the City of Everett finds that the Central Business District (the "CBD") is an important center of retail commerce and that economic development should be encouraged in the CBD; and

WHEREAS, it is the purpose of this Ordinance to encourage commercial activity, including redeveloping rundown or unused property, promote a safe and vibrant streetscape, and protect the value of properties and businesses in the CBD; and

WHEREAS, poorly maintained buildings create the appearance of neglect, suggest that enforcement of codes and regulations is lax or non-existent, and foster blight and criminal activity, jeopardizing the health, safety and welfare of Everett's citizens; and

WHEREAS, street-level commercial space left vacant for long periods of time can diminish the value of neighboring properties and adversely affect nearby businesses and the character and vitality of the CBD and, if poorly maintained or not in a rentable condition, can become a cause of blight; and

WHEREAS, vacant commercial space causing blight in the CBD can attract nuisance and criminal activity that is a threat to the public health, safety and welfare; and

WHEREAS, these conditions discourage the development of retail commerce in the CBD; and

WHEREAS, well-maintained buildings suggest actively enforced codes and regulations and contribute to an environment that discourages criminal activity and protects property values; and

WHEREAS, it is the intent of the City Council that this Ordinance applies retroactively to commercial space that has been vacant for the 90 days preceding September 1, 2009, the effective date of this Ordinance;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Scope

The provisions of this Ordinance apply to all structures in the Central Business District (B-3 zone), unless otherwise stated. All Responsible Persons (as defined in Section 3) shall comply with the requirements of this Ordinance.

Section 2. Administration

This Ordinance will be administered by the Building Official, who may adopt administrative rules and regulations consistent with its terms. The Building Official (and his designee), or Code Enforcement Officers, or both are authorized to enforce this Ordinance.

Section 3. Definitions

For the purposes of this Ordinance:

"City" means the City of Everett, its officers, employees, and agents.

"Central Business District" means the B-3 zone in the City of Everett as defined by the Everett Zoning Code, Everett Municipal Code Title 19.

"Commercial Space" means any portion of a structure in the Central Business District that is not intended for residential use.

"Occupied": A Commercial Space is considered occupied if a permitted, non-residential use is physically located and lawfully operating in the space for at least six consecutive months.

"Responsible Person" means any person, firm, association, corporation or any agent thereof, owning, leasing, renting or having lawful possession of a structure in the Central Business District.

"Vacant Commercial Space" means any portion of a street-level Commercial Space that, on or after September 1, 2009, is not occupied and has not been occupied during the preceding 90 days.

Section 4. General Minimum Maintenance Requirements

All Responsible Persons shall perform the following with respect to each structure they own, lease, rent or lawfully possess:

- A. Maintain all exterior surfaces, including but not limited to, doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, in good condition.

- B. Protect exterior wood surfaces, other than decay-resistant woods, from the elements and decay with paint or other protective covering or treatment. If protection of the surface is compromised, restore adequate protection within a reasonable time; for example, remove peeling, flaking or chipped paint and repaint the compromised surface.
- C. Cause all siding and masonry joints and joints between the building envelope and the perimeter of windows, doors, and skylights to be weather resistant and water tight.
- D. Coat all metal surfaces subject to rust or corrosion, except those designed to be stabilized by oxidation, to inhibit rust and corrosion, after first stabilizing any existing rust and corrosion. Remove oxidation stains from exterior surfaces.
- E. Maintain all exterior walls free from moss, algae, dirt, grime, holes, breaks, and loose or decaying materials. Weatherproof and properly coat the surface of all exterior walls when required to prevent deterioration.
- F. Maintain the roof and flashing of all structures so that they are sound, tight, free of moss, algae or defects that admit rain, attract pests or create a public nuisance. Maintain adequate roof drainage to prevent dampness and deterioration in the walls and inside the structure. Maintain roof drains, gutters, and downspouts in good repair and free from obstructions.

Section 5. Vacant commercial space registration

- A. At least one Responsible Person for each Vacant Commercial Space must register that space with the City within 10 calendar days of the date the space becomes "Vacant Commercial Space" as that term is defined in Section 3, unless:
 - 1. The space is the subject of a current, valid building permit for repair or rehabilitation and the responsible person provides proof, such as receipts, invoices or executed contracts, that the repair or rehabilitation is proceeding without significant delay; or
 - 2. The space meets all applicable codes and regulations that apply to a permitted non-residential use, and the responsible person is actively attempting to sell, lease, or rent the property (which is evidenced, in part, by appropriate signage); or
 - 3. The property the Commercial Space is located on is the subject of a land use application for redevelopment for which approval has been granted, but building permits have yet to be issued.

- B. A space will be considered to be registered on the date the City receives, on a form provided by the Building Official and properly completed and signed by a Responsible Person, the following information:
1. The street address and parcel number of the Vacant Commercial Space;
 2. The name, address, and daytime and evening telephone numbers of each Responsible Person for the Vacant Commercial Space, including any owner or tenant;
 3. The period of time the Vacant Commercial Space is expected to remain vacant;
 4. Any other information requested by the Building Official for the administration of this chapter.
- C. For every registered Vacant Commercial Space, a Responsible Person must record a notice that the space is registered with the City as a Vacant Commercial Space with the Snohomish County auditor. The notice must be approved by the Building Official, and a copy of the recorded notice must be received by the City no later than 30 days from the date the space is registered.
- D. A Responsible Person must post the following notice inside every Vacant Commercial Space so as to be clearly visible to all potential tenants, lessees, renters or buyers upon entering the space but not visible from outside the space:

This Vacant Commercial Space is registered
with the City of Everett

This Vacant Commercial Space may not meet
all applicable codes and regulations, which
may include codes and regulations required to
occupy the space for a permitted use in the
Central Business District.

The Vacant Commercial Space was registered
on [date]

- E. A Responsible Person must renew the registration of each Vacant Commercial Space on or before January 1 of each year that the space remains vacant. A Responsible Person must submit the renewal application to the City on forms provided by the Building Official.
- F. Upon satisfactory proof to the Building Official that the Vacant Commercial Space is occupied as defined in Section 3, the Vacant Commercial Space will be unregistered. Proof of physical occupation may include, but is not limited to, usable furniture, office equipment, retail inventory or other equipment and inventory in the space that are consistent with the unit's intended use, and persons regularly present at and using the space for its intended use. Proof of physical occupancy

must also include documentation, which may include, but is not limited to, a current, executed lease agreement, paid utility receipts reflecting payments for six consecutive months from the month the space is occupied, or valid state and local business licenses, federal income tax or City business and occupation tax statements indicating the subject space is the official business address of the person or business claiming occupancy.

- G. The determination of the number of Vacant Commercial Spaces a structure contains will be at the reasonable discretion of the Building Official.

Section 6. Window displays for commercial spaces not occupied for 30 days

When Commercial Space is unoccupied for more than 30 days, a Responsible Person must take steps to maintain a vibrant streetscape and avoid adverse impacts on neighborhood character by applying at least one of the following measures to all ground-floor windows that face sidewalks, streets, or public open space:

- a. Paint windows with visually appealing scenes depicting or suggesting business or cultural activities;
- b. Display works of art or provide other displays of cultural or educational value, using background panels or other methods to screen views from the street of the unoccupied space.
- c. Other measures consistent with these examples approved by the Building Official.

Section 7. Fees for vacant commercial space registration

- A. At least one Responsible Person shall pay an annual registration fee for each registered Vacant Commercial Space. At least one Responsible Person must pay the fee to the City at the time the space is registered and on January 1 of each year that the space remains vacant. The fee will be based on the duration of the vacancy as determined by the following scale:
 - 1. \$250 for each space vacant for less than one year;
 - 2. \$500 for each space vacant for at least one year but less than two years;
 - 3. \$750 for each space vacant for at least two years but less than three years;
 - 4. \$1000 for each space vacant for at least three years and for each year thereafter until the building is occupied.

- B. The fees are intended to defray the costs of administering sections 7 through 12 of this Ordinance and may be changed by resolution of the Council to meet these costs.

Section 8. Delinquent registration fees – collection

If a Responsible Person fails to pay the registration fee by the due date, the City is authorized to take action to collect the registration fee, including filing civil actions or turning the matter over to collection, in which case costs incurred by the City as a result of the collection process will be assessed to the Responsible Person or Responsible Persons in addition to the registration fee.

Section 9. Duty to amend registration statement

Responsible Persons for any registered Vacant Commercial Space shall advise the Building Official, in writing, of any changes to the information on the registration form within 30 days of the occurrence of the change.

Section 10. Inspections

The Building Official (and his designee), or Code Enforcement Officers, or both are authorized to conduct inspections to enforce the provisions of this Ordinance.

Section 11. Enforcement

- A. Enforcement of the provisions of this Ordinance will be performed in accordance with Chapter 1.20 of the Everett Municipal Code.
- B. No Responsible Person may violate or fail to comply with any provisions of this Ordinance. Each Responsible Person commits a separate offense for each and every day they commit, continue or permit a violation of any provision of this Ordinance.
- C. All Responsible Persons for a Commercial Space are jointly and severally responsible with respect to that Commercial Space for compliance with the provisions of this Ordinance and for any payments that they may be required to make to the City under this Ordinance. If the Commercial Space is subject to a lease, the City shall have discretion to determine whether to enforce this Ordinance against the Commercial Space owner, the tenant or both of them, but the City shall consider in this determination whether the lease provides that the compliance with this Ordinance is the responsibility of the Commercial Space owner or the tenant.

Section 12. Annual Report

The Building Official shall make a report to the City Council in January of every odd year on the status of the Vacant Commercial Space Registration program.

Section 13. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 14. General Duty

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 15. Savings

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 16. Corrections

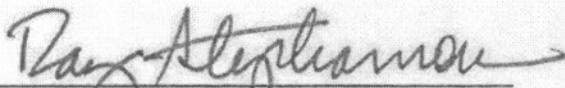
The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 17. Codification

Sections 1 through 12 of this Ordinance shall be codified as a new Chapter in Title 16 of the Everett Municipal Code.

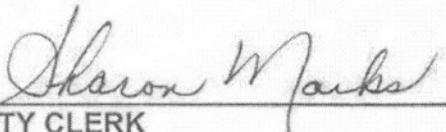
Section 18. Effective Date

This Ordinance will become effective September 1, 2009.



Ray Stephanson, Mayor

ATTEST:



CITY CLERK

Passed: 6-10-09

Valid: 6-15-09

Published: 6-18-09

Effective: 6-30-09

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN,
BY ADDING A NEW CHAPTER 232, TO BE , ENTITLED
VACANT COMMERCIAL STRUCTURES,
WHICH CHAPTER PROVIDES FOR LICENSING AND INSPECTION OF VACANT
COMMERCIAL STRUCTURES AND PENALTIES FOR A VIOLATION THEREOF**

RECITALS

WHEREAS, the City of Hagerstown is charged with promoting and ensuring public safety, health and welfare, and

WHEREAS, the Mayor and Council have found that the existence of vacant structures within the corporate limits lend themselves to the deterioration of said structures, reduction in property values, and pose an increased opportunity and risk of crime, fire, and health and safety hazards; and

WHEREAS, in order to ensure the safety of first responders and emergency personnel, to ensure the health and safety of the public in general, and to support property values within the corporate limits of the City, the Mayor and Council find it to be in the best of interests of the citizens of the City of Hagerstown to enact the following legislation;

NOW THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body as follows:

SECTION 1. The Code of the City of Hagerstown is hereby amended by adding thereto a new Chapter, to be Chapter 232, *Vacant Commercial Structures*, to read as follows:

§232-1. Purpose.

The purpose of this chapter is to promote and assure public safety, health and welfare, to prevent deterioration of vacant commercial structures in the C3 Zoning Districts of the City of Hagerstown, to support property values, and to encourage responsible management and use of vacant commercial structures through licensing and inspections.

§232-2. Definitions.

- A. CITY – City of Hagerstown, Maryland.
- B. COMMERCIAL STRUCTURE – Any structure in a C3 Zoning District that contains one or more street level commercial spaces, including, any such structure that contains other space(s) on upper level(s) used for any purpose.
- C. DEPARTMENT – The Engineering and Inspections Department of the City.
- D. OWNER – Any person, partnership, association, company, corporation or other entity having a legal or equitable interest in or control of a vacant commercial structure, excluding a mortgagee or lien holder. Owner shall also mean any person who, alone,

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jointly or severally, shall have the charge, care, or control of any vacant commercial structure as executor, administrator, trustee or guardian of the estate or person of the owner. Owner shall also mean any person having any interest in a partnership, association, company, corporation, or other entity which owns or has any ownership interest or control of a vacant commercial structure. Any person, firm, partnership, association, company, corporation or other entity whose name appears on the deed or property tax bill for the premises of a vacant commercial structure.

- E. PREMISES – Any single parcel or lot of real property in the City, including the land and all improvements or structures, upon which a vacant commercial structure is located.
- F. VACANT COMMERCIAL STRUCTURE – Any commercial structure that contains one or more vacant street level spaces that have not been occupied for a commercial purpose for a continuous six (6) month period. Vacant Commercial Structure shall also mean a structure with a vacant upper level as defined herein. For calculation of the continuous six (6) month period required to satisfy the definition of Vacant Commercial Structure, the following periods of time shall not be included: (i) the one (1) year period immediately following the issuance of a use and occupancy permit for new construction; and (ii) any period of time during which active work is being legally performed pursuant to a valid permit issued by the City.
- G. VACANT UPPER LEVEL – Any Commercial Structure that does not contain street level vacancies pursuant to §232.2.F., but in which at least 50% of the upper level spaces have been vacant for a continuous six (6) month period.

§232-3. Vacant Commercial Structure License Required.

It shall be unlawful for the owner(s) of any vacant commercial structure to fail to apply for and obtain a Vacant Commercial Structure License and abide by the inspection requirements contained in this Chapter.

§232-4. Application; License Fee.

In addition to the inspection requirements of Section 232-5 of this Chapter, an applicant for a Vacant Commercial Structure License shall provide the following information for each vacant commercial structure on the appropriate application form provided by the Department.

- A. The address of the vacant structure.
- B. The number and location of the spaces contained in the structure.
- C. The name, street, address, and telephone number of all owners of the vacant structure.
- D. If the owner of the vacant commercial structure is not an individual, the applicant shall provide the name, street address, resident agent, resident agent address and telephone number.
- E. The name, street address and telephone number of a designated contact person for the owner(s).
- F. Except for vacant commercial structures which are deemed so solely by virtue of having a vacant upper level, a non-refundable annual license fee pursuant to the following schedule for each vacant commercial structure:

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<u>Period of Time Continuously Vacant</u>	<u>Annual License Fee</u>
6 months to 2 years	\$ 250.00
over 2 years to 4 years	\$ 500.00
over 4 years	\$1,000.00

§232-5. Inspection.

In connection with the application requirements contained in Section 232-4 of this Chapter, the exterior and interior of the vacant structure shall be inspected in accordance with the following schedule:

<u>Period of Time Continuously Vacant</u>	<u>No. of Annual Inspections</u>
6 months to 2 years	1
over 2 years to 4 years	2
over 4 years	4

All inspections conducted hereunder shall be conducted by the Department and shall be performed pursuant to the standards then currently adopted. Interior inspections shall be limited to the vacant portion(s) of the structure for compliance with all applicable property maintenance, fire and other City codes for vacant, unoccupied structures.

§232-6. Issuance of license; renewal.

Upon receipt of a completed application form, full payment of the appropriate fee and completed inspection revealing compliance with all applicable code sections, the Department shall issue a license for the subject vacant commercial structure. Said license shall expire on its anniversary date, and shall be renewable annually, with application for said renewal being made at least 60 days prior to the expiration date of the then current license. License renewal shall be made on the form provided by the Department.

§232-7. Denial; Revocation or Suspension.

A vacant commercial structure license may be denied, revoked or suspended at any time by the Department if, after receipt of a notice of violation, the owner fails to eliminate violations of the applicable code sections identified during any inspection within the time ordered in the notice. Denial, revocation or suspension of a vacant commercial structure license shall be in addition to, and not in substitution of the penalties provided for in Section 232-9 of this Chapter.

§232-8. Severability.

The provisions of this Chapter are severable. If any provision of this Chapter or its application to any person or circumstance is held to be invalid, such invalidity shall not effect the other provisions or applications of this Chapter which can be given effect without the invalid provision or application.

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§232-9. Violations and Penalties.

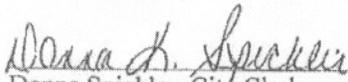
In addition to the sanctions outlined in §232-7 hereof, any owner violating the provisions of this Chapter shall be guilty of a municipal infraction and subject to a fine of up to one thousand dollars (\$1,000.00). Each day a structure is not in compliance with this Chapter shall be deemed a separate and distinct violation.

SECTION 2. Effective Date. This Chapter shall become effective immediately upon the effective date of this enacting Ordinance.

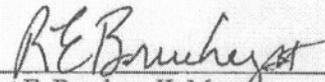
BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this enacting Ordinance shall become effective at the expiration of thirty calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE CITY
OF HAGERSTOWN, MARYLAND



Donna Spickler, City Clerk

By: 

Robert E. Bruchey, II, Mayor

Date of Introduction: November 28, 2006
Date of Passage: December 19, 2006
Effective Date: January 19, 2007

PREPARED BY:
Urner, Nairn & Boyer, LLC, City Attorneys

0-06-34

CITY OF ASTORIA

5.680 Vacant Buildings

A. Purpose.

Vacant buildings are a cause and source of blight in both residential and non-residential neighborhoods, especially when the person in charge of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings discourage economic development and retard appreciation of property values. Vacant buildings are potential fire hazards and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance. Vacant buildings cause increased need for police protection due to misuse of the property by persons not having permission or right to use the property. It is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. One vacant building which is not actively and well maintained and managed can be the core and cause of spreading blight.

B. Maintenance and Security Requirements.

In addition to the maintenance standards in Sections 5.670 to 5.678, the person in charge of a vacant property and/or building shall comply with the following maintenance and security requirements:

1. The building and/or property shall be kept free of any accumulation of newspapers, circulars or flyers, graffiti, discarded items including but not limited to furniture, clothing, appliances, or any other items that give the appearance that the property or building is vacant.
2. The building and/or property shall be secure so that it is not accessible to unauthorized persons, including but not limited to the closure and locking of windows and doors (walk through, sliding, and garage) and any other opening of such size that may allow a child to access the interior of a structure; chaining or padlocking gates, and repairing fencing.
3. Broken windows and/or doors shall be secured by means of reglazing with undamaged glass or other approved permanent material, and not by cardboard, plywood, or other temporary means except as necessary temporarily for not more than three months while awaiting reglazing.
4. If the person in charge of the property or building is an entity or does not reside within 50 miles of the City limits, the person in charge shall contract with or otherwise engage a person to provide property management to perform inspections to verify that all requirements of this ordinance, enforcement notice, and any other applicable laws are being met.
5. The property shall be posted with name and 24-hour contact phone number of the owner, person in charge, or a local property management representative. The posting shall be no larger than

18" X 24" and shall contain the words "THIS PROPERTY MANAGED BY . . ." The posting shall be secured to the exterior of the building or placed in a location on the property so it is visible from the street.

6. Vegetation around the building shall be pruned back from the walls to allow good airflow and security visibility. Overhanging dead tree limbs and branches shall be removed.
7. Buildings located in commercial areas shall have some street presence by the display of goods in the storefront windows, interpretive displays, or some other activity that give the appearance of the building being occupied. Displays in vacant buildings shall be reviewed and approved by the Community Development Director prior to installation. Displays shall be reviewed for the following:
 - a. The goods and/or interpretive displays should encompass a minimum of approximately 25% of the window area.
 - b. The displays shall be maintained in good condition and not faded or deteriorated.
 - c. Content of the displays shall be in compliance with allowable uses within the zone.
 - d. Displays shall comply with the requirements of the Sign Code if applicable.

C. Long Term Vacant Buildings.

If a property is determined to be vacant for more than five years, the property may be subjected to a fee as established by Resolution.

1. A building is deemed to be a Long Term Vacant Building if the following has occurred for a period of five years or more, including the years prior to adoption of this Code as verified by City records or other documentation:
 - a. Utilities have been turned off or not in use; or
 - b. Building has been boarded up or secured against any regular use entry; or
 - c. Building is in disrepair to a state that is obviously not habitable; or
 - d. Building is not in compliance with the Maintenance and Security Requirements of Section 5.680.B above; or
 - e. Building has not been legally occupied, regardless of the condition of the building.
2. Exception.
 - a. The person in charge has obtained a building permit and is progressing diligently to repair the building for occupancy; or
 - b. The building meets all applicable codes, including the Property Maintenance Standards, and is actively being offered for sale, lease, or rent; or

- c. The Community Development Director may approve an exception based on a written finding that there is a benefit to the community in the building remaining vacant such as, but not limited to, historical significance of the building interior that prevents current use of the building, use of the building that serves a current or future need of the business and/or property owner, etc. and provided that the building is maintained to the standards as identified in the Property Maintenance Code.

D. Enforcement and Fees.

After a determination that a building is deemed a Long Term Vacant Building, the City shall notify the person in charge of the property of the following requirements:

1. Repair and/or Use of Property.

The building shall be repaired to a useable condition and shall be offered for sale, lease, or rent, or shall be legally occupied; and

2. Fee Payment.

There is imposed upon the person in charge of a vacant building pursuant to this Code, an annual Vacant Building Fee in an amount as established by resolution. The fee shall be payable for any building vacant for more than five consecutive years. Regardless of an imposition of a fee, the building shall be repaired to a useable condition.

Payment shall be in accordance with the following procedures:

- a. Payment is due within 30 days of the date the City notifies the person in charge of the property of the Long Term Vacant Building determination. Payment for additional years shall be due on the same due date as the first year's determination.
- b. Failure to pay the fee by the due date shall result in a 10% per month penalty up to a maximum of double the fee each year. If payment is not received by the end of the year in which it is due, it may be turned over to a collection agency, become a lien on the property in accordance with this Chapter, or be subject to any other enforcement available to the City.

3. Waiver of Fee.

The Vacant Building Fee shall be waived if the person in charge of the property makes the necessary repairs and offers the building for sale, lease, or rent as follows:

- a. During the first year of imposition, the full amount of the fee may be waived; or
- b. During subsequent years of imposition, an amount equal to the cost of improvements may be waived upon submittal of a request to the Community Development Director with copies of receipts for work completed. The City may retain a portion of the fee for administrative costs.

RESOLUTION NO. 11-01

A RESOLUTION OF THE CITY OF ASTORIA RELATING TO FEES FOR SERVICES.

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

Section 1. Authority for Fees. The various departments of the City incur expenses in searching for and furnishing copies of records, reports and documents, and providing special services for private individuals and private concerns. The City Council deems it advisable, for the efficient conduct of the affairs of the various departments, that reasonable fees be charged for furnishing such records, reports, documents and services. A deposit may be requested in advance of providing the requested information.

Section 2. Schedule of Fees. The schedule fees as adopted in Schedule C, established by Resolution 05-01, adopted January 18, 2005, effective February 18, 2005, is hereby amended by the addition of the following fees:

“Nuisance Enforcement

In addition to the fines as established in City Code Section 1.010, the following fines, fees, and charges shall apply to the enforcement of nuisances. All fines, fees, charges, and costs collected in the enforcement of nuisances shall be deposited in the Nuisance Abatement Fund for use in the on-going abatement of nuisances, including but not limited to conducting the repair work, legal fees, purchase of properties, etc.

Long Term Vacant Building Fee

Commercial, first year declared	\$1,000.00
Commercial, second year	\$3,000.00
Commercial, third year	\$5,000.00
Commercial, subsequent years beyond three	\$7,000.00
Residential (one or two family), first year declared	\$300.00
Residential (one or two family), second year	\$500.00
Residential (one or two family), third year	\$800.00
Residential (one or two family), subsequent years beyond three	\$1,000.00

Citation for Nuisance - In addition to any other sentence or fine that may be imposed, the court shall impose a mandatory minimum fine per day. For purposes of minimum fines imposed, an offense may have multiple citations before it is deemed to be resolved, after which subsequent enforcement actions would be deemed separate offenses.

The minimum fine shall be as follows:

First offense within a calendar year	\$100.00
Second offense within a calendar year	\$200.00
Subsequent offenses within a calendar year	\$300.00

Reinstatement of each suspended permit, license, etc. \$250.00

Appeal of Chronic Nuisance determination \$400.00

Appeal to City Council of Property Maintenance or Vacant Building
violation determination\$150.00

Housing Receivership Administrative FeeActual Costs to Process
(court filing fees, attorney fees, staff time, etc.)”

Section 3. Effective Date. The provisions of this Resolution shall become effective on
March 1, 2011.

ADOPTED BY THE COMMON COUNCIL THIS 7th DAY OF February, 2011.

APPROVED BY THE MAYOR THIS 7th DAY OF February, 2011.

Mayor

ATTEST:

Paul Benoit, City Manager

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner LaMear
 Roscoe
 Mellin
 Warr

Mayor Van Dusen



CITY OF DEARBORN, ECD - COMMERCIAL SERVICES DIVISION, 4500 Maple Suite 1, Dearborn, MI 48126 - Phone: 313-943-2133 - Fax: 313-943-3023

COMMERCIAL VACANT PROPERTY REGISTRATION FORM

The purpose of this ordinance is to enhance the economic viability of business districts, promote their marketability, build neighborhood integrity, avoiding the creation and maintenance of nuisances and identifying unsafe and unsanitary maintenance issues of commercial and industrial buildings.

- A building or structure that is considered vacant when it is not currently occupied, or not legally occupied (No C of O).
- Commercial property must be registered within 90 days of vacancy.
- Registration fee is \$150.00 annually, payable to "City of Dearborn." **CR Code: VR**
- The above fee includes 1 full year of Field inspection monitoring for property maintenance & safety issues.
- If a property maintenance issue or safety issue is identified, you will be contacted by a Field Inspector for resolution.

First Notification

Revised Information

PROPERTY ADDRESS			
_____ Dearborn, MI <input type="checkbox"/> 48120 <input type="checkbox"/> 48124 <input type="checkbox"/> 48126 <input type="checkbox"/> 48128			
PROPERTY OWNER			
NAME _____			
ADDRESS _____			
CITY _____	STATE _____	ZIP _____	
PHONE NUMBER _____		E-MAIL ADDRESS _____	
PROPERTY MANAGER			
NAME _____			
ADDRESS _____			
CITY _____	STATE _____	ZIP _____	
PHONE NUMBER _____		E-MAIL ADDRESS _____	
EMERGENCY CONTACT			
<input type="checkbox"/> Property Owner <input type="checkbox"/> Property Manager <input type="checkbox"/> Other -- Name _____			
Phone Number _____			
UTILITY STATUS			
Gas: <input type="checkbox"/> Disconnected <input type="checkbox"/> In Proper Working Order <input type="checkbox"/> Other-Explain _____			
Electric: <input type="checkbox"/> Disconnected <input type="checkbox"/> In Proper Working Order <input type="checkbox"/> Other-Explain _____			
Water: <input type="checkbox"/> Disconnected <input type="checkbox"/> In Proper Working Order <input type="checkbox"/> Other-Explain _____			
AUTHORIZATION			
By signing and submitting this document, I am authorizing the City of Dearborn to utilize this information, certifying that I have the legal authority to do so. I affirm the information provided is accurate. I am granting permission to the City of Dearborn Authorized Staff to access all exterior areas of the property for inspection purposes.			
SIGNATURE _____			
PRINT NAME _____			
DRIVER'S LICENSE # OR MI STATE ID# _____			DATE _____

OFFICE USE ONLY: Case# _____ Receipt# _____ II date _____ Scanned _____

Please visit the ECD Commercial Services Department at cityofdearborn.org to submit a comment or suggestion.
ECD-CS-100-09-R1-092809

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Members Present: Chair Jackie Lawson, Beth Jones, Murray Stewart, and LaVonne Wilson. Unexcused:
Wes Scroggin

Also Present: City Manager Jerry Wyatt, Mayor Brian Dalton, City Attorney Lane Shetterly,
Administrative Services Manager Robert Spivey, Finance Director Cecilia Ward, Community
Development/Operations Director Jason Locke, , and Recording Secretary Emily Gagner.

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

Carnegie Building

Mr. Locke reviewed the staff report. He indicated construction was completed on the Carnegie Building in 1913 and was formerly the home of the library. He noted the building was about 4,800 square feet on a 14,650 square foot lot. Mr. Locke explained the paperwork was started to get this property on the National Register of Historic Places, but never came to full fruition. Mr. Locke reviewed several options for the property and asked the Building and Grounds Committee what they would like to do. He recommended starting by getting an appraisal to find out what the building was worth and what could or should be charged for rent. He added something needed to be done before the property became unsalable or the cost to repair it became so high it wasn't occupiable. He noted it was on the cusp now and in a couple years there could be severe issues.

Councilor Wilson asked if the City could use the County Assessor's information on the property. Mr. Locke explained he had found the Assessed Value and Real Market Value from the County bore little or no relationship to the real world. Mr. Shetterly pointed out an appraisal could also indicate the market rate for rent. Councilor Wilson proclaimed her desire to maintain the building's integrity and not maintain the status quo. She noted she did not support possibly selling the extra land south of the building because if the City decided to sell the building later, the purchaser may want that additional land. Councilor Jones agreed the City should get an appraisal done and determine the market rate for rent and go from there. Councilor Wilson advised if the City decided to market the building to potential buyers, Kids, Inc. would need to move so the building could be cleaned up enough to show it to interested parties.

Councilor Lawson declared her support of the National Register and commented that it was important to look at maintaining that. She asked Mr. Locke if the City got the Carnegie Building designated an historic place and qualified for the tax freeze, would that transfer to a new owner if the City then sold the property. Mr. Shetterly noted the restrictions associated with the National Register, it could affect the market value of the property. He noted the City could impose a conservation easement as a condition of a sale that would go with the building and anyone who bought the property would be subject to that.

Councilor Lawson pointed out that if the property was improved, it would help the rest of the street. Councilor Stewart joined the meeting at 4:14 p.m. and was brought up to speed on the previous discussion.

It was moved by Councilor Wilson and seconded by Councilor Jones to direct staff to get an appraisal done on the Carnegie Building, including the market rental rate, and bring the information back to the Administrative Committee for further action. The motion carried unanimously.

Dallas Entry Signs

1 Mr. Locke reviewed the staff report. He noted staff would start with the entrances at Monmouth Cutoff
2 and East Ellendale, likely near Fir Villa Road, for the first two signs. He indicated the price was fairly rea-
3 sonable considering the size and construction method of the signs. He added the design was for a base sign
4 mounted in concrete in the ground. He explained additional options could include lighting, planter beds at
5 the base, or bricks up around the legs to make it more in keeping with the downtown fountain look. Mr.
6 Locke stated he was looking at using a scaled-down version of the sign at the lesser entrances to the City,
7 which would cost less.

8 It was moved by Councilor Wilson and seconded by Councilor Jones to have staff purchase two entrance
9 signs and have staff proceed with the installation. The motion carried unanimously.

10 **Skate Park Rules**

11 Mr. Wyatt reported that one rule for the skate park was that no bikes were allowed, although that was diffi-
12 cult to enforce. He explained staff had been working with the BMX bikers to find them a place to ride,
13 noting the City had allowed them to ride at the old pool site in the park. He added they wanted a better fa-
14 cility. He offered suggestions, including allowing them to ride in the skate park until staff found them a
15 new place, or telling them to stay out of the skate park while the City found them a new place. He stated
16 the Police passively enforced the no-bike rule at the skate park, and noted the skate park was a very small
17 facility which would create conflicts between the skaters and bikers.

18 The consensus of the Committee was to have staff identify some possible locations for a new BMX track
19 and bring that information back to the Committee for further discussion.

20 **Community Development/Operations Director's Report**

21 Mr. Locke reported that the Urban Renewal Court Street project was coming along and should be com-
22 pleted soon. He indicated the Taco Bell restaurant was finalized the previous Friday and should be open
23 within a few weeks.

24 **Other**

25 There was no other business and the meeting was adjourned at 4:33 p.m.

MEETING AGENDA

BUILDING AND GROUNDS COMMITTEE

Monday, September 26, 2011

4:00 p.m.

Jackie Lawson, Chair
Beth Jones
Wes Scroggin
Murray Stewart
LaVonne Wilson

1. Carnegie Building
2. Dallas Entry Signs
3. Skate Park Rules
4. Community Development/Operations Director's report
5. Other
6. Adjourn



Community Development Department

Memo

To: Buildings and Grounds
From: Jason Locke, Community Development Director 
Date: September 19, 2011
Re: Carnegie Building

Staff has been instructed to provide the committee with information and options regarding the city-owned Carnegie Library Building, located on the corner of Court and Church. The building was constructed in 1910, and was formerly utilized as a library. The parcel is 14,650 sq.ft, and the south side is lawn area. Currently, the building is occupied by Kids Inc., who pays \$1/year in rent. The city pays all the operating costs for the building, and performs very limited maintenance due to budgetary constraints.

In order to ensure the long term future and viability of the building, the following options should be discussed:

- 1) Sell the building.
- 2) Start charging market rent in order to maintain the building properly.
- 3) Lease to own option to a qualified party or entity.
- 4) Maintain the status quo.
- 5) Divide the property on which the building sits and sell the bare parcel, and use the funds to perform needed maintenance/repairs and fund a trust account (and decide which option to pursue 1-4).
- 6) Develop a Request for Proposals (RFP) for development of the site.

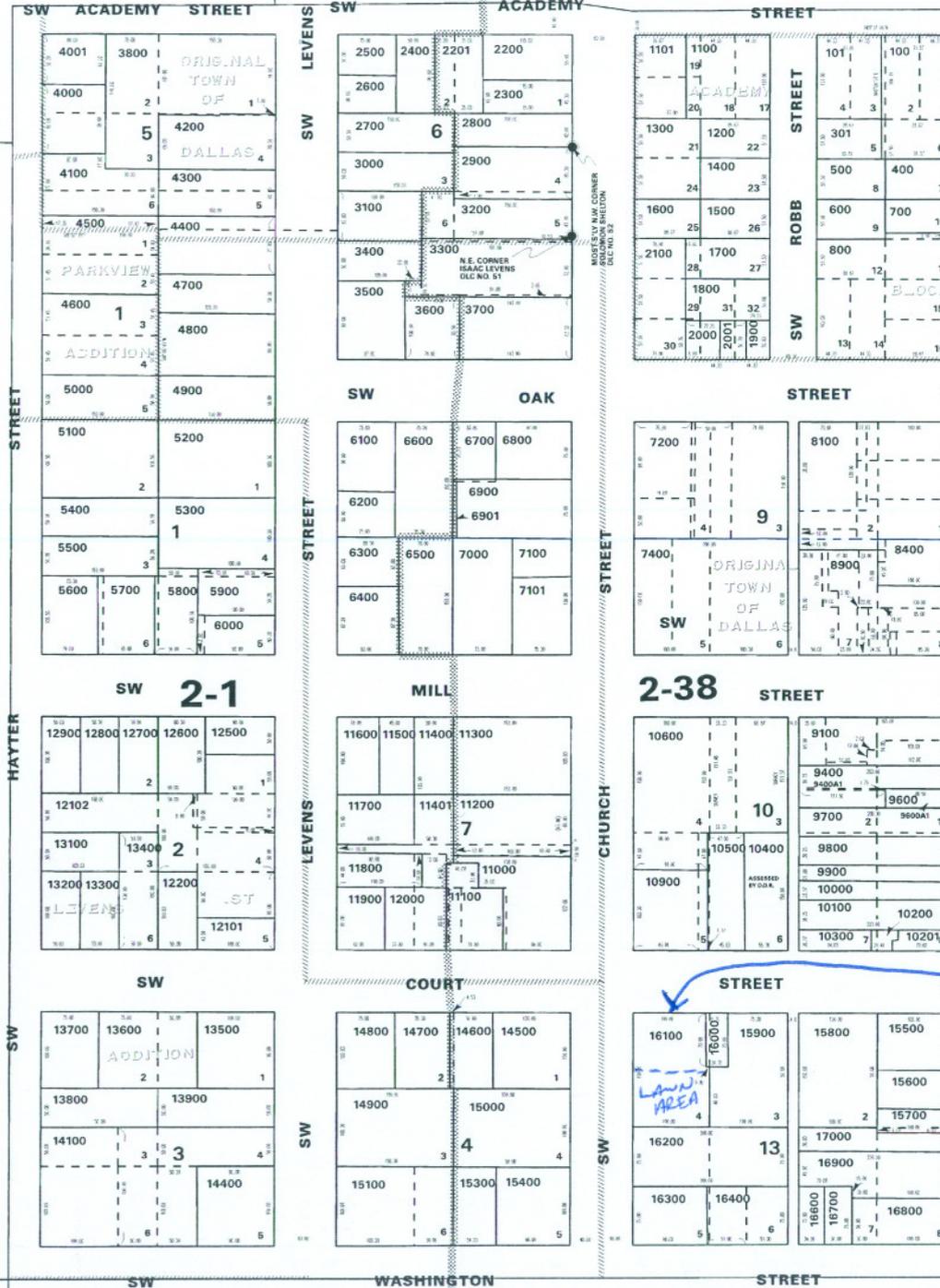
IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

See Map 7.5.32AB

SE1/4 NE1/4 SEC.32 T7S R5W WM
POLK COUNTY

Scale 1" = 100'

7.5.32AD



Canceled No.

- 100 A2
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- 900
- 1000
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- 3900
- 4201
- 5301
- 5601
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- 7500
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- 16500

See Map 7.5.32AC

See Map 7.5.33BC

SUBJECT
PROPERTY

POLK COUNTY WEBMAPS
Real Property Map Summary for the
Current Tax Year

Account Info

Map Taxlot:	7532AD16100	Property Class:	<u>941</u>
Account Number:	321936	RMV Property Class:	<u>201</u>
Acres:	0.34	MA:	03
Sq Ft:	14650	SA:	02
Primary Situs:	187 SW COURT ST DALLAS	NH:	000
		Value Unit:	19551-1

Owner Info

Owner: **CITY OF DALLAS**
Mailing Address: **187 COURT ST SE DALLAS, OR 97338**

Value Summary Info (*AV: Assessed Value, RMV: Real Market Value*)

Taxcode:	AV Land:	AV Impr.:	AV Total:	RMV Land:	RMV Impr.:	RMV Total:
0238	57710	141440	199150	135110	229730	364840
			=====			=====
Grand Total			199150			364840

Property Info

Number Houses: **0** Number Buildings: **1**
FloorPlanImage: **[Click to view image](#)**

Improvement Info

Stat Class: **500** Code Area: **0238**

Stat Class Type:	COMMERCIAL	Stat Class Desc:	Commercial Other Improvements
Year Built:	1910	Total Sq Ft:	4838
Improvement Image:	<u>Click to view image</u>		

City, County, Fire, School Districts & Land Size Info

Account Number:	Taxcode:	Acres:	District:
321936	0238	0.34	DALLAS SD 2 BONDS AFTER 2001
321936	0238	0.34	DALLAS SD 2
321936	0238	0.34	DALLAS CITY
321936	0238	0.34	POLK COUNTY

Disclaimer: The information presented on this report was generated to support county business. The county makes every effort to keep this information current and accurate. However, the county is not responsible for errors, misuse, omissions, or misinterpretations. Please contact the Polk County Assessor's Office for clarification and explanations. Report generated on: 9/20/2011 using data produced on: 2/1/2011.



Community Development Department

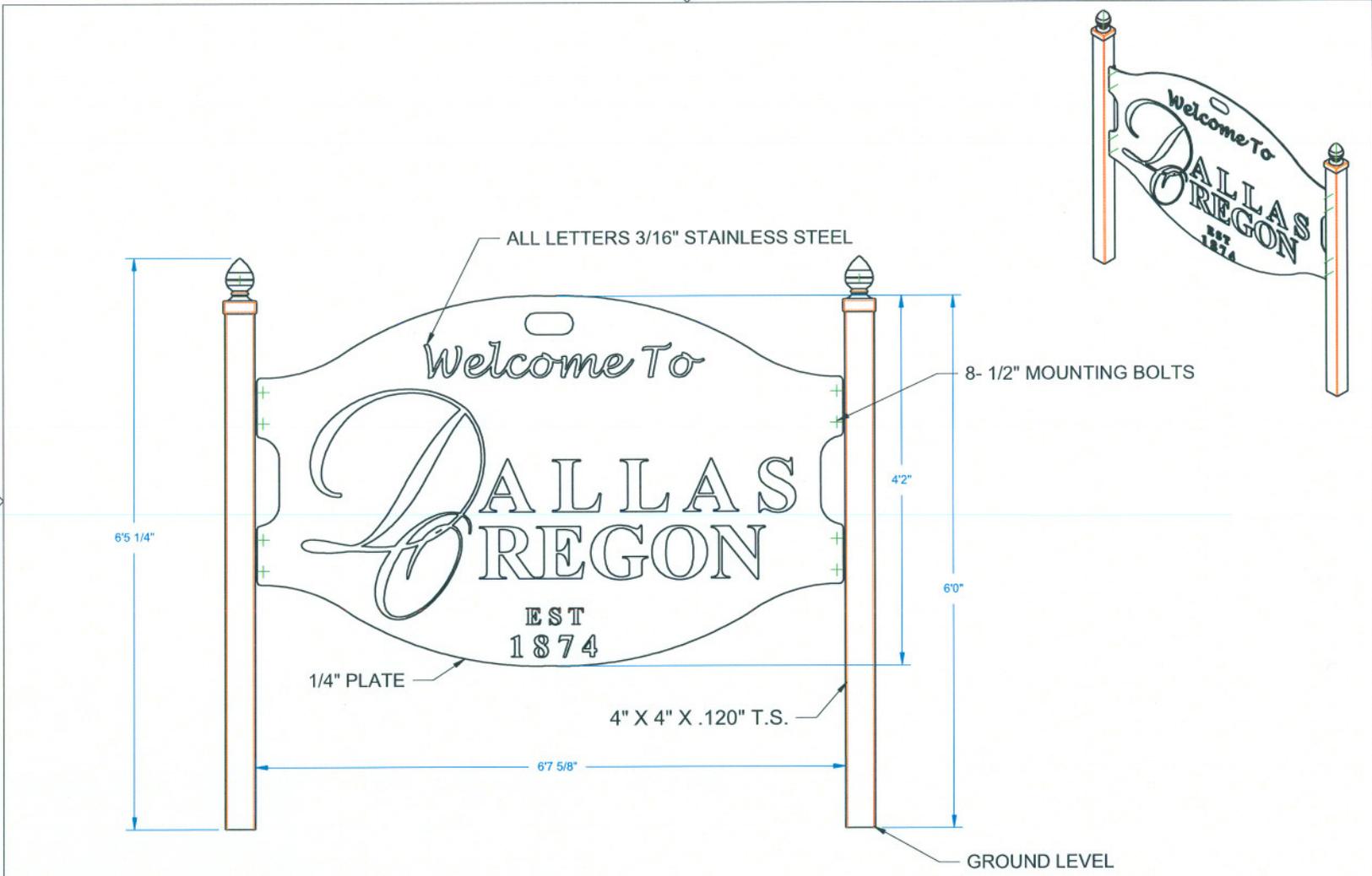
Memo

To: Buildings and Grounds
From: Jason Locke, Community Development Director 
Date: September 21, 2011
Re: Dallas Entry Signs

The city used to have entry signs at the major entrances to the city. They were old and constructed of wood. They have since rotted and have been removed. The proposal is to start replacing them at key locations, starting with the intersection of Godsey and Monmouth Cutoff and on East Ellendale.

We have been working with a local company, EVCOR, to develop a design for the proposed signs. Attached you will find a drawing of the proposed sign, to be constructed of steel and powdercoated. The background and posts would be black, and the letters would be colored silver and slightly raised for a shadow effect. No lighting is proposed at this time, although it could be added later. The signs would be 6'9" wide and 4'2" high, mounted on 4x4 square steel posts.

The cost for two signs is \$5300.



WARNING: DO NOT SCALE. DRAWING MAY BE REDUCED.
 Warning/Confidential - This drawing/specification contains proprietary information, title to which is held by EVCOR, LLC. The use of these drawings/specifications or any information contained on them contrary for the best interest of EVCOR, LLC, is prohibited. Any reproduction or distribution of the information included herein is expressly limited to the purpose for which they were provided.

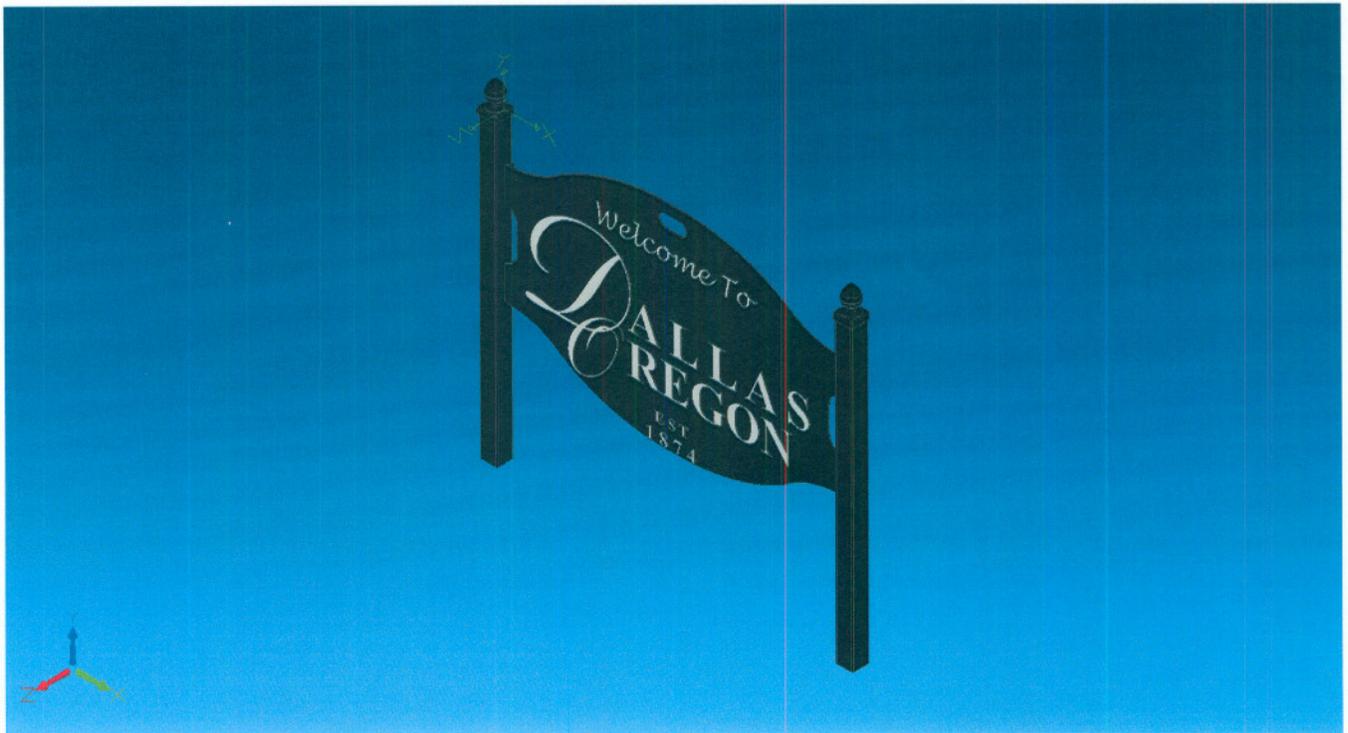
UNLESS OTHERWISE SPECIFIED DIMENSIONS ARE IN INCHES.
 TOLERANCE: ± 1/16 UNLESS OTHERWISE NOTED.
 MATERIAL: VARIES

DRAWN: K. CAMPBELL
 PARENT PART/ASSY: A

DATE: 9/21/11
 DRAWING NO.

SCALE: N.T.S.
 TITLE: CITY OF DALLAS W-100 WELCOME SIGN ASSEMBLY

SHEET:
 REV:
 EVCOR, LLC
 1620 HOWE ST.
 DALLAS, OR 97338
 PHONE: 503-623-8987
 OFFICE: 503-623-4203
 FAX: 503-623-7424





DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5 e	Topic: OLCC Liquor License Application for New Outlet
Prepared By: Emily Gagner	Meeting Date: October 3, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

With approval of the Consent Agenda, the Council would recommend to the OLCC that the license for a new outlet at 147 SW Court Street be granted.

BACKGROUND:

The City received an OLCC application for a new outlet at 147 SW Court Street for Aces Up Poker Club. The Police Department has reviewed the application and found no items of concern.

FISCAL IMPACT:

None

ATTACHMENTS:

OLCC License Application for Aces Up Poker Club



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

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

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

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: 7/23/2011

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: LJS

Date: 7/23/11

90-day authority: Yes No

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

① Aces Up Poker Club, Inc. ③ _____

② _____ ④ _____

2. Trade Name (dba): Aces Up Poker Club

3. Business Location: 147 Sw Court St Dallas Polk OR 97338
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 147 Sw Court St Dallas OR 97338
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-420-9191 W/A
(phone) (fax)

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

7. If yes to whom: NA Type of License: W/A

8. Former Business Name: NA

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, OR Polk county
(name of city or county)

11. Contact person for this application: Josh Ambrose _____
(name) (phone number(s))
[Redacted] Salem OR 97305 floor @ acesupokerclub.com
(address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① [Signature] Date 8/1/11 ③ _____ Date _____
② _____ Date _____ ④ _____ Date _____



OREGON LIQUOR CONTROL COMMISSION CORPORATION QUESTIONNAIRE

● See section 2 of Guide for help with this form

Please Print or Type

Corporation Name: Aces Up Poker Club, Inc Year Incorporated: 2009
 Trade Name (dba): Aces Up Poker Club
 Business Location Address: 147 Sw Court St
 City: Dallas OR ZIP Code: 97338

List Corporate Officers:

<u>Joshua Ambrose</u>	<u>President</u>
(name)	(title)
<u>Ron Peirce</u>	<u>Treasurer</u>
_____	_____
_____	_____

List Board of Directors:

N/A
 (name)

List Stockholders: (Note: If any stockholder is another legal entity, that entity may also need to complete another Corporation Questionnaire. See Liquor License Application Guide for more information.)

Stockholders:	Number of Shares Held:	Number of Stock Shares: Issued: <u>200</u> Unissued: <u>Ø</u> Total Shares Authorized to Issue: <u>200</u>
<u>Joshua Ambrose</u>	<u>100</u>	
<u>Ron Peirce</u>	<u>100</u>	
_____	_____	
_____	_____	

Server Education Designee: Ron Peirce DOB: 09/08/1966
 (See Liquor License Application Guide for more information)

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

Officer's Signature: [Signature] President Date: 8/1/11
 (name) (title)



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: Josh Ambrose Phone: 503-470-9191

Trade Name (dba): Aces Up Poker Club

Business Location Address: 147 SW Court St

City: Dallas ZIP Code: 97338

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 3pm to 2am
 Monday 6pm to 2am
 Tuesday 6pm to 2am
 Wednesday 6pm to 2am
 Thursday 6pm to 2am
 Friday 6pm to 2am
 Saturday 12am to 2am

Outdoor Area Hours:

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

The outdoor area is used for:

Food service Hours: _____ to _____
 Alcohol service Hours: _____ to _____
 Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

_____ (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

Live Music Karaoke
 Recorded Music Coin-operated Games
 DJ Music Video Lottery Machines
 Dancing Social Gaming
 Nude Entertainers Pool Tables
 Other: BO

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: 78 Outdoor: _____
 Lounge: _____ Other (explain): _____
 Banquet: _____ Total Seating: 78

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: _____ Date: 8/1/11



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.): Aces Up Poker Club City: Dallas

1. Name: Ambrose (last) Joshua (first) Aaron (middle)

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

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

4. Home Phone: [REDACTED] Business Phone: (503) 420-9191

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

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

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

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

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

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: [Signature] Date: 8/1/11

***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: [Signature] Date: 8/1/11

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

INITIALS: [Signature] (rev. 12/07)
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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.): Aces 11p Poker Club City: Dallas

1. Name: Peirce (last) Ron (first) Leo (middle)

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

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

4. Home Phone: [REDACTED] Business Phone: (503) 420 9191

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

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

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

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

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

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

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

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

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

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

Applicant Signature: [Signature] Date: 7/29/11

***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: [Signature] Date: [Signature]

OS/ENW
Search Completed



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

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INITIALS: [Signature] (rev. 12/07)
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