



City Council

Mayor
Brian Dalton

Council President
Wes Scroggin

Councilor
Jim Fairchild

Councilor
Beth Jones

Councilor
Jackie Lawson

Councilor
Mark McDonald

Councilor
Kevin Marshall

Councilor
Murray Stewart

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

Staff

City Manager
Jerry Wyatt

City Attorney
Lane Shetterly

Admin Svc Director
Robert Spivey

Community Development/
Operations Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Bill Hahn

Chief of Police
John Teague

Engineering Director
Fred Braun

City Recorder
Emily Gagner

Dallas City Council Agenda

Monday, December 5, 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 November 7, 2011, City Council Minutes p. 3	
b. Acknowledge report of the November 28, 2011 Administrative Committee meeting p. 8	
c. Acknowledge report of the November 28, 2011 Building and Grounds Committee meeting p. 24	
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
8. REPORTS FROM CITY MANAGER AND STAFF	
a. Polk CERT Overview	Presentation
b. Public Records Requests update p. 28	Information
c. Council Rules of Procedure p. 33	Motion

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.

d. Other	
9. RESOLUTIONS	
10. FIRST READING OF ORDINANCE	
a. <u>Ordinance No. 1743</u> – An Ordinance amending provisions of the Dallas City Code Section 2.005, relating to council meetings. p. 50	First Reading
11. SECOND READING OF ORDINANCE	
a. <u>Ordinance No. 1742</u> - An Ordinance declaring 66 acres, more or less, of territory located in the Comprehensive Plan-designated Barberry Node adjacent to and south of East Ellendale Avenue in the Northeast quadrant of the City of Dallas annexed to the City of Dallas and withdrawn from Southwestern Polk County Rural Fire Protection District. p.51	Roll Call Vote
12. OTHER BUSINESS	
13. ADJOURNMENT	

Note: Following the Council meeting, there will be an Executive Session to deliberate with persons designated by the governing body to negotiate real property transactions as authorized in ORS 192.660(2)(e).

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The Dallas City Council met in regular session on Monday, November 7, 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 (arrived at 7:02 p.m.), 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, Chief of Police John Teague, Director of Engineering 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

Alan Minton stated he was at the last Council meeting when Councilor McDonald asked if everyone had been notified about the annexation, noting the answer was affirmative. Mr. Minton indicated he did receive a letter stating there was a meeting with the Planning Commission and he was welcome to attend. He stated he was not privy to the questionnaire that required a signature approving or disapproving the annexation. Mr. Minton reported he lived on the east side of Hawthorne abutting the proposed annexation area and it would have been appropriate for everyone on that side of Hawthorne to answer if it was something they wanted. Mr. Minton indicated he heard representatives of the community testify at the public hearing the previous meeting about traffic studies that were done and discuss the income that leaves Dallas and how commercial construction would be a boon to Dallas. He commented that was not an accurate description. He referred to a discussion at the previous Council meeting about restrictions on commercial construction in the Barberry Node. He asked why people who represented themselves as part of the City would stand before the Council and create a scenario that was completely false. He added what was more troubling was that there were people who worked on the Barberry Node who knew that wasn't true and no one rebutted the statements. Mr. Minton told the Council that though a lot of citizens didn't show up to the meetings, it may not be apathy, but that the citizens entrust the Council to speak on their behalf. He asked the Council to continue to provide due diligence as they represented his freedom and rights.

Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitor Center, updated the Council on the Bounty Market wrap-up celebration and planning session. She thanked the Council for their support.

Ms. Pope stated there were tourism conversations being had in Independence, Monmouth, and Falls City, adding she had been in conversations with Craig Pope and Austin McGuigan from Polk County, and Travel Salem to market Polk County. She asked the Councilors to let her know if they were contacted by anyone about tourism in Polk County. Ms. Pope reminded the Council that the Dallas Area Visitor Center was started because the Council supported promoting tourism.

PUBLIC HEARING

CONSENT AGENDA

Mr. Wyatt commented that the Walnut Avenue parking was discussed at the Public Works meeting and when staff and the City Attorney did the final review, it was discovered that the ordinance did allow parking on Walnut Avenue. He noted the signage that indicated there was no parking was incorrect and had been removed.

Mayor Dalton noted that staff was working with Mrs. Frei who had spoken at the previous meeting about a records request. He added staff would give a report on the status of all records requests for the past year at a later Council meeting.

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

1 Items approved by the Consent Agenda: a) approve the October 17, 2011, City Council minutes;
2 b) acknowledge report of the October 24, 2011, Public Safety Committee meeting; and c)
3 acknowledge report of the October 24, 2011, Public Works Committee meeting.

4 **ITEMS REMOVED FROM CONSENT AGENDA**

5 There were none.

6 **REPORTS OR COMMENTS FROM COUNCIL**

7 Council President Scroggin stated he attended the Bounty dinner, as did Councilor Wilson. He
8 noted they received a certificate on behalf of the City. He reported there were 9,524 visitors to
9 the Bounty Market over the summer with 33 vendors and gross sales of \$55,000. He commended
10 the Visitor Center for their work.

11 Councilor Lawson indicated she was able to attend the Halloween event put on by the Chamber,
12 noting it was a lot of fun and was good for the City to support.

13 **REPORTS FROM CITY MANAGER AND STAFF**

14 **PRESENTATION TO NATE FREY FOR WORK PERFORMED FOR AN EAGLE SCOUT
15 SERVICE PROJECT**

16 Mayor Dalton presented a certificate of appreciation to Nate Frey for his work on his Eagle Scout
17 service project where he installed one hundred storm drain identification medallions in the main
18 commercial corridor of Dallas. He added Mr. Frey had raised funds for a donation to purchase
19 additional medallions to continue the program. Mr. Frey presented a check to Mayor Dalton for
20 \$175 to purchase additional medallions.

21 **MID-VALLEY 211**

22 Denise Swanson, Resource Development Director with the United Way, discussed 211, a new
23 program to Polk County. She noted the program had been running nationwide since the early
24 1990's. Ms. Swanson explained 211 was a hotline for people to call for social services. She
25 stated 80% of the calls to the hotline were for basic services, but they also had information about
26 things such as parenting classes. She added 211 was also web-based at www.211info.org. The
27 cost for 211 was \$220,000 annually for Marion, Polk, and Yamhill Counties, which included the
28 call center service in Portland, marketing, and an FTE to update the information in the database.
29 Statewide, the cost would be approximately \$1.2 million. Ms. Swanson stated for a municipality,
30 211 would be a key piece in the event of an emergency or disaster. She noted studies nationwide
31 showed a cost savings for municipalities using 211. Ms. Swanson indicated United Way
32 launched the program with private donations, noting the sustainability plan including fundraising
33 from private donors in addition to grants. She added they were hoping to eventually garner
34 support from counties and local governments.

35 **COMMUNITY YOUTH SURVEY INFORMATION**

36 Nicole Walker Sundby, Community Drug and Alcohol Coordinator for the Polk County
37 Commission for Children and Families, reported she created a survey for youth in the area to
38 focus on what extracurricular activities they were currently involved in and what they wanted to
39 be involved in. She indicated 7% of the youth population was represented in the survey, which
40 was good for a snapshot view and provided a baseline to grow from. Ms. Walker Sundby stated
41 area youth had varied interests and there was not one activity they were all involved in or all
42 hated. She indicated a large number of youth wanted guitar lessons, likely because they were
43 expensive and sounded cool. She noted the popularity of job opportunities on the survey spoke to
44 the current economic situation. Ms. Walker Sundby stated youth were affected more than other
45 populations in the current economy because they had little experience and less education so were
46 being passed over for entry-level jobs because people with more experience were also applying
47 for those. She commented that youth indicated they wanted more movie nights, which confirmed
48 what the City was already doing with movie nights. She encouraged the Council to consider
49 expanding that program.

50 Ms. Walker Sundby stated she hoped to use the information to create more events like the long
51 board event. She noted Worksource and HALO were resources that were available to youth and

1 she wanted to help connect them with those resources. She explained they could look for ways to
2 train youth in things like customer service even if there were no jobs available to help make them
3 more marketable.

4 Councilor Stewart thanked Ms. Walker Sundby for the information, adding there was a lot to
5 funnel under this umbrella, including mentoring. Councilor McDonald expressed his appreciation
6 for the information and noted this type of information could promote other events for youth to
7 make Dallas a place they wanted to be. In response to a question, Ms. Walker Sundby
8 acknowledged she missed some events in the area and hoped to do the survey again and include
9 those items.

10 CITY MANAGER'S EVALUATION

11 Ms. Gagner reviewed the staff report and reminded the Council to return their completed reviews
12 to her no later than November 28.

13 OTHER

14 Mr. Wyatt reported the City received the Certificate of Excellence for Achievement in Financial
15 Reporting for the twenty-first straight year.

16 Mr. Wyatt pointed out the year-end report he distributed to the Council for their review. He
17 indicated those items would be included in the November e-newsletter.

18 Mr. Wyatt indicated there had been a suggestion to list resolutions and ordinances on the webpage
19 for review and that had been completed.

20 Mr. Wyatt discussed a recent waterline break that was repaired quickly and with no interruption
21 to the residents. He acknowledged the help from Polk County and Fowler Construction, who
22 assisted the City crews, noting everyone did a great job.

23 Mr. Wyatt stated there was nothing scheduled for the November 21 Council meeting, which was
24 also Thanksgiving week, and asked if the Council would cancel that meeting.

25 It was moved by Councilor Wilson and seconded by Councilor Marshall to cancel the November
26 21 Council meeting. The motion carried unanimously.

27 RESOLUTIONS

28 **Resolution No. 3236** – A Resolution establishing stop signs at the intersection of SE Academy
29 Street and SE Hawthorne Avenue; and Repealing Sections 13 and 14 of Resolution No. 3140.

30 A roll call vote was taken and Mayor Dalton declared Resolution No. 3236 to have PASSED BY
31 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild,
32 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Kevin
33 Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.
34 voting YES.

35 **Resolution No. 3237** – A Resolution establishing a crosswalk on W. Ellendale Avenue at its
36 intersection with Jasper Street.

37 A roll call vote was taken and Mayor Dalton declared Resolution No. 3237 to have PASSED BY
38 A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild,
39 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Kevin
40 Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.
41 voting YES.

42 FIRST READING OF ORDINANCE

43 **Ordinance No. 1742:** An Ordinance declaring 66 acres, more or less, of territory located in the
44 Comprehensive Plan-designated Barberry Node adjacent to and south of East Ellendale Avenue in
45 the Northeast quadrant of the City of Dallas annexed to the City of Dallas and withdrawn from
46 Southwestern Polk County Rural Fire Protection District.

1 Councilor McDonald stated he asked at the public hearing at the previous Council meeting if the
2 residents on Hawthorne had been notified about the proposed annexation and included in the
3 discussion. He indicated he mistakenly believed that they were included in the discussion about
4 the annexation and were notified. He commented that before the Council allowed the Ordinance
5 to pass the first reading, they should revisit getting the Hawthorne residents' involvement. He
6 stated in the interest of transparency, they should be included in the discussion. Councilor
7 McDonald indicated he noticed a number of LLC's listed as property owners and stated in the
8 interest of transparency, the officers, agents, and owners should be disclosed so the Council knew
9 the parties involved. Councilor McDonald asked if the rental units would be government
10 subsidized via Section 8 or other government grant programs. He said now that he knew a
11 portion of the residents were not included in the discussion, he asked to postpone the reading of
12 the ordinance until those questions were answered.

13 Councilor Fairchild stated the Council already canceled the November 21 meeting, so the earliest
14 they could have a second reading of the ordinance would be December 5, which gave people three
15 or four weeks to look at it. He indicated the purpose of a first reading was to identify questions.
16 He recommended getting a list from Councilor McDonald of his questions and have the answers
17 brought back to the rest of the Council. He noted much of the discussion, such as Section 8
18 housing, was irrelevant to the issue of annexation.

19 Councilor Stewart pointed out that the questions Councilor McDonald had were not pertinent to
20 the annexation discussion. Councilor Wilson commented that this issue had been through the
21 Planning Commission with a public hearing and those questions could have been addressed there.
22 She noted the Planning Commission did a lot of research and people had the opportunity to
23 comment for or against the annexation. She recommended having the ordinance pass the first
24 reading. Councilor McDonald indicated he had no objection to that, adding his main concern was
25 that the property owners on a portion of Hawthorne were left out of the discussion.

26 Mr. Shetterly reminded the Council that this annexation came on the application of the affected
27 property owners, so it was a self-selected application process. He referred to the discussion on
28 the first page of the October 17, 2011, minutes. He stated the residents on Hawthorne were not
29 offered the opportunity to say they wanted to be annexed or not because they were not involved in
30 the proposed property to be annexed. Mr. Shetterly indicated the residents received notice prior
31 to the Planning Commission and Council public hearings as required by law. Mr. Shetterly
32 reviewed the double majority annexation process, which is a statutory-outlined process for the
33 application. He stated it required obtaining the consent of the owners of more than half of the
34 land and the majority of electors in the territory, noting this annexation application met those
35 criteria. Mr. Shetterly indicated if the property owners on Hawthorne wanted to annex their
36 properties, they could do that if they got a double majority themselves. He added the City was
37 not in a position to force an applicant to annex other properties.

38 Councilor McDonald stated he wanted to make sure the City had been completely transparent to
39 those property owners who would now have City on either side of them. He indicated his other
40 questions were somewhat pertinent because that notification and that courtesy that the City
41 extends to the property owners to get their feedback and make sure they understand what is
42 happening would be an honorable thing to do.

43 Mr. Shetterly reminded the Council that their decision needed to be based only on the record of
44 the public hearing.

45 Mayor Dalton declared Ordinance No. 1742 to have passed its first reading.

46 **SECOND READING OF ORDINANCE**

47 **OTHER BUSINESS**

48 Mayor Dalton reported he had spoken to Congressman Schrader a couple of times regarding the
49 wine shipping bill. Mayor Dalton stated the local wineries were very upset about it and he
50 conveyed their concern to the congressman. He indicated he had also spoken to Congressman
51 Schrader about the Weyerhaeuser property, noting Congressman Schrader and the Governor's
52 office pledged their full support to the City, who was working vigorously to resolve the sale of
53 that property.

1 There being no further business, the meeting adjourned at 8:02 p.m.

2 Read and approved this _____ day of _____ 2011.

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Mayor

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ATTEST:

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City Manager

DRAFT

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

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

7 Chair Wilson called the meeting to order at 4:14 p.m.

8 **Vacant Commercial Building Ordinance Update**

9 Mr. Locke reviewed his staff report, noting he should have draft ordinances for the Committee's review at
10 the next meeting. He added once he got to that point, he wanted to meet with stakeholders and interested
11 parties to get feedback.

12 Councilor Lawson asked what was involved with the residential maintenance ordinance. Mr. Locke ex-
13 plained there were issues identified in the dangerous building code that would carry over, such as broken
14 windows, missing siding, and things like that, but not issues such as color. He added it would require
15 maintenance at a certain basic level. Mr. Wyatt stated the structural code already required certain things,
16 and this would be more cosmetic but important, such as roofing and windows. Councilor Lawson cau-
17 tioned Mr. Locke not to step on the toes of property owners for what they do with their own property. Mr.
18 Locke assured her it would set a minimal community standard, starting with the worst of the worst. He
19 added it would not be utilized on a regular basis. Councilor Jones asked the procedure if a property did
20 get bad. Mr. Shetterly explained it would go through abatement. He noted in Monmouth, the City can
21 make the repairs and lien the property for the costs incurred. Mayor Dalton stated it would be good to
22 have an ordinance on the books to give the City a tool to deal with extreme situations. Councilor Lawson
23 stated she wasn't concerned about this staff and Council, but was worried about what might happen five
24 or ten years down the road. Mr. Shetterly indicated that would depend on how it was defined in the Code.

25 Mr. Locke left the meeting at 4:24 p.m.

26 **Council Rules**

27 Councilor Wilson indicated this had been brought to the Council first in early 2009 and she felt the Coun-
28 cil needed to get it adopted. She added she felt it was well put together.

29 Mayor Dalton stated he had read through the rules in some detail and they seemed quite right. He noted it
30 would be wise to have some rules of engagement adopted.

31 Councilor Lawson asked for clarification of ex parte contact as defined in section 10.3. Mr. Shetterly ex-
32 plained that section only applied to quasi-judicial proceedings, such as appeals on Planning Commission
33 applications. He noted this section didn't apply to 99% of what the Council did, adding it was a function
34 of state law.

35 Mayor Dalton indicated the Walmart application hadn't come before the Council yet and wondered at
36 what point the Council needed to stop talking about it. Mr. Shetterly explained the Council wasn't prohi-
37 bited from having ex parte contacts, but if they did they were required to declare them and explain the na-
38 ture of them. He noted an ex parte contact could happen before an application was even filed.

1 It was moved by Council President Scroggin and seconded by Councilor Lawson to bring the Council
2 Rules forward to the Council for review with a recommendation for approval.

3 Councilor Wilson pointed out an additional document that defined the Council and Mayor's roles and re-
4 sponsibilities. Mayor Dalton commented that it was quite informal and recommended using it in-house
5 only. Councilor Lawson recommended fine tuning the document and including it on the website and in
6 new Councilor and Mayor packets. Mayor Dalton instructed the Committee members to review it and get
7 any changes to Mr. Wyatt.

8 Councilor Wilson indicated the Public Involvement Policy that had been distributed to the Councilors at a
9 recent workshop, noting it was also discussed at the conference in Bend. Mr. Shetterly advised he would
10 review it to make sure it was consistent with the policy already included in the Comprehensive Plan.

11 **Financial Report**

12 Ms. Ward explained when the current budget was prepared it was really tight and she reviewed some un-
13 anticipated expenditures for which she would be bringing a budget amendment to the Council.

14 Ms. Ward reviewed the financial report for revenues and expenditures from July through October. She
15 explained the last column showed the percent of the fund remaining, noting it should be at 66% through
16 October. She added some funds were below 66% because much of the expenditures happened at the be-
17 ginning of the fiscal year. Ms. Ward commented that she budgeted \$1.2 million for the General Fund be-
18 ginning balance, but it actually came in at \$1.7 million. She reported the Sewer and Street beginning bal-
19 ances were close to the budgeted amount. Ms. Ward explained the Water Fund beginning balance was
20 budgeted at \$850,000 but came in at \$620,000. Mr. Wyatt stated Water worried him the most of all the
21 departments.

22 Councilor Lawson asked for clarification on the \$75,000 budget amendment needed for the fire station
23 project. Mr. Wyatt explained when the City received the grant for seismic upgrades, there were ADA up-
24 dates that were also required but not covered by the grant. He advised they knew they would need to do
25 an adjustment down the line once the amount was determined for that work.

26 **Code Update Regarding Council Meetings**

27 Mr. Wyatt indicated the purpose of this ordinance was to conform the Code with practice. Mr. Shetterly
28 added the Charter governed this. Councilor Wilson commented the changes were minor.

29 It was moved by Councilor Lawson and seconded by Council President Scroggin to recommend the
30 Council approve the ordinance. The motion carried unanimously.

31 **Administrative Services Director's Report**

32 Mr. Wyatt indicated several staff members, including Mr. Spivey, were at week-long Incident Command
33 System training. He explained every front-line person was required to complete the training.

34 **Finance Director's Report**

1 Ms. Ward reported the auditors would have a draft audit report to her later in the week. She noted she
2 hoped to have them at the December 19 Council meeting to present their report to the Council.

3 **Other**

4 Council President Scroggin indicated Mr. Wyatt's evaluation was moved to the 19th of December, as Mr.
5 Spivey was out at training and unable to get them comparables by the December 5 meeting.

6 Mr. Wyatt indicated there would be a new High School representative at the Council meetings starting
7 with the first meeting in January.

8 There was no other business and the meeting was adjourned at 4:56 p.m.

MEETING AGENDA

ADMINISTRATIVE COMMITTEE

Monday, November 28, 2011

4:00 p.m.

LaVonne Wilson, Chair

Beth Jones

Jackie Lawson

Wes Scroggin

Murray Stewart

1. Council Rules
2. Financial Report
3. Code update re: Council meetings
4. Vacant Commercial Building Ordinance Update
5. Administrative Services Manager's report
6. Finance Director's report
7. Other
8. Adjourn

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

TO: ADMINISTRATIVE COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 1	Topic: Council Rules
Prepared By: Emily Gagner	Meeting Date: November 28, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Recommend the Council approve the Council Rules as presented.

BACKGROUND:

At the Council's direction, staff drafted Council Rules (based upon already-adopted policies from other Oregon cities), which were first reviewed by the Council in January of 2009. The Council has reviewed these rules off and on since then. Most recently the Council was provided a copy for review in June and asked to provide any comments/concerns to the City Manager. The attached policy reflects those recommendations and has been reviewed by the City Attorney.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed Council Rules

The Council Rules that were included in this Committee agenda have been removed to save space in the Council agenda packet. The Rules that were included here can be found later in the agenda packet under item 8c.

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 2	Topic: Financial Report
Prepared By: Cecilia Ward	Meeting Date: November 28, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

The FY 2011-2012 Budget was prepared very conservatively and extremely tight for some departments and funds. As of the end of October 2011 (see report) most departments and funds are on track, but we have had some unanticipated expenditures and grant matches that will require council approval of a budget resolution in December. Some of the unanticipated expenditures include:

- Pump replacement at the wastewater treatment plant - \$65,000
- Sewer bond refinancing charges – \$67,000
- Police vehicle replacement - \$65,000
- Pumps for Ambulance - \$6,000
- FEMA AFG grant match - \$10,000
- Water intake line break - NA
- Fire Station upgrades - \$75,000

FISCAL IMPACT:

General Fund - \$16,000 + \$75,000 interfund loan
 Sewer Fund - \$132,000
 Fleet Mangement - \$65,000
 Water Fund – NA

ATTACHMENTS:

July-October 2011 Financial Report

	Current Total Budget	Fiscal Activity	Budget Remaining	Percent Remaining
10 - GENERAL FUND				
<i>Revenue</i>	<u>9,364,000.00</u>	<u>3,233,074.54</u>	<u>6,130,925.46</u>	<u>65%</u>
<i>Expenditures</i>				
Department: 020 - Administration				
01 - Personal Services	355,000.00	115,430.14	239,569.86	67%
02 - Materials and Services	149,100.00	47,319.41	101,780.59	68%
Department: 030 - Finance				
01 - Personal Services	336,750.00	105,955.67	230,794.33	69%
02 - Materials and Services	192,250.00	98,653.97	93,596.03	49%
Department: 040 - Facilities				
01 - Personal Services	97,800.00	34,369.08	63,430.92	65%
02 - Materials and Services	70,000.00	21,315.66	48,684.34	70%
Department: 050 - Municipal Court				
01 - Personal Services	133,150.00	41,152.54	91,997.46	69%
02 - Materials and Services	65,500.00	8,567.37	56,932.63	87%
Department: 060 - Ambulance Department				
01 - Personal Services	812,000.00	289,248.99	522,751.01	64%
02 - Materials and Services	292,995.00	109,707.30	183,287.70	63%
03 - Capital Outlay	7,500.00	7,171.34	328.66	4%
04 - Debt Service	40,505.00	-	40,505.00	100%
05 - Transfers	30,000.00	10,000.00	20,000.00	67%
Department: 070 - Fire Department				
01 - Personal Services	490,500.00	175,154.76	315,345.24	64%
02 - Materials and Services	254,510.00	87,021.19	167,488.81	66%
03 - Capital Outlay	38,000.00	13,762.69	24,237.31	64%
Department: 080 - Police Department				
01 - Personal Services	2,454,500.00	862,712.70	1,591,787.30	65%
02 - Materials and Services	426,180.00	178,697.18	247,482.82	58%
04 - Debt Service	31,220.00	-	31,220.00	100%
05 - Transfers	15,000.00	5,000.00	10,000.00	67%
Department: 090 - Library				
01 - Personal Services	310,000.00	94,288.37	215,711.63	70%
02 - Materials and Services	63,100.00	22,466.00	40,634.00	64%
Department: 103 - Parks				
01 - Personal Services	175,700.00	56,284.42	119,415.58	68%
02 - Materials and Services	81,000.00	44,419.24	36,580.76	45%
05 - Transfers	15,000.00	1,666.68	13,333.32	89%
Department: 105 - Com Dev - Aquatic Center				
01 - Personal Services	430,500.00	142,487.53	288,012.47	67%
02 - Materials and Services	272,900.00	88,807.53	184,092.47	67%
03 - Capital Outlay	50,000.00	16,666.68	33,333.32	67%
Department: 107 - Com Dev Building/Inspections				
01 - Personal Services	240,800.00	81,423.95	159,376.05	66%
02 - Materials and Services	18,100.00	5,379.50	12,720.50	70%
Department: 108 - Com Dev Building/Planning Dept				
01 - Personal Services	173,500.00	46,886.61	126,613.39	73%
02 - Materials and Services	29,600.00	3,563.97	26,036.03	88%
Department: 111 - Non-Departmental & Contingency				
06 - Contingencies	250,000.00	-	250,000.00	100%
08 - Unappropriated Ending Fund Balance	961,340.00	-	961,340.00	100%
10 - General Fund Expenditures Total	<u>9,364,000.00</u>	<u>2,815,580.47</u>	<u>6,548,419.53</u>	<u>70%</u>

	Current Total Budget	Fiscal Activity	Budget Remaining	Percent Remaining
20 - STREET FUND				
Revenue	1,160,027.00	569,092.12	590,934.88	51%
<i>Expenditures</i>				
01 - Personal Services	338,750.00	135,004.67	203,745.33	60%
02 - Materials and Services	239,000.00	79,746.17	159,253.83	67%
03 - Capital Outlay	175,000.00	13,881.66	161,118.34	92%
05 - Transfers	80,000.00	26,666.64	53,333.36	67%
06 - Contingencies	327,277.00	-	327,277.00	100%
20 - Street Fund Expenditures Total	1,160,027.00	255,299.14	904,727.86	78%
22 - REVENUE SHARING FUND				
Revenue	110,000.00	24,964.56	85,035.44	77%
<i>Expenditures</i>				
05 - Transfers	110,000.00	24,964.56	85,035.44	77%
22 - Revenue Sharing Fund Expenditures Total	110,000.00	24,964.56	85,035.44	77%
24 - SYSTEMS DEVELOPMENT FUND				
Revenue	3,567,000.00	3,234,105.03	332,894.97	9%
<i>Expenditures</i>				
03 - Capital Outlay	3,362,100.00	10,953.00	3,351,147.00	100%
05 - Transfers	204,900.00	92,034.12	112,865.88	55%
24 - Systems Development Fund Expenditures Total	3,567,000.00	102,987.12	3,464,012.88	97%
26 - TRUST FUND				
Revenue	438,361.00	374,386.42	63,974.58	15%
<i>Expenditures</i>				
02 - Materials and Services	29,050.00	3,000.00	26,050.00	90%
03 - Capital Outlay	409,311.00	144,547.32	264,763.68	65%
26 - Trust Fund Expenditures Total	438,361.00	147,547.32	290,813.68	66%
28 - GRANTS FUND				
Revenue	3,357,177.00	11,455.69	3,345,721.31	100%
<i>Expenditures</i>				
03 - Capital Outlay	3,357,177.00	496,267.01	2,860,909.99	85%
28 - Grants Fund Expenditures Total	3,357,177.00	496,267.01	2,860,909.99	85%
29 - URBAN RENEWAL AGENCY				
Revenue	207,500.00	159,204.76	48,295.24	23%
<i>Expenditures</i>				
01 - Personal Services	6,210.00	497.88	5,712.12	92%
03 - Capital Outlay	101,290.00	78,150.27	23,139.73	23%
04 - Debt Service	100,000.00	-	100,000.00	100%
29 - Urban Renewal Agency Expenditures Total	207,500.00	78,648.15	128,851.85	62%

	Current Total Budget	Fiscal Activity	Budget Remaining	Percent Remaining
43 - GENERAL OBLIGATION FUND				
Revenue	938,000.00	254,395.94	683,604.06	73%
<i>Expenditures</i>				
04 - Debt Service	684,743.00	-	684,743.00	100%
08 - Unappropriated Ending Fund Balance	253,257.00	-	253,257.00	100%
43 - General Obligation Fund Expenditures Total	938,000.00	-	938,000.00	100%
45 - GENERAL LONG TERM DEBT FUND				
Revenue	97,110.00	32,370.00	64,740.00	67%
<i>Expenditures</i>				
04 - Debt Service	97,110.00	38,552.50	58,557.50	60%
45 - General Long Term Debt Fund Expenditures Total	97,110.00	38,552.50	58,557.50	60%
50 - SEWER FUND				
Revenue	5,245,450.00	3,294,047.76	1,951,402.24	37%
<i>Expenditures</i>				
01 - Personal Services	593,000.00	224,583.53	368,416.47	62%
02 - Materials and Services	865,500.00	361,671.06	503,828.94	58%
03 - Capital Outlay	135,000.00	28,095.73	106,904.27	79%
05 - Transfers	1,523,734.00	767,947.58	755,786.42	50%
06 - Contingencies	1,008,216.00	-	1,008,216.00	100%
07 - Reserves and Special Payments	1,120,000.00	-	1,120,000.00	100%
50 - Sewer Fund Expenditures Total	5,245,450.00	1,382,297.90	3,863,152.10	74%
52 - WATER FUND				
Revenue	3,005,725.00	1,441,130.08	1,564,594.92	52%
<i>Expenditures</i>				
01 - Personal Services	427,875.00	146,983.47	280,891.53	66%
02 - Materials and Services	739,000.00	260,181.27	478,818.73	65%
05 - Transfers	980,112.00	141,666.68	838,445.32	86%
06 - Contingencies	858,738.00	-	858,738.00	100%
52 - Water Fund Expenditures Total	3,005,725.00	548,831.42	2,456,893.58	82%
54 - DEBT SERVICE FUND				
Revenue	1,708,846.00	668,348.21	1,040,497.79	61%
<i>Expenditures</i>				
04 - Debt Service	1,708,846.00	668,348.21	1,040,497.79	61%
54 - Debt Service Fund Expenditures Total	1,708,846.00	668,348.21	1,040,497.79	61%
58 - FLEET MANAGEMENT FUND				
Revenue	797,500.00	470,771.01	326,728.99	41%
<i>Expenditures</i>				
01 - Personal Services	221,000.00	62,211.58	158,788.42	72%
02 - Materials and Services	141,500.00	47,716.84	93,783.16	66%
03 - Capital Outlay	20,000.00	-	20,000.00	100%
05 - Transfers	80,000.00	26,666.67	53,333.33	67%
06 - Contingencies	335,000.00	-	335,000.00	100%
58 - Fleet Management Fund Expenditures Total	797,500.00	136,595.09	660,904.91	83%

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

TO: ADMINISTRATIVE COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 3	Topic: Code Update re: Council Meetings
Prepared By: Emily Gagner	Meeting Date: November 28, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Recommend the Council approve proposed ordinance.

BACKGROUND:

It was recently noted that the Code section regarding Council meetings does not conform to current practice or the Charter. Attached is a compared-format version of the proposed ordinance correcting this discrepancy.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed ordinance in compared and non-compared format

ORDINANCE NO. _____

An Ordinance amending provisions of the Dallas City Code Section 2.005, relating to council meetings.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 2.005 is hereby amended to read as follows:

2.005 Council Meetings.

(1) ~~Except as provided in subsection (2), r~~Regular meetings of the council shall be held on the first and third Mondays of each month at 7:00 p.m., or at such other hour as the council may prescribe, in the council chambers in city hall. If a regularly scheduled meeting falls on a legal holiday, the council shall meet on the following day at 7:00 p.m., or at such other hour as the council may prescribe. The business of the council shall be in the order prescribed by the mayor.

~~(2) The council may, by motion, cancel a regular meeting, provided that the council shall meet at least once each month.~~

~~(32)~~ Subject to subsection ~~(43)~~, the mayor may, on the mayor's own motion or at the request of three council members, call a special meeting of the council for a time not less than three or more than 48, hours after notice of the special meeting is given. Special meetings may also be called by consent of all the council members.

~~(43)~~ A special meeting may be held on less than 24 hours' notice only in case of an actual emergency, in which case notice shall be given as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.

Section 2. All prior and conflicting ordinance provisions are hereby repealed.

Read for the first time:

Read for the second time:

Passed by the City Council: _____

Approved by the Mayor: _____

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. _____

An Ordinance amending provisions of the Dallas City Code Section 2.005, relating to council meetings.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

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2.005 Council Meetings.

(1) Except as provided in subsection (2), regular meetings of the council shall be held on the first and third Mondays of each month at 7:00 p.m., or at such other hour as the council may prescribe, in the council chambers in city hall. If a regularly scheduled meeting falls on a legal holiday, the council shall meet on the following day at 7:00 p.m., or at such other hour as the council may prescribe. The business of the council shall be in the order prescribed by the mayor.

(2) The council may, by motion, cancel a regular meeting, provided that the council shall meet at least once each month.

(3) Subject to subsection (4), the mayor may, on the mayor's own motion or at the request of three council members, call a special meeting of the council for a time not less than three or more than 48, hours after notice of the special meeting is given. Special meetings may also be called by consent of all the council members.

(4) A special meeting may be held on less than 24 hours' notice only in case of an actual emergency, in which case notice shall be given as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.

Section 2. All prior and conflicting ordinance provisions are hereby repealed.

Read for the first time:
Read for the second time:
Passed by the City Council:
Approved by the Mayor:

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER



Community Development Department

Memo

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

Staff is in the process of researching and drafting 2 different draft ordinances:

- 1) A citywide building maintenance ordinance, which would create standards for all buildings citywide, including residential, commercial, and industrial. Staff is working with the Building Official, who would likely be the responsible enforcing agency. There are a number of different types of ordinances and model codes, and we are in the process of sorting through them to determine what would best suit the issues here in Dallas.
- 2) A vacant commercial building registration ordinance with or without fees and penalties.

As discussed at the last meeting, we would meet with various interest groups once we have solid drafts that are acceptable to the committee.

1
2
3 Members Present: Chair Jackie Lawson, Beth Jones, Wes Scroggin, Murray Stewart (arrived at 4:09 p.m.),
4 and LaVonne Wilson.

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

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

9 **Carnegie Building Appraisal**

10 Mr. Locke reviewed the staff report. He noted the boiler was currently not working in the building and that
11 was taken into account in the appraisal. Mr. Locke stated the options presented previously were all still
12 valid, but he recommended the committee direct staff to recruit tenants for the next 6 to 9 months and if
13 there were no results, reevaluate the situation and bring information back to the committee. He added the
14 cost to replace the boiler would be \$15,000 to \$18,000, noting there was nothing budgeted now to replace
15 the boiler.

16 Mr. Wyatt stated Kids, Inc. was currently using the building with limited hours due to no heat in the build-
17 ing. He noted staff was working to find them a new location where they would pay no rent, adding they
18 were trying to move them as gently as possible.

19 Council President Scroggin asked if the appraisal was for the building only or if it included the property.
20 Mr. Locke stated it included the property.

21 Mr. Shetterly stated a sale would require a public hearing as would a lease with the option to purchase.

22 Councilor Wilson asked if Kids, Inc. was moving, would they take all their equipment as well. Mr. Wyatt
23 confirmed they would. Council President Scroggin asked if the City would have any need for the building.
24 Mr. Wyatt explained not without a major financial investment. Councilor Lawson recommended ap-
25 proaching McMennamins about the property.

26 It was the consensus of the Committee to have staff clean up the property and look into selling or leasing
27 the property. In response to a question, Mr. Locke explained he and the City Attorney could handle the
28 marketing of the property in-house.

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

30 Mr. Locke reported leaf pickup started that day in Zone 7, which seemed to have the biggest leaf-related
31 issues. He added they would hopefully be wrapped up by early the following week. Mr. Locke noted the
32 drop off sites were being used extensively. Mr. Locke stated the crews would go through town again the
33 week after Christmas.

34 Mr. Locke commented that he was seeing commercial activity pick up in terms of inquiries and meetings
35 about specific buildings and sites.

36 Mr. Locke stated the Dallas Aquatic Center was doing well and problem free. He noted they were ahead in
37 terms of revenue over last year.

1 **Other**

2 Joe Koubek spoke as a representative of the Volunteer Firefighters. He indicated they were interested in
3 placing a sign near the Carnegie Building indicating that was the site of the first Dallas Fire Station and
4 asked for guidance. Mr. Wyatt advised he should contact Mr. Locke to discuss it.

5 There was no other business and the meeting was adjourned at 4:14 p.m.

MEETING AGENDA

BUILDING AND GROUNDS COMMITTEE

Monday, November 28, 2011

4:00 p.m.

Jackie Lawson, Chair

Beth Jones

Wes Scroggin

Murray Stewart

LaVonne Wilson

1. Carnegie Building Appraisal
2. Community Development/Operations Director's report
3. Other
4. Adjourn



Community Development Department

Memo

To: Buildings and Grounds
From: Jason Locke, Community Development Director
Date: November 16, 2011
Re: Carnegie Building

As directed at the last meeting, an appraisal of the Carnegie building has been completed. The appraised value of the building is **\$240,000.** In addition, the rental value was stated as \$.35/sq ft, or a gross rent of \$1,693/month for the entire building. Since the last meeting, the heating system in the building has failed, and needs to be replaced.

Based on that information, the options presented at the last meeting are still valid.

However, in the alternative, we are recommending that staff be directed to actively recruit potential tenants or purchasers for the next 6-9 months. If that does not produce results, we would re-evaluate and bring recommendations back to the Committee and or/Council.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 b	Topic: Public Records Requests Update
Prepared By: Emily Gagner	Meeting Date: December 5, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

NA

BACKGROUND:

A citizen recently expressed concern about non-fulfillment of a public records request. In order to provide complete transparency to the Council and public in general, I've provided a copy of our Public Records Request Log for the past two years. This log includes every written request submitted for public records that has come into the City Manager's office. Please note most requests are quite straight forward and are filled within a day or two. Our response time has been hindered somewhat in recent months by decreased staffing levels; however, we always strive to provide the requested records as quickly as possible. State law requires a response within "a reasonable amount of time." The Attorney General's office has defined this further: *"In the usual case, we think that it should be possible to make requested records available within ten working days. We recognize that in some case more time – even significantly more time – may be required."*

The Public Records Law authorizes a public body to establish fees "reasonably calculated to reimburse the public body for the public body's actual cost of making public records available." A public body may require prepayment of its estimated charges before taking further action on a request. The City typically does not charge for staff time required to obtain or copy records unless a request requires extensive staff time for research or copying.

FISCAL IMPACT:

None

ATTACHMENTS:

Public Records Request Log for 2010-2011

Public Records Request Log

Date Requested	Records Requested	Requested by	Fee	Date request fulfilled	Notes
10/19/2011	Solicitors License Code	Stuart Wright	\$1.00	10/19/11	
10/14/2011	Copies of applications for façade imprpvoemetn grants (loans) from Councilor Woods and Lawson, recipients	Faye Frei	\$11.25	NA - see note	Called Ms. Frei 10/19/11 w/ total due. She was told she needed to pay before copies made (due to non-payment of previous request). She has not been in to pay for the copies.
10/10/2011	Letter relative to a setback adjustment made to 828 Hawthorne Ave	Andre Miller	\$1.50	10/11/11	
8/5/2011	"Any financial spreadsheet, ledger or other record of active cash & cash convertible suresties & escrow accounts maintained by local agencies for financial instruments posted or deposited iwht them by companies and persons to ensure completion of private-sector residential & commercial construction projects in your area."	Asset Management Consultants (out of VA)	No Charge	Responded 8/24/11 via email	There were no records to provide
7/5/2011	Plans for 109 E Ellendale	Rushing Real Estate	\$30.00	07/06/11	Rec'd copyright release
6/22/2011	Topo maps of J-14 & J-15	Ken Perkins	\$20.00	06/23/11	
6/20/2011	All building & fire dept records & permits associated with 820 SW Church St	Ryan Golden	No Charge	06/24/11	Mr. Golden came to City Hall to review file (at Emily's desk, so no staff time required). He photographed items he wanted, so no copies made.

Date Requested	Records Requested	Requested by	Fee	Date request fulfilled	Notes
6/10/2011	Copy of the City resolution authorizing the payment of \$3750 to the State of Oregon military to assist in building a \$15,000 armory in the City of Dallas.	Tom Augustyne	\$0.75	06/14/11	
6/1/2011	Building permit documents for 2044 SE Rhododendron Ave, Dallas	Aldrich Law Office	Fee waived per JW	06/01/11	Faxed 3 pages to them
5/3/2011	Prehospital Medical Records	XXXXX	No Charge	05/06/11	Sent via Salem Billing, so no cost to City
5/3/2011	Prehospital Medical Records	XXXXX	No Charge	05/12/11	Sent via Salem Billing, so no cost to City
5/3/2011	CD of Council meeting of 5/2/11 & Copy of email from Lane Shetterly disclosing PERS PLF liability on Mark Irick's advice to City of Dallas	Mark McDonald	\$10.00	05/05/11	CD provided. Email requested was sent to all Councilors
4/27/2011	Prehospital Medical Records	XXXXX	No Charge	04/26/11	Sent via Salem Billing, so no cost to City
4/15/2011	List of special ordinances, list of resolutions, all special ordinances, all resolutions	Mark McDonald		04/19/11	Responded in writing that records were available to inspect & copies could be made @ cost of \$0.25 per page. Never came in to inspect
4/5/2011	CD of audio of Council meeting of 4/4/11	Mark McDonald	\$10.00	04/05/11	
3/16/2011	Info on water on @ 329 NW Reed Lane	Marla Poage, Real Estate Broker w/ ERA NW	No Charge	03/16/11	Info provided verbally
3/9/2011	CD of Dallas Planning Commission hearing of 3/8/11	Heidi Overholser	\$10.00	03/11/11	

Date Requested	Records Requested	Requested by	Fee	Date request fulfilled	Notes
3/3/2011	Creekside Subdivision staff report (most recent after Feb hearing). Response submitted by applicant subsequent to Feb hearing	Heidi Overholser	\$5.75	03/03/11	
3/1/2011	City Code copies	LaVonne Wilson	\$2.50	03/02/11	
3/1/2011	Ch 34 611-626 of Oregon State Building Code Book	Jackie Lawson	\$3.75	03/01/11	
2/10/2011	Council meetings - request CDs for 1/3/11 and 2/7/11 City Council meetings	Faye Frei	\$20.00		Never paid/picked up CDs
2/9/2011	Public Hearing CD of P.C. meeting 2/8/11	Heidi Overholser	\$10.00	02/10/11	
1/26/2011	SUB 10-03 application & staff report & hydrology report	Heidi Overholser	\$11.25	01/27/11	
11/11/2010	Copy of Ordinance No. 30 from 1903	J & R Surveyors	\$0.00	11/12/10	No charge - found on Polk Co website & directed them there
11/5/2010	Copies of logs & reports form the EMS employees that responded on 10/20/10...	XXXXX	No Charge	11/18/10	
10/25/2010	"Re-routing of flood plain after re-routing of creek by Mr. Praegitzer"	Dennis Woitte	No Charge	10/27/10	Jason talked to him 10/27/10. No applicable records
10/18/2010	Council minutes - June 2010	Faye Frei	\$2.25	10/18/10	
10/14/2010	Façade grant & façade loan applicants list	Steve DeDominick	\$0.25	10/14/10	
9/29/2010	All pay scales for employees within the Dallas Police Dept - wages, not names	Mark Garton	\$0.25	09/29/10	
9/16/2010	Final inspection for 510 NW Heath St & all inspections for that address	Henry Ritter	\$9.75	09/20/11	Mr. Ritter never came to pay for/get his records

Date Requested	Records Requested	Requested by	Fee	Date request fulfilled	Notes
8/31/2010	Conditional use permit for a PUD at TL 2000, 2100, 2201, 2204, 2205, 2206. Request is to include all documents presented & approved by Planning Commission	Janet Lyda	\$12.25	09/01/10	
8/17/2010	City budget 2010-2011	Mark McDonald	\$25.00	08/18/10	
7/29/2010	Access to & a copy of the US Army Corps of Engineer report for the Rickreall Creek pathway, etc.	Edward T Dressel	No Charge	08/03/10	Written response that there were no such records
7/26/2010	"Council minutes referring to 'radio controlled water meters' being installed in Dallas - regs written to date"	Faye Frei	\$2.50	07/27/10	
6/25/2010	Utility records for 4570 S Kings Valley Hwy, Dallas; 2008-current	Aimee Wiley; Auditor for State of OR Real Estate Agency	No Charge	06/28/10	Responded to requestor that we don't provide utilities to that address
2/2/2010	CD of audio of Feb 1, 2010 Council meeting	Faye Frei	\$5.00	02/02/10	
1/25/2010	City Ordinance concerning road maintenance fee	Arley Sullivan, Pub. Wks Director in Tillamook	No Charge	01/25/10	No charge - emailed requested document
12/2/2009	"Cash & cash convertible bonds, deposits, &/or escrows that the City accepts/collects for construction purposes in commercial & private sectors of the City."	Asset Management Consultants (out of VA)	No Charge	01/19/10	Emailed response

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 c	Topic: Council Rules of Procedure
Prepared By: Emily Gagner	Meeting Date: December 5, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

If the Council wishes to adopt the Council Rules, it would require a motion to direct staff to draft a resolution adopting the Council Rules of Procedure.

BACKGROUND:

The Administrative Committee first reviewed the proposed Council Rules of Procedure on January 27, 2009. The attached policy reflects suggested changes made by the city attorney and the Councilors. After further review at their November 28, 2011, committee meeting, the Administrative Committee made a motion to recommend the Council approve the rules.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed Council Rules



City Council Rules of Procedure

First Review Date January 27, 2009
Adopted by the Council on December x, 2011

SECTION 1 – PURPOSE

The purpose of this document is to outline the rules of the Council and procedures for Council proceedings.

SECTION 2 – AUTHORITY

The Charter of the City of Dallas provides that the Council shall adopt rules for the government of its members and proceedings. The following rules shall be in effect upon their adoption by the Council and shall remain in effect until they are amended or new rules are adopted. These rules shall be presented to all City Council members during the first work session in January of odd-number years following general elections. Within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these rules. The City Recorder shall retain the signature copy.

SECTION 3 – GENERAL RULES

3.1 Open Meetings

All meetings will be held in accordance with the Oregon public meeting requirements of Oregon law (ORS 192.610 to 192.690) which is herein incorporated by reference into these rules. To the extent that any local procedure conflicts with the Public Meetings Law, the latter shall prevail. No final action of the Council shall have legal effect unless the motion and the vote by which it is disposed of take place at a proceeding that is open to the public.

3.2 Quorum

A majority of the members of the Council shall constitute a quorum for its business.

3.3 Rules of Order

Proceedings of the Council shall be conducted according to the provisions of the City's Charter, the City Code, these rules, and, when not so governed, in accordance with the parliamentary procedure contained in *Robert's Rules of Order*. However, strict adherence to the requirements of these rules is not required. No action of the Council shall be in violation of this section or deemed invalid for the reason that the action was not in conformance with *Robert's Rules of Order*. Any Councilor may move a question, second a motion, debate and vote.

3.4 Address by Council Members

Every Councilor desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Councilors questioning, seeking clarification, or soliciting a recommendation from staff will direct the concern to the City Manager or the City Attorney. The City Manager may respond directly or may redirect the inquiry to a staff member.

SECTION 4 – COUNCIL MEETINGS

4.1 Regular Meeting

The Dallas City Council will meet in regular session at least once per month. The regular meeting shall be held on the first and/or third Monday of each month at such place and hour as the Council may prescribe. If the regular meeting falls on a legal holiday, the meeting shall be convened at the same time and place on the next business day.

4.2 Work Sessions

In addition to the regular meetings of the Council under Rule 4.1, a meeting, or any portion thereof, may be designated as a work session. The City Council may hold a work session on the second Wednesday of each month in the Council Chambers or at another time and place in the City that the Council may prescribe. Work sessions will be used to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject. Typically, a work session designation indicates that matters of substance will be discussed, but that final action will not be taken. Notice of work sessions shall be given in the same manner as notice of regular meetings. Work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer by a majority vote of the Council members.

4.3 Special Meetings

The Mayor upon his own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council for a time not earlier than three nor later than forty-eight hours after the notice is given. Only the subject(s) listed on the special meeting agenda may be acted upon.

4.4 Emergency Meetings

In the case of an actual emergency, an emergency meeting of the Council may be called by common consent of all available Councilors upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice. Attempts will be made to contact the media to provide notice of the emergency meeting.

4.5 Executive Session

The Mayor may call any regular, special, or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. Executive

sessions may also be separately scheduled pursuant to the requirements for special meetings. Prior to opening an executive session, the Presiding Officer shall announce:

- a) The purpose of the executive session;
- b) The state statute authorizing the executive session; and
- c) Notification to all present, including the media, that matters discussed in executive session are not to be disclosed or reported to the public.

Executive sessions shall be held in accordance with the Oregon Public Meetings Law. Matters discussed in executive session shall be exempt from public disclosure pursuant to state statutes. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered. To make a final decision, the Presiding Officer shall call the meeting into open session or place the decision on the agenda of a future open session. Executive session shall be closed to all persons except:

- a) The City Council;
- b) Persons reporting to the Council on the subject of the executive session;
- c) The City Manager unless directed otherwise by the Council;
- d) News media representatives, unless excluded by the Public Meeting Law (The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session);
- e) And other persons authorized by the City Council to attend.
- f) No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion.

Council members will keep all written materials and verbal information provided to them in executive session or on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Administrator or the City Attorney, except that a Councilor may describe generally the purpose for which an executive session was held.

If the Council, pursuant to an executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with the other parties shall be made by designated staff or representatives handling the negotiation or litigation. A Council member shall not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

4.6 Cancellation of Meeting

Upon a majority vote of the members of the City Council present, a meeting may be cancelled when deemed appropriate. The Charter requires one regular meeting be held each month. Notice of cancellation shall be posted on the bulletin board at City Hall, distributed to members of the media, and to interested citizens.

4.7 Americans With Disabilities Act

All meetings of the Council shall be held in compliance with the Americans with Disabilities Act.

4.8 Attendance Duty

It is the duty of each member of the City Council to attend all meetings of the Council. The Charter provides in Chapter VII, Section 32 that a Council office shall be deemed vacant upon a Councilor's absence from the city for 30 days without the consent of Council or upon the absence from meetings of the Council for 60 days without like consent. Consent will be given for good cause.

Good cause shall include, but is not limited to:

- a) Illness;
- b) Family obligations;
- c) Employment requirements;
- d) Scheduled vacations; or
- e) Other City business

4.9 Excused Absence

When any Council member cannot attend a meeting of the Council, the member shall notify the City Recorder prior to the meeting. If there are no objections from other Councilors, the City Recorder may announce the absence is for good cause and the absence shall be listed in the minutes as excused. If the City Council determines the absence is not for good cause, the absence shall be listed in the minutes as unexcused.

SECTION 5 – THE PRESIDING OFFICER

5.1 Mayor

The Mayor shall preside at all regular and special meetings, work sessions, and executive sessions of the City Council. The Mayor is entitled to vote in case of a tie vote of the Council, except on the final passage of an ordinance. The Mayor shall preserve order and enforce the rules of the Council.

5.2 Council President

At the first meeting of the Council in each odd-numbered year, the Council will elect a Council President from its membership. In the Mayor's absence from a Council meeting, the President shall preside over it. Whenever the Mayor is unable to perform the functions of his office, the President shall act as Mayor.

5.3 Sergeant at Arms

The Sergeant at Arms will be the Council President. It will be the duty of the Sergeant at Arms to assist the Presiding Officer, as appropriate, to maintain the order and decorum at all meetings. The Council President may appoint a designee to act as the Sergeant at Arms.

5.4 Absence of Mayor and Council President

In the absence of the Mayor and Council President, the Council shall elect a Councilor to serve as presiding officer as its first order of business. The Presiding Officer will immediately assume the duty of Sergeant at Arms, or appoint a designee to do so. Any Councilor may call a meeting to order for the purpose of electing a presiding officer.

SECTION 6 – DECORUM AND ORDER

6.1 Presiding Officer

The Presiding Officer shall enforce the rules of the Council. In addition, the Presiding Officer has the authority to preserve decorum and decide all points of order, subject to the appeal to the Council. The Presiding Officer shall enforce order, prevent personal attacks or impugning members' motives, and restrict in debate to the question under discussion.

6.2 Councilors

Councilors shall maintain order and decorum during Council meetings, and shall not by conversation or other action, delay or interrupt the proceedings or refuse to obey the order of conduct or these Rules. Councilors shall when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

6.3 Staff and Public

All persons attending Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the Council.

6.4 Removal of Any Person

The Presiding Officer may eject from the meeting any person in attendance, including any Councilor, who becomes disorderly, abusive, or disruptive, or who fails or refuses to obey the matter of order or procedure. The Presiding Officer or Sergeant at Arms may summon the assistance of the City of Dallas Police to assist in maintaining order. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule.

SECTION 7 – AGENDA AND ORDER OF BUSINESS

7.1 Setting the Agenda

The Mayor and City staff shall determine the business to be placed on the Council meeting agenda. Any Councilor may request that an item be placed on the Council agenda.

7.2 Consent Agenda

A consent agenda will be among the first items on the Council agenda. At the beginning of the Council meeting, the Presiding Officer will ask if any Council member wishes to have any item removed from the consent agenda for deliberation. If any Council member requests that an item be removed, it will be removed. Any item removed from the consent agenda shall be discussed and acted upon following approval of other consent agenda items. When there are no more items to be removed, the Presiding Officer will ask the Council for a motion to approve the consent agenda.

7.3 Agenda Distribution

Promptly after it is developed, the agenda for a regular meeting or work session shall be distributed with any supporting materials not later than 48 hours prior to the meeting to members of the Council, staff, news media, and interested citizens who have requested the agenda. The agenda for a special or emergency meeting shall be made available as appropriate under the circumstances.

7.4 Special Accommodations

All Council meeting agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans with Disabilities Act and that persons needing accommodations may contact the City Manager's office at least 48 hours prior to the meeting time to request necessary accommodations. Such notice shall provide the telephone number at which the City Manager may be contacted.

7.5 Alteration of the Agenda

- a) New Matters: Except in emergency meetings, matters not on the printed agenda may come before the Council as determined by the Presiding Officer or a majority of the Council.

7.6 Order of Business

The general rule to the business at regular meetings of the City Council will be:

- a) **Call to Order** – The Presiding Officer shall call the meeting to order.
- b) **Roll Call** – The City Recorder shall call the name of each Councilor and note each Councilor’s attendance or absence in the record, under the guidelines set forth in Section 4.8 and 4.9 to establish a quorum is present to conduct business.
- c) **Pledge of Allegiance** – The Presiding Officer or designee may lead the Council and audience in the Pledge of Allegiance.
- d) **Comments from the Audience** – An opportunity for members of the audience shall be given to address the Council on any matter, other than those issues on the agenda scheduled for public hearing, during this portion of the meeting. Participants must state their name and address for the record prior to addressing the Council. Testimony will be limited to three minutes unless additional time is granted by the Presiding Officer. Items brought before the Council from the public during public testimony should be referred to the staff for appropriate action and a report returned to the Council if requested.
- e) **Public Hearings** – A public hearing shall be held on each matter required by state law or City policy. Written and oral testimony shall be heard prior to Council action.
- f) **Consent Agenda** – The consent agenda shall consist of a list of routine, non-controversial matters, not typically requiring discussion, presented for Council approval by a single motion.
- g) **Items Removed from Consent Agenda** – Any item removed from the consent agenda will be discussed, and if appropriate, acted upon.
- h) **Reports or Comments from the Council Members** – Special reports from various boards and commissions may be given at this time. In addition, awards, proclamations, or Council liaison reports may also be presented.
- i) **Reports from City Manager and Staff** – Time provided for City staff to bring administrative action (items that require formal action or Council direction) before the Council.
- j) **Resolutions** – Resolutions shall be read and a roll call vote taken.
- k) **First Reading of Ordinances** – The Mayor shall declare an Ordinance to have passed its first reading.
- l) **Second Reading of Ordinances** – Unless an emergency was declared, an Ordinance will be brought for a second reading at the Council meeting following the first reading. After the Mayor has declared the Ordinance to have passed its second reading, a roll call vote will be taken.
- m) **Other Business** – Time provided for members of the Council or City staff to bring new or old matters before the Council. These matters need not be specifically listed on the agenda, but formal action on these matters should be deferred until a subsequent Council meeting.

- n) **Adjournment** – Following completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

7.7 Recess

The Presiding Officer may recess any meeting of the Council upon the consensus of the majority of the members present. The Presiding Officer shall announce the time in which the meeting shall reconvene.

SECTION 8 – MINUTES

8.1 Recording of minutes

Minutes are the official record of the City Council meetings. They record the substance of a meeting and should be a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. Minutes are not a verbatim transcript. It is general practice to sound record the meetings of the City Council for back up reference. Minutes will be made available to the public within a reasonable time after the meeting. The minutes are to include, at a minimum:

- a) Councilors present;
- b) All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- c) The result of all votes and the vote of each Councilor by name;
- d) The substance of any discussion on any matter; and
- e) A reference to any public document discussed.

8.2 Distribution of Minutes

Draft minutes are distributed to the City Council with the agenda on which those minutes appear as an item for approval.

8.3 Correction and Approval of the Minutes

Approval of the minutes usually takes place at the next regular meeting following the date of the minutes under approval. Generally, minutes appear on the agenda under the consent agenda. If minor changes are made to the minutes, a Councilor may offer such amendment prior to the consent agenda being approved. For extensive amendments, the minutes should be pulled off the consent agenda for consideration. All corrections will appear in the minutes of the meeting when the changes took place.

If a Councilor has a concern over the reporting of minutes, it is that Councilor's responsibility to review the tape of the meeting and bring corrections forward to the City Council at the next regular meeting with the tape cued, ready to be played if necessary. It is not appropriate to expend staff time when only one member of Council is requesting the review.

SECTION 9 – VOTING

9.1 Method of Voting

The vote on any question shall be taken by voice or by roll call vote. The vote shall be taken by roll call at the direction of the Mayor or at the request of any Councilor. The minutes shall reflect the vote of each Councilor by name. The Mayor is entitled to vote in case of a tie vote of the City Council, except on the final passage of an ordinance.

9.2 Order of Voting

Roll call votes shall be called in alphabetical order by last name.

9.3 Vote Required to Decide a Question

Except as otherwise provided in the City Charter, the concurrence of a majority of the whole number of the council is necessary to decide a question.

9.4 Abstention

Abstentions are discouraged. For the purposes of Rule 9.3 above, an abstention shall not be considered an affirmative vote. Councilors who have an actual conflict of interest or a disqualifying bias should declare their conflict or bias and decline to participate rather than abstaining (See Rule 10, below).

SECTION 10 – CONFLICT OF INTEREST / BIAS / EX-PARTE CONTACT

10.1 Conflict of Interest

Prior to participating in any decision, a Councilor shall declare any potential or actual conflict of interest. No Councilor shall participate in any manner regarding an agenda item if doing so would create an actual conflict of interest, except as otherwise provided by state law.

- a) "Potential Conflict of Interest" means any action by a Councilor which would be to the private pecuniary benefit or detriment of the Councilor or a member of the Councilor's household, or a business with which the Councilor or member of the Councilor's household is associated. "Potential conflict of interest" does not include pecuniary affects arising out of:
 - i. Membership in a particular occupation or class required by law as a prerequisite to holding the office of Councilor; or
 - ii. An action which would affect to the same degree a class consisting of an industry, occupation, or other group to which the Councilor or a member of the Councilor's household belongs.
- b) "Actual Conflict of Interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in (a) of this section.

10.2 Bias

No Councilor shall participate in any manner in a quasi-judicial decision if the Councilor has actual bias regarding the decision.

- a) "Quasi-judicial decision" means a decision involving the application of existing criteria to identified persons or properties.
- b) "Actual Bias" means prejudice or prejudgment of facts to such a degree that a Councilor is incapable of rendering an objective decision on the merits of the case.

10.3 Ex-Parte Contact

Before participating in any quasi-judicial decision, a Councilor shall declare any ex-parte contacts. An ex-parte contact is an oral or written communication with a member of the Council regarding the merits of the case made outside of the public hearing process during the pendency of a proceeding. (Communication with staff is not an ex-parte contact). Effective declaration of an ex-parte contact shall include identification of the party and disclosure of the nature of the communication.

SECTION 11 – COUNCIL STANDING COMMITTEES (DCC 2.050)

The Mayor shall at the first regular meeting in January of each year, or as soon thereafter as convenient, appoint Council standing committees. Each Council standing committee shall comply with the Council Rules of Procedure, subject to the following exceptions and additions:

- a) The Mayor shall appoint a chair of the Council standing committees to serve as presiding officer.
- b) Council standing committees shall consist of:
 - i. Committee on public works.
 - ii. Committee on public safety.
 - iii. Committee on public building and grounds.
 - iv. Committee on public administration.
- c) At the regular meeting of the council following a committee meeting, the committees shall make a report of their activities.

CITY OF DALLAS
CITY COUNCIL RULES OF PROCEDURE
ACKNOWLEDGMENT

I have received, read and understand the contents of the City Council Rules of Procedure. I agree to comply with the provisions of the City Council Rules of Procedure.

Signature _____

Printed Name _____ Date _____

(This form should be signed, dated and returned to the City Recorder.)

ORDINANCE NO. 1743

An Ordinance amending provisions of the Dallas City Code Section 2.005, relating to council meetings.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 2.005 is hereby amended to read as follows:

2.005 Council Meetings.

(1) Except as provided in subsection (2), regular meetings of the council shall be held on the first and third Mondays of each month at 7:00 p.m., or at such other hour as the council may prescribe, in the council chambers in city hall. If a regularly scheduled meeting falls on a legal holiday, the council shall meet on the following day at 7:00 p.m., or at such other hour as the council may prescribe. The business of the council shall be in the order prescribed by the mayor.

(2) The council may, by motion, cancel a regular meeting, provided that the council shall meet at least once each month.

(3) Subject to subsection (4), the mayor may, on the mayor's own motion or at the request of three council members, call a special meeting of the council for a time not less than three or more than 48, hours after notice of the special meeting is given. Special meetings may also be called by consent of all the council members.

(4) A special meeting may be held on less than 24 hours' notice only in case of an actual emergency, in which case notice shall be given as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.

Section 2. All prior and conflicting ordinance provisions are hereby repealed.

Read for the first time: December 7, 2011
Read for the second time: December 19, 2011
Passed by the City Council: December 19, 2011
Approved by the Mayor: December 19, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1742

An Ordinance declaring 66 acres, more or less, of territory located in the Comprehensive Plan-designated Barberry Node adjacent to and south of East Ellendale Avenue in the Northeast quadrant of the City of Dallas annexed to the City of Dallas and withdrawn from Southwestern Polk County Rural Fire Protection District.

WHEREAS, a majority of the electors registered in the territory hereinafter described, and the owners of more than half of the land therein, which is contiguous to the City of Dallas, did petition the City to annex that territory to the City and withdraw said territory from the Southwestern Polk County Rural Fire Protection District, and a statement of their consent has been filed with the City; and

WHEREAS, said territory is a part of the Southwestern Polk County Rural Fire Protection District; and

WHEREAS, after due notice and a public hearing on September 13, 2011, the Dallas Planning Commission recommended to the City Council that it approve the requested annexation and withdrawal of said territory from the Southwestern Polk County Rural Fire Protection District; and

WHEREAS, after due notice, the City Council held a public hearing on said petition on October 17, 2011, and at the conclusion thereof found that the proposed annexation and withdrawal of said territory from the Southwestern Polk County Rural Fire Protection District should be approved; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. That the real property described on Exhibit 1 attached hereto and by reference incorporated herein, and as shown on the map attached hereto as Exhibit 2 and by reference incorporated herein, containing 66 acres, more or less be, and the same hereby is, declared to be duly annexed to the City of Dallas, Polk County, Oregon and shall forever be a part of the City of Dallas

Section 2. That the approval of this annexation is based upon the following findings and conclusions:

- A. The majority of the electors in the territory, who also own more than half of the land in the territory, and the owners of more than half of the land therein, consented in writing to the annexation, and filed a statement of

consent with the City before the date of the above-reference public hearing on the annexation.

- B. The subject property is located within the City's Urban Growth Boundary and is planned and available for annexation and development.
- C. The proposed zoning for the annexed area is consistent with the Comprehensive Plan.
- D. The subject property is contiguous to and a logical and orderly extension of the City.
- E. The property can be provided with the full range of urban facilities, and therefore approval of the annexation is consistent with the Dallas Comprehensive Plan.
- F. The application is consistent with the annexation policies contained in the Comprehensive Plan and meets the requirements of all standards of review.
- G. The staff report regarding this property, dated October 17, 2011, is incorporated herein by reference.

Section 3. That the annexed territory described in Exhibit 1, above, is hereby declared to be withdrawn from the Southwestern Polk County Rural Fire Protection District.

Read for the first time: November 7, 2011
Read for the second time: November 21, 2011
Adopted by the City Council: November 21, 2011
Approved by the Mayor: November 21, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

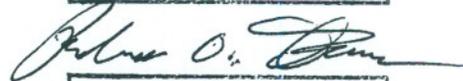
JERRY WYATT, CITY MANAGER

Ordinance -- Page 2

Barberry Node Legal

Beginning at the Southwest corner of Lot 1, Block "B", Hawthorne Acres, Volume 4, Page 16, Book of Town Plats, Polk County Records, located in the Northeast Quarter of Section 34, township 7 South, Range 5 West, Willamette Meridian, City of Dallas, Polk County, Oregon; thence along the East right of way of Hawthorne Avenue North 500.00 feet; thence East 434.00 feet to the East line of Hawthorne Acres; thence along said East line North 1844.00 feet to the South right of way of Dallas - Rickreall High Way No. 223; thence along said right of way the following courses; South 79°09'07" East 268.99 feet; 143.15 feet along a 542.96 foot radius curve to the right (the cord of which bears South 71°35'57" East 142.73 feet); South 64°42'07" East 1416.64 feet; South 89°47'44" East 308.94 feet; thence leaving said right of way South 00°26'00" East 174.50 feet; thence North 89°57'00" West 130.00 feet; thence South 00°26'00" East 457.65 feet; thence West 158.00 feet; thence South 514.00 feet; thence South 89°34'07" West 660.00 feet; thence North 00°25'55" West 608.32 feet; thence South 89°34'05" West 648.63 feet; thence South 00°10'16" West 1361.43 feet; thence North 89°56'03" West 401.05 feet; thence North 00°00'05" West 281.73 feet; thence West 434.00 feet to the point of beginning. Containing 65.96 acres more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 13, 2004
ROBERT D. HAMMAN
64202LS

EXPIRES: 6/30/2013

