



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, February 6, 2012, 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 January 17, 2012, City Council Minutes p. 3	
b. Acknowledge report of the January 23, 2012, Administrative Committee Meeting p. 5	
c. Acknowledge report of the January 23, 2012, Building & Grounds Committee Meeting p. 26	
d. Acknowledge report of the January 10, 2012, Planning Commission meeting p. 29	
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
a. Mayor's State of the City address	
8. REPORTS FROM CITY MANAGER AND STAFF	
a. Rickreall Creek Watershed Council p. 35	Motion
b. Fall and Winter Sports Update	Information

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.

c. January 18-19, 2012, Storm Event Review	Information
e. Other	
9. RESOLUTIONS	
a. <u>Resolution No.3241</u> : A Resolution temporarily waiving certain System Development Charges. p. 36	Roll call vote
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, January 17, 2012, 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, and Councilor Ken Woods, Jr. Excused: Councilor LaVonne Wilson.

Also present were: City Manager Jerry Wyatt, City Attorney Teresa Ozias, Administrative Services Director Robert Spivey, Fire Chief Bill Hahn, Deputy Police Chief Tom Simpson, Engineering Director Fred Braun, and Recording Secretary Emily Gagner.

Mayor Brian Dalton led the Pledge of Allegiance.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

There were none.

PUBLIC HEARING

CONSENT AGENDA

Councilor Lawson asked to remove the endorsement of the OLCC license renewals from the consent agenda.

It was moved by Council President Scroggin and seconded by Councilor Marshall to approve the Consent Agenda with the OLCC license renewals removed. The motion carried unanimously.

Item approved by the Consent Agenda: a) the January 3, 2012, City Council minutes.

ITEMS REMOVED FROM CONSENT AGENDA

ENDORSEMENT OF OLCC ANNUAL LICENSE RENEWALS

Councilor Lawson declared an actual conflict of interest because one of the licensees up for renewal rented space from her.

It was moved by Councilor Fairchild and seconded by Councilor McDonald to endorse the OLCC annual license renewals. The motion carried unanimously with Councilor Lawson not voting due to her actual conflict of interest.

REPORTS OR COMMENTS FROM COUNCIL

Mayor Dalton introduced Heather Enderle, representing Dallas High School. He explained she was a Student Council member at Dallas High School.

Ms. Enderle recognized the Dallas wrestlers, who were the 5A champions at the Oregon Wrestlers Classic the previous weekend. She reported the students were getting ready for finals week, adding the Snow Ball dance would be held to celebrate the completion of finals week.

REPORTS FROM CITY MANAGER AND STAFF

PROCLAMATION IN HONOR OF ELDON BEVENS

Mayor Dalton stated Mr. Bevens served on the Council for 36 years and spent 18 years as Council President. He explained Mr. Bevens was born, lived, and worked on Levens Street and had stated more than once that his goal was to die on Levens Street. He presented a proclamation declaring Jasper Street to have been named Levens Street on December 16, 2011, the day Mr. Bevens died, so that his family could say he was born, lived, and died on Levens Street.

FIRE SERVICE APPRECIATION DAY PROCLAMATION

Mayor Dalton explained the City annually observed Fire Service Appreciation Day and presented a proclamation declaring January 27, 2012, to be Fire Service Appreciation Day. He expressed his appreciation of the City's firefighters.

1 **WASTEWATER TREATMENT FACILITY OPERATIONAL UPDATE**

2 Mr. Wyatt reported that the City had a longstanding relationship with CH2M Hill. He expressed
3 his appreciation for the excellent job Lori Smith, the plant operator, did running the Wastewater
4 Treatment Facility and the water distribution center, adding he had full faith in her.

5 Mr. Braun explained OMI was a subsidiary of CH2M Hill and focused on operations as opposed
6 to engineering. He stated Ms. Smith had been working with the City since 2008 and did a good
7 job at being cost effective and saving the City money.

8 Fred Braun introduced Lori Smith, CH2M Hill OMI Project Manager.

9 Ms. Smith presented a brief PowerPoint. She explained the local staff in Dallas had over 75 years
10 of combined experience. She noted corporately, there were many people making sure they were
11 operating correctly and in compliance with state and federal regulations, as well as reviewing
12 weekly data from the plant to ensure the process was going the way it should.

13 Ms. Smith indicated they also took over water distribution the previous January. She reviewed
14 the tasks her staff completed, including line locates, meter work, service requests, new
15 installations, meter reading, and construction.

16 Council President Scroggin asked how many employees were working out at the Wastewater
17 Treatment Facility currently that were City employees previously. Ms. Smith stated all the
18 employees were offered a chance to apply for a position with OMI, but none did.

19 **OTHER**

20 **RESOLUTIONS**

21 **FIRST READING OF ORDINANCE**

22 **SECOND READING OF ORDINANCE**

23 **OTHER BUSINESS**

24 There being no further business, the meeting adjourned at 7:29 p.m.

25 Read and approved this _____ day of _____ 2012.

26
27 _____
28 Mayor

29 ATTEST:
30 _____
31 City Manager

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3 Members Present: Acting Chair Wes Scroggin, Beth Jones, Jackie Lawson, and LaVonne Wilson. Unex-
4 cused: Murray Stewart

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, Director of
7 Administrative Services Robert Spivey, and Recording Secretary Emily Gagner.

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

9 **SW Academy Street Parking**

10 Chair Scroggin reviewed the staff report.

11 Councilor Lawson asked about the possibility of doing a parking permit system for the County. She stat-
12 ed if the county employees were taking most of the business parking spaces that was infringing on their
13 opportunity to do business. She asked if the City Manager had talked to the county staff, noting they may
14 have gotten in the habit of parking on the street during construction. Mr. Wyatt indicated he could talk to
15 the County Administrator and ask him to talk to the employees. He added he could try a soft approach
16 and if that didn't work, the Council could revisit it.

17 The consensus of the Committee was to have Mr. Wyatt contact the Council Administrator and revisit the
18 topic at the Administrative Committee in March.

19 **SDC Discount Program**

20 Mr. Locke stated the idea of reducing systems development charges (SDCs) surfaced a while back and it
21 had come up a few times over the past couple years. He reported that the City only issued 13 single fami-
22 ly residential permits in 2011, which was a fairly low number. He indicated the idea of waiving some of
23 the SDCs was to see if that would spur construction activity for single family dwellings. He reviewed the
24 proposed dual-track incentive. Staff proposed waiving the single family dwelling sewer SDC of \$3,834
25 and for dwellings under 1,700 square feet, staff proposed waiving half of the water SDC, or \$1,876. He
26 explained that smaller homes used less water, adding this incentive encouraged building energy-efficient
27 homes.

28 Mr. Locke reviewed the staff report. He noted by waiving the sewer SDC and half of the water SDC, that
29 would be a reduction of almost 50% of the SDCs for a single family residence. He explained staff rec-
30 ommended doing the reduction in SDC for the next nine months, until October 1. He added staff would
31 come back to the Administrative Committee in September to give an assessment of how it worked and the
32 impacts to capital improvements. Mr. Locke mentioned other jurisdictions had done this throughout the
33 state with some more successful than others. He indicated from the perspective of spurring development,
34 this was an approach staff would like to take. Mr. Wyatt pointed out that homes over 1,700 square feet
35 would still save the cost of the sewer SDC.

36 Councilor Lawson asked if staff had talked to realtors. She expressed her concern that if there was suc-
37 cess in spurring new construction, it would create a glut in the market for existing homes. Mr. Locke stat-
38 ed that was hard to say, adding it was a supply and demand issue. He noted it should create more activity
39 in both the new and existing house markets.

1 Yolanda Zuger, a local realtor, stated she was confident reducing fees would allow Dallas to become
2 competitive with areas like South Salem, where they were dropping prices. She noted this proposal
3 should stimulate activity and get things going on the vacant lots in town that were starting to get over-
4 grown.

5 Nancy Rogers, another local realtor, stated she knew of several builders who wanted to build a home for
6 the home tour. She added this proposal would allow builders to get their fees down, which they would
7 pass on to consumers, which would be very beneficial. She stated it would start momentum and help fill
8 in subdivisions. She indicated if the City looked at it from the standpoint that though they were initially
9 reducing revenue by cutting the SDCs, it wouldn't take long to make that up with the taxes that would be
10 paid on the new homes.

11 Chad Woods, a local realtor, indicated he recently showed a lady several homes in Dallas and there was
12 not one single-story home that fit her needs. He expressed his concern about cutting off the water SDC
13 credit at homes smaller than 1700 square feet because a lot of three bedroom, two bath homes were over
14 that amount, up to 2,200 square feet. He stated when homes were smaller than 1,700 square feet, builders
15 tended to narrow doors, which made it more difficult for people with walkers to navigate.

16 Mr. Locke explained the 1,700 square foot limit was only for the forgiveness of half of the water SDC
17 credit, noting all single family homes would receive the sewer SDC credit. He noted the water SDC size
18 limit was partially tied to usage and capacity issues.

19 Councilor Wilson stated the proposal would benefit realtors and builders, noting it was beneficial for peo-
20 ple who couldn't find what they wanted so they wouldn't go out of town. She added the Council would
21 review it again in September to see what impacts there were.

22 There was discussion about how the timing would work for the SDC credit. Mr. Shetterly stated he and
23 Mr. Locke could work out that issue, noting it would typically apply to when the SDC would be payable.

24 Councilor Lawson stated that along the idea of incentives, there were a lot of houses on the market and
25 she wondered what the City could do to provide incentives for existing homes on the market. Mr. Wyatt
26 explained there was nothing the City could do because that was all in the private sector.

27 Councilor Jones stated she was under contract to build a home with Fowler, and declared an actual con-
28 flict of interest.

29 It was moved by Councilor Wilson and seconded by Councilor Lawson to recommend adoption of a reso-
30 lution by the full Council to implement the proposed SDC discounts. The motion carried unanimously
31 with Councilor Jones not voting due to her actual conflict of interest.

32 **Online Utility/Court Payments**

33 Ms. Ward stated she wanted to bring this topic to the Committee's attention. She noted customers fre-
34 quently asked about online payments, adding that would be a service with a cost to the City. She indicat-
35 ed the City could charge a transaction fee to the customers. She reported this could be worked into the
36 budget if the Committee was interested. She added the City could email utility bills to the customers to
37 see if there was interest.

1 Chair Scroggin indicated he had also received inquiries from citizens regarding online bill pay. Ms. Ward
2 explained customers could go through their banks for automatic payments, but many were uncomfortable
3 with that. She noted companies like Pacific Power and Northwest Natural allowed their customers to go
4 to their website to pay directly from there. She advised many cities charged a transaction fee to pay
5 online, adding Pacific Power and others were huge private companies so they could absorb the transaction
6 fees.

7 Councilor Jones stated most people would expect to pay a transaction fee and recommended keeping utili-
8 ty transaction fees at \$1.25 but increasing court fees to \$5 since they weren't paid as frequently.

9 There was discussion about the demand for the service and the costs to the City. Councilor Lawson asked
10 if the City could take an e-check over the phone. Ms. Ward explained there weren't enough personnel in
11 Finance to handle that.

12 Ms. Ward indicated she could work the cost of online bill pay into the budget if there was an interest. She
13 noted customers would be able to view their bill and entire account history online. She added it would
14 eventually save the City some money on postage because they could email customers and let them know
15 their bill was available online. Councilor Lawson asked if this would save staff time. Ms. Ward stated
16 she could envision that it would once customers got used to it.

17 Councilor Wilson expressed concerns over the City's exposure if the confidential information got hacked.
18 Councilor Jones indicated Tyler would be responsible in that case. Mr. Shetterly stated he would need to
19 look at the contract with Tyler to be sure.

20 Councilor Jones restated that court fines should cost \$5 for the transaction fee, noting if enough people
21 paid their court fines online, it could reduce the utility bill transaction fee. Mr. Wyatt indicated the fees
22 could always be changed. In response to a question, Ms. Ward indicated the fee for the first year with the
23 initial start up would be \$5,600, but each subsequent year the fee would be less than \$5,000, depending on
24 the number of customers.

25 Joe Koubek stated he paid every single bill online and didn't pay any transaction fees. He indicated no
26 one would want to pay a transaction fee to pay their utility bill but did recommend charging a transaction
27 fee for court payments. He advised e-delivery of utility bills would save postage.

28 Councilor Lawson indicated it was hard to implement something and then pull back if it didn't work. She
29 stated she liked starting incrementally by first offering e-delivery of utility bills to see how many signed
30 up for that. She recommended providing instructions for customers to pay their bills online through their
31 bank. Councilor Jones asked how much was currently being spent on postage for utility bills. Ms. Ward
32 replied it was about \$15,000 or so annually.

33 Chair Scroggin instructed Ms. Ward to check with other cities and bring the information to the Council.

34 **Sable House Sublease**

35 It was moved by Councilor Wilson and seconded by Councilor Lawson to recommend to the full Council
36 to direct the City Manager to enter in to a 10-year continuation of the Sable House sublease. The motion
37 carried unanimously.

1 **Sewer Connection Maintenance Ordinance**

2 Mr. Locke reported he wanted to formalize the policy of sewer lateral maintenance and repair. He stated
3 there were a number of issues in the past where the City repaired private sewer laterals but we didn't have
4 the luxury to do that anymore fiscally. He indicated the City already had an informal policy relating to
5 private sewer lateral maintenance that made it clear where the property owner's responsibilities ended.
6 He noted there were instances where the City and property owner worked together and shared the costs,
7 adding if the main was affected and that affected the lateral, the City would help. He indicated the policy
8 made clear if the problem was in the lateral, it was the property owner's responsibility. Mr. Locke added
9 this played into the FOG program and provided the City an opportunity to get issues corrected. He ex-
10 plained the ordinance that dealt with sanitary sewer installation could be amended to include repair and
11 maintenance and specify whose responsibility that would be.

12 Councilor Lawson indicated she agreed to a certain point, stating nothing past the property line should be
13 the property owner's responsibility. Mr. Shetterly stated it was hard to tie it to the property line.

14 Chair Scroggin asked about tying maintenance responsibilities to the sidewalk. Mr. Locke explained it
15 was very difficult to determine where the problem was relative to what was above it. He indicated the
16 City accepted sewer mains for maintenance but not private sewer laterals. He added the City didn't install
17 sewer laterals. He stated the City was at a place where from a resource perspective, we cannot maintain
18 sewer laterals, which should be maintained by the owner. He noted this was the way it was in most cities.

19 Paul Trahan of the Fife Group stated he built subdivisions in town and explained that there were gas and
20 telephone lines in the street so the City may not want plumbers in the street digging it up. He stated in
21 most places he'd been, the responsibility stopped at the property line. He added that was why the lines
22 were stubbed to the property line when the subdivisions were built.

23 Councilor Lawson stated tree roots were often the cause of problems with sewer laterals, but the City tells
24 owners they can't touch the trees. She explained businesses have been told by the City that the City
25 didn't know where sewer lines were because they weren't marked specifically when they were put in. She
26 indicated it wasn't right to put that cost on homeowners to track where the lines were and dig up the street
27 to find where something may be because it wasn't on paper.

28 Mr. Wyatt stated no matter where the Council drew the line for private maintenance, the City would be
29 involved in the process. He indicated if the Council put that maintenance at the property line, they would
30 need to look for additional revenue sources. He added people may have to wait to have repairs done until
31 staff was available. He indicated someone may have a lateral clog and it could take some time for our
32 crews to get there. There was more discussion about property owners working in the right of way. Mr.
33 Wyatt pointed out private people couldn't do any work in the right-of-way without City approval. Mr.
34 Locke added the law required they call for locates prior to any utility work being done.

35 It was moved by Councilor Wilson and seconded by Councilor Jones to send this back to staff to address
36 the committee's concerns and bring it back to the Administrative Committee. The motion carried unani-
37 mously.

38 **Administrative Services Director's Report**

1 Mr. Spivey reported that since September, the City had hired fifteen new employees; eleven of which
2 were Dallas Aquatic Center employees. He noted there were seven separations in that time, including
3 four from the Dallas Aquatic Center. He explained he was currently working to fill the vacant engineer-
4 ing tech position and would be going back out to fill the lead librarian position.

5 Mr. Spivey explained that there had been some interesting legislative changes which started at the begin-
6 ning of 2012 regarding how much the City could charge for court fines and how much had to be paid to
7 the state. In response to those legislative changes, staff made some changes that would allow the Court
8 Clerk to handle many issues right at the window. He advised there may be more changes following the
9 2012 legislative session.

10 Mr. Spivey advised that the first phase of the Kingsborough Parks project was wrapping up, adding the
11 new detention basin worked well during the recent heavy rains. He reported the grant packet was going to
12 the state later in the week for reimbursement. Mr. Spivey shared that staff was working on grant requests
13 for the potential Hiebert section of the trail.

14 **Finance Director's Report**

15 Ms. Ward reported that work was beginning on the budget for fiscal year 2012-13, adding she would be
16 getting the budget calendar out to everyone in the next few weeks.

17 **Other**

18 Joe Koubek stated he was speaking as a citizen and wanted the Committee to keep in mind that they
19 would need to have funds to replace fire apparatus soon. He commented that the SDC charges that were
20 discussed earlier, in comparative terms, 10 SDCs paid for one piece of fire apparatus. Mr. Wyatt pointed
21 out that SDCs could not be used to purchase fire apparatus. Mr. Koubek encouraged the Council to keep
22 thinking about squirreling money away, adding he would continue to bring the topic up so they wouldn't
23 forget. Mr. Wyatt pointed out the purchase of fire apparatus was in the Capital Improvement Projects list.

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

MEETING AGENDA

ADMINISTRATIVE COMMITTEE

Monday, January 23, 2012

4:00 p.m.

LaVonne Wilson, Chair

Beth Jones

Jackie Lawson

Wes Scroggin

Murray Stewart

1. SW Academy Street Parking
2. SDC Discount Program
3. Online Utility/Court Payments
4. Sewer Connection Maintenance Ordinance
5. Sable House Sublease
6. Administrative Services Director's report
7. Finance Director's report
8. Other
9. Adjourn

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 1	Topic: SW Academy Street Parking
Prepared By: Emily Gagner	Meeting Date: January 23, 2012	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

In August of last year, we received a request from Jeni Woods at Woods Insurance on SW Academy Street to look at time-limited parking in the 100 block of SW Academy Street. According to her request, Ms. Woods was concerned that the employees at the Academy Building were taking up the street parking by her office making it difficult for customers to park.

The issue was brought to the Public Safety Subcommittee on August 22, 2011, where the decision was made to wait until construction was completed at the Academy Building and then monitor the situation.

We received another request from Ms. Woods in December indicated the construction appeared complete and there were still issues. Jason Locke inspected the area and recommended we bring the issue back to committee. Staff sent letters to all the businesses and property owners along the block in question to let them know we were considering 2-hour time-limited parking and asking for their comments. We received letters from Charles Krogman, Stephen Mannenbach, and Greg Hansen in opposition of time-limited parking. Copies of these letters, as well as Ms. Woods' requests are attached to this staff report.

At this time, staff recommends the Committee do nothing, which would not have time-limited parking in the 100 block of SW Academy.

FISCAL IMPACT:

None

ATTACHMENTS:

- Map of area in question
- Minutes from 8/22/11 Public Safety Committee Meeting
- Letters regarding SW Academy Street Parking

On Street Parking
Affected by Construction



On Street Parking in Question



SW ACADEMY ST



V ROBB ST

MAIN ST

Members Present: Chair Ken Woods, Jr., Jim Fairchild, Kevin Marshall, and Mark McDonald

Also Present: Mayor Brian Dalton, City Manager Jerry Wyatt, Police Chief John Teague, Fire Chief Bill Hahn, Engineering Director Fred Braun, Community Development/Operations Director Jason Locke, Administrative Services Manager Robert Spivey, and Recording Secretary Emily Gagner.

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

Unnecessary Noise Ordinance

Parking on Academy Street

Mr. Wyatt reported staff had received a complaint about parking on Academy Street. He explained a few years ago, the City had signage limiting parking to two hours, but there was no code language to support that time-limited parking, so the signs were removed. He stated the complaint was about cars parking along Academy Street by the Academy Building all day and making it difficult for customers of other businesses to find parking. Mr. Wyatt noted staff looked into the complaint and felt most of the parking issues were due to the construction at the Academy Building, which is taking up the parking area on Church Street. Mr. Wyatt recommended staff continue to monitor the situation until construction was completed. The consensus of the Committee was to have staff monitor the situation. Councilor Fairchild asked if staff had contacted the County. Mr. Wyatt stated he did talk to the administrator about the issue. Councilor Woods asked Mr. Wyatt to bring the issue directly to the full Council if there continued to be issues.

Police Chief's Report

Chief Teague reported they experienced no problems during Summerfest. He indicated they moved the Police command from outside to inside the parade route, which gave them a higher profile and worked well. He noted the Department had not planned for contingencies in the past, such as an accident along the parade route, so that would be addressed before next year.

Chief Teague advised that there were five recognized National Night Out gatherings this year and he was hoping to double that next year. He indicated Diane Lanxon, the new Community Service Officer, worked hard on that event. He added she had also developed the Eddie Eagle Gun Safe program in the local elementary schools and was looking to bring it to the high school. Chief Teague reported that Ms. Lanxon organized a consumer protection presentation to help seniors avoid fraud and was ramping up the Neighborhood Watch program.

Chief Teague explained that Kenn Carter had suggested the Police Department participate in a drug take-back program. He stated they couldn't because it would require eight hours of overtime to have a cop available to take the medication. He advised a drop box would allow the medication to remain under police control and eliminate the need for overtime. He indicated he found one available and it was huge and ugly, so he went to EVCOR, LLC and asked them to design a drop box. Chief Teague reported it had been painted and would be installed in City Hall outside the Police Department.

Chief Teague stated that the Polk Interagency Narcotics Team (POINT) received only two applications when they advertised two years ago for a member of the Oregon State Police to join the team. He indicated that person had moved on and POINT recently solicited applications again and received many appli-



EMILY GAGNER <emily.gagner@dallasor.gov>

Fwd: regarding parking on academy st

----- Forwarded message -----

From: **Jeni Woods** <jjwoods@opusnet.com>

Date: Tue, Aug 2, 2011 at 2:51 PM

Subject: regarding parking on academy st

To: jason.locke@dallasor.gov

My office is on Academy St right across from the Academy building and we have some issues with street parking. This street does not have any parking limits so some of the employees of the Academy building take up the street parking in front of our office all day making it difficult for our customers to find a place to park. I would like to know if we can put a 2 hour limit on parking to help solve this problem.

Thank you for your time

Jeni Woods

Woods Insurance

503-623-9700

https://mail.google.com/mail/?ui=2&ik=e68200ef16&view=pt&as_has=Academy%2C%20Parking&as_s... 1/18/2012



EMILY GAGNER <emily.gagner@dallasor.gov>

Parking on Academy Street

Jeni Woods <jjwoods@opusnet.com>

Thu, Dec 1, 2011 at 1:57 PM

To: EMILY GAGNER <emily.gagner@dallasor.gov>

Good Afternoon Emily,

We emailed a few months back regarding the parking situation here on academy St and at that time your staff had felt that part of the issue was the construction going on at the academy building. At this time the construction appears to be complete and we are still having the same issues with parking. I was wondering if at this time we could see about having some kind of parking time limitation put in place here on academy st. We have had numerous complaints from our customers regarding parking. It appears to to be the same vehicles parking here in front of our office everyday going to the academy.

Look forward to hearing back from you

Thanks for your time

Jeni Woods

Woods Insurance LLC

From: EMILY GAGNER

Sent: Tuesday, August 23, 2011 4:00 PM

To: jjwoods@opusnet.com

Cc: Jerry Wyatt ; Jason Locke

Subject: Parking on Academy Street

[Quoted text hidden]

January 3, 2012

Jerry Wyatt
Dallas City Manager
187 SE Court
Dallas, OR 97338

Re: Proposed 2 hour parking limit on Academy Street

Dear Mr. Wyatt:

I was informed that the Council was considering changing the on-street parking on Academy, from Main to Church, to 2-hour timed parking; this in response to a request. As a tenant of a building on Robb and Academy, I would likely feel the effect of any change you might make to the area's parking. As an affected party I would make a request for you to consider, that no changes be made to the present parking conditions.

Your reason for considering this change is "to ensure parking availability for all customers". I do not see how any proposed change would provide such guarantee for all customers. The same number of people will seek to park in the vicinity and your proposed change would only shift those patterns, and likely to the detriment of other businesses, including mine which is served by Robb Street.

I hope that other affected parties express their opinions regarding your proposal, to ensure that the City does not act incorrectly, or upon a sole request.

Yours truly,

Charles Krogman



Stephen F. Mannenbach

Attorney at Law

133 S.W. Academy • P.O. Box 220 • Dallas, Oregon 97338 • (503) 623-6052 Fax (503) 623-6053

January 3, 2012

01-04-12 A11:28 IN

Jerry Wyatt
Dallas City Manager
187 SE Court St.
Dallas, OR 97338

RE: Proposed Two Hour Time Parking Between Main St. and Church St. on SW Academy St.

Dear Mr. Wyatt:

My office is in receipt of your letter dated December 27, 2011.

You state that in "response to a request" the Dallas City Council is considering changing the on-street parking on both sides of SW Academy Street from Main Street to Church Street to two hour time parking "****in order to ensure parking availability for all customers."

If the two hour time parking is imposed between Robb Street and Main Street, it would **not** ensure parking availability for my customers. For example, it is common to have mediations and arbitrations at my office. Since there are only six (6) parking spaces in my parking lot, and I have employees that use three (3) to four (4) of those spaces, there would then be insufficient parking space for participants in a mediation or arbitration exceeding two (2) hours. Additionally, when there are depositions held at my office that exceed two (2) hours, parking spaces are utilized along SW Academy Street.

To give you an example, there was a recent mediation at my office which involved three (3) separate parties, each with separate attorneys, and each using a separate office in my building. The number of overflow parked motor vehicles on SW Academy Street required parking more than two (2) hours.

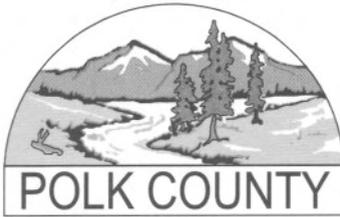
It is uncommon for all of the parking spaces between Robb Street and Main Street along the side of the Mannenbach Law Office building and Washington Federal to be utilized during the day by individuals who park more than two (2) hours on a regular basis. Consequently, as regards that stretch of SW Academy Street, it is unnecessary to impose a two (2) hour parking limitation.

If your goal, as you state in your letter, is to "****ensure parking availability for all customers," then you are doing exactly the opposite in taking away parking availability to my law office customers by imposing this two (2) hour limit between Robb Street and Main Street.

Very truly yours,

Stephen F. Mannenbach

SFM/ans



POLK COUNTY

BOARD OF COMMISSIONERS

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338-3174
503-623-8173 ★ FAX 503-623-0896

Commissioners

CRAIG A. POPE
MIKE AINSWORTH
JENNIFER L. WHEELER

GREGORY P. HANSEN
Administrative Officer

January 17, 2012

City of Dallas
Attn. Jerry Wyatt
187 SE Court Street
Dallas, OR 97338

Dear Jerry:

In response to your letter of December 27, 2011, involving the consideration of two hour timed parking on Academy Street, between Main and Church Streets, Polk County has concerns involving the change in parking status.

First, the proposed change will impact clients that receive services at the Academy Building, due to the fact that many of their appointments exceed two (2) hours. In my opinion, anything that discourages a client from attending their mental health appointments is not a good thing.

Second, the new parking standards will require our staff to choose between parking in the lower lot, which we discourage because it reduces the amount of parking for clients, or relocating their parking habits to other neighborhood/business areas without parking restrictions. In my opinion, both of these scenarios do not deliver the result you are hoping to get with your parking restriction modification.

Third, I believe the majority of the current issues with parking are the result of the construction occurring at the Academy Building. This construction is scheduled to end prior to June, 2012. As a result, parking in the area should return to a more normal level.

Please consider this as Polk County's written comments for this proposed change in parking status. As a result of the above issues/concerns, Polk County is requesting that you reconsider your desire to implement a new parking restriction on Academy Street.

If you have any questions, please email me at hansen.greg@co.polk.or.us or give me a call at 503-623-8173.

Respectfully,

Greg Hansen, Admin. Officer

c: Board of Commissioners



Community Development Department

Memo

To: Admin Subcommittee
From: Jason Locke, Community Development Director
Date: January 23, 2012
Re: SDC Discount program

Staff has been questioned on occasion regarding the reduction or elimination of Systems Development Charges (SDC's) in order to spur development. Calendar year 2011 saw only 13 new single family dwellings built.

In order to provide an incentive for new home construction, staff is proposing that sewer SDC's (\$3,834) be waived on all single family dwellings and that ½ of the water SDC (\$1,876) be waived on dwellings under 1700 square feet (in order to encourage more affordable houses that use less water).

Total SDC's for a new home are \$11,757. A new house under 1700 sq.ft. would save \$5,710, and a house larger than 1700 sq.ft. would save \$3834.

These waivers might provide a development boost, and not unduly impact capital improvement funding.

Staff would propose that the Committee recommend that these SDC waivers be adopted by Resolution and be effective until October 1, 2012.

DALLAS CITY COUNCIL SUBCOMMITTEE REPORT

To: COUNCIL SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 3	Topic: Online Utility/Court Payments
Prepared By: Cecilia Ward	Meeting Date: January 23, 2012	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

Many cities offer their customers the option of paying their utility bills or court fines online. Currently the City of Dallas does not accept online payments. The finance office has had many inquiries regarding this service. Although this would be a great convenience to our customers, it would be a cost to the City. Tyler Technologies, our software provider, can accommodate online payments for approximately \$5,000 per year (customer pays \$1.25 per transaction/court defendant pays \$1.50 per transaction). In addition to the annual fee, the City would also incur a credit/debit card transaction fee just as we now have in the office.

An advantage to this service would be the capability of emailing the customer their utility bill rather than mailing or at least notifying them by email that their bill is available online.

This is a service that can be implemented at any time. If there is enough interest, we would implement it FY 2012-2013.

FISCAL IMPACT:

Yes, in FY 2012-2013

ATTACHMENTS:

None



Community Development Department

Memo

To: Admin Committee
From: Jason Locke, Community Development/Operations Director
Date: January 18, 2012
Re: Sewer Lateral maintenance and repair Ordinance

There have been a number of instances in the past where the City has maintained and/or repaired private sewer laterals. A sewer lateral is the pipe from the structure or dwelling to the main sewer line usually located in the street (see attached).

In order to formalize the adopted policy whereby the property owner is responsible for the repair and maintenance of their sanitary sewer lateral, staff is recommending that the following Dallas City Code amendment be forwarded as an Ordinance to the full City Council.

4.102 Sanitary Sewer Installation and Connection.

(1) No person shall make a connection to a public sanitary sewer without first obtaining a permit from the director on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director.

(2) All costs and expenses incident to the installation, connection, **repair and maintenance** of the building sanitary sewer shall be borne by the owner.

(3) The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation **or connection** of the building sanitary sewer, **and the failure of the owner to repair and maintain the building sanitary sewer.**

ORDINANCE NO. _____

An Ordinance amending provisions of the Dallas City Code Section 4.102, relating to Sanitary Sewer installation, connection and maintenance.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 4.102 is hereby amended to read as follows:

4.102. Sanitary Sewer Installation, Connection and Maintenance.

(1) No person shall make a connection to a public sanitary sewer without first obtaining a permit from the director on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director.

(2) All costs and expenses incident to the installation, connection, repair and maintenance of the building sanitary sewer shall be borne by the owner.

(3) The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation or connection of the building sanitary sewer, and the failure of the owner to repair and maintain the building sanitary sewer.

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



To: LaVonne Wilson
From: Paul K. Trahan
CC: Jerry Wyatt, Jason Locke
Date: January 24, 2012
Re: Sewer Connection Maintenance Ordinance (Proposed Amendment)

As a follow up to my comment during the Administrative Committee meeting of January 23rd, I offer the following:

Problem:

City simply does not have the time, funds nor staff to chase down the private sewer connections that are the main source of I&I (Inflow and Infiltration); into the City's sewer system.

Proposed Solution:

Staff would like to pass the cost of repairs on to the property owner as offered in Jason Locke's Memo to the committee dated January 18th.

Comments:

I can support Staff's proposed solution; however, question the portion that requires the property owner to maintain the line within the city right-of-way (ROW). As I stated during the meeting, there are numerous other utilities that are located within the ROW and excavation around those utilities should be carefully monitored.

Example – A property owner's toilet backs up on a Friday afternoon, they call Joe the Plumber who determines their lateral is clogged with roots and the solution is to clean the line out all the way to the mainline. After the roots have been cleared, it is determined that the reason for the roots is a cracked pipe under the asphalted street. Joe the plumber is hired to fix the line and proceeds on Saturday morning to repair the lateral without the knowledge of City Staff. Now we could have a Contractor working within the City streets without a permit and without clear direction from Staff and not to mention inspection of the work.

Solution:

The City should have a list of 4 or more Contractors that have been approved by Staff and have the experience and knowledge of the City's Engineering Standards; to work within a ROW. If a property owner is required to repair their lateral, then the City should contract with one of the approved Contractors and have a method for the property owner to pay back the cost of the repairs. This will ensure that the repairs are completed to City specifications.

Other Cities:

McMinville – Owner is only responsible from the structure to the property line

Albany – Owner is responsible from structure to main, but City will pay for a one time replacement of a private lateral.

Lebanon – Owner is responsible from the structure to the main line; however the city utilizes SDC funds to offset cost to Owner on one and two family dwellings

Portland – City is responsible for maintenance to the curb line at the right-of-way (ROW) and the Owner is responsible from the structure to the ROW or property line

Independence – Owner responsible from structure to mainline. The City does not have any provisions for financing the repair.

Monmouth – Owner is responsible from structure to property line

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2

3 Members Present: Chair Jackie Lawson, Beth Jones, Wes Scroggin, and LaVonne Wilson. Unexcused: Mur-
4 ray Stewart.

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, Administrative
7 Services Director Robert Spivey, and Recording Secretary Emily Gagner.

8 Chair Lawson called the meeting to order at 4:56 p.m.

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

10 Mr. Locke reported there was minor overall damage from the heavy rain event the previous week. He not-
11 ed the street and parks crews did a good job maintaining order and getting things under control in trouble
12 spots. He said it was amazing how everyone worked so well together.

13 Mr. Locke commented that Tina Paul reported attendance at the Dallas Aquatic Center had been really
14 good of late. She indicated that at times when she used to see 15 attendees, now there were 30 or 40. He
15 noted that created its own set of challenges, but Ms. Paul was doing a good job dealing with those.

16 Mr. Locke indicated the fire seismic upgrades were in the final stages, noting it came out well and would
17 be a much safer facility.

18 Mr. Locke stated the Court Street improvement project was complete. He added he would look at in-
19 stalling some hanging baskets in the spring.

20 Mr. Locke reported residential permit activity was low, but there was some activity on commercial build-
21 ings.

22 Mr. Locke advised the Planning Commission approved the Walmart site plan and the notice of decision
23 had gone out. He indicated he would know by February 3 if it would be appealed, in which case it would
24 go to the Council.

25 Mr. Locke explained staff was still working on a building maintenance ordinance and a vacant building
26 ordinance. He reported Independence had recently adopted one which was 39 pages long. He indicated
27 the City of Dallas wasn't aiming for anything like that, adding he wanted ours to be straight forward and
28 easy to understand.

29 Councilor Jones asked when the lines would be repainted on Court Street. Mr. Locke explained it would
30 be overlaid in the late spring and then they would restripe it.

31 Councilor Jones asked who could appeal the Planning Commission decision on Walmart. Mr. Locke indi-
32 cated anyone who participated in the proceedings either verbally or in writing could file an appeal. Mr.
33 Shetterly added there were about 30 people who participated in the proceedings.

34 **Other**

35 Mr. Locke responded to a question from Councilor Lawson regarding the Ford Family Foundation class
36 project that was being completed in the pocket park by the Arctic Circle. He explained the class raised
37 some of the money and the Ford Foundation provided a grant for the rest of the cost of the project. He not-

- 1 ed the Urban Renewal District contributed \$500 toward the project and the rest was all privately or founda-
2 tion funded. He reported City staff would provide the labor to install the benches for the project. Councilor
3 lor Lawson clarified that the Ford participants told the community this project wouldn't use taxpayer dol-
4 lars so the labor provided by the City for the bench installation would be paid for with a grant. Mr. Locke
5 explained the City had agreed to install the benches, which would only take an hour or two. He indicated
6 he was not aware of any money coming from the Ford Foundation to reimburse for staff time. Councilor
7 Lawson stated it was not from Ford per se and expressed her concern that the community's perception was
8 this project was funded by taxpayer dollars when it wasn't. Mr. Locke clarified that the majority wasn't
9 funded by taxpayer dollars but the City would be providing staff time to install the benches.
- 10 There was no other business and the meeting was adjourned at 5:05 p.m.

MEETING AGENDA

BUILDING AND GROUNDS COMMITTEE

Monday, January 23, 2012

4:00 p.m.

Jackie Lawson, Chair

Beth Jones

Wes Scroggin

Murray Stewart

LaVonne Wilson

1. Community Development/Operations Director's report
2. Other
3. Adjourn



**City of Dallas
Planning Commission
Council Chambers - City Hall
January 10, 2011 - 7:00 p.m.**

**DRAFT
MINUTES**

CALL TO ORDER

Vice President Dave Pederson called the meeting to order at 7:00 p.m.

NEW COMMISSIONER OATH OF OFFICE

Denise Jones took the City of Dallas Planning Commission Oath of Office.

ROLL CALL

Commissioners Present: Carol Kowash, Dave Pederson, David Shein, Denise Jones, and Robert Wilson.

Absent: Chuck Lerwick

Staff present: City Attorney Lane Shetterly, Community Development Director Jason Locke, Planner John Swanson, and Recording Secretary Patti Senger.

APPROVAL OF MINUTES

Vice President Dave Pederson presented the minutes of the regular meeting of December 13, 2011. Commissioner Carol Kowash made a motion to approve the minutes as presented and Commissioner Dave Shein seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

Vice President Pederson explained the rules for making public comment and pointed out that the Walmart expansion was on the agenda for deliberation only and that the public comment portion had been closed.

There were no public comments.

PUBLIC HEARING

Walmart Site Plan Review (SPR 11-01)

Vice President Pederson announced this was the deliberation portion of the public hearing for the site plan review for the expansion of the existing Walmart store #2315-04, located at 321 NE Kings Valley Highway in Dallas, Oregon. He opened the Public Hearing at 7:08 p.m. and asked if

any commissioner needed to declare ex parte contact or had a conflict of interest. There was no declaration. Denise Jones recused herself from deliberation and voting.

Commissioner Shein made a motion to accept all the written testimony that was submitted into the record. Commissioner Wilson seconded that motion and it passed unanimously.

SUPPLEMENTAL STAFF REPORT:

Mr. Locke reviewed the supplementary staff report and indicated it included the comments received as well as the applicant's additional testimony. Based on the position taken by the applicant relating to the transportation impact requirements 3.4.010(A)(1), he stated that City staff and the City attorney had determined their arguments reasonable. If the Commission was to approve the application, the staff report included six proposed conditions. Mr. Locke acknowledged the seventh condition was removed based on research into the applicant's argument that a local improvement district on a state facility is not consistent with Oregon Revised Statutes. Mr. Shetterly clarified there were two sections that contain 3.4.010, and this refers to the second 3.4.010 which was indicated 3.4.010(B) in the staff report. In answer to Commissioner Shein's question, Mr. Shetterly stated that the correction to the code would be made at a later date.

DISCUSSION BY COMMISSION

Commissioner Shein asked if the argument advanced by Walmart was reasonable and Mr. Shetterly indicated in his opinion it was and clarified that the code was not precisely tailored to each circumstance but would need to be interpreted. Commissioner Shein asked what FDC and OFC stood for and Mr. Locke responded Fire Department Connection and Oregon Fire Code.

Vice President Pederson asked if the state had done improvement on roads in Dallas, and if businesses were required to help fund those improvements. Mr. Shetterly indicated they may have paid for underground lines but not the street improvements. Commissioner Shein stated that he was present at the City Council meetings when improvements were discussed and he didn't recall that ever happening.

Vice President Pederson stated that, in his opinion, the State of Oregon was wrong about not requiring the traffic study. He explained that now and even more so after the expansion, when exiting the parking lot and making a left turn onto E. Ellendale Avenue, a hazard was created. He suggested not allowing left turns at that exit.

Commissioner Wilson made a motion to approve the site plan for the expansion of the existing Walmart store #2315-04, located at 321 NE Kings Valley Highway in Dallas, with the six conditions listed in the staff report. Commissioner Shein seconded the motion and it passed unanimously.

RECESS

A five minute recess was granted to prepare for the next public hearing.

PUBLIC HEARING

Appeal of Partition Approval (PTN 11-04)

Vice President Pederson announced the public hearing on the Appeal of Partition Approval (PTN 11-04), 1463 SE Miller, Dallas, Oregon, by Prism Manor, LLC. He opened the Public Hearing at 7:22 p.m. and asked if any commissioner needed to declare ex parte contact or had a conflict of interest. There was no declaration.

STAFF REPORT

John Swanson reported that this agenda item was an appeal of an administrative decision. He reviewed the staff report, stating that the City of Dallas granted administrative approval on August 24, 2011, of a Type II Land Use application for a two-lot partition of the 1.81 acres of property. The partition created a lot of .18 acres with an existing house (lot 2101, owned by Mr. Nunes) and a vacant flag lot of 1.63 acres (lot 2100, owned by Prism Manor, LLC), which sought to legally divide what was already recognized as separate tax lots with the Polk County Assessor's office.

Mr. Swanson stated that after review of the legal documents, staff determined that in May of 2006 tax lot 2101 and tax lot 2100 were established as separate lots, qualifying it under ORS 92.177 to create a partition without all legal owners participating because it had happened prior to January 1, 2007. He explained that the original parent parcel was divided into two tax lots in 1997 but no land use action was formalized.

Mr. Swanson noted that this brought us to the appeal by Prism Manor, LLC. They were entitled to receive notice and they did not. This error was corrected by this hearing. He stated that this partition was lawfully executed under ORS 92.177 and staff recommendation was to reject the appeal and approve the partition with the standard conditions. Commissioner Shein asked if they lost any appeal time and Mr. Shetterly responded they had not.

APPLICANT PRESENTATION

Eric Yandell, 117 Commercial Street, NE, 4th Floor, Salem, Oregon stated that he represented Tony Nunes, the current owner of the small parcel (2101). He explained that they were in litigation with Prism Manor, LLC, owner of the larger parcel (2100). He indicated that it was not because there was anything wrong with the partition, but because land owners have rights in situations like this. He stated that the staff report was accurate and that he could answer questions if needed.

APPELLANT PRESENTATION

Mark Hoyt, 639 Chemeketa Street NE, Salem, Oregon stated that he represented Prism Manor, LLC. He suggested that this application was an effort by Mr. Nunes to avoid liability for selling land that was not legally partitioned. He stated that his client was exercising his rights under statute, adding that the intention was not relevant. He stated that they did not have a problem with the application, but explained that ORS 92.177 allowed for only one parcel, not a partition. He presented a letter to be received into the record dated January 10, 2012, and read from page 3 of the letter. Mr. Hoyt indicated that a partition plat would have to be signed by all the owners, and his clients would not sign. If the Planning Commission approved the partition, it would be wasting time, and this would be a wasted process. If this was one parcel then there would be no issue. He read more from the letter on page 4. He summarized by saying that the only reason they were here was because of the lawsuit.

PERSONS SPEAKING FOR OR AGAINST

There were none.

REBUTTAL

Eric Yandell, 117 Commercial Street, NE, 4th Floor, Salem, Oregon, Stated that Mr. Nunes discovered in early 2007 that the property had not been lawfully partitioned and that he had bought it and sold it that way. He notified Prism Manor, LLC right away that this was a problem and then he set out to fix it. Oregon Revised Statute allowed you to look-back when a single property was sold as two separate properties, noting that if a partition would have been granted back then it could be approved now. The partition was applied for to give the buyer what they should have received when they originally purchased it back in 2006. He acknowledged it was a little late and stated they agreed to pay any

additional costs caused by this. He suggested to the commission that there should be no objections on the merits of this partition and noted that it was recommended by staff to approve. He discussed Mr. Hoyt's arguments and stated that information was given that was not relevant to the Planning Commission's decision, but for a court to decide. He asked them to validate the parcels and make it valid going forward.

COMMISSIONER QUESTIONS

Commissioner Carol Kowash asked for clarification about the benefits obtained by Prism Manor, LLC to not have this partition. Mr. Shetterly indicated that if it was a legal partition it may make it more difficult to rescind a validated property noting that this would be handled in court.

Commissioner Shein asked what the consequences would be on the decision made here. Mr. Shetterly indicated that was not for this commission to use to base a decision on, and suggested the question not be answered. Commissioner Shein then asked why this information was presented to the Planning Commission.

REBUTTAL

Vice President Pederson allowed both parties five minutes to respond.

Mr. Yandell stated that they were here because they wanted the property partitioned and that both pieces of property needed to be sellable. He added if there had not been an appeal they would not be here. The judge handling the case would decide the impact this action would have on litigation. He asked the Planning Commission to consider only the criteria and determine if they could get behind this partition. He indicated the partition would need to be two separate parcels regardless of the outcome in the court, and eventually it would need to be validated.

Mr. Hoyt reverted that record be held open for seven days. He stated that this application was pursued without proper notice and that Mr. Nunes wanted to partition his client's property. He suggested he could do so if he bought back the property from his client for the original price. He agreed with Mr. Nunes that this was an attempt to fix a situation that should never have occurred. He stated that he didn't wish to take up Planning Commission time with this partition and wanted to handle it through the court, but because the application was filed, his client was forced to appeal. He stated if they wanted to legalize their parcel they could because it was theirs to legalize, but they could not do a partition on property they did not own. He stated that ORS 92.176 and 92.177 does not use the word partition, but parcel.

Commissioner Shein moved to close the public portion of the hearing and keep the record open until Wednesday, January 18, 2012, at 5:00 p.m. to receive written comments. Commissioner Wilson seconded the motion and it passed unanimously.

Vice President Pederson explained to the audience that a letter could be written to the City of Dallas, 187 SE Court Street, Dallas, Oregon, 97338 if anyone wished to have comments included in the record, but the record would not be open for oral testimony.

PUBLIC HEARING

Conditional Use Permit (CUP 11-02)

Vice President Pederson announced the public hearing on the Conditional Use Permit (CUP 11-02), in the RH Zone, 1990 SE Shelton Street, Dallas, Oregon, by Danielle Mouser. He opened the Public Hearing

at 7:56 p.m. and asked if any commissioner needed to declare ex parte contact or had a conflict of interest. There was no declaration.

STAFF REPORT

Mr. Swanson reviewed the staff report. The applicant would be using 1,000 square feet of the house for the studio. He mentioned that parking requirements would be met with the public lot across the street. He stated that staff recommended approval with three conditions. Commissioner Kowash asked about the second condition and Mr. Swanson explained that only real estate signs and political advertising signs were allowed during campaign season and the applicant did not seek a variance for a sign.

APPLICANT PRESENTATION

Danielle Mouser, 1365 SW Solomon Court, Dallas, Oregon stated that she agreed with the staff report. She added that she had been running her business for three years and generally did business at other locations and indicated she didn't expect to see that change. Other than her car, she may have one or two clients parking there at one time.

PERSONS SPEAKING FOR OR AGAINST

There were none.

QUESTIONS BY THE PLANNING COMMISSION

There were none.

Vice President Pederson closed the public hearing at 8:07 p.m.

DISCUSSION BY COMMISSION

Commissioner Kowash moved to approve the Conditional Use Permit (CUP 11-02), in the RH Zone, 1990 SE Shelton Street, Dallas, Oregon, with the three conditions listed in the staff report, Commissioner Shein seconded the motion; it passed unanimously.

OTHER BUSINESS

There was none.

COMMISSIONER COMMENTS

There were none.

STAFF COMMENTS

There were none.

ELECTION OF OFFICERS

Vice President Pederson opened the floor for nominations for President. Commissioner Shein nominated Chuck Lerwick for President. Vice President Pederson closed the nominations. The Commission voted unanimously to elect Chuck Lerwick as President of the Planning Commission.

Vice President Pederson opened the floor for nominations for Vice President. Commissioner Shein nominated Dave Pederson for Vice President. Vice President Pederson closed the nominations. The Commission voted unanimously to elect Dave Pederson as Vice President of the Planning Commission.

Vice President Pederson opened the floor for nominations for Recording Secretary. Commissioner Kowash nominated Patti Senger for Recording Secretary. Vice President Pederson closed the

nominations. The Commission voted unanimously to elect Patti Senger as Recording Secretary for the Planning Commission.

The meeting was adjourned at 8:25 p.m.

APPROVED:

President

Date

DRAFT

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 8 a	Topic: Rickreall Creek Watershed Council
Prepared By: Emily Gagner	Meeting Date: February 6, 2012	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Motion to appoint someone to represent the Dallas City Council on the Rickreall Watershed Council.

BACKGROUND:

Former Dallas City Councilor Warren Lamb has been serving as the Council's representative on the Rickreall Watershed Council for several years. He has informed us that he will be unable to continue serving and is stepping down. The Council will need to appoint someone to fill that position.

FISCAL IMPACT:

None

ATTACHMENTS:

None

RESOLUTION NO. 3241

A Resolution temporarily waiving certain System Development Charges.

WHEREAS, the recent national and state economic recession has had continuing adverse impacts on home sales and new home construction, an important sector of the local economy; and

WHEREAS, System Development Charges (SDCs) imposed on new development by the City of Dallas are necessary to meet the capital improvement needs of the City, but can be a constraint on new construction during this period of recovery from economic recession; and

WHEREAS, recognizing the constraints on the housing market and residential real estate development during this period of economic recovery, the City Council of the City of Dallas desires to extend special assistance and support to foster and encourage the development of new housing to meet the needs of the community by temporarily reducing certain SDCs on certain residential construction, as provided herein, and finds that it is in the best interest of the City to do so;

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

Section 1. That all sanitary sewer SDCs be waived on all new home construction for which SDCs would otherwise be due and payable, as provided in Dallas City Code section 4.645, during the period of this resolution.

Section 2. That one-half of water SDCs be waived on new home construction for residential units having a living area size of less than 1700 square feet, as determined in accordance with the Dallas Development Code, for which SDCs would otherwise be due and payable in full, as provided in Dallas City Code section 4.645, during the period of this resolution.

Section 3. This Resolution shall take effect on upon adoption, and is repealed on October 1, 2012.

Adopted: February 6, 2012
Approved: February 6, 2012

BRIAN W. DALTON , MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER