

Dallas City Council

Dallas City Hall*
187 SE Court Street
Dallas, OR 97338

Monday, May 21, 2007, 7:30 PM

Mayor Jim Fairchild Presiding

*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.

AGENDA

1. ROLL CALL

2. APPROVAL OF MINUTES

- 2.1. Approval of minutes of the May 7, 2007, Council meeting.
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3. REPORTS OR COMMENTS FROM COUNCIL MEMBERS

4. QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE

5. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

5.1. City Manager's Reports

- a. Presentation from Felix Guterrez of Charter Communications.
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- b. Appointments to Economic Development Commission and Urban Renewal District Advisory Committee.
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- c. Adoption of criteria for City Manager's evaluation.
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- d. Proposal for sign code amendment to allow murals.
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- e. Recommendation for compensation increase for court-appointed defense attorneys.
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- f. Review of revised Police vehicle decals.
-

g. Report on May 8, 2007, Planning Commission meeting.

h. Bills of the City.

i. Other.

6. COMMUNICATIONS AND PETITIONS

7. PUBLIC HEARINGS

8. RESOLUTIONS

9. FIRST READING OF ORDINANCE

9.1. Ordinance No. 1673: An ordinance Amending DCC 5.210 Regarding Prohibiting Smoking in Public Places.

9.2. Ordinance No. 1674: An ordinance changing the zoning designation of real property owned by Faith Farms, Inc. and Stephen Mannenbach and Shirley Mannenbach, from Residential Agricultural to Residential Single Family

10. SECOND READING OF ORDINANCE

11. OTHER BUSINESS

12. ADJOURNMENT

Note: There will be a Budget Committee meeting following the Council meeting.

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The Dallas City Council met in regular session on Monday, May 7, 2007, at 7:30 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

ROLL CALL

Council members present were: Council President Ken Woods, Councilor Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Rich Slack, and Councilor LaVonne Wilson. Members excused: Councilor Warren Lamb.

Also present were: City Manager Roger Jordan, City Attorney Mark Irick, Interim Fire Chief Bill Hahn, Deputy Police Chief Tom Simpson, Community Development Director Jerry Wyatt, Public Works Director Fred Braun, Finance Director Marcia Baragary, Library Director Donna Zehner, Assistant City Manager Kim Marr, and Recording Secretary Marsha Heeter.

APPROVAL OF MINUTES

After hearing no corrections or additions, Mayor Fairchild declared the minutes of the April 16, 2007, Council meeting approved as printed.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

MAYOR AND COUNCIL PRESIDENT'S MONTHLY REPORTS

Mayor Fairchild asked if any questions about the Council President's or his monthly reports. There were none.

OTHER

Councilor David Shein asked about getting the ambulance classification changed from urban to rural for Medicare/Medicaid reimbursement. City Manager Roger Jordan answered that the City's ambulance was reclassified as rural, which could mean additional \$30,000 to \$40,000 per year. He noted that Representative Darlene Hooley's office helped with that. He added that this doesn't close the gap, but it helps. Mayor Fairchild remarked that Representative Hooley is working on doing something to help rural ambulance services even more. In response to a question, Mr. Jordan said we have been getting the increased amount since January.

Councilor Brian Dalton reported that there will be an Urban Renewal Advisory Committee meeting on May 10 at 7:00 p.m.

BUILDING AND GROUNDS COMMITTEE REPORT

Councilor LaVonne Wilson, Chair of the Building and Grounds Committee, reported on the Committee's April 23 meeting. She reviewed the minutes [which are attached to these minutes]. She asked Mr. Jordan to report on the Utility Allocation System. He reminded the Council that the City has an annual allocation of water connections which limits the number of building permits issued and has a maximum number of water connections possible with our current facilities. He explained that under the Development Code, the City can't issue more permits for service than it can provide. He indicated that the current allocation system expires in August. He said the Committee discussed the process for extending the system. He explained that State Law allows a city to have an allocation system for two years, with two one-year renewals. He said that in two years, the City will have a better idea of the supply from the Aquifer Storage and Recovery System (ASR) and the new water storage tank. Councilor Wes Scroggin confirmed that the City will work with the builders associations when discussing the allocation system.

PUBLIC HEARINGS

ZONE CHANGE PUBLIC HEARING

Mayor Fairchild declared open at 7:44 p.m. a Public Hearing to receive comments on a proposed zone change from Residential Agricultural to Residential Single Family for Tax Lots 7.5.30D 1002, 7.5.31A

1 602 and the north portion of Tax Lot 7.5.31A 601 and asked for the staff report. Community Development Director Jerry Wyatt explained that this involves two tax lots and a sliver of an adjoining property. He noted that the Comprehensive Plan designation for this property is Single Family. He added that there are two access points into this area from adjoining subdivisions.

5 Mayor Fairchild asked for testimony.

6 Dan Kerr, Faith Farms, said he owns the land and agrees with the staff report and will comply with the recommended conditions.

8 Mayor Fairchild closed the public hearing at 7:47 p.m. Mr. Jordan reminded the Council that the Planning Commission forwarded this with a recommendation to approve it. He added that the Planning Commission added a portion of Tax Lot 7.5.31A 601 owned by the Mannenbachs, to the zone change area.

12 Councilor Shein moved to approve the zone change as described in the staff report. The motion was duly seconded and CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Rich Slack, and Councilor LaVonne Wilson voting YES. Mayor Fairchild asked the staff to prepare the appropriate ordinance.

17 FIR VILLA STREET IMPROVEMENT PROJECT PUBLIC HEARING

18 Mayor Fairchild declared open at 7:50 p.m. a public hearing on the Fir Villa Street Improvement Project. Mr. Jordan gave the staff report. He reminded the Council that the City held an open house to discuss amending the project to include improvements on the west side of the street. He explained that a developer is willing to help pay for the improvements on the west side and the City would pay for the storm system. He indicated that all the residents who attended that meeting are in favor of adding this to the project.

24 There was no testimony and Mayor Fairchild closed the public hearing at 7:52 p.m.

25 Councilor Jackie Lawson moved to include improvements on the west side to the Fir Villa Road improvement project. The motion was duly seconded and CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Rich Slack, and Councilor LaVonne Wilson voting YES.

30 PUBLIC WORKS COMMITTEE REPORT

31 Councilor Brian Dalton, Chair of the Public Works Committee, reported on the Committee's April 23 meeting. Councilor Dalton indicated that they were briefed on the Safe Routes to School (SRTS) program, and the Committee discussed having the staff work with the School District on this program.

34 Councilor Dalton moved to have the staff work with the School District on the SRTS program. The motion was duly seconded. Mayor Fairchild explained that purpose is to work on sidewalks and street crossings to improve safety for children walking to schools, and the Rickreall Creek trail system could qualify for funds under this. Councilor Rich Slack remarked that part of the Council Goals is to get continuous sidewalks throughout the City and this would assist with that goal. Councilor Dalton added that it also addresses the safety concerns of students on River Drive. The motion CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Rich Slack, and Councilor LaVonne Wilson voting YES.

43 Councilor Dalton reported that Summerfest parade route was shortened because of the Levens Street Bridge construction project.

45 Council Dalton advised that the Staff recommended a water rate increase and the Committee voted unanimously to recommend the proposed increase to the Council.

47 Councilor Dalton moved to implement the rate increase recommended by staff. The motion was duly seconded. Councilor Lawson asked if there was any further information on the average consumption

1 per household in the summer. Public Works Director Fred Braun said he didn't have that information.
2 Mr. Jordan indicated that \$25 to \$30 would be the average winter rate for residents. He noted that the
3 summer rates decrease up to 2,500 cubic feet used and then the rate per cubic foot increases. Coun-
4 cilor Dalton amended his motion to have the staff prepare a resolution to implement these rates. Coun-
5 cilor Wilson asked when the rate increase would go into effect. Mr. Jordan answered that it would be
6 effective with the May billing, which residents get in June. It was pointed out that a rate increase reso-
7 lution had already been prepared and was under "Resolutions" on the agenda and could be considered
8 at this time. Councilor Dalton moved to consider resolution 3119. The motion was duly seconded and
9 CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor
10 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Coun-
11 cilor Rich Slack, and Councilor LaVonne Wilson voting YES.

12 **Resolution No. 3119**

13 A Resolution establishing a schedule of rates for water service and repealing Resolution No. 3094.

14 A Roll Call vote was taken and Mayor Fairchild declared Resolution No. 3119 to have PASSED by a
15 UNANIMOUS VOTE with Council President Woods, Councilor Dalton, Councilor Lawson, Coun-
16 cilor Marshall, Councilor Scroggin, Councilor Shein, Councilor Slack, and Councilor Wilson voting
17 YES.

18 Councilor Dalton reviewed the rest of the Committee minutes [a copy of which is attached to these
19 minutes].

20 Councilor Shein asked for clarification on the agreement with the Rickreall Community Water Asso-
21 ciation. Mr. Jordan answered that he has met with the Association's Board, and City Attorney Mark
22 Irick will draft a new agreement and then have it reviewed by the City Council and the Association.
23 Councilor Shein asked if there would be an expiration date. Mr. Jordan answered that it would be a
24 continuous agreement unless the Council directed otherwise.

25 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

26 Mayor Fairchild indicated that most of the people in the audience were present regarding the parks pri-
27 orities lists. He asked if they would prefer to talk after the report was given. The consensus was that
28 they wanted to hear the report first. Mayor Fairchild pointed out that copies of the Parks and Recrea-
29 tion Board priority list were available in the rack on the door.

30 **REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS**

31 **PARKS PRIORITIES LIST**

32 Mr. Jordan explained that the Parks and Recreation Board has been reviewing what's available in the
33 City Parks and developed a priority list for improvements. He reminded the Council that they in-
34 creased the Parks System Development Charges (SDC) fee because the City hasn't been able to keep
35 up with the need for park development. Mr. Jordan explained that the Parks and Recreation Board di-
36 vided the list into small projects and major projects. He said the top priority small projects were in-
37 stalling pet waste pick up stations with signage, opening restrooms earlier or putting in port-a-potties,
38 and putting in drinking fountains and benches. He indicated that for the major projects, the highest
39 priority was to update and replace the playground equipment on the old side of the City Park and at
40 Kingsborough Park. He said another high priority was a fenced dog park area at either Kingsborough
41 Park or the old Sewage Treatment Plant property. He added that the Board will continue to discuss
42 new parks and improvements. Councilor Slack advised that the Board increased the frequency of their
43 meetings to handle this process and they did get a lot of input. Mayor Fairchild added that they found
44 that most of the existing playground equipment is for older children, not for toddlers to first graders.

45 Jacqui Beal, Dallas resident, remarked that she contacted a number of other people about this. She said
46 she brought some pictures of types of equipment the parents are interested in. She added that there
47 was no park in Dallas where she would feel comfortable letting her children play, and some of the
48 equipment is dangerous, like the large slide in the City Park. She said they need to have some things
49 for toddlers to play on, with nearby seating for parents. She noted that the McMinnville Park is
50 fenced, which is good. She added that it is important to have a place for children to get exercise as
51 well as having fun.

1 Max Wall, Dallas resident, expressed support for an off-leash dog park in Dallas. He said he did look
2 at the old Sewage Treatment plant site and that would be a good place for one, with a name change.
3 He agreed that there is a need for new playground equipment too.

4 Alice Bibler, Dallas resident, said she is the treasurer for the PTC at Lyle School, and they had to re-
5 place their equipment because their insurance carrier wouldn't cover the old equipment. Mr. Jordan
6 responded that the City didn't have that situation, but it does have the equipment inspected every year.

7 Erika Poston, Dallas resident, indicated that they moved to Dallas in January. She said they chose to
8 live here because they were impressed with the community and the different programs around town.
9 She indicated that she would like to have new equipment in the City parks so she doesn't have to drive
10 to Salem or McMinnville.

11 Mitch Teal, Salem, commented that on a trip to the Coast last weekend, he made a side trip through the
12 Dallas City Park, which is very beautiful, and is a great resource.

13 Jacqui Beal remarked that at the Parks and Recreation Board meeting there was question about doing a
14 community project, and she doesn't think the group of mothers has time to raise funds, and Mr. Jordan
15 indicated there were funds available. She added that if the City ran out of funds, that would be a good
16 time to discuss a community project.

17 Mitch Teal noted that the community purchased the McMinnville Park fence, and one in Coeur
18 d'Alene, Idaho. He said he would be happy to contribute. Mayor Fairchild advised that the commu-
19 nity installed the fence in McMinnville in two weekends. Council President Ken Woods remarked that
20 when he was Chair of the Parks and Recreation Board a few years ago, he was amazed at the costs for
21 equipment, and he wants to see information on the costs and staff time involved. Councilor Wilson
22 asked if the mom's use the school equipment. Mayor Fairchild answered that their access is limited
23 because of school use. Councilor Wilson said the City might want to look at supplementing what is
24 available at the schools. Councilor Shein asked if there are funds in the budget for these projects. Mr.
25 Jordan answered that there are. In response to a question, Mr. Jordan said the staff would recommend
26 working on the top priority items on the list, but if someone offered funding for something lower on
27 the list, it might move up. Councilor Dalton asked if they see the trail system as a linear park, and
28 suggested putting pet waste stations along the trail. Mr. Jordan agreed that the trail could be consid-
29 ered a linear park.

30 Councilor Shein moved to adopt the Parks and Recreation Board priority list as the guiding list of pri-
31 orities for the staff to work from to upgrade the Dallas City Parks. The motion was duly seconded and
32 CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor
33 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Coun-
34 cilor Rich Slack, and Councilor LaVonne Wilson voting YES.

35 SOUTHWESTERN POLK COUNTY RURAL FIRE PROTECTION DISTRICT AGREEMENT

36 Mr. Jordan requested approval of a two-year extension of the Southwestern Polk County Rural Fire
37 Protection District agreement. He noted that the agenda packet included an update of budget for the
38 City's share.

39 Councilor Wilson moved to approve the agreement as presented. The motion was duly seconded and
40 CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor
41 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Coun-
42 cilor Rich Slack, and Councilor LaVonne Wilson voting YES.

43 SCHOOL RESOURCE OFFICER AGREEMENT

44 Mr. Jordan said the next was an update to and extension of the agreement with the School District for
45 the City to provide a School Resource Officer, with the School District and City each paying half the
46 costs.

47 Councilor Kevin Marshall moved to approve the agreement with the School District. The motion was
48 duly seconded. Councilor Shein asked if the person serving as the School Resource Officer was
49 changed. Mr. Jordan said it was. Councilor Dalton asked about special training for the Officer. Mr.
50 Jordan answered that the new officer will go through additional training for this position. The motion

1 CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor
2 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Coun-
3 cilor Rich Slack, and Councilor LaVonne Wilson voting YES.

4 **POLK FIRE DISTRICT #1 AGREEMENT**

5 Mr. Jordan said the next item is an intergovernmental automatic assistance agreement with Polk
6 County Fire District No. 1, which is Monmouth. He explained that the difference between this and
7 mutual aid, is that mutual aid requires a call, and this is automatic.

8 Councilor Scroggin moved to approve the intergovernmental automatic assistance agreement with Polk
9 County Fire District No. 1. The motion was duly seconded and CARRIED UNANIMOUSLY with
10 Council President Ken Woods, Councilor Brian Dalton, Councilor Jackie Lawson, Councilor Kevin
11 Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Rich Slack, and Councilor
12 LaVonne Wilson voting YES.

13 **REVISED SMOKING POLICY**

14 Mr. Jordan reported that after the last discussion at the Council about the proposed no smoking policy,
15 he met with Mr. Irick and revised it. He explained that they dealt differently with sports playing areas
16 and there will be no smoking on basketball courts, tennis courts, at the Aquatic Center, and the Skate
17 Park. He said he thought they dealt with all of the issues. Councilor Shein remarked that it is a big
18 improvement over the first version. He questioned the last sentence, which said "A violation which
19 occurs in a City park shall also be subject to exclusion". He noted that it would be the person who
20 committed the violation who would be subject to exclusion. Mr. Irick said he could clarify that.

21 Councilor Marshall moved to place the no smoking ordinance on the next Council agenda. The motion
22 was duly seconded. Councilor Dalton commented that the no smoking signs in front of City Hall are
23 tasteful and in keeping with historic theme, and he hopes the rest of the signs will be like those. The
24 motion CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton,
25 Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David
26 Shein, Councilor Rich Slack, and Councilor LaVonne Wilson voting YES.

27 **MONTHLY REPORTS**

28 Mr. Jordan asked if any questions regarding the Department reports. There were none.

29 **COMMUNICATIONS AND PETITIONS**

30 **LETTER FROM CHAMBER OF COMMERCE REGARDING LODGING TAX**

31 Mr. Jordan indicated that a letter was received from the Chamber of Commerce. He noted that one of
32 Council goals was to consider implementing a hotel/motel tax, and this letter expresses the Chamber's
33 interest in being a part of the process. Mayor Fairchild said he will be asking to have this on next Ad-
34 ministrative Committee meeting agenda.

35 **REMINDER OF MAY 12 HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT**

36 Mr. Jordan reminded everyone of the Household Hazardous waste collection event on Saturday, May
37 12.

38 **RESOLUTIONS**

39 **Resolution No. 3118**

40 A Resolution authorizing the transfer of budgetary funds.

41 Mr. Jordan explained that they need to transfer \$14,000 from Shop Services equipment to capital out-
42 lay for a vehicle that was needed. He added that the money is in the budget, it just needs to be trans-
43 ferred. In response to a question, Mr. Jordan indicated that the only time an employee would take the
44 vehicle home would be if he is on call for emergency call out. Councilor Lawson asked the total cost
45 of the vehicle. Mr. Jordan answered that it is \$20,000. Councilor Lawson asked if the City buys from
46 local vendors. Mr. Jordan answered that it does, noting that the local companies do have access to

1 state bid information and they bid in comparison to that. Councilor Scroggin asked if this was a re-
2 placement or an additional vehicle. Mr. Jordan answered that it is an additional one, and the old one,
3 which has high mileage, won't be used that much. He noted that we have detailed records of costs for
4 maintenance of vehicles and we dispose of those that require extensive maintenance. A Roll Call vote
5 was taken and Mayor Fairchild declared Resolution No. 3118 to have PASSED by a UNANIMOUS
6 VOTE with Council President Woods, Councilor Dalton, Councilor Lawson, Councilor Marshall,
7 Councilor Scroggin, Councilor Shein, Councilor Slack, and Councilor Wilson voting YES.

8 **SECOND READING OF ORDINANCES**

9 Ordinance No. 1672

10 An Ordinance adopting the May 7, 2007 Dallas Development Code, repealing the January 5, 2000 Dal-
11 las Development Code, and declaring an emergency.

12 Mr. Jordan pointed out that the only thing not in this version of the Dallas Development Code is the
13 Adult Business section. Mayor Fairchild said he wanted to get something on the books and then they
14 can change it if they need to. Councilor Dalton asked if an ordinance can be changed between first and
15 second reading. Mr. Irick said it could. Councilor Dalton said he reviewed the Development Code and
16 there are some improvements that could be made to it. He added that he doesn't want to wait five
17 years before that gets done, especially with regards to the downtown area. Councilor Slack asked how
18 long it would take once we get the additional information on the Adult Business. Mr. Irick answered
19 that it could be done in one meeting with an emergency clause. Council President Woods noted that
20 there is some legislation in the State Legislature on this also, and we should know the status of that by
21 the end of June. Councilor Lawson asked about adopting the last version they reviewed with the
22 changes recommended then. Mayor Fairchild responded that we will be getting information from the
23 City of Spokane that successfully passed an adult business ordinance. He added that the Council can
24 ask for a work session to discuss any part of this. Mr. Jordan said the staff will bring the Spokane in-
25 formation to the Council. He noted that the Spokane law has had federal court review. He added that
26 the state law proposal is to comply with the federal law. He said that the Staff is attempting to provide
27 a law that complies with federal law. In response to a question, Mr. Irick explained that the Spokane
28 law has gone through a federal court and the 9th Court of Appeals. He said he anticipates receiving the
29 information any day and he will do his best to get a recommendation to the Council as soon as possi-
30 ble. He added that it is probably better to wait a little longer to get it done right. Mayor Fairchild de-
31 clared Ordinance No. 1672 to have passed its second reading. A Roll Call vote was taken and Mayor
32 Fairchild declared Ordinance No. 1672 to have PASSED by a UNANIMOUS VOTE with Council
33 President Woods, Councilor Dalton, Councilor Lawson, Councilor Marshall, Councilor Scroggin,
34 Councilor Shein, Councilor Slack, and Councilor Wilson voting YES.

35 **OTHER BUSINESS**

36 There being no further business, the meeting adjourned at 9:07 p.m.

37 Read and approved this _____ day of _____ 2007.

38 _____
39 Mayor

40 ATTEST:

41 _____
42 City Manager

MEMORANDUM

Date: May 18, 2007
To: Mayor Jim Fairchild and City Council Members
From: Roger Jordan, City Manager
Re: Board and Commission Appointments

Kevin Kohler has resigned from the Urban Renewal District Advisory Committee. He represented the Dallas Arts Association, which has nominated Agnes Fredricks to fill the position.

School Superintendent Christy Perry has advised that she is unable to continue to serve on the Dallas Economic Development Commission. She has recommended that Dennis Engel be appointed to fill that position.

If you have any questions or comments about this before Monday's meeting, please feel free to call me.

RJ:meh

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City of Dallas
Performance Evaluation

City Manager

PURPOSE

The purpose of the employee performance evaluation and development report is to increase communication between the City council and the City Manager concerning the performance of the City Manager in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives.

PROCESS

The City Council shall conduct an annual review and evaluation of the City Manager's work performance. The results of such evaluation shall commend areas of good performance and point out areas for improvement. It shall also be the basis for contract extension and compensation decisions.

1. If the criteria, standards and policy directives change, a public process is to be followed as outlined in ORS 192.660(1)(i), which provides for an opportunity for public comments on the proposed process.
2. Evaluation forms are distributed to all Council members.
3. Each Councilor completes the form, signs, dates and returns it to the Mayor.
4. The Mayor and Council President will summarize the results of the evaluation forms as submitted.
5. A summary will be distributed to the Council prior to or at the executive session evaluation meeting.
6. The Council meets with the City Manager in executive session to review the evaluation, unless the City Manager requests an open hearing.
7. After the executive session, the City Manager will be given copies of the individual Councilor's evaluations.

INSTRUCTIONS

Review the City Manager's work performance for the entire period; try to refrain from basing judgement on recent events or isolated incidents only. Disregard your general impression of the City Manager and concentrate on one factor at a time. Often policies and goals take several years to fully implement, so evaluation should consider effectiveness of planning and implementation, not whether full completion has occurred.

Evaluate the City Manager on the basis of standards you expect to be met for the job to which assigned considering the length of time in the job. Check the number that most accurately reflects the level of performance for the factor appraised using the rating scale described below. If you did not have an opportunity to observe a factor during this evaluation period, please indicate so in the "Not Observed" column next to the factor.

CITY MANAGER PERFORMANCE EVALUATION

Rating Scale Definitions (1-5)

| | |
|--------------------------|--|
| Unsatisfactory (1) | The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue. |
| Improvement Needed (2) | The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance. |
| Meets Job Standard (3) | The employee's work performance consistently meets the standards of the position. |
| Exceeds Job Standard (4) | The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance. |
| Outstanding (5) | The employee's work performance is consistently excellent when compared to the standards of the job. |

I. PERFORMANCE EVALUATION AND ACHIEVEMENTS

1. City Council Relationships 1 2 3 4 5 Not observed

Comments:

2. Public Relations 1 2 3 4 5 Not observed

Comments:

3. Effective Leadership of Staff 1 2 3 4 5 Not observed

Comments:

4. Fiscal Management

1 2 3 4 5 Not observed

Comments:

5. Communication

1 2 3 4 5 Not observed

Comments:

6. Personal Traits

1 2 3 4 5 Not observed

Comments:

7. Intergovernmental Affairs

1 2 3 4 5 Not observed

Comments:

CITY OF DALLAS, OREGON
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Roger Jordan, City Manager

FROM: Jerry Wyatt, Community Development Director

DATE: May 18, 2007

SUBJECT: Sign Code Revision – Adding Murals to the Sign Code

MURAL SIGNS

Definitions

Mural. Any painting, design or image applied to the exterior of a commercial building for artistic or aesthetic purposes, that may or may not exceed the dimensional requirements for a commercial sign as defined by this code.

J. Mural Signs

- 9.990 A Mural Permit is a permit that requires a mural to enhance the architecture or aesthetics of a building or wall; does not detract from the character of the district in which it is located; and is not detrimental to the public health, safety, or welfare.
- 9.991 Mural applications must include a detailed rendering of the proposed design including content and colors, type of paint/materials, and a plan for maintenance of the mural after installation. The permit may be revoked if the mural deteriorates or is not maintained. The mural must be removed or painted within 15 days from notification.
- 9.992 Should the proposed mural have an advertising element to the design, the part of the mural containing the advertising element would be regulated by the size restrictions as otherwise defined in the Sign Code. Advertising, or non-artistic elements of a proposed mural may not exceed 10% of the total area of the proposed design.
- 9.993 Fees. The fee for sign permit applications proposing a mural shall be \$75.00 per Mural. Advertising elements contained within a mural design will be assessed an additional fee according the standards outlined in the Sign Code for Wall Signs at \$1.50 per square foot or \$50.00 minimum.

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MEMORANDUM

Date: May 18, 2007
To: Mayor Fairchild and City Council Members
From: Roger Jordan, City Manager
Re: Court Appointed Defense Attorney

Recommended Action: Increase the hourly rate paid to Court appointed defense counsel to \$50 per hour.

Background: Municipal Court Judge Ira Feitelson has requested that the Council consider increasing the fee paid to Court appointed defense counsel from \$40 to \$50 per hour. \$50 per hour is consistent with what other courts pay, including the State courts. I agree with the Judge that we should raise the fee we pay, and I have already placed an appropriate amount in the budget to pay this increased amount in 2007-08. The increase would be effective July 1. The following is the section of the Dallas City Code that covers the reimbursement rate.

2.876 Payment of Counsel.

On completion of all services by counsel appointed under section 2.872, counsel shall submit to the court an accurate statement of all expenses paid or incurred in connection with services, and a statement of the time devoted to the defense of the indigent person stated in tenths of hours. The court shall approve the statement if it is deemed reasonable and enter an order directing the fiscal officer of the city to reimburse counsel for the approved expenses and for the amount of time devoted to the defense by counsel, at the rate of \$40 per hour, or fraction thereof. [Section 2.876 amended by Ordinance No. 1458, passed March 16, 1992.]

As you may be aware, the Municipal Judge ensures that anyone who can repay the attorney fee does so over a period of time.

If you have any questions before the Council meeting, please call me.

RJ:meh

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MEMORANDUM

Date: May 18, 2007
To: Mayor Fairchild and City Council Members
From: Roger Jordan, City Manager
Re: Police Department Vehicle Decals

Recommended Action: Approve revised Police Department vehicle decals.

As you will recall, the Council agreed to a new decal and color scheme for new police vehicles. The cars would be silver and the decal was going to be blue and gold. Recently, the Department realized that other Willamette Valley cities are using the same design and colors. We decided to recommend a slight modification that makes our Department's decal unique. Therefore, Chief Harper and I are recommending that we change the gold to silver. Attached are photos of both decals so you can see the difference.

As we discussed, we will not be changing any of our current fleet. The new design will be used on new vehicles as we acquire them.

If you have any questions or comments before Monday's meeting, please feel free to call me.

RJ:meh





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AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - Regular meeting of March 13, 2007, and workshop of May 3, 2007.
4. ANNOUNCEMENT OF PUBLIC HEARING GUIDELINES
(Copies available in the slots at the door.)
5. PUBLIC HEARINGS

- A) 7:30 PM A Public Hearing on the application of Robert and Susan Sekscinski, owners, for a Variance to allow a 12'-6" rear setback for a portion of the rear yard for the applicant's proposed aluminum awning when 25' is the minimum allowed at 305 NE Holiday Avenue, Dallas, Oregon, in an RS, Residential Single Family, zone.

A motion was made, seconded, and carried to approve the request, subject to the two (2) conditions listed in the staff report.

- B) 7:30 PM A Public Hearing on the application of Robert and Paula Vincent, owners, to partition property at 1133 SW Maple Street, Dallas, Oregon, into two lots, in an RS, Residential Single Family, zone.

A motion was made, seconded, and carried to approve the request, subject to the ten (10) conditions listed in the staff report.

- C) 7:30 PM A Public Hearing on the application of the City of Dallas, owner, for tax lots 7.5.33BC 11400, 12000, 12100, and a portion of 11900 to change the Comprehensive Plan Map #1 designation from Multi Family to Central Business District, and the zoning designation from RHD-Residential High Density to CBD-Central Business District.

A motion was made, seconded and carried to recommend to the City Council approval of the Comprehensive Plan and Zone change as presented in the staff report.

6. OTHER BUSINESS

A)

The meeting was called to order by the Vice President of the Commission, Chuck Lerwick.

Roll was called and Commission members present were: Chuck Lerwick, Michael Lough, Doris Stefani and Bob Wilson.

Excused were: John Davis, Scott McLeod, and Dave Pederson.

Also present: City Manager Roger Jordan, Community Development Director Jerry Wyatt and Laurie Roberts as Recording Secretary.

Vice President Lerwick called for any corrections or changes to the minutes of the regular meeting of February 13, 2007, and workshop of March 8, 2007. Hearing none, he approved the minutes as presented.

Vice President Lerwick made an announcement regarding the Hearing Guidelines and stated that copies of the guidelines were available at the door. An attendee asked if he should speak in opposition at this time. Vice President Lerwick advised he should wait until the hearing.

Vice President Lerwick then called for declarations of ex-parte contacts, conflicts of interest, or site visits; there were none voiced.

PUBLIC HEARINGS:

VARIANCE
REQUEST

A Public Hearing on the application of Evelyn Proaps, owner, and Polk CDC applicant, for a Variance to allow 4 parking spaces where 8 spaces are required for the construction of one building with six studio apartments at 1487 Main Street, in an RMD, Residential Medium Density, zone.

POLK CDC /
PROAPS

The staff report was read into the record by Jerry Wyatt.

1487 MAIN ST

Vice President Lerwick called for the applicant's presentation.

Rita Grady, Polk CDC, PO Box 33, stated they concur with the staff's conclusions and the summary and conditions. She explained their concern about the sidewalk requirement due to the topography of the property on the SE corner. She presented some pictures of the site showing the house along the east side, the corner and where the sidewalk dead-ends at the center of an existing building. She confirmed there is no sidewalk along SW Cherry Street, and stated they have not funded the cost of the improvements along the intersection and for other issues that compromise property lines and right of way. She stated they are willing to work with the city for resolution to have public access to the property.

Vice President Lerwick called for speakers in favor of the request. There were none.

He called for speakers in opposition to the request.

Neil McCarty, 145 SW Cherry Street, stated he is against the variance because parking is already at a premium on SW Cherry Street. He explained that the business that exists there now, even though the residents don't drive, their caretakers and visitors do, and that when he comes home from work he can't park in front of his own house because they are already parked there so he has to park a half block away in front of another house. He stated he feels the 4-space variance is unacceptable and that 8 spaces are the minimum that should be allowed. He presented for the record a petition opposing the variance signed by all the neighbors on both sides of the 100 block of SW Cherry Street.

Chris Ketchum, 157 SW Cherry Street, stated he concurs with Mr. McCarty that parking is at a premium, and this presents a safety concern with all the cars due to the narrow street and a blind corner. He stated they are against the variance.

Comments or questions were called for. There were none.

Vice President Lerwick called for rebuttal testimony by the applicant.

David Crawford, Geller Silvis and Associates Inc., 9139 SW Morrison Street, Portland, Oregon 97225, stated he represents the applicant and they appreciate the testimony about issues with parking and the existing house with two parking spaces. He stated they are actually improving existing conditions by the addition of four spaces, which increases the total to six spaces. He explained the placement of the buildings and that it would be human nature to park where it would be easiest to get to the new building. He stated they expect visitors for the new building to park on Main Street since they could walk directly to the building access from there.

Questions by Commission members were called for. There were none.

The Public Hearing was closed for discussion by Commission Members.

Mr. Jordan stated that a separate variance would be required for any changes to the sidewalk since this variance is for parking. He explained that the Commission would need to determine if the variance would be injurious to the area or detrimental to the plan for parking standards, and would have to rule that there are special circumstances since the residents don't drive and there is public concern about parking. He stated the staff would work on the sidewalk concerns.

Mr. Lerwick asked about the parking on Main Street and asked if there would be parking on the property. Mr. Jordan stated there is and the parking rights would be affected according to the neighborhood, however, the applicant states not.

Bob Wilson asked if there is restricted parking on either side of Main Street. Mr. Jordan confirmed there is parking on either side of Main street but its restricted with no overnight parking, and he would have to check on any other restrictions. Mike Lough stated the parking gets very crowded on SW Cherry Street at times.

Mike Lough made a motion to deny the request. The motion was seconded. A vote was held and Commissioner Lough, Commissioner Wilson and Commissioner Stefani voted YES, and Commissioner Lerwick voted NO. Vice President Lerwick announced the request was denied by a majority vote of a quorum.

The Vice President announced the period to appeal the Commission's decision; 10 days following the date of the letter stating said decision is mailed to the participants.

PARTITION
REQUEST

A Public Hearing on the application of Falcon Cable Systems Company II, owner, and Larry Dalton, applicant, for a 3-lot partition at 484 NE Bovard Avenue, in a CG, Commercial General, zone.

DALTON /
FALCON
CABLE
SYSTEMS

The staff report was read into the record by Jerry Wyatt.

Vice President Lerwick called for the applicant's presentation.

484 NE
BOVARD AVE

Jerry Dalton, 698 Kayla Way, Monmouth, 97361, stated they recorded the documents to purchase the property, and explained they will be placing their office there and don't need the remaining property.

Vice President Lerwick called for speakers in favor of the request. There were none.

He called for speakers in opposition to the request. There were none.

Comments or questions were called for. There were none.

Questions by Commission members were called for. There were none.

The Public Hearing was closed for discussion by Commission Members.

Bob Wilson made a motion to approve the request as presented in the staff report with the thirteen (13) listed conditions. The motion was seconded and carried unanimously.

The Vice President announced the period to appeal the Commission's decision; 10 days following the date of the letter stating said decision is mailed to the participants.

ZONE CHANGE
REQUEST

A Public Hearing on the application of Faith Farms, Inc., owner for a zone change from RA-Residential Agriculture to RS-Residential Single Family at Tax Lots 7.5.30D 1002 and 7.5.31A 602, in an RA, Residential Agriculture, zone.

FAITH FARMS

The staff report was read into the record by Jerry Wyatt.

TL 7.5.30D 1002
AND
7.5.31 A 602

Vice President Lerwick called for the applicant's presentation.

Dan Kerr, Faith Farms, 2746 Front Street NE, Salem, 97303, thanked the Commission and stated overall, they approve and agree with the staff report and conditions. He clarified they originally applied for the zone change for the entire property, including parcel 3, and now there should be a plan showing lots only half way down that are included in the request.

Vice President Lerwick called for speakers in favor of the request.

Steve Mannenbach, 15380 Ellendale Road, stated he resides adjacent to the subject property. He explained he submitted a document and made a correction to it to state the zone change should read RA to RS. He identified a narrow strip of his property that would be left zoned RA and he feels it is odd and should be included. He added that when the applicant applied for the third remaining parcel to be rezoned, they also wanted their property to be rezoned. He identified that the City Council in 1995 stated there would be a sight-obscuring fence and that Ordinance should still be in affect.

He called for speakers in opposition to the request. There were none.

Comments or questions were called for.

Julie Jansen, 1655 SW Filbert Lane, asked if the applicants are going to build all the way to the river or just half way. Mr. Jordan showed on the PowerPoint that the zone change request and any development would only be half way to the river. He also stated that for a subdivision to be approved the property owners would need to file a separate application. Mr. Jordan explained that the other parcel to the south does not need to be rezoned until there are services to serve the property. Ms. Jansen asked about wetlands in the area and stated they did find a turtle there. Mr. Jordan stated there are wetlands on the other parcels and they would need to comply with State laws concerning wetlands.

Chris Johnson, 1632 Filbert Lane, asked if they would get notice when the property is subdivided and if there would be signs. Mr. Wyatt stated notices would go to property owners within a 100' buffer and there would be notice posted.

Vice President Lerwick called for rebuttal testimony. There was none.

Questions by Commission members were called for.

Mr. Lough asked about the ownership of the strip of land referred to by Mr. Mannenbach. Mr. Jordan confirmed Mr. Mannenbach owns it and explained that Mr. Mannenbach is requesting a zone change at this time on the sliver of property to the West contiguous with the property owned by Faith Farms zone change. Chuck Lerwick asked about the exact location of the strip. Mr. Jordan stated that the strip is on the west side of the Faith Farms property, however, this request would only affect the sliver of property contiguous to the application.

The Public Hearing was closed for discussion by Commission Members.

Bob Wilson made a motion to recommend to the City Council approval of the zone change and recommend to the Council that the zone change include the addition of the narrow strip of Tax Lot 7.5.31A 601 contiguous with the requested zone change. The motion was seconded and carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned at 8:17 p.m.

Approved by the Planning Commission.

President

Date

SUMMARY WARRANT REGISTER FOR MAY 21, 2007 AGENDA

| WARRANT | DEPARTMENT | REFERENCE | VENDOR NAME | AMOUNT |
|---------|--------------------------------|-----------------------|---------------------------|------------|
| 81976 | VARIOUS | CONTRACTUAL SVCS | ROBERTSON/SHERWOOD/ARCHT | 1,473.53 |
| 81977 | AMBULANCE FUND | LICENSES | STATE OF OREGON | 490.00 |
| 81978 | COM DEV RECREATION | REIMBURSEMENT | MICHELE CAMPIONE | 159.00 |
| 81979 | FIRE DEPARTMENT | ADMIN ASSISTANT | SW POLK RURAL FIRE DIST. | 4,456.35 |
| 81980 | NON-DEPARTMENTAL & CONTINGENCY | LOST BOOK | MCMINNVILLE PUBLIC LIB | 34.00 |
| 81981 | MUNICIPAL COURT | PER DIEM | JULI LICHTENBERGER | 70.00 |
| 81982 | TRUST FUND | HOEFFLER BAIL REFUND | TAMMY LUKER | 174.00 |
| 81986 | MAYOR & CITY COUNCIL | LOBBY DAY | LEAGUE OF OREGON CITIES | 150.00 |
| | | TOTAL | | 7,006.88 |
| 81987 | FINANCE OFFICE | POSTAGE | U S POSTMASTER | 1,100.00 |
| 81988 | VARIOUS | LEGAL SERVICES | SHETTERLY & IRICK | 7,822.52 |
| 81989 | FIRE DEPARTMENT | VOLUNTEER SERVICES | DALLAS VOLUNTEER FIRE | 2,241.67 |
| 81990 | VARIOUS | MILLER STORM & ST | M L HOUCK CONSTRUCTION | 132,866.32 |
| 81991 | VARIOUS | CELL PHONE REIMB | VERIZON WIRELESS | 226.05 |
| 81992 | POLICE DEPARTMENT | REMODEL | C & R BUILDERS | 10,000.00 |
| 81993 | POLICE DEPARTMENT | POLICE EXPANSION | J.T STEPHENS CONSTRUCTION | 4,845.00 |
| 81994 | VARIOUS | PHYSICIAN | JEFFREY HUMPHREY M.D. | 500.00 |
| 81995 | MAYOR & CITY COUNCIL | EXPENSE REIMBURSEMENT | JIM FAIRCHILD | 125.00 |
| 81996 | WATER MAINT & CUSTOMER SERVICE | REIMBURSEMENT | VERN BATHKE | 99.00 |
| 81997 | LIBRARY | REIMBURSEMENT | NANCY WOOLSEY | 79.01 |
| 81998 | FIRE DEPARTMENT | REIMBURSEMENT | WILLIAM A. HAHN | 371.85 |
| 81999 | LIBRARY | REIMBURSEMENT | ROSALYN MCGARVA | 37.01 |
| | | TOTAL | | 160,313.43 |
| 82001 | LIBRARY | OCLC | CHEMEKETA COMM COLLEGE | 381.50 |
| 82002 | VARIOUS | ADVERTIZING | STATESMAN JOURNAL | 1,838.33 |
| 82003 | COM DEV INSPECTIONS | DUES/ CUNO | OBOA | 225.00 |
| 82004 | VARIOUS | REMODEL | DESIGN STUDIO INTER., INC | 828.56 |
| 82005 | POLICE DEPARTMENT | COMMUNICATIONS | SANTIAM ANSWERING SERVICE | 388.35 |
| 82006 | FACILITIES MAINTENANCE | BOILER | MIKE'S HEATING | 18,290.00 |
| 82007 | VARIOUS | COMMUNICATIONS | ESCHELON TELECOM INC. | 3,172.95 |
| 82008 | VARIOUS | COMMUNICATIONS | QWEST | 174.71 |
| 82009 | GENERAL LONG TERM DEBT FUND | PERS BOND | WELLS FARGO CORP TRUST | 39,089.86 |

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|--------|---------------------------------|-------------------------|---------------------------|------------|
| 82010 | STREET MAINTENANCE | ULTRA BLOCKS | M L HOUCK CONSTRUCTION | 262.00 |
| 82011 | COM DEV - AQUATIC CENTER | CONCESSIONS | SCHWANS | 413.61 |
| 82012 | FIRE DEPARTMENT | TRAINING | NATIONAL PROJECTOR CORP | 19.95 |
| 82013 | VARIOUS | INTERNET | WVI | 45.90 |
| 82014 | POLICE DEPARTMENT | REMODEL | C & R BUILDERS | 23,078.06 |
| 82015 | SEWER CONSTRUCTION-NON-ASSESSED | FIR VILLA | PACIFIC HABITAT SERVICES | 1,794.55 |
| 82016 | SYSTEMS DEVELOPMENT FUND | CONTRACTUAL | GOLDER ASSOCIATES | 4,837.14 |
| 82017 | AMBULANCE FUND | SUPPLIES | THE STRAP | 20.00 |
| 82018 | FACILITIES MAINTENANCE | GENERATOR | COXSON MORAN CONSTR INC | 75.00 |
| 82019 | FACILITIES MAINTENANCE | GENERATOR | EZ GRADE | 990.00 |
| 82020 | FINANCE OFFICE | POSTAGE | PITNEY BOWES, INC. | 518.99 |
| 82021 | TRUST FUND | POLK CO SPORTSMAN 46786 | POLK COUNTY SPORTSMAN | 100.00 |
| 82022 | POLICE DEPARTMENT | PER DIEM 5/7-10 | JAMES HARPER | 122.50 |
| 82023 | CITY MANAGER'S OFFICE | CAR ALLOWANCE | ROGER G. JORDAN | 650.00 |
| 82024 | COM DEV - AQUATIC CENTER | REIMB TRAINING | ERICA BROMAGEM | 319.97 |
| | | TOTAL | | 97,636.93 |
| 3864 | POLICE DEPARTMENT | PERMIT - POLICE REMODEL | CITY OF DALLAS | 535.26 |
| 3865 | VARIOUS | TRAINING | IPMA OREGON CHAPTER | 198.00 |
| 999996 | VARIOUS | PAYROLL & TAXES | PAYROLL CHECKS | 591,379.30 |
| | | TOTAL | | 592,112.56 |
| 82027 | VARIOUS | SUPPLIES | LEAGUE OF OREGON CITIES | 300.00 |
| 82028 | CITY MANAGER'S OFFICE | MEMBERSHIP | CASCADES WEST FINANCIAL | 25.00 |
| 82029 | POLICE DEPARTMENT | 911 | SPRINT | 642.96 |
| 82030 | VARIOUS | COMPUTERS | POLK COUNTY INFORMATION | 2,080.00 |
| 82031 | SEWER TREATMENT PLANT | TRAINING | DEPT OF ENVIRONMTL QUALTY | 100.00 |
| 82032 | NON-DEPARTMENTAL & CONTINGENCY | MISC. | POLK COUNTY CLERK | 36.00 |
| 82033 | VARIOUS | COMMUNICATIONS | BUSINESS CONNECTIONS,INC | 99.95 |
| 82034 | COM DEV INSPECTIONS | TRAINING | OBOA | 20.00 |
| 82035 | WATER TREATMENT & PUMPING | OPERATION | TMG SERVICES INC. | 404.75 |
| 82036 | NON-DEPARTMENTAL & CONTINGENCY | LOST BOOK | SALEM PUBLIC LIBRARY | 19.95 |
| 82037 | FINANCE OFFICE | POSTAGE | FEDEX | 71.22 |
| 82038 | FIRE DEPARTMENT | TRAINING | FIRE ENGINEERING | 67.95 |
| 82039 | VARIOUS | COMMUNICATIONS | PAGE ONE N W | 1,325.80 |
| 82040 | COM DEV PLANNING DEPT | PLANNING | MURPHY'S GRILL | 126.03 |
| 82041 | VARIOUS | WATER PROJECT | EC COMPANY | 18,738.00 |
| 82042 | COM DEV - AQUATIC CENTER | MAINTENANCE | INTERIOR TECHNOLOGY, INC | 321.25 |

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|--------|--------------------------------|---------------------|---------------------------|------------|
| 82043 | SHOP SERVICE FUND | PARTS | WHITE'S COLLISION SERVICE | 156.00 |
| 82044 | VARIOUS | STREET SDC | DALE WOODIN CONCRETE, INC | 16,101.00 |
| 82045 | VARIOUS | COMMUNICATIONS | CASCADE UTILITIES INC | 2,494.74 |
| 82046 | VARIOUS | PETTY CASH | PETTY CASH, M BARAGARY, | 379.80 |
| 82047 | CITY ATTORNEY | FEES | SHETTERLY & IRICK | 250.00 |
| 82048 | GENERAL OBLIGATION FUND | GO BOND 2005 | US BANK TRUST NA/DEBT MGM | 550,497.50 |
| 82049 | AMBULANCE FUND | TRAINING | WASHINGTON STREET STEAK | 35.00 |
| 82050 | NON-DEPARTMENTAL & CONTINGENCY | FEES | NET ASSETS CORPORATION | 517.00 |
| 82051 | MUNICIPAL COURT | DEF ATTORNEY | STAN BUTTERFIELD | 1,012.00 |
| 82052 | VARIOUS | REMODEL | C & R BUILDERS | 3,080.50 |
| 82053 | SEWER TREATMENT PLANT | CONTRACTUAL | CH2M HILL / OMI | 12,217.75 |
| 82054 | TRUST FUND | CIVIC CENTER REFUND | NAOMI CHAPTER #22 | 100.00 |
| 82055 | GENERAL FUND | REFUND | JOHN & JOYCE COONROD | 50.00 |
| 82056 | MUNICIPAL COURT | INTERPRETER | VALERIE GARZA-COLLINS | 90.00 |
| 82057 | AMBULANCE FUND | REIMBURSE TUITON | JENNIFER CANAGA | 237.00 |
| 82058 | SEWER TREATMENT PLANT | CONTRACTUAL | POLK COUNTY YOUTH PROGRAM | 250.00 |
| 82059 | GENERAL FUND | RESTITUTION | KATHY DANKENBRING | 150.00 |
| 82060 | TRUST FUND | BAIL REFUND | TREVOR J. BUSH | 30.00 |
| 82061 | TRUST FUND | BAIL REFUND | DAVID WINPIGLER | 40.00 |
| 82062 | TRUST FUND | BAIL REFUND | LOUIS WRAY | 42.00 |
| 82063 | TRUST FUND | BAIL REFUND | JANET M. MERRILL | 57.00 |
| 82064 | TRUST FUND | BAIL REFUND | BOB CULLEN | 405.00 |
| 82065 | TRUST FUND | BAIL REFUND | ASHLEY WALKER | 174.00 |
| 82066 | AMBULANCE FUND | BOOT REIMBURSEMENT | DEAN WARD | 90.00 |
| 82067 | TRUST FUND | REIMBURSEMENT | TOM SIMPSON | 112.19 |
| 82068 | POLICE DEPARTMENT | BOOT REIMBURSEMENT | MARTY COLLINGHAM | 200.00 |
| | | TOTAL | 613,147.34 | |
| 3866 | AMBULANCE FUND | EMS TUTION | CHEMEKETA COM COLLEGE | 463.00 |
| 981789 | POLICE DEPARTMENT | VOID CHECK 81789 | APRIL WELSH | 40.00- |
| | | TOTAL | 423.00 | |
| 82070 | MAYOR & CITY COUNCIL | COUNCIL EXPENSE | LEAGUE OF OREGON CITIES | 95.00 |
| 82071 | MUNICIPAL COURT | ASSESSMENTS | OREGON DEPT OF REVENUE | 3,678.00 |
| 82072 | MUNICIPAL COURT | ASSESSMENTS | POLK COUNTY TREASURER | 1,663.00 |
| 82073 | VARIOUS | CONFERENCE | ACWA | 375.00 |
| 82074 | TRUST FUND | REMODEL | DESIGN STUDIO INTER., INC | 1,706.04 |
| 82075 | FINANCE OFFICE | POSTAGE | PURCHASE POWER | 1,609.73 |

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|-------|--------------------------------|-----------------------|---------------------------|-----------|
| 82076 | MUNICIPAL COURT | ASSESSMENTS | OREGON JUDICIAL DEPT | 374.00 |
| 82077 | VARIOUS | COMMUNICATIONS | NEXTEL COMMUNICATIONS | 1,493.47 |
| 82078 | SEWER TREATMENT PLANT | MAINTENANCE | FLYER AUTOMATION INC. | 400.00 |
| 82079 | WATER ADMIN & ENGINEERING | CONTRACTUAL | DHS - STATE OF OREGON | 70.00 |
| 82080 | TRUST FUND | REMODEL | C & R BUILDERS | 2,566.00 |
| 82081 | SYSTEMS DEVELOPMENT FUND | NORTH OAKS OVERSIZING | FRED HARDIN, DEVELOPER | 8,250.00 |
| 82082 | TRUST FUND | REFUND | PAUL VILLWOCK CONST. | 6,057.56 |
| 82083 | GENERAL FUND | RESTITUTION | WILLIAM P. JESKEY | 50.00 |
| 82084 | POLICE DEPARTMENT | REIMBURSE CAR DAMAGE | JOYCE ANGELUS | 366.17 |
| 82085 | GENERAL FUND | REFUND RECORDS FEE | SOUTH COAST DESIGN | 167.00 |
| | | TOTAL | | 28,920.97 |
| 82087 | WATER MAINT & CUSTOMER SERVICE | SUPPLIES | CONSOLIDATED SUPPLY CO | 1,558.58 |
| 82088 | POLICE DEPARTMENT | COMMUNICATIONS | DAY WIRELESS SYSTEMS | 288.00 |
| 82089 | VARIOUS | OPERATION | DALLAS AUTO PARTS | 292.81 |
| 82090 | FIRE DEPARTMENT | TRAINING | DALLAS TOWING INC | 225.00 |
| 82091 | VARIOUS | MAINTENANCE | DALLAS TV - RADIO SHACK | 14.56 |
| 82092 | VARIOUS | TRUST | FORBES PLUMBING | 3,505.04 |
| 82093 | VARIOUS | SUPPLIES | GUY'S HARDWARE | 79.57 |
| 82094 | WATER TREATMENT & PUMPING | MAINTENANCE | HACH CHEMICAL COMPANY | 201.05 |
| 82095 | COM DEV - AQUATIC CENTER | CHEMICALS | EMERALD OUTDOOR LIVING | 177.90 |
| 82096 | VARIOUS | SUPPLIES | INDUSTRIAL WELD SUPPLY | 487.07 |
| 82097 | VARIOUS | BOOKS | INGRAM | 1,863.81 |
| 82098 | | VOIDED | INGRAM | .00 |
| 82099 | | VOIDED | INGRAM | .00 |
| 82100 | | VOIDED | INGRAM | .00 |
| 82101 | | VOIDED | INGRAM | .00 |
| 82102 | VARIOUS | ADVERTISING | ITEMIZER-OBSERVER | 3,345.51 |
| 82103 | VARIOUS | EQUIPMENT | KINZIE MACHINE SHOP | 1,267.00 |
| 82104 | VARIOUS | OPERATION | LES SCHWAB | 1,307.19 |
| 82105 | SHOP SERVICE FUND | GAS & DIESEL | MARC NELSON OIL COMPANY | 7,158.69 |
| 82106 | AMBULANCE FUND | TRAINING | OREGON STATE DMV | 12.00 |
| 82107 | LIBRARY | CONTRACTUAL | CHEMEKETA COMM COLLEGE | 392.07 |
| 82108 | VARIOUS | MAINTENANCE | DALLAS TROPHY | 20.38 |
| 82109 | CAPITAL IMPROVEMENT FUND | BRIDGE BID | DAILY JOURNAL OF COMMERCE | 266.50 |
| 82110 | SEWER TREATMENT PLANT | OPERATION | FISHER IMPLEMENT COMPANY | 1,907.20 |
| 82111 | VARIOUS | MATERIALS | H D FOWLER COMPANY | 2,845.72 |
| 82112 | FIRE DEPARTMENT | OPERATION | INSTANT FIRE PROTECTION | 107.90 |
| 82113 | FIRE DEPARTMENT | OPERATION | AIR QUALITY ANALYSIS LAB | 100.00 |

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|-------|----------------------------|--------------------------|---------------------------|------------|
| 82114 | COMMUNITY DEV - PARKS | SUPPLIES | AG WEST SUPPLY | 300.48 |
| 82115 | VARIOUS | PARTS | RICKREALL FARM SUPPLY | 126.19 |
| 82116 | SHOP SERVICE FUND | PARTS | PORTLAND COMPRESSOR CO | 161.50 |
| 82117 | VARIOUS | SUPPLIES | UNITED PIPE & SUPPLY CO | 1,273.97 |
| 82118 | VARIOUS | MATERIALS | VALLEY CONCRETE | 803.33 |
| 82119 | VARIOUS | MAINTENANCE | VAN WELL BUILDING SUPPLY | 999.54 |
| 82120 | VOIDED | VAN WELL BUILDING SUPPLY | .00 | |
| 82121 | VOIDED | VAN WELL BUILDING SUPPLY | .00 | |
| 82122 | WATER TREATMENT & PUMPING | CONTRACTUAL | WATERLAB | 1,300.00 |
| 82123 | COM DEV INSPECTIONS | CONTRACTUAL | NATIONAL FIRE PROTECTION | 155.55 |
| 82124 | VARIOUS | MATERIALS | RINKER MATERIALS | 3,470.52 |
| 82125 | FIRE DEPARTMENT | EQUIPMENT | SLATER COMMUNICATIONS | 73.25 |
| 82126 | AMBULANCE FUND | SUPPLIES | WEST VALLEY HOSPITAL | 775.42 |
| 82127 | AMBULANCE FUND | TRAINING | DALLAS SELECT | 15.73 |
| 82128 | STREET MAINTENANCE | MATERIALS | NEWMAN SIGNS | 512.61 |
| 82129 | VARIOUS | PRINTING | STATESMAN JOURNAL | 1,428.53 |
| 82130 | VARIOUS | PIPELINE EXTENSION | CH2M HILL INC. | 115,116.39 |
| 82131 | LIBRARY | BOOKS | THE GALE GROUP | 244.44 |
| 82132 | POLICE DEPARTMENT | RAIN | CITY OF SALEM / FINANCE | 8,617.50 |
| 82133 | VARIOUS | TOOLS | L & L EQUIPMENT, INC | 426.65 |
| 82134 | FIRE DEPARTMENT | OPERATION | MCMULLIN CHEVROLET | 135.45 |
| 82135 | STREET ADMIN & ENGINEERING | CONTRACTUAL | SALEM BLUE | 432.60 |
| 82136 | VARIOUS | SUPPLIES | INDUSTRIAL SUPPLY COMPANY | 142.80 |
| 82137 | POLICE DEPARTMENT | UNIFORMS | DALLAS CITY CLEANERS | 428.00 |
| 82138 | VARIOUS | UNIFORMS | L N CURTIS & SONS | 231.39 |
| 82139 | FIRE DEPARTMENT | OPERATION | SEAWESTERN INC | 273.24 |
| 82140 | VARIOUS | MAINTENANCE | FERGUSON ENTERPRISES INC | 164.95 |
| 82141 | VARIOUS | MAINTENANCE | DEPT OF ENVIRONMTL QUALTY | 636.83 |
| 82142 | STREET MARKING & LIGHTING | SIGNALS | OREGON DEPT OF TRANSPORT | 24.02 |
| 82143 | AMBULANCE FUND | SUPPLIES | LIFE ASSIST | 574.58 |
| 82144 | WATER TREATMENT & PUMPING | OPERATION | TIMBER SUPPLY COMPANY | 1,317.25 |
| 82145 | VARIOUS | SUPPLIES | OFFICE MAX -BOISE COMPANY | 3,863.95 |
| 82146 | | VOIDED | OFFICE MAX -BOISE COMPANY | .00 |
| 82147 | | VOIDED | OFFICE MAX -BOISE COMPANY | .00 |
| 82148 | VARIOUS | SUPPLIES | ALLIED WASTE SERVICES | 1,712.35 |
| 82149 | VARIOUS | COMPUTER | ASAP SOFTWARE | 856.93 |
| 82150 | VARIOUS | MAINTENANCE | GRAINGER | 95.90 |
| 82151 | FIRE DEPARTMENT | TRAINING | POLK COUNTY PUBLIC HEALTH | 10.00 |
| 82152 | COM DEV - AQUATIC CENTER | SUPPLIES | AMERICAN RED CROSS | 110.00 |
| 82153 | COM DEV - AQUATIC CENTER | CONCESSIONS | PEPSI-COLA | 1,052.50 |

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| 82154 | VARIOUS | MAINTENANCE | A-TEAM LOCKSMITHS, INC | 34.00 |
| 82155 | AMBULANCE FUND | UNIFORMS | DALLAS ALTERATION CENTER | 8.25 |
| 82156 | POLICE DEPARTMENT | SUPPLIES | OCE IMAGISTICS | 220.34 |
| 82157 | VARIOUS | CONTRACTUAL | RICOH CORPORATION | 971.66 |
| 82158 | POLICE DEPARTMENT | SUPPLIES | COOKE STATIONERY CO | 40.80 |
| 82159 | SEWER MAINTENANCE | MATERIALS | THE FEED STORE | 7.95 |
| 82160 | FIRE DEPARTMENT | SUPPLIES | STATE CHEMICAL MANUFACT | 133.89 |
| 82161 | AMBULANCE FUND | SUPPLIES | EMERGENCY MEDICAL PRODS | 472.83 |
| 82162 | VARIOUS | PREVENTION | TIPPS INC | 241.25 |
| 82163 | SHOP SERVICE FUND | PARTS | OBOA | 200.00 |
| 82164 | AMBULANCE FUND | SUPPLIES | DERMATEC DIRECT | 29.97 |
| 82165 | SHOP SERVICE FUND | PARTS | FLUID CONNECTOR PROD. INC | 64.30 |
| 82166 | VARIOUS | CONTRACTUAL | ONE CALL CONCEPTS, INC. | 140.70 |
| 82167 | FIRE DEPARTMENT | MAINTENANCE | GENERAL FIRE APPARATUS | 84.50 |
| 82168 | POLICE DEPARTMENT | COMPUTERS | DPS INC. | 200.00 |
| 82169 | VARIOUS | MATERIALS | DALTON ROCK | 1,709.27 |
| 82170 | LIBRARY | BOOKS | RECORDED BOOKS | 6.95 |
| 82171 | WATER TREATMENT & PUMPING | SUPPLIES | AXIOM NORTHWEST INC. | 360.26 |
| 82172 | VARIOUS | PARTS | CARQUEST OF DALLAS | 384.57 |
| 82173 | VOIDED | CARQUEST OF DALLAS | .00 | |
| 82174 | FACILITIES MAINTENANCE | MAINTENANCE | NORTHWEST ELEVATOR | 218.70 |
| 82175 | COM DEV - AQUATIC CENTER | MAINTENANCE | MCMASTER-CARR SUPPLY CO | 17.29 |
| 82176 | COMMUNITY DEV - PARKS | SUPPLIES | JOE NICKOLS | 300.00 |
| 82177 | AMBULANCE FUND | SUPPLIES | THE MEDICINE SHOPPE | 66.00 |
| 82178 | VARIOUS | SUPPLIES | WALMART COMMUNITY BRC | 469.75 |
| 82179 | WATER MAINT & CUSTOMER SERVICE | MATERIALS | GENERAL RENTAL CENTER | 134.14 |
| 82180 | POLICE DEPARTMENT | OPERATION | BATTERIES PLUS | 221.50 |
| 82181 | POLICE DEPARTMENT | INVESTIGATION | LYNN PEAVEY COMPANY | 87.90 |
| 82182 | VARIOUS | CHEMICALS | AIRGAS NOR PAC, INC. | 573.00 |
| 82183 | AMBULANCE FUND | SUPPLIES | EAST WEST ASSOCIATES | 349.50 |
| 82184 | AMBULANCE FUND | SUPPLIES | MED-TECH RESOURCE, INC | 268.10 |
| 82185 | SEWER TREATMENT PLANT | MAINTENANCE | APPLIED INDUSTRIAL TECH. | 8,030.96 |
| 82186 | VARIOUS | TRAINING | BIO-MED TESTING SVC, INC | 215.00 |
| 82187 | LIBRARY | BOOKS | THOMAS BOUREGY & COMPANY | 138.50 |
| 82188 | SHOP SERVICE FUND | PARTS | CORVALLIS NEW HOLLAND INC | .00 |
| 82189 | COM DEV - AQUATIC CENTER | CONCESSIONS | FRED LEA DISTRIBUTING INC | 382.55 |
| 82190 | COM DEV - AQUATIC CENTER | MAINTENANCE | COASTWIDE LABORATORIES | 1,359.74 |
| 82191 | VARIOUS | TRAINING | ROYAL FLUSH PORTABLES INC | 156.00 |
| 82192 | AMBULANCE FUND | SUPPLIES | BAXTER HEALTHCARE CORP | 65.00 |
| 82193 | LIBRARY | BOOKS | CENTER POINT PUBLISHING | 186.90 |

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|-------|--------------------------------|----------------|--------------------------|------------|
| 82194 | COM DEV - AQUATIC CENTER | ADVERTISING | THE SUN | 195.00 |
| 82195 | SEWER CONSTRUCTION-NON-ASSESSD | MATERIALS | ADVANTAGE PRECAST | 189.00 |
| 82196 | VARIOUS | UNIFORMS | BLUMENTHAL UNIFORMS | 731.45 |
| 82197 | AMBULANCE FUND | SUPPLIES | BOUND TREE MEDICAL | 363.92 |
| 82198 | AMBULANCE FUND | SUPPLIES | TRI-ANIM HEALTH SERVICES | 106.51 |
| 82199 | SEWER TREATMENT PLANT | MAINTENANCE | USA BLUEBOOK | 85.88 |
| 82200 | WATER MAINT & CUSTOMER SERVICE | MATERIALS | HD SUPPLY WATERWORKS LTD | 1,163.58 |
| 82201 | VARIOUS | OPERATION | DC ELECTRIC INC | 2,014.79 |
| 82202 | POLICE DEPARTMENT | OPERATION | DALLAS FUEL & FOOD MART | 30.00 |
| 82203 | SHOP SERVICE FUND | PARTS | THERMO FLUIDS INC. | 65.00 |
| 82204 | POLICE DEPARTMENT | TRAINING | GLOCK INC | 114.00 |
| 82205 | AMBULANCE FUND | SUPPLIES | PMI | 713.92 |
| 82206 | VARIOUS | TRUST | PENWORTHY | 1,294.22 |
| 82207 | WATER MAINT & CUSTOMER SERVICE | OPERATION | POLLARDWATER.COM | 458.32 |
| 82208 | AMBULANCE FUND | SUPPLIES | HAWKEPAKS.COM, INC. | 229.27 |
| 82209 | POLICE DEPARTMENT | UNIFORMS | SECURITY COMMUNICATIONS | 255.00 |
| 82210 | FIRE DEPARTMENT | MAINTENANCE | PETERSON EQUIPMENT CO. | 105.00 |
| 82211 | WATER TREATMENT & PUMPING | CONTRACTUAL | WONDERWARE PACWEST | 5,300.89 |
| 82212 | POLICE DEPARTMENT | SUPPLIES | DE LAGE LANDEN | 140.00 |
| 82213 | SEWER CONSTRUCTION-NON-ASSESSD | CONTRACTUAL | BULLS EYE BORING | 10,220.00 |
| 82214 | SEWER TREATMENT PLANT | MAINTENANCE | COSTCAPTAIN.COM INC | 179.00 |
| 82215 | LIBRARY | MAINTENANCE | MONTEL NW | 2,736.84 |
| 82216 | COMMUNITY DEV - PARKS | MAINTENANCE | GENTRY CONSTRUCTION | 200.00 |
| 82217 | VARIOUS | MATERIALS | MANUFACTURING COUNTY INC | 150.00 |
| 82218 | POLICE DEPARTMENT | INVESTIGATION | LAW ENFORCEMENT TARGETS | 458.23 |
| 82219 | FACILITIES MAINTENANCE | MAINTENANCE | FERRELLGAS | 3,672.00 |
| 82220 | COM DEV - AQUATIC CENTER | CHEMICALS | KNORR SYSTEMS, INC | 3,344.00 |
| 82221 | COM DEV - AQUATIC CENTER | CONCESSIONS | CASH & CARRY | 273.00 |
| 82222 | VARIOUS | COMMUNICATIONS | SECURITY ALARM CORP | 105.50 |
| | | TOTAL | | 228,734.23 |

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ORDINANCE NO. 1673

An Ordinance Amending DCC 5.210 Regarding Prohibiting Smoking in Public Places.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. DCC 5.210, entitled "No Smoking" is amended to read as follows:

"5.210 No Smoking. Smoking is prohibited and no person shall smoke:

(1) In any City building, including public restrooms located on City property.

(2) On or within 10 feet of the external boundaries of the following outdoor areas:

(a) All City and School District sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including but not limited to, spectator areas and bleachers.

(b) Public tennis courts, public basketball courts, the City aquatic center, and the City skateboard park, including, but not limited to, spectator areas and bleachers.

(c) The entrance(s) to and exit(s) from all City buildings.

(d) All playground equipment in any City park.

(e) All roofed enclosures in City parks, including, but not limited to, restrooms and covered picnic areas.

(f) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within 1 hour before a concert or entertainment event.

(3) The restrictions of this Section shall not apply to persons traveling in a motor vehicle nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(4) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

(5) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all City buildings and City parks, and at reasonable places and intervals at all other locations where smoking is prohibited, provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section 5.210.

Section 5. Violation of this section 5.210 is punishable by a fine not to exceed \$100.00. A person who violates this section 5.210 while in a City park shall also be subject to exclusion from City parks pursuant to DCC 5.428.

Read for the first time: May 21, 2007
Read for the second time: June 4, 2007
Passed by the City Council: June 4, 2007
Approved by the Mayor: June 4, 2007

James B. Fairchild, Mayor

ATTEST:

Roger Jordan, City Manager

ORDINANCE NO. 1674

An ordinance changing the zoning designation of real property owned by Faith Farms, Inc. and Stephen Mannenbach and Shirley Mannenbach, from Residential Agricultural to Residential Single Family.

WHEREAS, the above-referenced owners submitted a zone change application to the City requesting that the zoning designation of the real property which is described on Exhibit 1 hereto (Faith Farms, Inc. property), and Exhibit 2 hereto (Mannenbach property) and by this reference incorporated herein, be changed from Residential Agricultural to Residential Single Family; and

WHEREAS, after due notice, the Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, the City Council held a public hearing on the application and at the conclusion thereof found there was substantial evidence that the application met the requirements of the Dallas Development Code and was in compliance with the Comprehensive Plan and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The zoning designation of the real property described on Exhibit 1 and Exhibit 2 hereto is hereby changed from Residential Agricultural to Residential Single Family.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, and File No. ZC 1-07, submitted into the record herein on a May 7, 2007, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Read for the first time: May 7, 2007
Read for the second time: May 21, 2007
Passed by the City Council: May 21, 2007
Approved by the Mayor: May 21, 2007

MAYOR

ATTEST:

CITY MANAGER

Order No. 00-509816-22

EXHIBIT "ONE"

The premises are in Polk County and are described as follows:

PARCEL I:

Beginning at an iron rod on the South line of County Road M-20, said rod being 89.76 feet North 89°27' West and 4221.67 feet South 0°11' West and 1002.58 feet North 86°21'23" West from the Northeast corner of Section 30 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence South 0°16'45" West 694.92 feet to an iron rod; thence South 89°52'37" West 324.16 feet to an iron rod; thence North 0°16'45" East 567.25 feet to the Southwest corner of that tract of land conveyed to Fred and Pearl Quinn by deed recorded in Volume 213, Page 559, Deed Records for Polk County, Oregon; thence North 89°52'37" East 75.00 feet to an iron pipe at the Southeast corner of said Quinn tract; thence North 0°07'23" West 144.13 feet to the South line of County Road M-20; thence South 86°21'23" East 250.60 feet to the point of beginning.

PARCEL II:

All of that tract of land conveyed to Gerald W. Morlan and Gail B. Morlan by deed recorded in Book of Records 205, Page 1091, Deed Records of Polk County, Oregon, lying North of Rickraall Creek (sometimes known as LaCreole Creek).

SAVE AND EXCEPT: Beginning at an iron rod on the South line of County Road M-20, said rod being 89.76 feet North 89°27' West and 4221.67 feet South 0°11' West and 1002.58 feet North 86°21'23" West from the Northeast corner of Section 30 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence South 0°16'45" West 694.92 feet to an iron rod; thence South 89°52'37" West 324.16 feet to an iron rod; thence North 0°16'45" East 567.25 feet to the Southwest corner of that tract of land conveyed to Fred and Pearl Quinn by deed recorded in Volume 213, Page 559, Deed Records for Polk County, Oregon; thence North 89°52'37" East 75.00 feet to an iron pipe at the Southeast corner of said Quinn tract; thence North 0°07'23" West 144.13 feet to the South line of County Road M-20; thence South 86°21'23" East 250.60 feet to the point of beginning.

ALSO SAVING AND EXCEPTING from Parcels I and II above, all that portion thereof conveyed in the deed to Stephen F. Mannenbach, et, ux, recorded October 4, 1993, in BCR 274, Page 1678, Polk County Records, described as follows:

Beginning at the Southeast corner of a tract of land conveyed to William A. Woodrum, et ux, by deed recorded July 27, 1977, in Volume 108, Page 706, Book of Records for Polk County Oregon; thence running North 0°06'28" West along the East line of said Woodrum tract a distance of 887 feet, more or less, to the proposed Southwest corner of Phase 2 of Living Waters Subdivision, Polk County, Oregon; thence East 40 feet; thence South 0°08'28" East 1482.45 feet to the center of Rickraall Creek; thence along the center of said Rickraall Creek, North 57°22'11" West 224.36 feet; thence North 26°13'00" West 400 feet; thence North 47°54'26" West 124.86 feet; thence North 80°24'27" West 152.14 feet to a point on the South line of said Woodrum tract; thence North 89°23'00" East 567.24 feet to the place of beginning.

ALSO SAVING AND EXCEPTING that property lying within the exterior boundary lines of Living Waters Estates, Phases I and II.

EXHIBIT 2

The north portion of Tax Lot 7.5.31A 601.