

**DALLAS CITY COUNCIL**  
**Monday, June 4, 2012**  
**Council Chambers**

The Dallas City Council met in regular session on Monday, June 4, 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 Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Absent: Councilor Jim Brown

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Chief of Police John Teague, Community Development/Operations Jason Locke, Fire Chief Bill Hahn, Finance Director Cecilia Ward, Engineering/Environmental Services Director Fred Braun, Director of Administrative Services Robert Spivey, and Recording Secretary Emily Gagner.

Mayor Brian Dalton led the Pledge of Allegiance.

**COMMENTS FROM THE AUDIENCE**

Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce, reported that since she last spoke to the Council, the Chamber held two ribbon cuttings at Electric Peddler and the Fire Station. She noted the Chamber also held their first Cash Mob event with thirteen people in attendance.

Joe Koubek read a statement regarding a ban on backyard burning, a copy of which is attached to these minutes and incorporated herein.

**PUBLIC HEARING**

**PUBLIC HEARING ON THE 2012-2013 CITY OF DALLAS BUDGET AND USE OF STATE REVENUE SHARING FUNDS**

Mayor Dalton declared the public hearing open at 7:05 p.m.

Mr. Wyatt reported that the Budget Committee recommended adopting the Budget as presented and recommended approving the tax of \$4.1954 per \$1,000 of assessed value and the levy to be imposed for debt service on General Obligation bonds is \$735,353.

There were no comments from the audience.

Mayor Dalton closed the public hearing at 7:06 p.m.

It was moved by Councilor Marshall and seconded by Councilor Wilson to *approve the 2012-2013 City of Dallas Budget and the use of State Revenue Sharing funds as approved by the Budget Committee and to direct staff to prepare a resolution adopting the Budget and authorizing the use of State Revenue Sharing Funds.* The motion CARRIED UNANIMOUSLY.

**CONSENT AGENDA**

It was moved by Councilor Lawson and seconded by Councilor Marshall to *approve the Consent Agenda as presented.* The motion CARRIED UNANIMOUSLY.

Item approved by the Consent Agenda: a) the May 21, 2012, City Council minutes.

**ITEMS REMOVED FROM CONSENT AGENDA**

There were no items removed from the Consent Agenda.

**REPORTS OR COMMENTS FROM COUNCIL**

Mayor Dalton reported that Superintendent Christy Perry had sent him a note about the senior graduating class. He explained there were 219 graduating seniors, 43 of which were National Honor Society members and seven were Honor Thespian students. He noted the Class of 2012 was awarded over \$2.5 million in scholarships and there are 70 students attending Chemeketa Community College through the extended program. He commented that he thought they were doing a great job.

**REPORTS FROM CITY MANAGER AND STAFF**

BMX GROUP PRESENTATION

Mr. Wyatt stated that at the May 7 Council meeting, David Solvedt and Jamey Scott came to talk about BMX bikes in the Dallas Skate Park, noting they had a presentation for the Council.

Jamey Scott and David Solvedt introduced themselves and explained they were there on behalf of all the Dallas BMX riders. Mr. Scott stated they were requesting the Council approve a six-month trial period to allow bikes in the skate park.

Mr. Solvedt indicated that over the years, the BMX riders struggled to find a suitable location to ride, adding they currently had no location except the streets. He asked why the City didn't allow bikes in the skate park. He indicated some said bikes damaged the skate park, but noted studies by the Skate Parks Association of America showed no more damage was caused by bikes than by skateboards. Mr. Solvedt reported some people were more worried about an increase in accidents but a study by Portland Parks and Rec showed no increase in accidents since they allowed their BMX riders into the park. He acknowledged a tragic fatality that occurred in the Dallas Skate Park, but it was his understanding that the man was not local and was under the influence of drugs or alcohol, which probably played a significant role in the accident. Mr. Solvedt explained BMX riding and skateboarding had risks, but noted they also had benefits. Mr. Solvedt advised that since the skate park was free and unsupervised, the City is protected from liability under recreational immunity. Mr. Scott then reviewed the benefits of BMX riding.

Mr. Solvedt requested a six-month trial period to allow the Council to test the success of bikes in the skate park. He asked for a chance to prove themselves and allow them to show their respect and responsibility.

Council President Scroggin asked if there should be separate designated times for bikes and skateboards or if having both at the same time would create no problems. Mr. Solvedt stated both groups had been down there at the same time already and many skaters and bikers were friends and got along well. He noted if there was overcrowding, some people would leave rather than use the park unsafely.

Councilor Stewart asked if anyone had heard what the skateboarders thought of the proposal. Mr. Scott stated that many of their friends were skateboarders and they supported it. Mr. Solvedt indicated the skateboarders were interested in the trial period to see how it would work out.

Councilor Lawson expressed her concern with bikers and skaters using business lots and other private property. Mr. Scott explained they rode there because they weren't allowed in the skate park. In response to a question, Mr. Solvedt indicated he would be happy to let kids know they should go ride in the park instead of on private property.

Council President Scroggin asked if the park was designed for just skateboards. Mr. Wyatt indicated the park was not built well for skateboards or bikes but the structures were interchangeable between bikes and skateboards. He noted the BMX group had been consistent over the past two years, were pretty responsible about maintaining the facilities they were given, and were respectful of the park crews. He added staff was pretty impressed with Mr. Scott and Mr. Solvedt.

Councilor Fairchild indicated one reason bikes were not allowed was that the Council was told bikes would chip the cement and cause problems with the facility. He commented that was apparently not true any longer and he was leaning toward approving the request.

Council President Scroggin and Councilor Wilson commented that they would be more comfortable giving the bikers four months for a trial period.

Mr. Shetterly advised there was a provision in DCC 5.420 (3) that expressly excluded bikes from the skate park and suggested rather than amending the Code during the trial period, he could draft a special ordinance that created an exception similar to what was used for the Mercer Reservoir event. He noted the special ordinance would allow a temporary period for the operation of bikes and include a delegation of authority to staff to implement rules.

There was some discussion about a six-month trial or a four-month trial period and the timing of such a trial period.

In response to a question, Mr. Shetterly explained the soonest the ordinance could be done was at the next meeting. He indicated the Charter allowed adoption of an ordinance with the first and second reading in one meeting as long as it was adopted with a unanimous vote. He advised the alternative would be to have the first reading at the June 18 meeting and the second reading with an emergency clause at the July 2 meeting. He stated an emergency clause would make the ordinance effective upon adoption.

Councilor Stewart stated he liked the idea of informing everyone of what the City was doing and recommended having a kick-off meeting down at the skate park so everyone understood what was happening. He requested a report midway through the trial period so the Council know how it was going.

It was moved by Councilor Scroggin and seconded by Councilor Wilson to *direct staff to draft an ordinance allowing bicycles in the skate park for a period beginning as soon as possible and expiring on November 1, 2012.* The motion CARRIED UNANIMOUSLY.

Mr. Shetterly clarified that both readings of the ordinance with an emergency clause would occur at the next Council meeting.

#### ODOT PRESENTATION REGARDING SALEM RIVER CROSSING

Mr. Wyatt introduced Dan Fricke, ODOT Project Manager. Mr. Wyatt encouraged the Council to ask questions of Mr. Fricke at the conclusion of his presentation.

Mr. Fricke indicated this was the culmination of years of work. He explained the purpose of the proposal was to reduce traffic congestion on the existing two bridges over the Willamette River. He then gave a PowerPoint presentation.

Mr. Fricke reviewed the various options for location of a new river crossing.

Mr. Fricke noted that Options 4C-4E were major-build alternatives. He explained that early in the process, they discovered the only way to meet the state mobility standards was by adding an extended couplet to Highway 22 and these options all provided that connectivity to Highway 22.

Mr. Fricke discussed the mobility and cost comparisons of each option. He stated the more congestion relief provided, the more expensive the project. He reviewed the displacement comparisons for each option and then talked about the decision making structure. He indicated the ultimate decision power was through the Federal Highway Administration and ODOT.

Mr. Fricke advised the comment period closed June 18 and comments could be submitted in writing or through the website.

Councilor Lawson asked if Mr. Fricke had any idea where the funding would come from. Mr. Fricke stated the short answer was "No." He indicated there was a funding report in the project library which included any possible source, noting there were four potential sources that staff was directed to focus on, including a fuel tax, property tax levy, vehicle registration surcharge, and tolling. He added at this point, everything was on the table.

Councilor Woods commented that the idea was to get people from our area to I-5 without having to go through downtown Salem. He advised he liked option 4C because it was the first that showed an attempt to get people from the Parkway going west. He noted the other ones just dumped into West Salem. He explained they had the capability of tolling locals less than those from outside the area, adding tolling was all done electronically.

Councilor Jones indicated she liked 4C for the same reasons as Councilor Woods and noted she would be happy to pay a toll on the new bridge but not the others.

Councilor Lawson declared her support for 4C, but said she hated the idea of a toll.

Councilor Fairchild stated he liked Option 4C because it provided a quick way to I-5 to help attract industry to Polk County.

In response to a question, Mr. Fricke indicated the Council could send a letter on behalf of the Council and individual Councilors could also comment. He recommended staff send a letter with comments as well.

It was moved by Councilor Fairchild and seconded by Councilor Woods to *direct staff to draft a letter to ODOT supporting Option 4C as being advantageous to our community.* The motion carried unanimously.

#### TRANSIENT LODGING TAX AGREEMENT RENEWAL

Mr. Wyatt explained that Councilor Wilson was the Council representative on the Visitors Center Board. Councilor Wilson commended Nancy Adams, Chair of the Visitors Center Board for her work. She noted the motel tax had been a tremendous help and brought a lot of activity to the downtown area.

Mr. Wyatt reviewed the staff report, adding staff recommended approval to move forward with a new two-year agreement.

Ms. Pope explained with their 70% of the motel tax funds they had been able to accomplish many things. She reviewed the activities they performed. Ms. Pope noted with the current economy, they had seen a slow decrease in the number of people staying in hotels and that resulted in a slow decrease of income from the tax. She indicated the Visitors Center would be working with the motels to find ways to get people to stay in the community.

It was moved by Councilor Lawson and seconded by Councilor Scroggin to *direct staff to draft a resolution renewing the Transient Lodging Tax Agreement with the Dallas Area Visitors Center, Inc. for a term of two years.* The motion CARRIED UNANIMOUSLY.

#### SANITARY SEWER MAINTENANCE RESPONSIBILITY

Mr. Wyatt indicated with new Councilors, staff felt it was good to review some of the programs that had been in place for some time.

Mr. Wyatt reviewed the staff report and clarified the responsibilities for private and public sewer lines. He explained that in the City Code and in City policies, it was the City's responsibility to maintain the main lines and private citizens were responsible for the private laterals that ran from buildings to the main line.

#### AUTOMATED METER READING (AMR) PROGRAM

Mr. Wyatt explained this was a program that had been in place for a while and there were some newer Councilors that had not been involved in those initial discussions so staff was providing an update.

Mr. Braun reviewed his staff report, stating most meters in the City currently were a dial-type and over 70% of those were more than twenty years old. He noted the typical life of a meter was 20 years, adding as they aged, they slowed down and eventually stopped, resulting in more and more unaccounted water use and decreasing revenues. He explained many communities were replacing old meters with meters incorporating newer technology and finding it to be very cost-effective.

In response to a question, Mr. Braun indicated the meters transmitted the readings from the field right to City Hall, noting staff would also have the ability to shut meters off via a signal from City Hall.

#### PRETREATMENT PROGRAM FEES

Mr. Braun reviewed his staff report, noting it was a statutory requirement to have a pretreatment program if a community had a Significant Industrial User (SIU). He added a benefit of having a state-approved pretreatment program in place was that it allowed the City to get a SIU without delay.

Mr. Braun explained that a number of the Light Industrial Users (LIU) would not be subject to the pretreatment program and fees at all if they were just a commercial or office type business that did not handle food. Mr. Braun stated the annual cost to the City to conduct the Pretreatment Survey and run the program ranged from \$4,000 to \$30,000, adding the higher costs were associated with having a SIU.

Councilor Lawson asked if a business would be considered a Food Handling Establishment (FHE) even if they only had one or two products such as an espresso bar. Mr. Braun stated it would depend on if the business was producing the products that could end up in the drain as a fat, oil, or grease. He indicated that would be a Category 1 FHE.

Council President Scroggin asked where schools and churches fit into the schedule. Mr. Braun indicated they would most likely be a Category 1 FHE. He noted that where there was no history of blockages or overflows, they would automatically be a Category 1 FHE.

It was moved by Councilor Scroggin and seconded by Councilor Fairchild to *direct staff to prepare a fee schedule resolution for the City Pretreatment Program.* The motion CARRIED UNANIMOUSLY.

#### OTHER

Mr. Wyatt asked the Council to cancel the June 13 Council workshop and they agreed.

**RESOLUTIONS**

**Resolution No. 3246** – A Resolution adopting the 2012 Dallas Capital Improvement Plan.

A roll call vote was taken and Mayor Dalton declared Resolution No. 3246 to have PASSED BY A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

**Resolution No. 3247** – A Resolution authorizing the transfer of budgetary funds.

Mr. Wyatt reviewed each item included in the resolution.

A roll call vote was taken and Mayor Dalton declared Resolution No. 3247 to have PASSED BY A UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

**FIRST READING OF ORDINANCE**

**SECOND READING OF ORDINANCE**

**Ordinance No. 1745** – An Ordinance establishing a special exception to the prohibition against motorized boats on Mercer Lake; and declaring an emergency.

Mr. Shetterly explained this was the same ordinance that was read at the previous meeting. He pointed out the draft agreement with the School District incorporating elements of the discussion from the last meeting.

Mayor Dalton declared Ordinance No. 1745 to have passed its second reading. A roll call vote was taken and Mayor Dalton declared Ordinance No. 1745 to have PASSED BY A UNANIMOUS VOTE with Council President Scroggin, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES

**OTHER BUSINESS**

There being no further business, the meeting adjourned at 8:40 p.m.

Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

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Mayor

ATTEST:

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City Manager