

Dallas City Council

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

Monday, June 4, 2007, 7:30 PM

Mayor Jim Fairchild Presiding

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AGENDA

1. ROLL CALL

2. APPROVAL OF MINUTES

- 2.1. Approval of minutes of the May 21, 2007, Council meeting.
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3. REPORTS OR COMMENTS FROM COUNCIL MEMBERS

- 3.1. Report of May 29, 2007, Administrative Committee Meeting (Wes Scroggin, Chair).
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- 3.2. Report of May 29, 2007, Public Safety Committee Meeting (Rich Slack, Chair)
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4. QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE

5. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

5.1. City Manager's Reports

- a. Discussion concerning possible Miller Avenue speed study.
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- b. Summary of results of bids for Levens Street Bridge project.
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- c. Status of Main Street water tank project.
-
- d. Follow up correspondence regarding yard light on Fir Villa.
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- e. Department reports for April (Community Development, Fire and Ambulance, Library, Police and Public Works.)
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f. Other

6. COMMUNICATIONS AND PETITIONS

7. PUBLIC HEARINGS

7.1. Public hearing on the 2007-2008 City of Dallas Budget and use of State Revenue Sharing Funds.

7.2. Public hearing on request to change the change the Comprehensive Plan Map #1 designation from Multi Family to Central Business District and the zoning designation on Tax Lot 7.5.33 BC 11400, 12000, 12100 and a portion of 11900 from RHD-Residential High Density to CBD–Central Business District.

8. RESOLUTIONS

8.1. Resolution No. 3120: A Resolution authorizing the transfer of budgetary funds..

9. FIRST READING OF ORDINANCE

9.1. Ordinance No. 1675: An Ordinance amending DCC 2.876 regarding payment of court appointed counsel.

10. SECOND READING OF ORDINANCE

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

10.2. 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.

11. OTHER BUSINESS

12. ADJOURNMENT

Following the City Council meeting, there will be a meeting of the Dallas Community Development Commission Urban Renewal Agency Board of Directors to consider the proposed budget for FY2007-08.

There will be an Executive Session to discuss matters with Legal Counsel as authorized in ORS 192.660(2)(h) and to discuss real property transactions as authorized in ORS 192.660(2)(e).

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The Dallas City Council met in regular session on Monday, May 21, 2007, at 7:30 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

ROLL CALL

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

Also present were: City Manager Roger Jordan, City Attorney Mark Irick, Police Chief Jim Harper, Public Works Director Fred Braun, Library Director Donna Zehner, Finance Director Marcia Baragary, and Recording Secretary Marsha Heeter.

APPROVAL OF MINUTES

Mayor Fairchild indicated there was a correction on page 6, line 18-19; it should read “the community installed the fenced-in park in McMinnville shown in Mrs. Beals’ pictures in just two weeks”. After hearing no further corrections or additions, Mayor Fairchild declared the minutes of the May 7, 2007, Council meeting approved as corrected.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

Councilor Brian Dalton thanked Mayor Fairchild for repainting the letters on the “Welcome to Dallas” sign, which look good.

Mayor Fairchild reported that the American Cancer Society “Relay for Life” raised over \$78,000 this year. Councilor Jackie Lawson thanked Mayor Fairchild and City Manager Roger Jordan for participating in the Dunk Tank fundraiser.

Mayor Fairchild commended the Public Works and Police Departments for their work on the “Cruise In” event held over the weekend.

REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

CHARTER COMMUNICATIONS PRESENTATION

Mr. Jordan indicated that Felix Guterrez of Charter Communications was here to give an update. Mr. Jordan also introduced Mr. Guterrez’s boss, Linda Kimberly. Mr. Guterrez explained that their project will involve putting in a fiber backbone and state of the art technology. He indicated that Phase I of the project will involve installing fiber optic lines around the community, replacing old power supplies and adding new ones. He explained that they will be putting door tags on every door and they will put up signs in the areas where they working. He noted that they will be installing new equipment in every neighborhood and they will try to minimize service interruptions. He indicated that the project will enable them to offer high speed Internet and new digital service. Councilor Wes Scroggin asked how early in the morning would the work begin. Mr. Guterrez answered that they would probably start as early as it is light. Councilor Scroggin asked how long each phase will take. Mr. Guterrez answered that it is hard to say because it depends on what they find when they start work. He added that they hope to have all the new services in by early fall. Councilor Scroggin asked what number people would call. Mr. Guterrez answered that the number will be on the door tag. Councilor Dalton remarked that he has found call centers to be unresponsive to concerns and callers get different answers from them and contractors. Mr. Jordan noted that anyone having a problem with Charter could contact him. He explained that it is the City’s responsibility under the franchise agreement to handle complaints about the franchisee’s failure to meet service standards. Linda Kimberly, Charter Communications General Manager, said she has heard about calls to service centers not being handled properly. She explained that when someone calls Charter, the service calls go to the center that specializes in service calls. She said the answerers will have a pull down list and can tell that there is a project going on in Dallas and to refer the issue to Mr. Guterrez. She said she feels their system is improving. Councilor Rich Slack asked about the link between Dallas and the rest of the system. Mr. Guterrez answered that’s already fiber.

1 APPOINTMENTS TO COMMISSIONS AND COMMITTEES

2 Mr. Jordan reviewed the recommendations for new appointments to the Dallas Economic Development
3 Commission and the Urban Renewal District Advisory Committee.

4 Councilor LaVonne Wilson moved to accept the recommendations to appoint Agnes Fredricks to re-
5 place Kevin Kohler on the Urban Renewal District Advisory Committee and Dennis Engle to replace
6 Christy Perry on the Economic Development Commission. The motion was duly seconded and CAR-
7 RIED UNANIMOUSLY with Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie
8 Lawson, Councilor Wes Scroggin, Councilor David Shein, Councilor Rich Slack, and Councilor
9 LaVonne Wilson voting YES.

10 CRITERIA FOR CITY MANAGER’S EVALUATION

11 Mr. Jordan reminded the Council that they met and agreed to use the existing criteria, and by adopting
12 the criteria early, they know this is what they will use for the entire year. Councilor David Shein asked
13 if the Mayor and Council President average the scores from each Councilor. Mayor Fairchild said they
14 do. Councilor Dalton remarked that there are no time lines given. Mayor Fairchild answered that they
15 have to have the evaluation done by January 1. He added that they distribute the forms to the Council in
16 November and have the evaluation in December. Councilor Dalton said he would like to have a specific
17 deadline for when the forms are distributed. Mayor Fairchild said they could do that. After discussion,
18 the consensus was to have the forms to the Council at the second meeting in November, returned to the
19 Mayor by the first meeting of December and hold the evaluation at the second meeting in December.

20 Mr. Jordan reminded the Council that state law requires the Council to announce in a public meeting the
21 criteria they will use for the evaluation. Councilor Lawson asked about doing a quarterly or semi-annual
22 evaluation. Mayor Fairchild answered that if they were working with a new person, he might suggest
23 doing that. Councilor LaVonne Wilson remarked that the existing process has worked well, and if there
24 was a situation where the Council needed to do an additional evaluation, they could do that. She asked
25 the new Councilors to go through the existing process for this year and look at the process after that.
26 Mr. Jordan indicated that he tries to meet with each Councilor individually at least twice a year. Coun-
27 cilor Dalton asked when the individual evaluation forms are given to the City Manager. Mayor Fair-
28 child answered that he receives them after the Executive Session at which the evaluation is discussed.
29 Mayor Fairchild reviewed the evaluation process.

30 Councilor Dalton said he would like a couple days to study the composite evaluation. He noted that the
31 criteria instruction sheet says it will be distributed “prior to or at the Executive Session”. Mr. Jordan
32 asked that they consider the composite evaluation to be confidential until after the executive session.
33 The Council agreed. After discussion, Mayor Fairchild indicated that the Councilors would receive pa-
34 per copies of the composite evaluation on the Friday before the evaluation Executive Session. Mayor
35 Fairchild asked all those in favor of adopting the process as amended to say Aye. The motion CAR-
36 RIED UNANIMOUSLY with Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie
37 Lawson, Councilor Wes Scroggin, Councilor David Shein, Councilor Rich Slack, and Councilor
38 LaVonne Wilson voting YES.

39 Mayor Fairchild recessed the meeting at 8:28 p.m. to hold the Budget Committee meetings.

40 The Council meeting was reconvened at 9:01 p.m.

41 PROPOSED SIGN CODE AMENDMENT

42 Mr. Jordan explained that the Urban Renewal District Advisory Committee has discussed the possibil-
43 ity of having murals in the community. He indicated that the memo from Community Development
44 Director Jerry Wyatt describes the proposal, and the Council would need to amend the sign code to al-
45 low murals. Mr. Jordan pointed out that the general definition doesn’t include signage. He said that no
46 more than 10% of a mural could be signage, and that would have to comply with the sign code. He
47 added that any proposed mural would have to go through review to ensure it complies with City guide-
48 lines. He pointed out that the mural would have to be maintained or removed if were not being main-
49 tained. He indicated that the ordinance would include what group would look at the mural proposals.
50 He suggested that either the Urban Renewal District Advisory Committee or the Commercial Revitali-
51 zation and Retention Team could be the review group. Councilor Dalton said he doesn’t think it should
52 be the Urban Renewal District Advisory Committee, because they deal with a restricted location. He

1 said it should be the Commercial Revitalization and Retention Team, which is part of Dallas Economic
2 Development Commission. Mr. Jordan agreed that the Commercial Revitalization and Retention Team
3 deals with the whole commercial area and murals wouldn't be restricted to the downtown area. He
4 noted that the Commercial Revitalization and Retention Team also reviews façade loan applications.

5 Councilor Shein suggested adding "of cancellation of permit" at the end of 9.991 just to clarify when a
6 mural would have to be painted over. Mr. Jordan responded that City Attorney Mark Irick will work on
7 the legal language. Councilor Scroggin asked who would decide what is artistic and what isn't with re-
8 gard to the non-artistic elements mentioned in 9.992. Mr. Jordan answered that he would make sure it
9 was clarified that this covers advertising as defined in the code. Councilor Lawson said she would like
10 to see more advertising allowed and allowing the review committee to decide. She indicated that allow-
11 ing more advertising might allow more murals. She asked if the artist's signature would be considered
12 part of the advertising. Mr. Jordan answered that advertising would be any portion dealing with a busi-
13 ness, and that is limited by the sign code. He said he could see increasing it to 20%. Councilor Shein
14 asked if the sign code covers service club signs. Mr. Jordan responded that no one could do a mural
15 downtown that said "shop at Safeway" because that would be an off-premise sign. He added that adver-
16 tising would include putting a brand name in a mural on a grocery store. He stressed that murals
17 wouldn't be allowed to have more advertising than would be allowed for a wall sign under the sign
18 code. Councilor Wilson remarked that the initial discussions were about murals to enhance an area. She
19 said she understands the need for some advertising, but she wouldn't want every wall to have an adver-
20 tising mural. She indicated that there should be some murals that are historic that will attract visitors.
21 Councilor Dalton remarked that the Council probably needs to see a presentation with examples of dif-
22 ferent types of murals. He agreed that the murals should reflect the history of Dallas. Mr. Jordan sug-
23 gested that if the artistic element is the purpose, it would be a mural and if advertising is the purpose, it
24 would be a sign. Mr. Jordan suggested replacing the 10% with "compliant with sign code." Councilor
25 Shein suggested that there probably needs to be a grandfather clause for existing signs that might be in-
26 corporated into a mural. Mr. Jordan noted that if an existing sign is the maximum size allowed, there
27 couldn't be any additional advertising in the mural. Mayor Fairchild remarked that the code couldn't
28 cover all the details, and it would be good to include an appeal process. Councilor Slack remarked that
29 there was an opportunity to have timing clocks at the Aquatic Center but they would have "Pepsi" ad-
30 vertising on them. He said he wouldn't want all the murals to have an advertising element because of
31 corporate sponsorship. Mr. Jordan indicated that any appeals would be to the City Council. Councilor
32 Scroggin said he would leave the 10% advertising limit and see how it goes.

33 Councilor Dalton remarked that he thought the last sentence should say the mural permit fee would be
34 \$75. Mr. Jordan agreed, noting that there would be an additional fee if there was any advertising.

35 Councilor Shein moved to direct the City Staff to draft an ordinance incorporating the items discussed.
36 The motion was duly seconded. Councilor Dalton commented that the Urban Renewal District Advi-
37 sory Committee will be meeting on June 14. Mr. Jordan said he will take the draft ordinance to the
38 Urban Renewal District Advisory Committee first and forward their comments to the Council. The
39 motion CARRIED UNANIMOUSLY with Councilor Brian Dalton, Councilor Warren Lamb, Coun-
40 cilor Jackie Lawson, Councilor Wes Scroggin, Councilor David Shein, Councilor Rich Slack, and
41 Councilor LaVonne Wilson voting YES.

42 COMPENSATION INCREASE FOR COURT-APPOINTED DEFENSE ATTORNEYS

43 Mr. Jordan advised that the staff recommends increasing the compensation for Court appointed defense
44 attorneys from \$40 to \$50 per hour. He added that most other cities in the area are paying that.

45 Councilor Warren Lamb moved to increase the hourly rate from \$40 to \$50 and have an appropriate
46 amendment to the City Code be brought back to the Council. Councilor Scroggin asked if the Judge is
47 keeping control of that. Mr. Jordan answered that he is, and he requires people who can pay to reim-
48 burse the City. The motion CARRIED UNANIMOUSLY with Councilor Brian Dalton, Councilor
49 Warren Lamb, Councilor Jackie Lawson, Councilor Wes Scroggin, Councilor David Shein, Councilor
50 Rich Slack, and Councilor LaVonne Wilson voting YES.

51 REVISED POLICE VEHICLE DECALS

52 Mr. Jordan reported that the Police Department found that other cities in the Willamette Valley are us-
53 ing a gold stripe on their police vehicle decals, so they would like to change to silver and white instead
54 of blue and gold.

1 Councilor Slack moved to approve the revised decal. The motion was duly seconded. Councilor
2 Scroggin said he saw something on TV about departments going back to the old black and white design
3 that provides more of a police presence and says we are in charge. Mr. Jordan remarked that might be
4 needed in Los Angeles, but we don't need that in Dallas. He said we have worked hard on our commu-
5 nity policing image and the staff feels this vehicle design fits that image. He pointed out that they in-
6 cluded City of Dallas instead of just Dallas to make sure people know they are City police. Councilor
7 Scroggin said he is in favor of the new decal, and the city mentioned on TV was Oregon City. Coun-
8 cilor Wilson asked if they would put "patrol supervisor" on the vehicles. Mr. Jordan said they would;
9 that we have done that for some time. He indicated that there is only one supervisory car and only one
10 lieutenant car, and a senior patrol officer could use the supervisory car. Councilor Scroggin clarified
11 that the car comes gray and the rest is the decal. The motion CARRIED UNANIMOUSLY with Coun-
12 cilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Wes Scroggin,
13 Councilor David Shein, Councilor Rich Slack, and Councilor LaVonne Wilson voting YES.

14 **MAY PLANNING COMMISSION REPORT**

15 Mr. Jordan indicated that the information on the May Planning Commission meeting was included in
16 the agenda packet. He asked if there were any questions. Councilor Slack thanked Recording Secre-
17 tary Marsha Heeter for providing a draft of the minutes, which were helpful when looking at what was
18 approved and what wasn't. Mr. Jordan said he would wait to have the minutes before sending the
19 Planning Commission report to the Council.

20 **MAY BILLS**

21 Mr. Jordan asked if there were any questions about the bills for May. There were none.

22 **FIRST READING OF ORDINANCES**

23 Ordinance No. 1673

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

25 Mayor Fairchild declared Ordinance No. 1673 to have passed its first reading.

26 Ordinance No. 1674

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

29 Mr. Jordan remarked that Public Works Director Fred Braun gave him the legal description for Exhibit
30 2, which is 887 feet from the property line south. Mr. Jordan said that will be added before the second
31 reading. Mayor Fairchild declared Ordinance No. 1674 to have passed its first reading.

32 **OTHER BUSINESS**

33 Councilor Dalton asked about the light issue on Fir Villa. Mr. Jordan answered that they tried to paint
34 the light, but that didn't work. He said they then took that light down and put up spotlights. He said
35 he received a letter today from one of the neighbors who didn't feel that solved the problem so he'll
36 have to review the situation. He noted that the Council may have to review it again. In response to a
37 question, he indicated that the light was changed within 30 days. He said the Staff will determine if the
38 new light meets the code and complies with the Council direction.

39 There being no further business, the meeting adjourned at 9:42 p.m.

40 Read and approved this _____ day of _____ 2007.

41 _____
42 Mayor

43 **ATTEST:**

44 _____
45 City Manager

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Members Present: Chair Wes Scroggin, Kevin Marshall, David Shein, and Rick Slack.

Also Present: Mayor Jim Fairchild, City Manager Roger Jordan, Finance Director Marcia Baragary, Assistant City Manager Kim Marr, and Recording Secretary Marsha Heeter.

Visitor: Chelsea Pope, Chamber Manager.

Chair Wes Scroggin called the meeting to order at 4:30 p.m.

2007-08 Cost of Living Increase

City Manager Roger Jordan advised that in a meet and confer session, the general employees agreed to a cost of living increased based on the Portland CPI index increase, which was 2.7%, and they agreed to no changes in fringe benefits. He explained that after a decrease last year, there was an increase in the cost for health insurance, and the employees agreed to no changes in the current coverage. He said he thinks this is fair to the City and the employees. David Shein asked what percentage of employees take Plan I vs. Plan V health insurance. Finance Director Marcia Baragary answered that probably 15 out of 80 take the Plan V (90/10) plan compared to Plan I (80/20). Rich Slack asked how much longer the City would be able to continue offering a no out of pocket plan. Mr. Jordan answered that he was not sure. He noted that when he met with the employees, no one indicated that they thought the options were not fair and the Police Association reached agreement in three meetings. In response to a question, Assistant City Manager Kim Marr explained that each department names one or two representatives for the meet and confer sessions.

Kevin Marshall moved to recommend the proposed cost of living increase to the City Council. The motion was duly seconded and carried unanimously.

Possible Hotel/Motel Tax Proposal

Mr. Jordan indicated that his recommendation is included in his memo. He advised that the City has been working with Chamber on this and the next step would be for the staff to prepare a white paper. He said they probably should have a workshop on this. Mayor Fairchild commented that the material he provided, which is in the agenda packet, is the start of the white paper. He added that he has discussed this with the Chamber Board, and he would like to see it move through as rapidly as possible. He pointed out that he has contacted the local motel owners but he has not been able to arrange a meeting with them. Chamber Manager Chelsea Pope said she has met and talked with them and took the plan to them. Mayor Fairchild indicated that the tax would be a source of funding to develop tourism options for Dallas. He said he is recommending giving 5% of the tax collected to the motel/hotel to cover their administrative costs, which would probably be 2-3% profit for them. He suggested developing a funding policy so everyone knows how the funds will be used. He explained that 30% can go to the City to cover its costs associated with tourism. He pointed out that the agenda packet included copies of a policy from Bend, and the Bend and Ashland ordinances related to use of the motel tax. Ms. Pope

1 commented that the Chamber has been looking at separating the Visitor Center from the Cham-
2 ber office. She said she has talked to both motel owners and she wants to take to them a plan for
3 what the money would be used for. Mr. Shein remarked that the Council will want to see the
4 plan, too. Mayor Fairchild indicated that the majority of the 70% would go to the Visitor Center.
5 Mr. Shein commented that he sees three uses: to promote and increase the number of visitors; to
6 cover administration; and to defray costs from having more visitors. Mayor Fairchild pointed
7 out that there are three new vineyards in the area, and, adding those to the existing ones, Dallas
8 is in a good position to be a center for visitors. Mr. Slack asked if they would be taxing people
9 who would be visitors or if it would be local people staying there temporarily. Ms. Pope said she
10 asked the owner of the Best Western to track that, and while she doesn't have that information
11 yet, he said that a lot of their guests are people visiting family here. Mr. Marshall asked if we
12 have any bed and breakfasts with five or more rooms. Mayor Fairchild answered that we do not.
13 He pointed out that if someone stays more than 30 days in a motel or hotel, they don't pay this
14 tax. Mr. Marshall asked if this would include RVs for less than 30 days. Mr. Jordan answered
15 that would be up to the Council to decide. He added that he would like to know their questions
16 so he can provide the answers in the white paper.

17 Mr. Shein moved to direct the staff to prepare a white paper on this topic. The motion was duly
18 seconded and carried unanimously. Mr. Slack asked if there was a mechanism to get questions
19 from the other Council members. Mr. Jordan said he would ask for their questions Monday
20 night.

21 **New City Website**

22 Mr. Jordan reported that there was a meeting that Brian Dalton, Rich Slack and the Mayor at-
23 tended where they saw a demonstration of websites hosted by Civic Plus, which appears to be
24 the best web site for our purposes. Mr. Shein remarked that he was not able to be here, but he
25 got favorable feedback from someone who was here. Mr. Jordan noted that he is looking for a
26 site that wouldn't involve a lot of staff time and this one could also be used as an intranet. Mr.
27 Slack said he thinks it's a good deal and he thinks it would meet all staff needs. Mayor Fairchild
28 remarked that it also allows interactive use so, in the future, people could pay utility bills via the
29 website. Mr. Jordan indicated that the staff will be considering this when they are looking at
30 new software for the Finance Department. Mr. Marshall asked how long this company has been
31 in business. Mayor Fairchild answered that he has been watching them for over past four years
32 as they attend national conferences. Assistant City Manager Kim Marr indicated that they have
33 been in business for 11 years. Mr. Jordan added that they are reasonably priced compared to
34 staff time costs.

35 Mr. Slack moved to recommend to the Council authorizing the City Manager to enter into a con-
36 tract with Civic Plus. The motion was duly seconded and carried unanimously.

37 **Assistant City Manager's Report**

38 Ms. Marr reviewed her report on personnel changes, which included 12 new hires.

39 **Finance Director's Report**

1 Finance Director Marcia Baragary reported that the budget financial summary would be published
2 in the Itemizer tomorrow with the public hearing Monday night before the Council. She indicated
3 that she will be meeting with the auditor tomorrow regarding moving the Ambulance Fund into
4 the General Fund to make sure the City has done everything correctly. She added that she will be
5 concentrating on selecting new software now that the budget is done.

6 **Other**

7 Mayor Fairchild suggested that the Council needs to look at a regularly scheduled workshop time
8 to get information from the staff and ask questions. Chair Scroggin said he could see having
9 workshops instead of the committee meetings. Mr. Shein agreed that workshops would allow
10 discussion on the background of issues. Mr. Slack said they need to make sure they have a rea-
11 son to meet. Mr. Jordan indicated that they would need to develop list of topics to be discussed
12 and they could use the goals to develop that list. Mr. Marshall said they could call for a work-
13 shop when it's needed. Mayor Fairchild indicated that he will ask the other Council Committee
14 about this.

15 There was no other business and the meeting was adjourned at 5:21 p.m.

ADMINISTRATIVE COMMITTEE

Tuesday, May 29, 2007

4:00 p.m.

Wes Scroggin, Chair
Kevin Marshall
David Shein
Rich Slack

1. Report and recommendation on agreement with general employees for 2007-08 Cost of Living increase.

2. Discussion concerning possible hotel/motel tax proposal.

3. Discussion concerning selecting company to develop and host new City website.

4. Report from Assistant City Manager.

5. Finance Director's Report.

6. Other.

7. Adjourn

MEMORANDUM

Date: May 25, 2007

To: Mayor Fairchild and Administrative Committee Members

From: Roger Jordan, City Manager

Re: Cost of Living Adjustment, July 2007

This memo outlines my recommendation for a Cost-of-Living adjustment for employees effective July 1, 2007. As you will recall, and as we discussed at the February 5, 2007 Council meeting, the Council has authorized me, as City Manager, to meet with our employees and attempt to work out a reasonable salary and fringe benefit increase that could be recommended to the Council in July. I have met with the employees to discuss possible salary and fringe benefit increases that become effective in July.

We have always used the January-to-January change in the Consumer Price Index (CPI-W) as a principle guide in identifying possible annual increases. From January 2006 to January 2007, the increase in the CPI-W for Portland was 2.7%. This amount was included in the City budget adopted by the Budget Committee.

As you know, we have enjoyed a good working relationship with our employees for many years. This year is no exception. During the meet-and-confer sessions, the employees showed that they understand the problems and concerns of the City. Through the cooperative spirit that enables us to work within an informal management-employee relationship, we were able to work out an agreement that maintains fair compensation while living within budgeted funds.

This year we were notified that the estimated health and dental insurance premium increase would be 12.9%. Last year our rate decreased 2.8%. Fortunately, we also learned, as was stated in the budget, that retirement costs were reduced for next year. These costs offset each other and will allow us to maintain the same health insurance plans without increasing the percentage for fringe benefits. During the last month, I met with employees and negotiated an agreement to maintain the two existing plans. Under the agreement, we would continue with the “no cost plan” for which the City would pay the entire premium. In addition, we would continue to offer the traditional Plan V, which has better benefits, but for which the employees would have to pay the additional premium. The following is a summary of the cost to the City and employees for the two plans. During the discussion with employees, we also agreed to propose no increases in any other benefit package.

PLAN I	<u>City Pays</u>	<u>Employee Pays</u>
Family	\$1,163.49	0
Employee +1	825.09	0
Employee	404.55	0

PLAN V	<u>City Pays</u>	<u>Employee Pays</u>
Family	\$1,266.87	\$103.38
Employee +1	905.87	80.78
Employee	443.54	38.99

Therefore, I recommend to the Administrative Committee that you recommend the following salary

and fringe benefit increases to the City Council:

Salary increase of 2.7% and the City will continue to pay the cost of the \$300/\$900 deductible Plan I health insurance with Preferred Provider Option, vision, dental, life and disability insurance coverage and continue to allow employees to choose Plan V \$300/\$900 deductible with Preferred Provider Option, vision, dental and life insurance if they agree to pay \$38.99 per month for single employee, \$80.78 for a single employee plus one dependent, and \$103.38 for family coverage.

RJ:meh

MEMORANDUM

Date: May 23, 2007
To: Mayor Fairchild and Administrative Committee Members
From: Roger Jordan, City Manager
Re: Study of Impact of Hotel/Motel Tax

Recommendation: Explore the impact and possible adoption of a motel/hotel tax.

Background: As you are aware, the City Council adopted as a goal, exploring the impact of a hotel/motel tax. Mayor Fairchild, who has been working on the proposal, has completed a preliminary financial review of a proposed transient room tax for Dallas. I have reviewed his draft and agree with the financial impact. The next step is to draft a “white paper” which discusses the concept and a possible implementation strategy.

The Mayor and I agree that the next action would be for the staff, working with the City Attorney and Chamber of Commerce representatives, to study the advantages and disadvantages of adopting a room tax and to draft policies on the use of a transient tax if the Council were to adopt one.

Attached is a copy of the Mayor’s transient room tax proposal and a copy of policies from other cities on the use of the funds for increasing tourism. Also attached is a copy of the letter from the Chamber of Commerce concerning this issue. The Mayor has indicated that he would like to address the issue at the Administrative Committee meeting.

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

RJ:meh

DRAFT
Transient Room Tax Proposal

To: Interested Parties

From: Mayor Jim Fairchild

Re: Proposed Transient Tax for Hotels and Motels in the City of Dallas

- Tax would apply to all hotels, motels and bed and Breakfast's having 5 or more rooms for rent in the City of Dallas.
- Tax would be 9% on gross room rental and businesses would remit the tax to the City on a quarterly basis.
- Each business would retain 5% of the amount of transient tax handled by that business to cover administrative and handling costs.
- To meet provisions of State Law on transient taxes, the City of Dallas would ensure that a minimum of 70% of the money collected would be used for tourism promotion or tourism related facilities. (See attachment labeled HB2267)

Possible uses of 70% designated to tourism – partial list

- Advertisements – magazine, newspaper, specific events, brochures, pamphlets, DVD's
- Signs
- Events/directional signage/advertisement
- Tourism office and staffing
- Sponsorship of specific events to draw tourists.
- Possible partnerships with Chamber of Commerce, Downtown Association, etc., to promote specific tourism events.

Estimated Income and Costs

Best Western Dallas Inn and Suites

- 42 rooms – a potential of 15,330 room nights per year.
- 50% occupancy at \$65 per night is used to create estimated income.
- 7665 room nights at \$65 would generate \$498,225 in gross yearly room rent.
- A tax of 9% on \$498,225 would generate \$44,840 per year.
- Owner would receive 5% of tax to cover administrative costs - \$2,242.
- Net tax revenue - \$42,598.

Riverside Motel

- 20 rooms – a potential of 7,300 room nights per year.
- 50% occupancy at \$45 per night is used to create estimated income.
- 3650 room nights at \$45 would generate \$164,250 in gross yearly room rent.
- A tax of 9% on \$164,250 would generate \$14,781 per year.
- Owner would receive 5% of tax to cover administrative costs - \$739
- Net tax revenue - \$14,042.

Potential Revenue for Tourism Promotion

70% of \$56,640 = \$39,648

City Share = \$16,992 (this would become part of the General Fund, but could be designated to specific areas by the City Council.)

- Some possible uses could be: routine downtown sidewalk clean up, event banners, event lighting, items to make City more attractive, i.e. floral baskets and their maintenance, murals, benches, bike racks, etc.

It is recommended that a transient room tax funding policy be developed. Examples used by other cities in Oregon are included.

Local Lodging Tax Rates and Receipts for Nearby Towns

Source: Oregon Travel Impacts – 1991-2005 by Dean Runyon and Associates.

	<u>Rate</u>	<u>2005 Receipts</u>
Corvallis	9%	\$946,800
Albany	9%	544,200
Lebanon	6%	23,000
Sweet Home	6%	14,300
Keizer	6%	57,300
Salem	9%	1,799,200
Sublimity	7%	33,200
Woodburn	9%	210,500
Monmouth	9%	(Instituted in April 2007, no figures on receipts yet)

HB 2267 Hotel-Motel Tax

HB 2267 was passed by the 72nd Legislative Assembly (2003 Regular Legislative Session). The bill enacts a new statewide one percent tax on transient lodging and places some restrictions on local lodging taxes.

In summary, the local provisions of HB 2267 are as follows:

New or Increased local lodging tax

- As of July 2, 2003, **70 percent** of the proceeds from any **new or increased** local lodging tax must be used for tourism promotion or tourism related facilities.
- The definitions are important. A “tourism related facility” is defined specifically as a conference or convention center meeting certain specified statutory standards, or a facility that is owned or partially owned by a local government and “that has the substantial purpose of supporting tourists or tourism related activity.” The tourism related facility must have the substantial *purpose* (emphasis added) of supporting tourism and tourists – the actual use of the facility may vary, having fewer tourists than may have been originally envisioned. A tourist is defined as someone who, for business or pleasure, stays overnight or comes from more than 50 miles away for cultural, recreational, or business travel.
- **30 percent** of the proceeds from any **new or increased** local lodging tax enacted after July 2, 2003 is **unrestricted** in its use.

Existing local lodging tax

- Cities are required to **maintain the percentage of existing lodging tax used for tourism promotion and tourism facilities**, from July 2, 2003 forward. The recipients of the tax may change, but the percentage used for tourism purposes cannot change from the split effective on July 2, 2003.
- Cities who agreed before July 2, 2003 to raise the local lodging tax for tourism promotion or tourism facilities must raise the tax “as agreed.”

New statewide 1% lodging tax

- The statewide one percent lodging tax will be imposed beginning January 1, 2004 and will apply to any hotel, motel, inn, B&Bs and RV units that are designed for temporary (presumably less than 30 days) overnight human occupancy.
- The Department of Revenue will develop rules specifying collection procedures. In preliminary discussions, they have expressed a desire to have the statewide one percent tax remitted directly from the lodging provider to the State Department of Revenue (not passed through local governments) via a quarterly coupon payment system for tracking

purposes. Fifteen percent of the proceeds of the statewide tax are to be returned to the region from which the tax was collected for regional tourism marketing programs to be determined by the Tourism Commission.

- If you receive questions about the statewide tax from your local lodging property owners, please inform them the statewide tax and the local tax must be paid separately and to different locations. They can direct questions about the collection of the statewide tax to either the Department of Revenue or the Oregon Lodging Association.

City of Bend
Council Directed Transient Room Tax Funding Policy

Section 1. Purpose

The City of Bend utilizes transient room tax (TRT) funds as specified in Bend Code 7.036 and the laws of the State of Oregon. This policy is intended to identify criteria and process to be used by the Council in funding various tourism promotion opportunities.

Section 2. Eligibility

- 2.1. Applications must meet the following definitions:
 - 2.1.1 "Tourism promotion" means any of the following activities
 - 2.1.1(a) Advertising, publicizing or distributing information for the purpose of attracting and welcoming tourists;
 - 2.1.1(b) Conducting strategic planning and research necessary to stimulate future tourism development;
 - 2.1.1(c) Operating tourism promotion agencies; and
 - 2.1.1(d) Marketing special events and festivals designed to attract tourists.
 - 2.1.2 "Tourism-related facility":
 - 2.1.2 (a) Means a conference center, convention center or visitor information center; and
 - 2.1.2 (b) Means other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.

Section 3 Procedures

- 3.2. Applications will be considered on a semi-annual basis and subject to TRT fund availability. *[Recommend Dallas use annual basis]*
- 3.3. Applications will be reviewed by the Economic Development Subcommittee for recommendation to the City Council.
- 3.4. Applications must illustrate how the program or project meets the eligibility requirements stated in Section 2
- 3.5. Any TRT funds not utilized within any fiscal years will be appropriated in the next fiscal year as working capital carry over.
- 3.6. Special Consideration will be given to new, start-up programs and projects. *[Recommend Dallas consider but not give special consideration.]*

Reference Material

Under Bend Code Section 7.036, 28% of net revenue from our TRT must be put into a "tourist fund" to be used for "tourism promotion" or "tourism-related facilities" in the coming fiscal year. The definitions of "tourism promotion" and "tourism related facilities" is found in state law.

[HB2267 requires 70% of net revenue to be used for tourist promotion or tourist-related facilities]

Under ORS 320.300,

"Tourism promotion" means any of the following activities:

- (a) Advertising, publicizing or distributing information for the purpose of attracting and welcoming tourists;
- (b) Conducting strategic planning and research necessary to stimulate future tourism development;
- (c) Operating tourism promotion agencies; and
- (d) Marketing special events and festivals designed to attract tourists.

"Tourism-related facility":

- (a) Means a conference center, convention center or visitor information center; and
- (b) Means other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.

7.005 BEND CODE 7.010
CHAPTER VII: BUSINESS REVENUE
TRANSIENT ROOM TAX

7.005 Title. Section 7.010 to 7.042 shall be known as the Transient Room Tax Code of the City of Bend.

7.010 Definitions. Except where the context otherwise requires, the definitions given in this section govern the construction of this Code.

(1) "Accrual Accounting" means the operator enters the rent due from a transient on his records when the rent is earned whether or not it is paid.

(2) "Cash Accounting" means the operator does not enter the rent due from a transient on his records until rent is paid.

(3) "City Council" means the City Council of the City of Bend, Oregon.

(4) "Hotel" means any structure, or any portion of any structure which is occupied or intended or designed for transient occupancy for thirty (30) days or less, for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, space in mobile home or trailer parks, or similar structure or portions thereof so occupied, provided such occupancy is for less than a thirty (30) day period.

(5) "Occupancy" means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a hotel, or space in a mobile home or trailer park or portion thereof.

(6) "Operator" means the person who is proprietor of the hotel in any capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this code and shall have the same duties and liabilities as his principal. Compliance with the provisions of this code by either the principal or the managing agent shall be considered to be compliance by both.

(7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or other group or combination acting as a unit.

(8) "Rent" means the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel valued in money, goods, labor, credits, property, or other consideration valued in money, without any deduction.

(9) "Rent Package Plan" means the consideration charged for both food and rent where a single rate is made for the total of both.

(10) "Tax Administrator" means the City Treasurer of the City of Bend.

(11) "Tax" means either the tax payable by the transient, or the aggregate amount of taxes due from an operator during the period for which he is required to report his collections.

(12) "Transient" means any individual who exercises occupancy or is entitled to occupancy in a hotel for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the thirty-day period if the transient is not charged rent for that day by the operator. Any such individual so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

[Section 7.010(9) amended by Ord. No. NS-1455 passed March 18, 1987]

[Section 7.010(10) amended by Ord. No. NS-1615 passed May 18, 1994]

7.012 Tax Imposed. For the privilege of occupancy in any hotel, on and after the effective date of this code, each transient shall pay a tax in the amount then in effect under subsections (1), (2), and (3) of this Section. The tax constitutes a debt owed by the transient to the city, which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall enter the tax on his records when rent is collected if the operator keeps his records on the cash accounting basis. If rent is paid in installments a proportionate share of the tax shall be paid by the transient to the operator with each installment. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the city. In all cases the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities, other than the furnishing of rooms, accommodations, and parking space in mobile home parks or trailer parks.

When rent is charged under a rent package plan, as defined in Bend Code 7.010 (9), an allowance of ten dollars (\$10.00) per person per meal or forty percent (40%) of the rent package plan price, whichever is less, may be deducted in the determination of the transient room tax under this code.

(1) During the period of January 1, 2002 through June 30, 2002, the tax amount shall be 8% of the rent charged by the operator.

(2) During the period of July 1, 2002 through June 30, 2003, the tax amount shall be 8½% of the rent charged by the operator.

(3) Beginning on July 1, 2003, and subsequent thereto, the tax amount shall be 9% of the rent charged by the operator.

[Section 7.012 amended by Ord. No. NS-1455 passed March 18, 1987]

[Section 7.012 amended by Ord. No. NS-1466 passed December 2, 1987]

[Section 7.012 amended by Ord. No. NS-1796 passed August 15, 2001]

[Section 7.012 amended by Ord. No. NS-1813, passed January 19, 2002]

CITY OF ASHLAND

4.24 Transient Occupancy Tax

4.24.010 Definitions

Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this chapter:

A. Person shall mean any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

B. Hotel shall mean any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

C. Occupancy shall mean the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel or recreational vehicle/camping park for dwelling, lodging or sleeping purposes.

D. Transient shall mean any person who exercises occupancy or is entitled to occupancy in a hotel or recreational vehicle/camping park by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel or recreational vehicle/camping park shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time expending both prior and subsequent to the effective date of this chapter may be considered.

E. Rent shall mean the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel or recreational vehicle/camping park valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without a deduction therefrom whatsoever. Rent is the total consideration paid by a transient for occupancy of a room or space. In addition to amount charged for room, rent includes charges by operator for meals, parking, telephone, and other items unless such items are separately incurred and specifically itemized on a duplicate customer pre-numbered receipt. Rent is the total consideration paid by a transient.

F. Operator shall mean the person who is proprietor of the hotel or recreational vehicle/camping park, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs any functions or charging or receiving rent through an agent of any type or character other than an employee, the agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as the principal. Where the operator is a corporation, the term operator shall also include each and every member of the Board of Directors of such corporation for the time involved. Compliance with the provisions of this chapter by either the principal or the agent shall, however, be considered to be compliance by both.

G. Tax Administrator shall mean the Director of Finance of the City of Ashland, or designee.

H. Recreational Vehicle/Camping Park shall mean a development designed principally for the transient housing of travel trailers, mobile homes, tent trailers, motor homes, and for tent camping. (Ord. 1907, 1977; Ord. 1975, 1978)

I. Accrual Accounting. A system of accounting in which the operator enters the rent due from a transient into the record when the rent is earned, whether or not it is paid.

J. Cash Accounting. A system of accounting in which the operator records the rent due from a transient when it is paid, regardless of when the person occupies the room.

K. Full Breakfast. A complete meal served to occupant of the room consisting of a minimum of three prepared items plus beverage. The full breakfast must be served on dinnerware and presented in a common area furnished with table(s) and seating, not in a restaurant open to the public.

(Ord. 2632, 1991)

4.24.020 Tax Imposed

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of seven (7%) percent of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator of the hotel at the time the rent is paid. The operator shall collect and record the tax into the record when rent is collected, if the operator keeps records on the cash basis of accounting, and when earned if the operator keeps records on the accrual accounting bases. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

(Ord. 1907, 1977; Ord. 2024S1, 1979; Ord. 2632, 1991; Ord. 2674; 1992)

4.24.030 Exemptions

No tax shall be imposed upon:

A. Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose the tax herein provided;

B. Any occupant whose rent is of a value of \$15.00 or less per day. This amount shall be adjusted on July 1 of each year based on the change in the Portland Consumer Price Index. (Ord. 2216, 1982; Ord. 2745, 1994)

C. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law of international treaty.

D. The amount attributable to one full breakfast per day for a transient at a Bed and Breakfast establishment. However, in no case shall the exemption exceed the greater of 10% of the total amount charged per transient or \$10.00 per day. This amount shall be adjusted on July 1 of each year based on the change in the Portland Consumer Price Index.

E. Any room donated to a non-profit organization claiming exemption under IRS code 501.

F. Any room rented by the Ashland Interfaith Care Community, or such other organization specifically recognized by the City Council for providing services to the homeless, for occupancy by a homeless person or persons. (Ord. 2692, 1992)

No exemption shall be granted except upon written claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the Tax Administrator. (Ord. 1907, 1977; Ord. 2632, 1991)

4.24.040 Operator's Duties

Each operator shall collect the tax imposed by this chapter, to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall, upon demand, receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereafter provided. Every operator required to collect the tax imposed herein shall be entitled to retain five percent (5%) of all taxes collected to defray the costs of collections and remittance.

(Ord. 1907, 1977; Ord. 2632, 1991)

4.24.050 Registration

Within thirty (30) days after the date of adoption of this chapter or within thirty (30) days after commencing business, whichever is later, each operator of any hotel or recreational vehicle/camping park renting occupancy to transients shall register said hotel or recreational vehicle/camping park with the Tax Administrator and obtain from him/her a "Transient Occupancy Registration Certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

- A. The name of the operator;
- B. The address of the hotel or recreational vehicle/camping park;
- C. The date upon which the certificate was issued; and
- D. The following statement:

"This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of this part by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel or recreational vehicle/camping park without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit."

(Ord. 1907, 1977; Ord. 1975 S3, 1978; Ord. 2632, 1991)

4.24.060 Reporting and Remitting

Each operator shall, on or before the 25th day of the month following the end of each calendar quarter (in the months of April, July, October and January), make a return to the Tax Administrator, on forms provided by the City, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the Tax Administrator. The Tax Administrator may establish shorter reporting periods for any certificate holder if he/she deems it necessary in order to insure collection of the tax and the Administrator may require further information in the return relevant to payment of the liability. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the City until payment thereof is made to the Tax Administrator.

(Ord. 1907, 1977; Ord. 2632, 1991)

4.24.070 Penalties and Interest

A. Original Delinquency. Any operator who fails to remit any portion of any tax imposed by this chapter within the time required, shall pay a penalty of ten percent (10%) of the amount of the tax, in addition to the amount of the tax.

B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent, shall pay a second delinquency penalty of ten (10%) percent of the amount of the tax in addition to the amount of the tax and the ten (10%) percent penalty first imposed.

C. Fraud. If the Tax Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five (25%) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs (A) and (B) of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

4.24.080 Failure to Collect and Report Tax

Determination of Tax by Tax Administrator

If any operator should fail to keep adequate records or refuse to collect said tax, or to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the Tax Administrator shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of the tax due. As soon as the Tax Administrator shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, the administrator shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the Tax Administrator shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at the last known place of address. Such operator may within ten (10) days after the serving or mailing of such notice make an appeal of such determination as provided in Section 4.24.090 of this chapter. If no appeal is filed, the Tax Administrator's determination is final and the amount thereby is immediately due and payable.

(Ord. 2632, 1991)

4.24.090 Appeal

Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing a notice of appeal with the City Administrator within fifteen (15) days of the serving or mailing of the determination of tax due. The Council shall fix a time and place for hearing such appeal, and the City Administrator shall give five (5) days written notice of the time and place of hearing to such operator at the last known place of address. The Council shall hear and consider any records and evidence presented bearing upon the Tax Administrator's determination of amount due, and make findings affirming, reversing or modifying the determination. The Findings of the Council shall be final and conclusive, and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(Ord. 2632, 1991)

4.24.100 Records

It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this chapter to keep and preserve, for a period of three (3) years, all such records as may be necessary to determine the amount of such tax. The Tax Administrator shall have the right to inspect all records at all reasonable times. Every operator shall, at a minimum, maintain guest records of room rents, accounting books and records of income. The operators shall, at a minimum, include in these records a daily room rental register, a cash receipts and deposit journal. These records and books shall reconcile to the transient room tax reports and be auditable. They shall also reconcile to the operator's income tax reports. If the Tax Administrator finds the books and records of the operator deficient, in that they do not provide adequate support for transient room tax reports filed, or the operator's accounting system is non-auditable, it shall be the responsibility of the operator to improve their accounting system to the satisfaction of the Tax Administrator.

4.24.110 Refunds

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in subparagraphs (B) and (C) of this section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three (3) years of the date of payment. The claim shall be on forms furnished by the Tax Administrator.

B. An operator may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid or paid more than once, or erroneously or illegally collected or received by the city, by filing a claim in the manner provided in subparagraph (A) of this section, but only when the tax was paid by the transient directly to the Tax Administrator, or when the transient having paid the tax to the operator, established to the satisfaction of the Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this section unless the claimant establishes that right hereto by written records showing entitlement thereto.

4.24.120 Actions to Collect

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the city. Any person owing money to the City under the provisions of this ordinance shall be liable to an action brought in the name of the City of Ashland for the recovery of such amount. In lieu of filing an action for the recovery, the City of Ashland, when taxes due are more than 30 days delinquent, can submit any outstanding tax to a collection agency. So long as the City of Ashland has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty dollars or fifty percent of the outstanding tax, penalties and interest owing. (Ord 2931; 2006)

4.24.130 Violations - Infractions

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or fails or refuses to furnish a supplemental return or other data required by the Tax Administrator, or who renders a false or fraudulent return or claim, or who fails, refuses or neglects to remit the tax to the City by the due date, is guilty of an infraction and shall be punished as set forth in Section 1.08.020.

(Ord. 1907, 1977; Ord. 2382 S1, 1986).

4.24.140 Confidentiality

Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this Ordinance. Nothing in this section shall prohibit:

- (1) The disclosure of the names and addresses of any person who are operating; or
- (2) The disclosure of general statistics in a form which would prevent the identification of financial information regarding an individual operator; or
- (3) Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of a claim by the Administrator or an appeal from the Administrator for amount due the City under this chapter.

(Ord. 2632, 1991)

4.24.150 Examining Books, Records or Persons

The City, for the purpose of determining the correctness of any transient occupancy tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designed by it for that purpose, any books, papers, records, or memoranda, including copies of operator's state and federal income tax returns, bearing upon the matter of the transient occupancy tax return.

(Ord. 2632, 1991)

Total One-time Cost for Dallas For Consulting, Design, Development, Content and Training (See page 2 details.)	\$6,900
by Ashley Fruechting	
Recurring Monthly Cost (See page 3 for details.)	\$250

When You Choose CivicPlus...

You Work with Experienced Professionals

Serving clients for over 11 years, CivicPlus has website experience with more than 200 international government organizations. Your website will be produced by a team of experienced designers, programmers, content developers and project managers.

Your Website Is Custom Designed for You

Reflecting the uniqueness of your community, your site will be created by professional graphic designers. You and the graphic designers will determine the layout, design and structure of the site.

Your Website Is Custom Programmed for You

After you approve the design composite, our programming team custom develops the Website Management System to accommodate your design. Our team of trained experts guides you through the step-by-step process of creating an engaging and professional website.

You Control the Cost

We understand that meeting your fiscal obligations is very important. Our system uses a modular design that allows you to choose the modules and applications that meet your immediate needs. Don't let the low cost fool you. Our sensible Midwest cost of living and hard work ethic ensure that you receive more value for your money.

You Are Never Alone

Providing unlimited 24-hour support, CivicPlus is responsive, friendly and always there for you. Most requests are handled and resolved within an hour. In addition to our 24-hour a day service, we provide

- Monthly newsletters
- Support website with manuals and resources
- Annual users' conference

You Aren't Surprised by Costly Software Updates

CivicPlus continually strives to provide cutting edge applications, features and modules to ensure your site stays at the forefront of Internet communication. All of our clients are offered continual updates and upgrades as part of their maintenance package.

You Save Time and Decrease Aggravation

With the CivicPlus Incremental Upgrade Plan, your website administrators take advantage of valuable functionality and usability upgrades without the hassles of retraining and loss of productivity. Your overburdened IT staff is able to focus on your technology needs while CivicPlus staff ensures your website is up and running on the latest hardware and software.

For additional information:

Ashley Fruechting
 fruechting@civicplus.com
 888-228-2233, ext. 266
 Cell: (785) 313-1301

Project Details for One-time Cost	Cost	Add-on Cost
➤ Phase 1: Analysis and Establish Timeline Overview	\$400	
<ul style="list-style-type: none"> Review current site statistics. Establish project timeline. Coordinate the DNS transfer. Deliverable: Project Timeline and worksheets. 		
➤ Phase 2: Website Design	\$1,200	
<ul style="list-style-type: none"> Create a professional and attractive "look and feel" for the entire website. Modify design with input from client. Deliverable: Approved design composites. 		
<i>Optional and Recommended: Design Add-on Option: 2 Additional Design Layouts</i>		<i>Add \$3,000</i>
➤ Phase 3: Develop Navigation Architecture	\$400	
<ul style="list-style-type: none"> Develop the global navigation and sub-navigation. Develop resource links for the client's website. Deliverable: Approved Navigation. 		
➤ Phase 4: Site Development - Modules and Site setup	\$1,500	
<ul style="list-style-type: none"> Setup dynamic elements on pages. Setup website statistics. Deliverable: Setup a fully functional site, the software that runs the site. (See Included Modules for list of services.) 		
➤ Phase 5: Page Development and Content Migration	\$1,500	
<ul style="list-style-type: none"> Gather content worksheets from your departments and contact departments as needed for additional content. Develop new web pages as needed with assistance from client and migrate existing content. Approximately 50 pages and supporting files will be developed. On-going review with your staff as major areas are developed. Deliverable: Create content. 		<i>Add \$2,700 for 100 additional pages</i>
➤ Phase 6: Review and Test	\$200	
<ul style="list-style-type: none"> Make final revisions to website. Review new website for quality and usability. Review on-going responsibilities of department heads and administrative staff. Deliverable: Quality Assurance Report of all pages created by CivicPlus and your staff. 		
<i>Optional: On-site departmental website kick-off and launch meeting covering website standards, guidelines and features immediately prior to on-site training.</i>		<i>Add \$1,500</i>
➤ Phase 7: Training	\$1,500	
<ul style="list-style-type: none"> Provide training to employees who will be responsible for departmental updates. Provide training to main web administrator who will be adding levels to the main page and assigning. Online phone training is for no more than two (2) employees for up to 15 hours. Provide training to main web administrator on the use of and interpretation of web statistics. 		
<i>Optional On-site Training: 3 days of hands-on training for up to 10 employees. One-half day of online training and administrative setup. CivicPlus may provide up to 6 laptops upon request. Travel included. Additional training may be necessary if number of modules or staff is increased.</i>		<i>Add \$7,900</i>
➤ Phase 8: Go-live and Project Review	\$200	
<ul style="list-style-type: none"> Launch site. Gather feedback from staff. 		
➤ Phase 9: Marketing	Included	
<ul style="list-style-type: none"> Registration with major search engines. 		
Total One-time Cost	\$6,900	Varies

Included Modules						
Recurring Monthly Cost: \$250						
	Monthly Fee	One-time Fee		Monthly Fee	One-time Fee	
Archive Center			<input checked="" type="checkbox"/> Opinion Poll	\$ Included		Included
Banner Development – Add'l	\$	\$	Photo Gallery	\$	\$	
Feed Posting			Quicklinks	\$		
Blog	\$	\$	RequestTracker for ___ users	\$	\$	
Business Directory			SS	\$		
<input checked="" type="checkbox"/> Document Center	\$ Included	\$ Included	Slideshow	\$	\$	
Dynamic Breadcrumbs			<input checked="" type="checkbox"/> Staff Directory	\$ Included		Included
Dynamic Sitemap	\$	\$	Other:	\$	\$	
E-Commerce			Admin. Modules & Services			
<input checked="" type="checkbox"/> Events Calendar	\$ Included	\$ Included	Additional Domains	\$	\$	
FAQ			Automated pdf converter	\$		
Forms Development Tool	\$	\$	Links Redirect	\$	\$	
Intranet			<input checked="" type="checkbox"/> Online Web Statistics	\$ Included		Included
Job Posting	\$	\$	Printer Friendly	\$	\$	
<input checked="" type="checkbox"/> News Flash	\$ Included	\$ Included	<input checked="" type="checkbox"/> Rotating Content	\$ Included		Included
Notify Me Email Subscription	\$	\$	Search Engine Registration	\$	\$	
Online Job Application	\$	\$	<input checked="" type="checkbox"/> Site Search & Entry Log	\$ Included		Included
			Website Administrative Log	\$	\$	

Content Management System and Website Management Include:

- One banner, mouse-over menu structure, author and publisher rights, options for site layout, rotating content, dynamic page components...
- Online Editor – allows for online editing and page creation
- Web Page Wizard – create web pages easily with preformatted options
- Web Page Upload Utility – allows for the upload of web pages
- Site Search log – allows you to research site search entries on your site
- Action Items – items that need attention are automatically in a queue
- Menu Management – add new menu items easily.

Monthly Service and Support Fees Include these services:

<p>Hosting:</p> <ul style="list-style-type: none"> • Data Hosting • Data Backup • Patch Maintenance • Site Monitoring • Offsite storage of backup • Data recovery • DNS hosting • DNS maintenance if needed • Router monitoring 	<p>CivicPlus Application and Modules:</p> <ul style="list-style-type: none"> • Upgrades • Fixes • Improvements • Integration • Testing • Development • Usage license 	<p>Support:</p> <ul style="list-style-type: none"> • 24/7 Support • Dedicated Support manager • 3 hour response • Proactive support for updates & fixes • Highly rated by clients • Online training manuals • Newsletters featuring tricks and website ideas
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After working with over 250 clients, we are familiar with the unique challenges municipalities face as they establish and maintain a web presence. We want to help you select or create a custom package to enhance your community’s site. The most commonly requested add-on features appear below.

Recommended Add-ons	One-Time Fee	Monthly Fee
Site Enhancements Package: <ul style="list-style-type: none"> • Business Directory • Dynamic Breadcrumbs • Dynamic Sitemap • FAQ • Print Friendly • E-mail this Page • Link Redirect • QuickLinks • Website Administrative Log • One Form 	\$1,400	\$125
Communications Package: <ul style="list-style-type: none"> • Notify Me E-mail Subscription Service • RSS • Forms Development Tool 	\$1,200	\$150
Image Enhancements Package: <ul style="list-style-type: none"> • Portal Page Development • Slideshow • Photo Gallery 	\$2,700	\$100
Facilities and Reservation System	\$1,200	\$75
Archive Center for Agendas and Minutes	\$300	\$100
Job Posting <i>(does not include Online Job Application)</i>	\$300	\$150
Bid Posting	\$300	\$100
RequestTracker– Request Management and Tracking System for 2 users	\$1,500	\$100
Intranet/Extranet	\$500	\$100

Module Descriptions & Development Options

Archive Center:	Post your agendas, minutes and newsletters on the website in a single step. Documents are sorted chronologically and are searchable by keyword or date range.
Administrative Tools:	Monitor your site administrators with the Site History Log. Review what people are looking for with the Site Search Entry Log. Site Redirects allow you to provide common names to places or your website.
Automated pdf Converter:	Converts your files to pdfs as they are uploaded to the website for public viewing.
Bid Posting:	Schedule the automatic posting of bids. Vendors can subscribe for automatic notification of new bids and find out about closed bids without calling in to the office.
Blog:	Give your site visitors a forum to discuss community events. Post Verification ensures comments meet your public information guidelines.
Business/Resource Directory:	Site visitors can search through businesses or resources by category or alphabetically.
Document Center:	Store any kind of file for your visitors to access, pdf, video...
Dynamic Breadcrumbs:	Links to show where page is locate in site's structure.
E-Commerce:	Take on-line payments for activities such as registering for Recreation Activities.
Events Calendar:	The calendar allows for events to be categorized into multiple listings of activities. Mini-calendars may be used within areas of your website to further enhance a page.
FAQ:	Manage Frequently Asked Questions easily.
Facilities and Reservations System:	Showcase your public facilities and locations with this interactive reservation system. Check availability and reserve your facility online.
Forms Development Tool:	Build your own online forms and surveys to interact with your site visitors.
Intranet:	Provides login-restricted pages for unlimited staff access.
Job Posting:	Post jobs with individual begin and end dates. Automatically send notifications to job seekers when new job openings are announced.
News Flash:	Use this special area on any page to post "hot" information.
Notify Me:	Give citizens a chance to opt-in to receive email notifications concerning issues of their interests, e.g. council meetings, recreational activities, etc.
Online Job Application System:	Allow job seekers to fully apply for jobs online. Each application system is custom developed pe your processes and allows your staff to easily manage job seekers' applications.
Opinion Poll:	Government officials can find the pulse of the community concerning civic issues.
Photo Gallery:	Showcase all your pictures in a simple and organized format.
Portal Development:	Funnel site visitors to their area or provide a graphic representation of your website.
Property Appraisal and Tax Value Search:	Site visitors can search the appraisals and property tax based upon your criteria. Login access may be delegated or "sold" to external organizations.
QuickLinks:	Showcase important links to other pages or important information on your site.
Real Estate Locator:	Provide a searchable list of the building, sites and land available for economic development within a community. Properties may be updated by the property manager/owner.
RequestTracker:	Use this robust communication tool to track complaints and requests throughout the processes and generate reports.
Site Search and Entry Log:	Site visitors can search the whole site quickly. Website administrators may easily track which items are being entered.
RSS:	Communicate changing information with your site visitors using RSS.
Slideshow:	Engage site visitors with a slideshow of your community's favorite images.
Staff Directory:	Provide your citizens with many ways of searching a list of staff members.

Other Modules and Services (Individually Priced)	Setup Fee	Monthly Fee
Additional Domain Names Note .gov domain names cost an additional \$125 per yr.	\$150	\$15
Additional Storage Space in 100MB lots		\$10
Additional Storage Space in 1 GB lots		\$50
Additional Graphic Button Development	\$300	
Automatic pdf converter	\$700	\$50
Blog	\$1,500	\$100
Clickable Map	\$700 minimum, \$125 per click	
Content & Web Page Production	\$2,700 for 100 pages	
E-commerce – (setup 5 items)	\$1,200	As low as \$50
E-mail this Page	\$300	
Facilities and Reservation System	\$1,200	\$75
FTP Hosting	\$250	\$25
Forms Development tool (200MB of storage)	\$700	\$75
GIS Hosting	Custom	Custom
LDAP Integration	\$2,700	
Online Job Application	\$9,500	\$100
Online Job Application – Supplemental Forms	Starting at \$2,500	
Online Form – priced per form	\$200-\$400	
Portal Development	\$2,000	
Portal Development using Flash	Starting at \$3,500	
Print this Page Option	\$300	
Property Appraisal Search (includes 2 Uploads a year)	\$4,500	\$250
Property Tax Search (includes 2 Uploads a year)	\$4,500	\$250
Real Estate Locator	\$2,500	\$250
RequestTracker - Request Tracking and Management	\$1,500	1-5 users - \$150 6-10 users - \$250 11-15 users - \$350 16+ users - \$500
Search Engine Registration – Annually		\$20
Search Engine Registration – Quarterly		\$50
Search Engine Registration – Monthly		\$75
Slideshow	\$300 per slideshow	
SSL Setup and hosting	\$500	\$25
SSL Setup and hosting with a certified certificate using Go Daddy	\$500	\$50
Spam Filtering (\$50 minimum per month)	\$150	\$3/e-mail
Spanish Translation	\$125/pg.	
Third Level domain setup	\$100	\$10
Web Mail	\$150	\$3/e-mail
Where Do I?	\$1,500	\$125
Data Options		
*Source Code and Data Provided Quarterly	\$400	\$150
*Source Code and Data Provide as requested	\$500	
HTML Copy of Website Provided as requested	\$200	
Redundant Site (limited services, no site search, not dynamic) hosted on a separate server	\$1,500	\$300
Training Options		
At Your Location: A CivicPlus trainer will travel to your location with a portable lab of 6 laptop computers. Number of training sessions is dependent upon the number of modules and the number of students.		\$1,200/day + travel and expenses
At Our Location: Your employees may travel to Manhattan, Kansas. Number of training sessions is dependent upon the number of modules and the number of students.		\$900/day
Online Phone Training: Our trainer offers phone training for 1-2 people.		\$125/hr.

*Requires separate contract.

Website Management System Solution Summary



Presented by CivicPlus

Featured Modules

Title:	\$2.00 Mini-burger night at Burger Spot
Date:	December 27, 2006
Description:	Choose from mini Spot Burgers or mini Cheese Burgers with the choice of one topping for \$2.00!
Address:	550 Forest Ave. #B Plymouth, MI 48170
Hours:	5:00p.m. - 8:00p.m.
Contact:	(734) 455-4141
Cost:	\$2.00
Link:	www.burgerspot.net

Calendar

Up-to-date calendars are a crucial aspect of any organizational website. With our date driven calendars, your organization is capable of setting up an assortment of calendar items months in advance. With the data in the system, all you have to do is sit back, relax and watch the display and removal of your calendar postings.

With our calendar system you can:

- Spotlight big events to attract additional attention.
- Individualize calendars for the specific needs of different departments.
- Authorize event postings submitted by the public.
- Establish mini-calendars in any area of the website.

Online Forms

Save time. Save money. With the CivicPlus Online Forms Tool you can create both interactive and time saving forms. By allowing your citizens to fill out and submit forms online, you are assuring them instant interaction with your organization. All forms that are received can be placed into a database or exported to other software of your choice.

Online Forms allow you to:

- Have direct communication with your citizens.
- Enable citizen participation by creating a Problem Report form.
- Have complete creative control over content of forms and response.

Site Within a Site

Departments within your organization all deserve individualized attention. Using our Site Within a Site feature, departments such as Parks and Recreation, Police, Fire, Public Works, and more can have their own unique home on the web. Each department's homepage can include a custom designed look specifically for that department, along with features that fit exactly to the department's needs.

With our Site Within a Site feature you can:

- Promote department sites by using their own domain name.
- Develop unique pages using department specific News Flashes, Calendars, and announcements.
- Individualize your department sites by using custom banners developed just for you.

Features and Modules

- Action Item Center
- Administrative Log and Report
- Archive Center
- Bad Links Identification
- Bid Posting
 - Automatic Notification
 - Status Display ◀
- Calendar
 - Feature Events
 - Recurring Events
 - Multiple Calendars
 - Multiple Views ◀
 - Submit to the Calendar
 - Map links
- Custom Design Layouts for Dynamic Elements ◀
- Document Center
 - Centralized storage of files in folder structure
 - Upload multiple files or a folder ◀
- Dynamic Breadcrumbs
- Dynamic Sitemap
- E-mail this Page
- Emergency Notification System ◀
- Extranet
- FAQs
- Forms
- Forms Development Tool
 - Create your own online forms and surveys
 - Collect information online (database) or email ◀
- Front-end Edit ◀
- Graphic Links Administration ◀
- Intranet
- Job Posting
 - Automatic Notification
 - Status Display ◀
- LDAP Connectivity
- Notify Me E-mail Subscription Service
 - Import and export subscribers
 - HTML or text messages ◀
- Online Job Application System
- Opinion Poll
- Page Content Queuing
- Page Redirects
- Page Versioning
- Page Wizards ◀
- Password Recovery
- Photo Gallery ◀
- Photo Slideshow ◀
- Print this Page
- Publish Items in Multiple Places
- Quicklinks ◀
- RequestTracker
 - Track visitor's request
 - Generate reports and statistics
 - Workflow established per request item ◀
- Resource/Business Directory
 - Categorize important resources
 - Link to map and links to sites
- Rotating Banners
- Rotating Content
- RSS ◀
- Subsite ◀
- Site within a Site (Dynamic Pages)
- Site Search
- Site Search Log ◀
- Spellcheck
- SSL
- Unlimited Depth of Site
- Website Administrative Log
- Website Statistics
- Workflow for Content Review
- WYSIWYG Editor
- 404 Error Capture and Reports

◀Features that have been added in the past 12 months

Unique Features: Unlimited Depth, Site within a Site, Forms Development Tool, 404 Error Capture and Report, Subsite, Front-end Edit, Rotating Banners, Custom Design of Dynamic Layouts, Job and Bid Posting with automatic Notification, Online, Page Content Versioning, Site Search Log

Features Comparison Checklist

Administration	The content manager supports multiple users with distinct security rights	✓	
	The content manager supports group security	✓	
	Users may be tracked monitoring successful logins, IP addresses, and failed login attempts	✓	
	Users may recover their own passwords	✓	
	Users may update their own profile	✓	
	Action Items area notifies users of information that needs updated	✓	
	The content manager supports workflow and/or an approval process for submission of new content	✓	
	The content manager shows a history of content	✓	
	The content manager supports private groups for setting up Intranets or Extranets	✓	
	The content manager supports granular control within the modules, e.g. a specific Calendar may only be updated by the authors or publishers that are allowed to update that calendar	✓	
	Identify if other sites are sending users to bad links or old links	✓	
	The website management system allows for redirects to be established so pages may be named instead of using an ID, e.g. www.yourcity.com/police	✓	
	Site administrators or Intranet users may be connected to Windows Active Directory via LDAP in order to populate user list	✓	

General	The website may include local weather "bug"	✓	
	The website is hosted by vendor or can be hosted by the City	✓	
	The website content is stored in Microsoft SQL database	✓	
	The CMS supports XML feeds	✓	
	The website meets federal ADA standards	✓	
	Website source code backup or HTML backup may be provided to client	✓	
	Website Management System is updated weekly	✓	
	Incremental rollouts are made to the Website Management System and Modules so users are able to adapt to new functionality easily	✓	

Menu/Page Related	Pages may be easily moved after they are created	✓	
	Pages are bookmark friendly (e.g. www.townofchapelhill.org) Navigate into pages and watch page name.	✓	
	The CMS is capable of automatically generating breadcrumbs	✓	
	The CMS is capable of automatically generating a site map	✓	
	The website support multiple navigation structures and sub-navigation structures that can be viewed on every page	✓	
	The website supports pop-up menu navigation	✓	
	Unique banners may be associated with specific pages, e.g. Parks and Recreation and Police often have their own look	✓	
	Multiple banners may be rotated for specific pages	✓	
	Menu items may be easily moved after they are established	✓	
	Menu items may be placeholders without content	✓	
	Menu items may be graphic items, e.g. www.coab.us	✓	
	The website can support multiple URLs directed to various pages within the website	✓	

Content	Multiple contents may be retained for future use for any menu item	✓	
	The CMS supports the ability to display content based on start dates and end dates	✓	
	The CMS supports preview mode prior to approval of content	✓	
	The CMS supports propagation of design changes throughout the website	✓	
	The CMS is capable of automatically generating breadcrumbs	✓	
	The CMS is capable of automatically generating a site map	✓	
	The CMS content editor allows you to insert a document directly from the content page	✓	
	The CMS content editor supports copy and paste of Word documents	✓	
	The CMS supports Page Wizards enforcing predefined page layouts	✓	
	The website supports the rotation of specified content	✓	
	The CMS supports viewing the status of all submitted, pending and approved content	✓	
	Website supports "printable version" of content	✓	
	The CMS supports the upload of HTML pages	✓	
	All content can be modified/updated through a web interface	✓	
	The content manager supports workflow and/or an approval process for submission of new content	✓	
	The content manager shows a history of content	✓	
	E-mail addresses are obscured from web harvesters	✓	

Logging	Website Statistics includes extensive reporting of visitor activity	✓	
	Website Statistics can report the number of distinct visits by time period	✓	
	Website Statistics can report the number of distinct visits by page	✓	
	Website Statistics can report the number of distinct visits by content	✓	
	The web site supports the searching of all content	✓	
	WebTrends is the third party product that is used for site statistics	✓	

Site Search and Search Log	Site Search results are displayed by area of the website	✓	
	Advanced Site Search with more options	✓	
	Site Search log allows you to see what visitors are putting in the Site Search box on your website.	✓	
	Integration of Site Search with other data like Municipal Code is also possible	✓	
	Site Search Log also tracks date and time item was searched	✓	

Archive Center	The website supports a central repository for Agendas, Minutes, Newsletters	✓	
	The website supports City Clerk agendas, boards, commissions, staff reports, minutes, ordinances, and resolutions	✓	
	Meeting agendas, staff reports, and minutes can be accessed from the calendar meeting event	✓	
	Staff Reports, Resolutions, Agreements, and other attachments can be accessed directly from the Agenda	✓	
	Public Meeting Documents can be archived and searched, separately	✓	
	The Archive Center supports development of a "Most Recent Link" allowing a page to link directly to the most recently uploaded file without having to update the link	✓	
	Items are displayed in chronological order with the most recent on the top	✓	
	Archive Center supports HTML pages or other document types	✓	
	Administrators may choose to delay the start date of an item, good for agendas	✓	
	City items can be organized by type and department	✓	
The website supports multiple file types in the Archive Center	✓		

Bids	The website supports the posting of bids and RFP by category and department	✓	
	Bid openings are arranged by category	✓	
	Bid openings are individually managed with their own begin and end dates and time	✓	
	When a new bid is posted, an email is automatically sent to subscribers	✓	
	Default messages are sent when vendors subscribe to be notified about bid announcements	✓	
	Bid status will be automatically changed from Open to Closed upon the expiration date of the bid.	✓	

Calendar	The website supports a calendar of events	✓	
	Events posted on the calendar can be categorized for display on specific web pages	✓	
	The calendar can be viewed by day, week, or month (coming soon)	✓	
	Recurring events can be posted on the calendar	✓	
	Events posted on the calendar can include attached files and links	✓	
	Events can be submitted by the public for publication after approval	✓	
	Events can be published or hidden from public view	✓	
	Link to a map may be generated if an address is input	✓	
	Events may be "featured" in order to draw extra attention to a special event	✓	
	Events can be added to visitor's personal calendar (coming soon)	✓	

FAQs	The website supports Frequently Asked Questions	✓	
	Response to Question appears directly below the question	✓	
	Frequently Asked Questions can be categorized allowing for sections of the list to appear on multiple pages	✓	
	Frequently Asked Questions may appear as a dynamic area on any page	✓	

Forms/Document Center (downloadable files)	The website supports a central repository for City forms and supporting files	✓	
	City forms can be organized by type and department	✓	
	The website supports multiple file types for files	✓	

Notify Me - E-Mail Subscription Service	The website supports multiple e-mail subscription lists	✓	
	The website supports unsubscribing via the website	✓	
	Subscription information and un-subscription info is automatically sent to the user	✓	
	Past messages may be easily copied	✓	
	Subscribers may be imported or exported	✓	
	Visitors to the website can subscribe or unsubscribe to one or mail e-mail lists from a single location	✓	
	The CMS supports sending e-mail to directly to distribution lists through the management interface	✓	
	The CMS supports the ability to import or export existing e-mail addresses	✓	
	The CMS supports the automatic sending of notifications to distribution lists as content changes	✓	

Jobs	The website supports posting of available jobs	✓	
	Job openings are arranged by category	✓	
	Job openings are individually managed with their own begin and end dates and time	✓	
	When a new job is posted, an email is automatically sent to subscribers	✓	
	Default messages are sent when job seekers subscribe to be notified about job announcements	✓	
	Job Openings may be automatically transitioned to closed or filled and site visitor can review the closed job announcements	✓	

Online Job Application	The website supports the completion of on-line job applications	✓	
	The completed on-line job application accurately reflects the existing standard City job application	✓	
	The applicant completes the on-line application in a wizard or sequenced process	✓	
	The applicant can print the completed job application	✓	
	Applicant's profile remains on site for future updates	✓	
	Submitted applications are automatically electronically forwarded to Human Resources	✓	
	The applicant's data may be exported to a text file for internal application manipulation	✓	
	The website supports posting of salary schedules, job descriptions and benefit descriptions	✓	

Online Form Development Tool	Administrators may build their own online forms for surveys and citizen input	✓	
	Form responses may be routed to a particular email address based upon individual questions, as well as on the overall form	✓	
	Form responses may be captured in a database in order to be exported	✓	

QuickLinks	Dynamic Page area to highlight featured links for that page	✓	
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RequestTracker	The website supports a problem reporting feature for citizens to report problems needing attention	✓	
	The problem reporting feature can automatically send requests to the appropriate staff member or department	✓	
	The problem reporting feature includes the ability to track problems through resolution	✓	
	The Citizen Request Tracking System allows city staff to record phone or walk-in requests	✓	
	Statistics may be generated using the Citizen Request Tracking System to track time to resolve issues	✓	
	The City may add canned responses for easier management of similar requests	✓	
	The City may add new forms and management to the forms with the Citizen Request Tracking System	✓	
	The City may set rules and alerts for each problem	✓	

Resource Directory or Business Directory	List resources, contact information, brief descriptions and links to their websites	✓	
	Import List if it already exists in another format, e.g. spreadsheet or database	✓	
	Website allows visitors to search by category	✓	
	Click to map	✓	

Other Modules

E-Commerce	The E-commerce system provides for a user-interface that allows the city to update their service offering and add new services	✓	
	Supports secure, on-line financial transactions for product and services	✓	

Where Do I...	Allows site visitors to key in their address to display information that is relevant to their address.	✓	
	Administration updates website by uploading database or spreadsheet.	✓	

Services

Support	Immediate phone support 7a.m. to 7p.m Central Standard Time	✓	
	3-hour response time for phone support	✓	
	24/7 Emergency Support Available	✓	
	E-mail Support	✓	
	Online Manuals and Page Development Information	✓	
	Monthly Support Newsletter	✓	
	Annual Users' Conference	✓	
	Annual consulting calls with recommendations for your website	✓	

Upgrades	CivicPlus Content Management System Upgrades	✓	
	CivicPlus Module Upgrades	✓	
	New Modules and Features constantly released	✓	
	Usability Upgrades	✓	
	Operating System and Database Upgrades	✓	
	Server Hardware Upgrades	✓	
	Bandwidth Upgrades	✓	

Hosting and Maintenance	Daily tape backup	✓	
	Off-site tape backup	✓	
	Emergency recovery procedures in place	✓	
	Router monitoring	✓	
	Intrusion Detection monitoring	✓	
	Multiple redundant Internet Service Providers	✓	
	Battery backup for short-term and immediate power failures	✓	
	Natural gas powered generator for long-term power failures	✓	
	Website monitoring with pager alerts to key employees and CEO	✓	
	Operating System Patches and Security testing		
	Domain Name Hosting	✓	
	Domain Name Consulting	✓	

MEMORANDUM

To: Roger Jordan

From: Marcia Baragary

Date: May 24, 2007

Re: Administrative Committee

I. Budget for Fiscal Year 2007-2008 submitted to Budget Committee; Budget Subcommittee meetings

II. Researching options for software conversion

Questions from the Committee

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Members Present: Chair Rich Slack, Kevin Marshall, Wes Scroggin, and David Shein.

Also Present: Mayor Jim Fairchild, City Manager Roger Jordan, Police Chief Jim Harper, Interim Fire Chief Bill Hahn, Finance Director Marcia Baragary, Assistant City Manager Kim Marr, and Recording Secretary Marsha Heeter.

Visitor: Chelsea Pope, Chamber Manager.

Chair Rich Slack called the meeting to order at 4:02 p.m.

Update on Police Department Remodeling Project

Police Chief Jim Harper reported that the new space is 90% completed; they need upper storage shelves and cupboards for jackets installed. He indicated that they are waiting for new window coverings in the old space and they have moved back in after the remodel. City Manager Roger Jordan commented that they still need to build closets in the Civic Center for the Rotary and Kiwanis items. He explained that we went over budget for project, but that was because we included a new emergency generator to run City Hall. He indicated that there will be a room in the new police space which the City can use for a emergency operations center. He added that they will probably have an open house in July. In response to a question, Chief Harper said they replaced the old fuel tank with a 1,000-gallon propane tank. He explained that the generator can run on either natural gas or propane. He noted that the propane tank would last three days at maximum usage, and the City has an agreement with the fuel company to refill it. Mr. Jordan pointed out that the generator will start automatically, so we don't have to have someone make a special trip to City Hall to start it. He added that the old generator will be used for the Library, so employee's families can be housed there during emergencies. He noted that the City already has generators for the Fire Hall, Water Treatment Plant, and lift stations. David Shein asked how often the generator would be tested. Chief Harper answered that the new one has a feature where it will test itself each month.

Status of Countywide Drug Enforcement Program

Chief Harper reminded the Committee that he is administrator for the Countywide Drug Enforcement Team and it has been extremely active. He explained that they have a number of targets in the City and in the County. He noted that this area is starting to get the reputation that it is not a place to have a drug business. Mr. Jordan indicated that there is a two-year commitment for the Countywide Drug Enforcement Team and the hope is that by the end of the second year, forfeiture can be used to fund the team. He noted that cities can still use forfeiture, but it has to be done after the case has gone through court, not before. Mayor Fairchild confirmed that the team doesn't deal with just drug enforcement. Chief Harper responded that the primary target is the major issue at the time, which is currently drugs. Wes Scroggin asked what forfeiture funds could be used for. Chief Harper answered that under criminal forfeiture, there is a percentage that has to be for certain uses like treatment, and some can be used for law enforcement like supporting the team.

1 **Police Department Report**

2 Chief Harper reviewed the Police Department report included in the agenda packet. He noted
3 that Don Vidrio is the school liaison officer now. He advised that Shawn Todd has finished the
4 16-week academy, and after a month with a field training officer, he can patrol solo. Chief
5 Harper indicated that there was another reserve class graduation.

6 **Report from Fire Department and Ambulance Service**

7 Interim Fire Chief Bill Hahn reviewed the report included in the agenda packet. He indicated
8 that the Department Officers did some strategic planning over the past month. He explained that
9 they reviewed the results of the management study and looked at what could be accomplished
10 with no cost and what the cost of the other suggestions would be.

11 Chief Hahn advised that we are losing some of our paramedics to areas that are looking for fire-
12 fighter/paramedics. He indicated that we have been able to put some of the volunteers in full
13 time roles. Kevin Marshall asked what the gap is between what we pay and private companies.
14 Chief Hahn answered that what we pay is comparable to what private companies pay, but we
15 can't compete in areas where they are hired as firefighter/paramedics, where they don't trans-
16 port, they just respond. He added that the State now requires people to have an Associates de-
17 gree to become a paramedic, which increases the education requirement. Mr. Shein asked about
18 the time frame since the last strategic planning. Mr. Jordan answered that it was about the right
19 period of time. He added that the Staff will figure out what things they will automatically do and
20 what things require Council review. He suggested that the Council might need a workshop to
21 discuss that.

22 **Other**

23 There was no other business and the meeting was adjourned at 4:30 p.m.

PUBLIC SAFETY COMMITTEE

Tuesday, May 29, 2007

4:00 p.m.

Rich Slack, Chair
Kevin Marshall
Wes Scroggin
David Shein

1. Update on Police Department remodeling project.

2. Report on Countywide drug enforcement program.

3. Report from Police Department.

4. Report from Fire Department and Ambulance Service.

5. Other

6. Adjourn

MEMORANDUM

TO: ROGER JORDAN, CITY MANAGER
FROM: JIM HARPER, CHIEF OF POLICE
DATE: MAY 29, 2007
SUBJECT: SAFETY COMMITTEE REPORT

Items from the Police Department:

I. Personnel

Don Vidrio is now assigned as our school resource officer. We have received good reviews by the school administration.

Shawn Todd is currently with a field-training officer (FTO). He graduated from the academy on April 27, 2007.

II. Reserve Officers

Reserve graduation was completed and we are adding another reserve officer to our roster.

III. Other Updates

We are in the final stages of our remodel by moving into the administrative section. This was the original office area. The Chief, Deputy Chief, and administrative staff will now occupy it.



The City of Dallas Fire and EMS Public Safety Report for May 29, 2007

Personnel

Interim Fire Chief Bill Hahn attended the Fire Chiefs Conference in Redmond. It was a very informative learning experience. As with all conferences, the Chief returned with many new ideas.

Chief Officers met with the City Manager on March 25, to discuss the plans for a Strategic Planning meeting scheduled for May 1, 2007.

The Fire Marshal attended a continue education class on the installation of Child Safety Seats.

A Fire Prevention program was provided to the Trinity Lutheran Church men's group on May 12, at 7:30 a.m.

The Rural District approved the two-year extension of the contract with the City of Dallas.

Four of the Fire Department members attended the Meritorious Awards Banquet in Portland on Friday evening May 18.

Fire Training Update

The fire department conducted their third, 24-hour drill on May 5. Again it was a success and the members are already requesting the date of the next drill.

Twelve members are training hard for the six-person team that will be selected for this year's Transportation Emergency Response Competition to be held in Dallas on July 21, during the Summerfest Weekend. The department will also be hosting a training class for skills on extrication techniques for bus accidents.

Two "burn to learns" are scheduled in the rural district for the next couple of weeks. The opportunity for training burns are becoming harder to provide because of regulations that have been developed.

The members of the department completed their semi-annual physical fitness testing.

Emergency Operations

There were two structure fires in the rural area recently. One was a 30' X 40' barn on Oakdale Road the evening of May 5 and the second a 40' X 30' storage garage and shop on Kings Valley Highway, Wednesday morning May 16.

Emergency Medical Service

The ambulance continues to average six calls per day, an increase over last year.

Two paramedics have resigned from the City service; both will be leaving in June. We have hired two paramedics to start working the first of May.

Our ambulances service and ambulances have been licensed for the year. Paramedics recertification is due the end of May, and all members have attained the required hours. Next year they are changing the number of hours required for each level of EMT's.

MEMORANDUM

Date: March 15, 2007

To: Mayor Jim Fairchild and City Council Members

From: Roger Jordan, City Manager 

Re: Miller Avenue Speed Study Request

In the time since the improvements on Miller Avenue were completed, we have heard numerous concerns from the neighborhood about speeding cars. The staff feels it would be a good idea to have the State conduct a speed study and recommend an appropriate speed for that area, like we did after the improvement project on West Ellendale,

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

RJ:meh

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MEMORANDUM

Date: May 31, 2007

To: Mayor Jim Fairchild and City Council Members

From: Roger Jordan, City Manager



Re: Status Report on Main Street Water Tank

Attached is a copy of CH2M Hill's final estimate for the Main Street water tank construction project. The total is within the budgeted estimate. Since the Council has already approved moving ahead with the project, the next step will be to bid the project. We anticipate bidding the project by early July, which would mean the tank would be available by late summer 2008.

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

RJ:meh

ROGER

From: <Jason.Riegler@CH2M.com>
To: <FRED.BRAUN@ci.dallas.or.us>, <KENN.CARTER@ci.dallas.or.us>, <CHRISTY.EL...>
Date: 5/30/2007 10:45 AM
Subject: Main Street Reservoir - Cost Estimate
Attachments: Document.pdf

Here is the latest cost estimate for the Main Street Reservoir, Main Street road improvements, and Clay Street improvements. The cost estimate is painfully detailed so I summarized the costs below. Let me know if you have any questions.

Clay Street Improvements	
Site Earthwork/Yard Piping	\$234,582
Access Road	\$13,948
Total	\$248,530

Main Street Extension	
12" Storm Drain/Catch Basins	\$67,618
2" PVC	\$18,504
Road Earthwork	\$131,343
Total	\$217,465

Main Street Reservoir and Sitework	
Earthwork/Yard Piping	\$858,278
Access Road/Storm Drain	\$74,446
Concrete	\$98,958
Tank	\$1,848,000
Total	\$2,879,682

I&C	\$71,951
Electrical	\$179,876

Project Total	\$3,597,504
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Jason Riegler, P.E.
 CH2M HILL
 2300 NW Walnut Blvd.
 Corvallis, OR 97330-3538
 (541) 768-3582 (tel)
 (541) 740-8357 (cell)
 (541) 752-0276 (fax)
 Jason.Riegler@ch2m.com

MEMORANDUM

Date: May 30, 2007

To: Mayor Jim Fairchild and City Council Members

From: Roger Jordan, City Manager 

Re: Status of Yard Light on Fir Villa

As most of you are already aware, the builder for Ceres Gleann changed Lucille Fiel's yard light to a dual spotlight in a cooperative partnership. The staff felt that conversion from the large light to the dual spotlights was an acceptable alternative. It appears that a lot of the problem was corrected; however, Bruce and Joan Brown have indicated that the new light does not fully correct the problem.

Since the neighbors don't feel the problem is solved, I am returning it to the Council.

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

RJ:meh

Roger Jordan
City Manager
Dallas, OR 97338

Re: Yard Light at 790 SE Fir Villa

Dear Roger:

I am sorry to be the bearer of bad tidings, but I must inform you that the latest attempt to solve the invasive light problem falls short of accomplishing the desired result. We feel the light still constitutes a neighborhood nuisance.

I assume you may be as sick of hearing about this problem as we are with trying to get it resolved. We surely give you and the different city personnel who have been involved in this matter, and Ron Hannegan for his role in financing the work, an "E" for effort. But on the premise that it's results that count, we feel strongly that more work is needed.

Though the two flood or spot lights installed by the electrician last Thursday, May 17th, may create a little less light than the previous fixture, the difference is hardly noticeable. The amount of light reflected from the white paint on her house and the adjacent polished furnace pipe is practically the same as it was before any work was performed.

I have said before, and I will reiterate here, that I feel the only way to bring this problem under control is to move the light fixture to a much lower location, say, eight or nine feet off the ground. Then with the bulbs aimed primarily in an east-west alignment, the light should be largely confined to her side of the fence.

Could you please ask Jerry or one of his people [or one of the police officers who happens to be patrolling out this way] to check out this new installation some night after darkness has fallen, preferably after ten o' clock, as that is when the impact of the reflected light becomes most evident. They have our permission, if any is necessary, to enter our back yard, in order that they can see the extent of the problem.

Thanks for all your help.

Yours very truly,


Bruce E. Brown & Joan M. Brown
2015 SE Magnolia Ave., Dallas, OR

May 21, 2007

cc: Jerry Wyatt
Ron Hannegan
Clayton VanRiper

COMMUNITY DEVELOPMENT DEPARTMENT

City Manager Roger Jordan Director Jerry Wyatt Executive Secretary Laurie Roberts Building Official Ted Cuno Building Inspectors Ken Frederic Troy Skinner	Building & Grounds Ken Stoller Commercial Area Redevelopment Manager John Swanson Industrial Redevelopment Manager Kevin Watson
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Monthly Report April 2007

The Community Development Department continued to provide services related to the physical development and growth of the community. The Department worked with citizens, organizations, utility companies and other departments to plan for the orderly growth of Dallas in a variety of ways. The Department operates within the city structure, which is committed to managing growth efficiently, and effectively using public and private resources, and achieving a balance between public and private development goals.

2007 Land Use Applications

	Signs	Home Occupations	Conditional Uses	Variances	Partitions / Replats	Subdivisions	Street Plans	Annexations	Zone Changes
April 2007	2	0	0	0	0	0	0	0	0
YTD 2007	4	0	0	4	2	0	0	0	3
April 2006	2	1	1	3	1	1	0	0	1
Total 2006	16	10	7	11	9	9	0	1	3

Building Department:

Number of Inspections and Site Visits per Month												
	Jan	Feb	Mar	April	May	June	July	Aug	Sept.	Oct.	Nov.	Dec
2007												
Inspections	239	327	417	335								
Site Visits	135	150	196	152								
2006												
Inspections	425	508	664	556	683	692	472	578	661	697	376	264
Site Visits	157	257	307	260	305	310	228	276	320	348	226	143
2005												
Inspections	245	235	306	271	301	370	293	476	545	490	305	405
Site Visits	145	149	161	155	172	210	171	228	236	231	155	177
2004												
Inspections	146	284	370	352	392	426	420	417	417	355	306	353
Site Visits	104	163	211	192	223	232	242	228	241	206	192	203

2007 Building Permits Summary						
Permit Use	April 2007	April 2006	2007 YTD Total	2006 Total Annual Summary	2007 Valuation through April	2006 Total Annual Valuation
New Single Family	10	26	24	135	\$ 5,658,690	\$ 27,817,118
New Duplexes	0	0	0	4	0	1,014,008
New Multifamily	0	1	1	2	272,792	7,252,179
Residential Remodel	6	4	16	57	348,936	1,179,230
Residential Accessory Bldg.	3	2	8	11	130,257	242,455
New Commercial	0	0	4	4	2,331,571	183,242
Commercial Remodel	3	1	8	32	220,780	1,560,685
New Industrial	0	0	0	0	0	0
Industrial Remodel	0	1	0	1	0	67,323
Public Bldg.	1	0	3	2	7,316	59,440
Mobile Home Accessory	0	1	0	1	0	9,136
Misc. / No Fee Permits	0	0	0	5	0	0
Total All Categories	23	36	64	254	\$ 8,970,343	\$ 39,384,817

DALLAS AQUATIC CENTER

City Manager Roger Jordan	Supervisor Tina Paul
Director Jerry Wyatt	

Monthly Report for April 2007

The Dallas Aquatic Center continued to provide services related to the daily operations of the facility and its patrons. The Department worked with citizens and organizations to ensure safe and enjoyable aquatic recreation, skilled instruction, productive meetings, and various other recreational community activities and programs.

	April	2007		2006		2005		2004	
		Item	Units	Net Sales	Units	Net Sales	Units	Net Sales	Units
1.	Admissions	3,229	\$ 14,179	2,218	\$ 15,382	4,474	\$ 13,721	3,611	\$ 11,119
2.	Annual Memberships Passes	9	2,475	7	3,263	12	5,200	9	4,162
3.	Coupon Books (All types)	57	3,506	34	2,176	49	2,899	40	2,649
4.	Water Aerobic Passes	39	2,017	24	1,194	46	1,909	41	1,837
5.	Gift Certificates	11	155	9	105	3	60	3	60
6.	Pro Shop	140	1,192	126	1,059	140	1,092	84	876
7.	Concessions	3,349	3,174	2,922	2,729	2,237	2,056	2,107	1,886
8.	Pass Redemption	671	0	721	0	778		565	0
9.	Middle School	0	0	58	1,160			0	0
10.	Special Events	10	11	14	27			20	125
	Total Net Sales		\$ 26,709		\$ 27,095		\$ 26,937		\$ 22,714
	Difference		\$ (386)						

Fiscal Year Net Sales

	2006	2005	2004	2003	2002
July	\$ 37,745	\$ 36,149	\$ 39,272	\$ 32,626	\$ 28,695
August	34,538	36,455	34,704	26,093	27,711
September	23,429	20,497	17,603	9,161	7,351
October	20,678	19,655	19,303	17,941	8,770
November	19,957	17,332	17,235	18,419	12,301
December	27,189	16,804	19,271	13,718	13,185
	2007	2006	2005	2004	2003
January	29,407	26,019	25,551	19,224	15,372
February	30,277	27,321	25,304	22,533	14,215
March	43,156	30,594	32,541	29,149	21,518
April	26,709	27,095	26,937	22,714	24,249
May		26,172	22,775	20,053	13,377
June		35,007	29,428	30,179	21,724
Fiscal YTD	\$ 293,085	\$ 319,100	\$ 309,924	\$ 261,810	\$ 208,468

MEMORANDUM

To: Roger Jordan, City Manager
From: Donna Zehner, Library Director
Re: Monthly Report, April 2007
Date: May 25, 2007

The month of April found 1011 patrons using the Library's Internet workstations. This service continues to be quite popular with our patrons. For those needing assistance in learning to use the Internet, arrangements will be made for volunteers and interested students to meet one-on-one.

The month of April found the Children's Room bustling with energy and excitement as the Spring Sessions of both Infant/Toddler and Preschool Storytimes continue. Storytime attendance brought in 192 young people. Class/Daycare visits accounted for 95 young ones hearing stories and learning about the Library. In all, 287 young people participated in events at the Library during April. The Children's Room continues to be popular with the young people in our community.

The EBSCO full-text periodical database continues to be a popular resource, with patrons finding it easy to use. April statistics show a steady use of this user-friendly, multi-use database. A total of 78 searches were conducted this past month. As expected, use of this database will decrease as the school year comes to a close.

The Reference Desk remains active, with a total of 1140 questions being answered this month. Working on a variety of projects, our volunteers donated a total of 169 hours during the month of April.

**Dallas Public Library
Monthly Report for April 2007**

CIRCULATION STATISTICS

ADULT	April 2007	April 2006	Year to Date 2007
Non-Fiction	1546	1439	6521
Fiction	2266	1784	9803
New Books	2119	2203	9066
Paperbacks	870	620	3365
Periodicals	231	211	1102
Sound Recordings	144	144	743
Books on Tape	335	400	1427
Books on CD	198		421
Videotapes	388	410	1814
DVDs	251	264	1296
Media Bags	406	382	1828
CD-ROMS	3	4	20
ILL (in)	2	0	8
ILL (out)	2	0	8
NVL loans (in)	0	0	0
NVL loans (out)	0	0	2
Internet Workstations	1011	916	3955
Equipment	47	54	187
Adult Total	9819	8831	41,566
CHILDREN'S			
Non-Fiction	699	526	2689
Fiction	1751	1428	8006
New Books	90	175	483
Periodicals	95	52	300
Sound Recordings	47	66	181
Books on Tape	153	177	676
Books on CD	10		39
Videotapes	342	277	1519
DVDs	124	62	608
CD-ROMS	46	28	232
CD-ROMS (in house)	74	87	387
Children's Total	3431	2878	15,120
Remote Renewals	665	549	2548
Monthly Total	13,915	12,258	59,234

**Dallas Public Library
Monthly Report for April 2007**

REGISTERED PATRONS – April 2007

City Residents	
Adult	5722
Child	1692
YA (12-17)	983
Total	8397
Non-Resident – Fee	
Adult	449
Child	80
YA (12-17)	108
Total Fee	637
Non-Resident –Restricted	
Adult	1401
Child	466
YA (12-17)	237
Kids Card	497
Total Restricted	2601
Non-Resident Total	3238
Total Registered Patrons	11,635

ADDITIONAL ACTIVITY

	April 2007	April 2006	Year to Date 2007
Non-Resident User Fees	\$ 430.00	\$ 570.00	\$ 3640.00
Fines Collected	\$ 956.18	\$ 1090.01	\$ 4473.32
Photocopies	\$ 98.55	\$ 99.90	\$ 346.74
Reference Questions	1140	1220	4563
Volunteer Hours	169	186.5	853.5

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MEMORANDUM

*DALLAS POLICE DEPARTMENT
MONTH OF APRIL ' 07*

TO: ROGER JORDAN JUNE 4, 2007
FROM: CHIEF JIM HARPER

Some of the current trends and observations are:

Jerry Mott, our investigator, has been extremely busy. He has solved several major crimes, including burglaries and thefts.

Our remodel upstairs is in its final stages with furniture and window coverings going in.

Sergeants' Wallace and Rodriguez attended executive level training sponsored by City County insurance. This was held on May 24 & 25.

The following is a summary of traffic violations committed:

18 Speeding Violations
08 License Violation
13 Insurance Violations
22 Moving Violations
10 Other

Investigation by this Department

45	Animal Offenses	Clear by Arr	02
08	Assaults	Clear by Arr	04
04	Burglaries	Clear by Arr	01
10	Criminal Mischief	Clear by Arr	02
02	Curfew	Clear by Arr	02
09	Disorderly Conduct	Clear by Arr	09
02	DUII	Clear by Arr	02
05	Drug Offenses	Clear by Arr	06
07	Driving While Suspended	Clear by Arr	07
09	Fail Carry Present License	Clear by Arr	09
01	False Info Police	Clear by Arr	01
06	Fraud	Clear by Arr	03
06	Harassment	Clear by Arr	03
01	Interfere Police Officer	Clear by Arr	01
01	Menacing	Clear by Arr	01
15	Minor in Possession	Clear by Arr	15
01	Resisting Arrest	Clear by Arr	01
02	Reckless Endangering	Clear by Arr	02
01	Reckless Driving	Clear by Arr	01
03	Runaway	Clear by Arr	03
03	Sex Offenses	Clear by Arr	02
28	Thefts	Clear by Arr	10
06	Trespass	Clear by Arr	04
15	Warrants	Clear by Arr	15

* * *

67 Assist Public
41 Assist Law
34 Suspicious Activity
04 Suspicious Vehicles
09 Suspicious Persons
27 Disturbances
05 911 Hangup
22 Welfare Checks
02 Assist Traffic
09 False Alarms
10 Civil Complaints

DALLAS POLICE DEPARTMENT

CODE ENFORCEMENT REPORT

April 2007 Code Officer Totten

<u>NUMBER OF TOWED VEHICLES</u>	<u>0</u>
<u>NUMBER OF CITATIONS ISSUED</u>	<u>13</u>
<u>NUMBER OF FOLLOW-UP ACTIVITIES COMPLETED</u>	<u>132</u>

NEW CASES STARTED:

<u>DCC # 5.584-INOPERABLE VEHICLES (PRIVATE PROPERTY)</u>	<u>8</u>
<u>DCC # 6.320-VEHICLES STORED ON STREET/PARK STRIP</u>	<u>20</u>
<u>DCC # 6.505-ABANDONED VEHICLES</u>	<u>7</u>
<u>DCC # 5.582-JUNK</u>	<u>0</u>
<u>DCC # 5.556-SCATTERING RUBBISH (PRIVATE PROPERTY)</u>	<u>7</u>
<u>DCC # 6.315-TRUCK PARKING</u>	<u>1</u>
<u>DCC # 6.310-PROHIBITED STOPPING & PARKING</u>	<u>0</u>
<u>DCC # 5.276-CAMPING ON PUBLIC PROPERTY</u>	<u>0</u>
<u>DCC # 6.605-PARKING REGULATIONS (CAMPING)</u>	<u>0</u>
<u>DCC # 6.125-OBSTRUCTING STREETS OR SIDEWALKS</u>	<u>3</u>
<u>DCC # 5.588-GRAFFITI</u>	<u>0</u>

HABITUAL PROBLEMS/OTHER ISSUES:

NARRATIVE:

Twelve parking citations were issued for parking violations.
One citation was issued for an inoperable vehicle stored on private property.

TO: ROGER JORDAN, CITY MANAGER
 FROM: FRED BRAUN, DIRECTOR OF PUBLIC WORKS

**DEPARTMENT OF PUBLIC WORKS
 Monthly Report for April 2007**

		<u>Water Division</u>				
		<u>2007</u>	<u>Unit</u>		<u>2006</u>	<u>Unit</u>
Total Discharge to Town		46.92	MG		44.02	MG
Total Water Raw		56.09	MG		51.13	MG
Peak Day	04/11/07	2.71	MG	04/16/06	2.30	MG
Daily Average-Raw		1.87	MGD		1.70	MGD
Daily Average-City		1.56	MGD		1.47	MGD
Backwash Water		2.71	MG		1.71	MG
Filter to Waste		0.16	MG		0.75	MG
Flushing		0.10	MG		2.50	MG
Discharge Water		0.10	MG		0.50	MG
Meter and Process Error	-0.48%	-0.80	MG	2.6%	1.27	MG
ASR		6.585	MG			
Average High Temp		60.2	° F		62.2	° F
Average Low Temp		39.4	° F		39.6	° F
Total Precipitation		2.29	Inches		2.46	Inches

Mercer Dam and Watershed:

- Visual inspections were done on April 10, 13, 16, 17, 23, 24, and 30.
- Full walking inspections were done on April 11 and 26.
- Started placing flashboard on April 30.

Intake Pump Station:

- Reporting okay.

Water Treatment Plant:

- Reporting okay.

Reservoirs: Reporting okay

New Services: Eight new 3/4" services were installed at: 344, 377 NE Holiday Ave; 559 SE Syron St; 515 SE Mifflin St; 767 SE Gleann Creek Ln; 136 NE Brentwood Ave; 1431 SW 11th St; 1431 SE Hawthorne Ave.

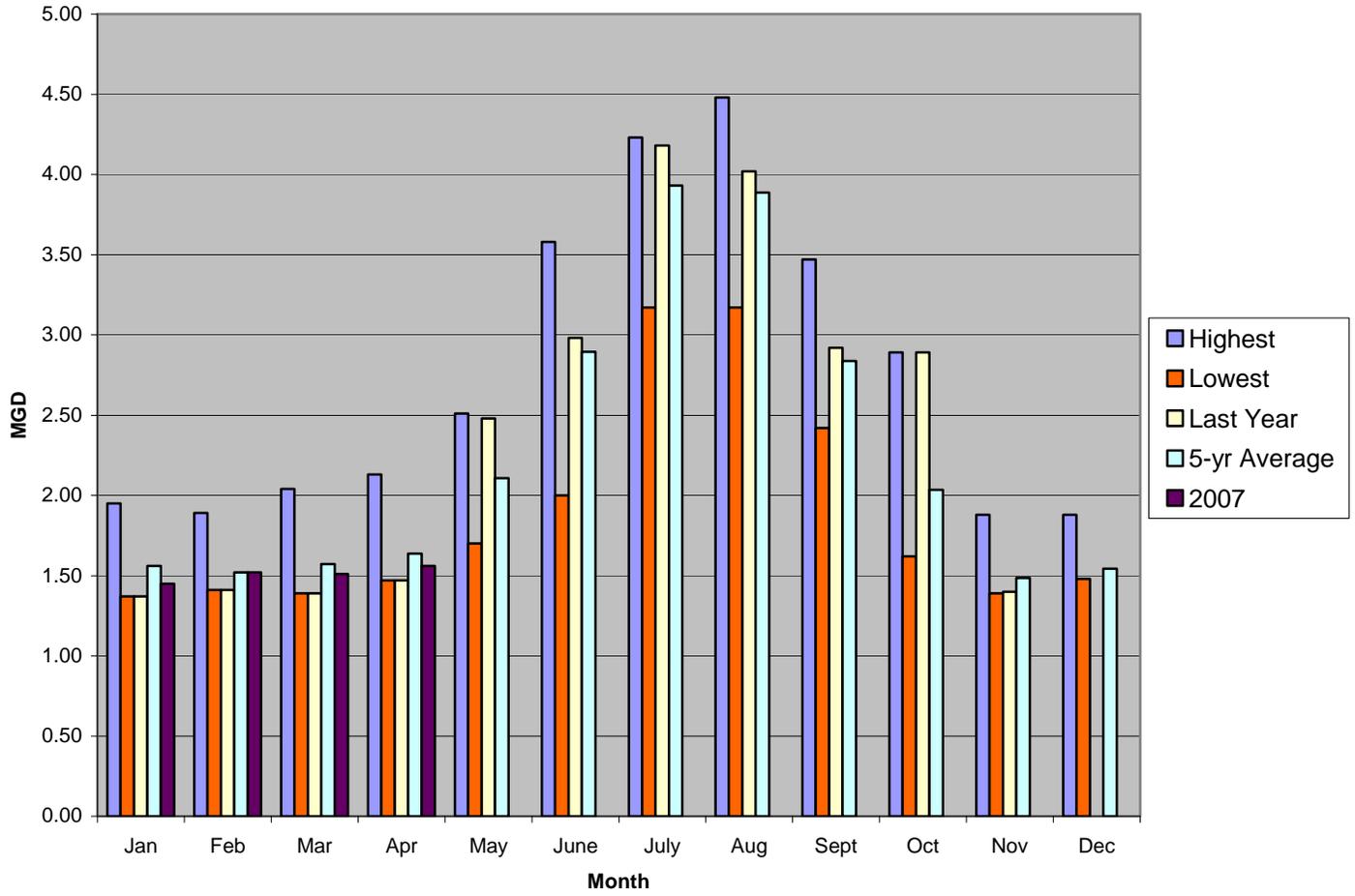
Repairs Leaks at: No leaks.

Worked on:

Reading meters, meter maintenance, daily rounds, locates. Finished Hayter Street water line tie-overs. Finished Miller Avenue project.

At Water Treatment Plant: Worked on pump move for Raw Water Transmission Pipeline project; painted outside window panels and chlorine hoist framework; monitored ASR.

Average Daily Treated Water Production



Wastewater Division

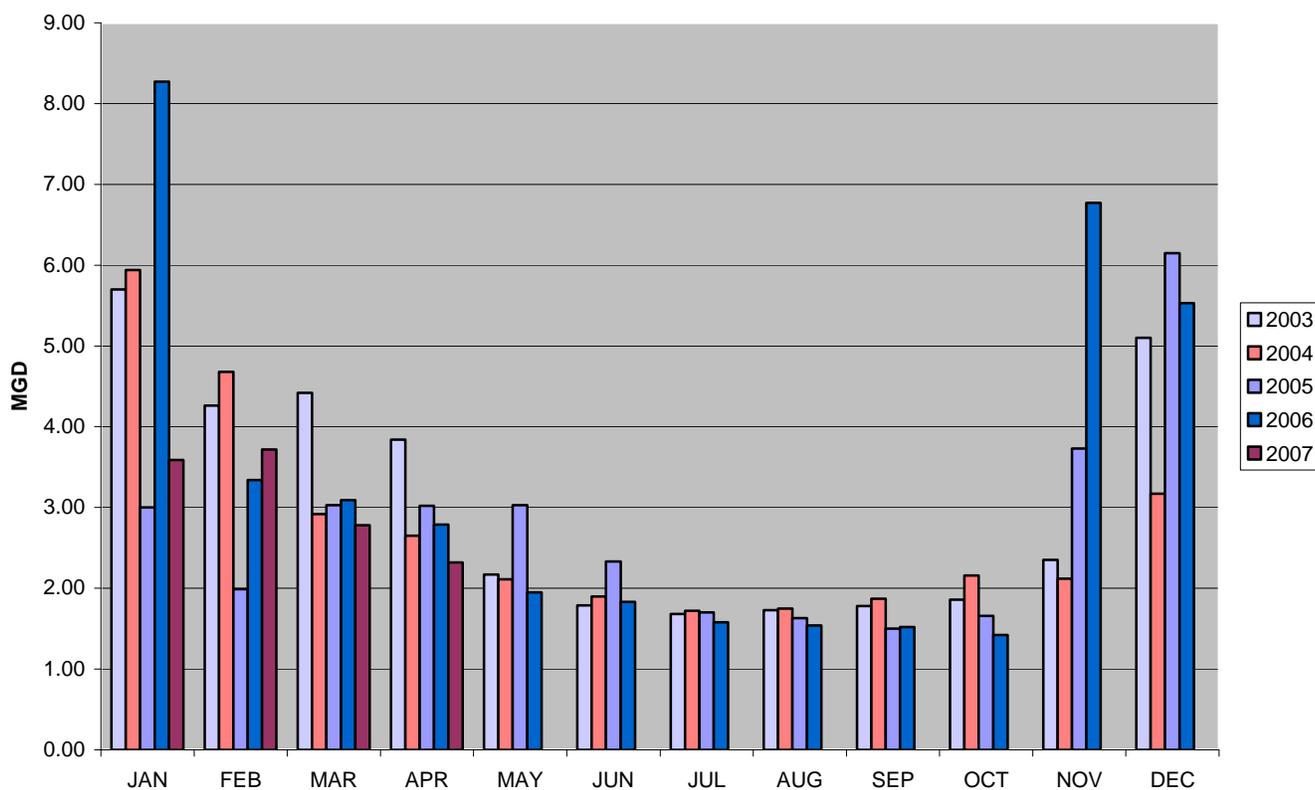
Effluent Flow

		<u>2007</u>	<u>Units</u>		<u>2006</u>	<u>Units</u>
Monthly Total Flow		69.46	MG		83.56	MG
Peak Day Flow	04/21/07	3.02	MG	04/16/06	4.76	MG
Daily Average Flow		2.32	MG		2.79	MG

Special Events:

- Forbes Plumbing repaired leaking hose bibs and damaged plant water pipes
- DC Electric replaced lamps throughout facility.
- Secondary #1 placed off-line for the summer season
- Blackberry brush removed at the diversion structure and outfall
- Fisher Implement repaired the John Deere tractor hydraulic brake lines
- CH2M Hill – OMI consultant assessed wastewater process and implemented a process structure for operations

Effluent - Average Daily Discharge by Month



Street and Construction Division

Maintenance:

Catch basin maintenance, cold patching, curb and sidewalk repair, equipment and vehicle upkeep and repair, manhole grouting, mowing of City properties and/or rights of way, open ditch maintenance, painting of streets, plug and patching, preventative maintenance on sewer lift stations, reimbursable work, sanitary rehabilitation, sanitary repair and cleaning, service repair, shop and office, sign work, storm repair, street sweeping, tree trimming, unimproved streets and alleys, utility locates, and various other maintenance duties.

<u>Project / Task</u>	<u>Man Hours</u>
Sewer Maintenance & Repair	362
Street Sweeping	168
Storm Maintenance & Repair	33
Utility Locates	32
Paving	24
Tree Trimming	22
Sidewalk Maintenance & Repair	4
Signs	4
Lift Station Maintenance	4
Building and Grounds Maintenance	1
Job # 4398 – Hayter Street Water Line	418

Parks Division

The Parks department provided the following routine services during the month of April:

- Applied fertilizer to lawn and shrub areas
- Applied bark dust to shrub beds at the Aquatic Center
- Repaired damage caused by vandalism
- Performed regular mowing of all parks
- Weeded shrub beds and landscape areas at Hankel Island and Aquatic Center
- Performed monthly safety check of playground equipment on April 20, 2007
- Repaired irrigation lines at Jefferson Island
- Performed equipment service checks and/or repairs
- Installed new backflow at old pool for irrigation
- Started mowing easements and right-of-ways
- Installed new merry-go-round pedestal and disc
- Installed bollard at Lyle Complex to deter vehicle traffic and installed authorized vehicle signage
- Treated Jefferson and Fountain islands for crane fly
- Replaced 2 paper towel dispensers due to vandalism
- Completed curb grass spraying
- Installed backflow for irrigation at Community Garden site

Engineering

Subdivisions:

- Forestry Creek Meadows, Phase 4: As-builts under review.
- Ceres Gleann, Phase 4: As-builts under review.
- River Gleann, Phase 5 & 6: As-builts under review.
- Polk Station PUD: Plans under review.
- Paisley Addition: Plans approved. Project on hold.
- Cynthian Oaks, Phase 2: Under construction.
- Ellendale Estates: Under construction.

Commercial Developments:

- Dallas Retirement Village: Awaiting as-builts.
- Godsey Apartments: Awaiting as-builts.
- Godsey Storage Units: Phase II construction underway.
- Godsey Apartments Phase II: Construction complete; awaiting as-builts.

Programs / Projects:

- Miller Street Improvements: Construction from Appleseed Dr to Fir Villa Rd.
- Fir Villa Street Improvements: Working with wetland consultant, Pacific Habitat.
- Phase II/ Monitoring: Draft plan by CH2M Hill under review.
- Raw Water Line Project: Contract awarded to Emery & Sons Construction, Inc.
- Levens Street Bridge Replacement: Bridge design complete. Advertised for bid.
- SE Monmouth Cut-off / Uglow Ave Intersection: Preliminary design
- Ambulance Parking Lot: Landscape remaining.
- Godsey Rd Sewer: Design underway.
- City Shop Storage Building: Paving postponed due to weather conditions.
- Finished Water Reservoir: S Main project under design. 60% review complete.
- Downtown Parking Lot: Preliminary design and estimate completed.
- Maple Street Sewer: Design underway.

Routine Work:

- Map Updates: Ongoing.
- Utility Locates: Normal
- Engineering, Project Scoping, Public Assistance: Normal
- Planning Commission / City Council / Community Development Team: Normal
- Watershed: Attended mtgs/project coordination Rickreall and Luckiamute Watershed Councils. Made presentation to RWC on Dallas water supply.
- WWTF-NPDES: 3-Water replacement equipment ordered.
- Water Treatment Facility/Water Supply: Continued ASR storage cycle. Design for water infrastructure upgrades underway.
- Tracking Backflow testing
- Pavement Management: Information analysis.
- WWTF Intake Pump: Adjustable frequency drives installed.

Administrative Services Division Activities

Project Management

- Continued tracking engineering task orders
- Reviewed invoices for payment recommendation
- Communication with various project managers on status of projects
- Reviewed contract documents
- Project meetings
- Project management

Public Information

- Web Page monitoring & updates for new web page
- Channel 17 notices

Safety

- MSDS updates
- Safety meetings

Additional Projects

- OECD Water improvement funding
- ASR pump station project
- Miller Avenue storm and street project
- SCADA project
- Raw water transmission line project
- 2 MG reservoir project
- Park & Recreation Board presentation
- Budget presentation
- Levens Street bridge contract preparation

Shop Services

- Ongoing maintenance on vehicles, machinery & construction equipment
- Review applications/interview new Mechanic Maintenance Specialist

Shop services hours were divided into the following areas:

Ambulance	2.00 hrs.
Community Development	1.50 hrs.
Fire	9.50 hrs.
Police	23.50 hrs.
Parks	1.50 hrs.
Public Works	107.00 hrs.
Rural Fire	17.50 hr.
Wastewater Treatment Facility	5.50 hrs.

Support Services

- Administrative support for Public Works
- Code Enforcement
- Map updates
- SOGs

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Chair Kelly Gabliks called the meeting to order at 8:38 p.m. and roll call was taken.

Budget Committee members present: Chair Kelly Gabliks, Kristine Blanchard, Glen Scatterday, Dave Voves, Darla Williams, and Rich Wolcott. Excused: Jim Brown, Lisa Koloen and Rosemary Stein.

Councilors present: Brian Dalton, Warren Lamb, Jackie Lawson, Wes Scroggin, David Shein, Rich Slack, and LaVonne Wilson. Excused: Kevin Marshall and Ken Woods.

Also present were: Mayor Fairchild, City Manager Roger Jordan, Police Chief Jim Harper, Public Works Director Fred Braun, Finance Director Marcia Baragary, Library Director Donna Zehner, and Recording Secretary Marsha Heeter.

MINUTES OF APRIL 16, 2007, MEETING:

Wes Scroggin moved to approve the minutes of the April 16, 2007, Budget Committee meeting. The motion was duly seconded and carried unanimously.

REPORTS FROM THE SUBCOMMITTEES:

Administrative Subcommittee:

Chair Wes Scroggin reported that the Administrative Subcommittee met on May 14. He reviewed the pages discussed and noted that the Committee approved all the pages reviewed. Brian Dalton remarked that there is a large budget for the Council that exceeds the normal expenditures. He said he understands that funds are in there for Councilors to attend the National League of Cities Conference. He noted that we don't inflate other funds based on projections and he would like to see this pared back in future years. Chair Scroggin responded that this has been discussed and last year not many Councilors went to the Conference, and more might go this year. Mr. Dalton remarked that having a large number there may imply the Council is spending more. In response to a question about what happens to unspent funds, City Manager Roger Jordan said they are used as reserves for future years. Mr. Jordan explained that he hopes to save 3-5% of all appropriations to use as carryover for next year, but the funds have to be appropriated in order for the City to spend them. He indicated that he can try to determine who is planning to go to conferences before he prepares the budget. Mayor Fairchild said that they need to consider that future mayors might need more financial assistance to attend meetings than he has sought. Chair Scroggin commented that with new Council members, they may need extra funds to send them to training.

Building and Grounds Subcommittee:

Chair LaVonne Wilson reported that the Buildings and Grounds Subcommittee met on April 23. She reviewed the pages the Subcommittee went over and indicated that no changes were made and there was consensus to approve the budget as presented.

Public Safety Subcommittee:

1 Chair Rich Slack reported that the Public Safety Subcommittee met on May 14. He reviewed the
2 pages covered. He noted that the ambulance is now back in the General Fund. He added that all
3 pages reviewed were approved.

4 Public Works Subcommittee:

5 Chair Brian Dalton reported that the Public Works Committee met on April 23. He said they were
6 given information on proposed projects and all pages were approved.

7 Councilor David Shein advised that Representative Darlene Hooley helped the City to get addi-
8 tional reimbursement for ambulance services because the City was classified as urban and now is
9 classified as rural, which increases the reimbursement rate. He noted that this was done after the
10 budget was prepared, so the ambulance income should be up a little from what is shown.

11 Dave Voves thanked Mr. Jordan, Finance Director Marcia Baragary and staff for putting together a
12 public-friendly budget that is easy to read and understand. Councilor Scroggin thanked all the citi-
13 zen volunteers for their time and work.

14 PUBLIC HEARING:

15 Chair Gabliks declared open at 8:54 p.m. a public hearing to solicit comments on the 2007-2008
16 City of Dallas budget. There were no comments from the audience, so Chair Gabliks declared the
17 public hearing closed at 8:54 p.m.

18 ADOPTION OF BUDGET AND RECOMMENDATION TO CITY COUNCIL:

19 David Shein moved to adopt the 2007-2008 budget as approved by the Budget Committee and rec-
20 commend it to the City Council. The motion was duly seconded and carried unanimously.

21 Mrs. Gabliks asked for a motion for the property tax rate of \$4.1954 per \$1,000-and levy for debt
22 service on GO bonds of \$739,130.

23 Glen Scatterday moved to recommend to the City Council a property tax rate of \$4.1954 per
24 \$1,000 of assessed value for operations and to approve a debt service amount of \$739,130 for
25 bonds. The motion was duly seconded and carried unanimously.

26 Mr. Jordan asked to reopen the Community Development Commission Urban Renewal Agency
27 Budget Committee meeting following this meeting to specify the tax rate.

28 Councilor David Shein moved to adjourn the Budget Committee meeting. The motion was duly
29 seconded and carried unanimously.

30 There being no further business, the meeting was adjourned at 8.58 p.m.

MEMORANDUM

Date: May 31, 2007
To: Mayor Fairchild and City Council Members
From: Roger Jordan, City Manager 
Re: Public Hearing on Zone Change Request.

The attached serves as the staff report for the public hearing concerning a request to change the change the Comprehensive Plan Map #1 designation from Multi Family to Central Business District and the zoning designation on Tax Lot 7.5.33 BC 11400, 12000, 12100 and a portion of 11900 from RHD-Residential High Density to CBD –Central Business District.

1. Staff Report.
2. Map of the property and surrounding area.
3. Planning Commission Meeting Minutes.
4. Hearing Notice.

A full staff report will be given at the meeting Monday night. If anyone has any questions or comments before then, please call me.

RJ:meh

**CITY OF DALLAS
CITY COUNCIL MEETING**

**APPLICATION COMPLETE:
APRIL 20, 2007**

**STAFF REPORT
DATE: JUNE 4, 2007**

FILE NO.	COMP. PLAN CHG 1-07 ZONE CHG 2-07
HEARING DATE	JUNE 4, 2007 7:30 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNERS	CITY OF DALLAS
REQUEST	COMPREHENSIVE PLAN MAP 1 CHANGE ZONE CHANGE
LOCATION	TAX LOT 7.5.33 BC 11400, 12000, 12100 AND A PORTION OF 11900
PLANNING COMMISSION RECOMMENDATION	APPROVAL

**CITY OF DALLAS
CITY COUNCIL
COMMUNITY DEVELOPMENT TEAM
STAFF REPORT**



HEARING DATE:	JUNE 4, 2007
APPLICATION TYPE:	ZONE CHANGE COMPREHENSIVE PLAN MAP 1 CHANGE
OWNERS:	CITY OF DALLAS
LOCATION:	TAX LOT 7.5.33 BC 11400, 12000, 12100 AND A PORTION OF 11900
COMPREHENSIVE PLAN MAP NO. 1 LAND USE DESIGNATION:	MULTI FAMILY CENTRAL BUSINESS DISTRICT

PROJECT DESCRIPTION: This is a request for Tax Lot 7.5.33 BC 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 on Tax Lot 7.5.33 BC 11400, 12000, 12100 and a portion of 11900 from RHD-Residential High Density to CBD –Central Business District.

Location	Comp. Plan	Proposed	Zoning	Proposed
T.L. 7.5.33 BC 11400	Multi Family	CBD	CBD / RHD	CBD
T.L. 7.5.33 BC 12000	Multi Family	CBD	RHD	CBD
T.L. 7.5.33 BC 12100	Multi Family	CBD	RHD	CBD
T.L. 7.5.33 BC 11900	CBD	CBD	RHD	CBD

CRITERIA:

Street. SE Washington Street and SE Shelton Street are improved streets with curbs and sidewalks.

FINDINGS: The street system is adequate to serve the subject property for the proposed use.

Water. Existing is a 6” CI line in SE Shelton Street.

FINDINGS: The water system is adequate to serve the subject property.

Storm. Existing is a 15” concrete storm line in SE Washington Street and a 12” concrete storm line SE Shelton Street that serves the subject property.

FINDINGS: The storm system is adequate to serve the subject property.

Sanitary. Existing is a 10” sanitary line SE Washington Street that serves the subject property.

FINDINGS: The sanitary system is adequate to serve the subject property.

Public Notice: The City has provided public notice identifying the owner/applicant, describing the project, location, and the scheduled date of the public hearing. The notice has been mailed to all property owners within 100 feet of the subject property.

Standards for Review:
Dallas Development Code.

Article I Procedures:

1.3.40 Complete Application Required

Complies. A complete application has been filed.

1.3.60-1.3.140 Public Hearings

Complies. Proper notice was issued.

Article II Zoning Districts and Use Categories:

Chapter 2.4 Commercial Zoning Districts

Chapter 2.3 Multi Family Residential Zoning Districts

Chapter 2.7 Land Use Categories

Article III Specific Land Use Review Procedures:

Chapter 3.2 Development Review

Complies. The applicant has submitted a proper site plan for review.

Chapter 3.7 Comprehensive Plan and Zoning Map Amendments

Chapter 3.7.40 Review Criteria.

Complies the zone change implements the Comprehensive Plan.

Complies.

- 1) The zone change as proposed is in conformance with the Comprehensive Plan Map 1 with the comprehensive plan proposed changes.
- 2) Adequate public facilities are available to meet the demand for services that may result from potential development allowed on the rezoned site.
- 3) All public facilities projects identified in Chapter VII of the Dallas Comprehensive Plan which serve the area where the zone change is proposed are constructed to serve the site.
- 4) Sanitary sewer, water and storm drainage collection and distribution systems are adequate to handle the loads required by the rezoning.
- 5) Streets serving the proposed site are adequate to accommodate increased vehicular, bicycle and pedestrian traffic safely and efficiently.
- 6) Complies with applicable Statewide Planning Goals.
- 7) Complies with all applicable Goals and Policies of the Dallas Comprehensive Plan (Volume I).

Chapter 3.7.50 Decision Options.

- (1) Quasi-Judicial/Legislative Amendments. In the case of a quasi-judicial or legislative zone change (whether or not a Comprehensive Plan amendment is proposed), the review body may:
 - (a) approve the zone change;
 - (b) approve the zone change with conditions;
 - (c) reduce the area of the zone change (provided that adequate public notice has been provided); or
 - (d) deny the zone change.

Article IV Development Standards:

Chapter 4.1 General Development Standards

Complies. The lots conform to the minimum standards.

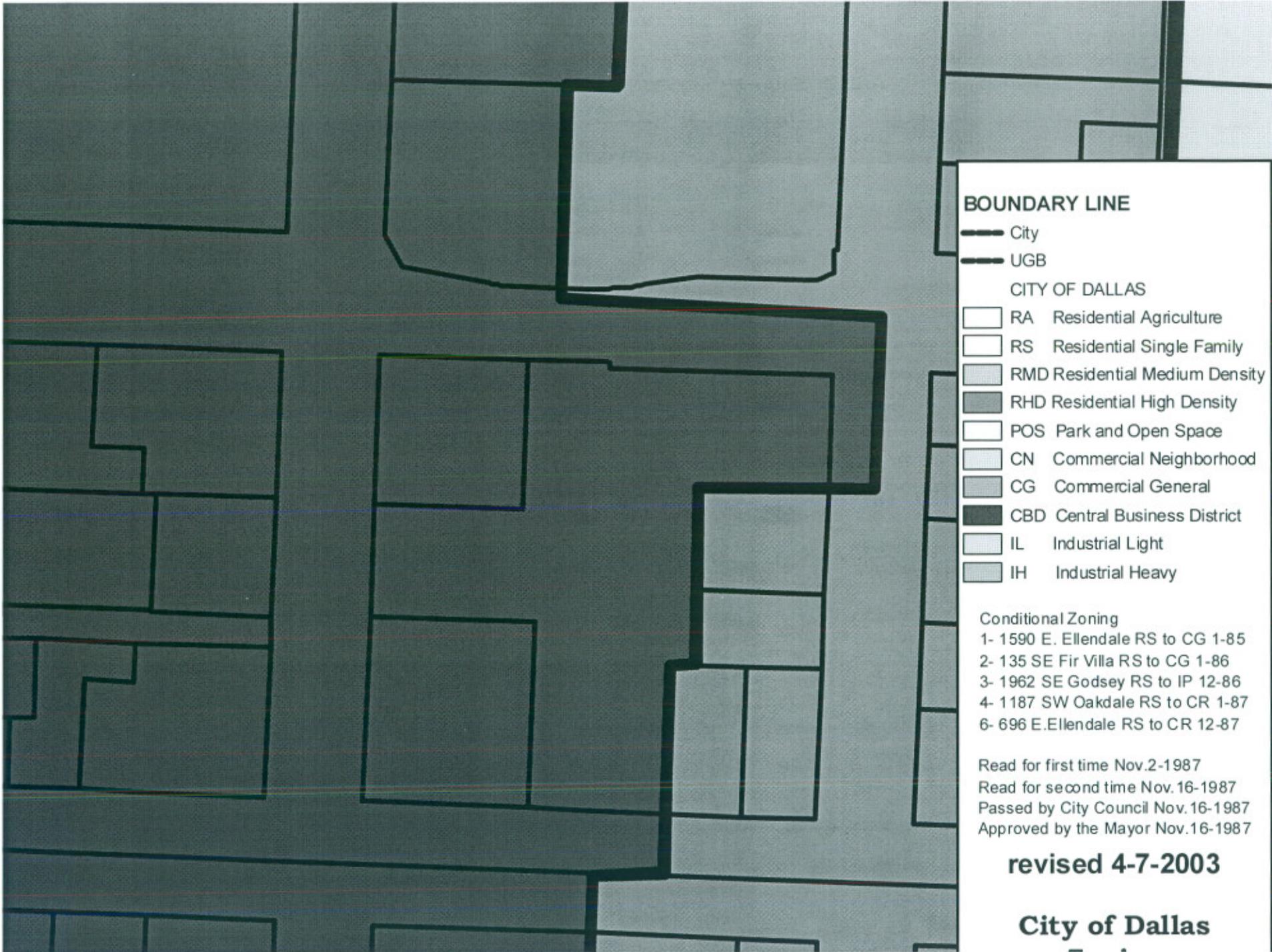
Conclusions: The staff has concluded the following regarding this Zone Change request:

- 1) A proper application has been made and hearing notice given.
- 2) The application is in conformance with the standards listed above.
- 3) The Planning Commission recommended approval of the request.

Summary and Conditions:

If it appears to the City Council that the criteria for approval have been met, then this Comprehensive Plan Map 1 and Zone change request could be approved.

COMMUNITY DEVELOPMENT TEAM





MAP_TAXLOT	OWNER	AGENT	M_ADDRESS	M_CITY	M_STATE	ZIP	PRIMARY_SI
7533BC 6600	POLK COUNTY		850 MAIN ST	DALLAS	OR	97338	884 JEFFERSON ST SE DALLAS
7533BC 8100	SNYDER LOUISE M		316 COURT ST SE	DALLAS	OR	97338	316 COURT ST SE DALLAS
7533BC11200	CITY OF DALLAS		P O BOX 67	DALLAS	OR	97338	
7533BC11600	POLK COUNTY DUPL		850 MAIN ST	DALLAS	OR	97338	
7533BC11900	CITY OF DALLAS		P O BOX 67	DALLAS	OR	97338	240 WASHINGTON ST SE DALLAS (M)
7533BC12500	APLING GERALDINE R, TRUST		7866 EAGLE DR NW	REDMOND	OR	97756	908 SHELTON ST SE DALLAS
7533BC12700	SCHMUCKER JAMES G & TAMMI D		924 SHELTON ST SE	DALLAS	OR	97338	924 SHELTON ST SE DALLAS
7533BC11400	CITY OF DALLAS		187 COURT ST SE	DALLAS	OR	97338	939 SHELTON ST SE DALLAS
7533BC11100	CITY OF DALLAS		P O BOX 67	DALLAS	OR	97338	
7533BC12800	JOHNSON DOUGLAS R & GEORGETTA		944 SHELTON ST SE	DALLAS	OR	97338	944 SHELTON ST SE DALLAS
7533BC11000	CITY OF DALLAS		P O BOX 67	DALLAS	OR	97338	
7533BC12400	SOLHEIM RICHARD E & SHARON E		425 RIGGS ST NW	SALEM	OR	97304	988 JEFFERSON ST SE DALLAS
7533BC12900	BOATWRIGHT JERRY		1070 MONMOUTH ST	INDEPENDENCE	OR	97351	970 SHELTON ST SE DALLAS
7533BC10700	STEELE HORACE W & BEATRICE M	YAN ANDY & MAY, AGT	7625 BROKEN TOP AVE NE	SALEM	OR	97303	164 WASHINGTON ST SE DALLAS (M)
7533BC12100	CITY OF DALLAS		P O BOX 67	DALLAS	OR	97338	274 WASHINGTON ST SE DALLAS
7533BC12000	CITY OF DALLAS		P O BOX 67	DALLAS	OR	97338	288 WASHINGTON ST SE DALLAS
7533BC13000	CHILCOTE KEITH C & SARAH W		2983 D ST NE	SALEM	OR	97301	990 SHELTON ST SE DALLAS (M)
7533CB 8700	REITH, INC		P O BOX 483	INDEPENDENCE	OR	97351	201 WASHINGTON ST SE DALLAS
7533CB 8501	KUTZER KEITH & RHONDA R		15860 AIRLIE RD	MONMOUTH	OR	97361	271 WASHINGTON ST SE DALLAS (M)
7533CB 8400	TALLON MICHAEL & SHERRI, LIVING TR ET AL	TALLON MICHAEL DENNIS & SHERRI DEY, TRS	387 COURT ST SW	DALLAS	OR	97338	291 WASHINGTON ST SE DALLAS
7533CB 8200	BLAINE TIMOTHY L & DAWN K		309 WASHINGTON ST SE	DALLAS	OR	97338	309 WASHINGTON ST SE DALLAS
7533CB 8100	SCHOPP DENNIS L & NANCY JO L		60 HAWORTH RD	PASCO	WA	99301-8722	329 WASHINGTON ST SE DALLAS (M)

14

4/18/07

PARTITION REQUEST
VINCENT
1133 SW MAPLE ST

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.

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

President McLeod called for the applicant's presentation.

Paula Vincent, 12455 Myers Road, stated she is present and had no testimony.

President McLeod 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. Mike Lough asked for the reason the existing building needs to be torn down before the plat is signed. Mr. Wyatt advised it must be removed because it is on the proposed property line.

The Public Hearing was closed for discussion by Commission Members.

Mike Lough made a motion to approve the request as presented in the staff report with the ten (10) listed conditions. The motion was seconded and carried unanimously.

The 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.

COMPREHENSIVE PLAN AND ZONE CHANGE REQUEST
CITY OF DALLAS
TL 7.5.33BC
11400, 12000,
12100 AND
PORTION OF
11900

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.

Mr. Jordan stated he is ex-officio member of the Planning Commission and is stepping down in order to testify on behalf of the City for the request, and as City Manager will forward all requests on behalf of the City Council.

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

President McLeod called for the applicant's presentation.

Mr. Jordan, City Manager, City of Dallas, 187 SE Court Street, explained the property has always been used as commercial property. He stated the City has applied to change the Comprehensive Plan Map and Zone designations to Commercial for the entire block.

President McLeod 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. Mike Lough asked the source of the aerial photos. Mr. Wyatt stated they are from Polk County. Mr. Lough stated the pictures are confusing and suggested an alternative.

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

The Public Hearing was closed for discussion by Commission Members.

Chuck Lerwick made a motion to recommend to the City Council approval of the Comprehensive Plan and Zone change as presented in the staff report. The motion was seconded and carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned at 8:50p.m.

Approved by the Planning Commission.

President

Date

NOTICE OF PUBLIC HEARING AFFECTING THIS PROPERTY

The Dallas City Council will hold a public hearing on Monday, June 4, 2007 at 7:45 p.m., in the Council Chambers of the City Hall at Dallas, Oregon, on the application of the City of Dallas, owner, of Tax Lot 7.5.33 BC 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 on Tax Lot 7.5.33 BC 11400, 12000, 12100 and a portion of 11900 from RHD-Residential High Density to CBD –Central Business District. Dallas City Hall is handicapped-accessible. Any requests for accommodation should be made at least 48 hours before the meeting to the Community Development Department, 503-831-3565 or TDD 503-623-7355.

The City Council will consider testimony which addresses the applicable criteria listed below. Testimony may be submitted in writing to the Community Development Department, Dallas City Hall, 187 SE Court Street, Dallas, Oregon 97338, or in writing or orally at the public hearing. The public hearing will be conducted in a manner which permits testimony from all interested parties. All persons wanting to testify must be recognized by the Chair and will be given an opportunity to be heard.

Written comments submitted to the Community Development Department by May 29, 2007, will be included with the staff report. Written comments submitted after that date will be forwarded to the City Council at the public hearing. The staff report will be available for inspection at the City Manager’s Office at least seven days prior to the hearing. Copies of the staff report, the application, and all documents and evidence submitted by or on behalf of the applicant, and copies of the applicable criteria are available for inspection at the Community Development Department at no cost and copies will be provided at a reasonable cost. If any party provides additional documents or evidence, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond.

Failure of an issue to be raised in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

NATURE OF REQUEST: This is a request for Tax Lot 7.5.33 BC 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 on Tax Lot 7.5.33 BC 11400, 12000, 12100 and a portion of 11900 from RHD-Residential High Density to CBD –Central Business District.

APPLICABLE CRITERIA:

COMPREHENSIVE PLAN. Map No. 1.

DALLAS DEVELOPMENT CODE.

Article I Procedures:

Chapter 1.2 Definitions

Chapter 1.3 Land Use Decision

1.3.10 Land Use Decision Procedures

1.3.40 Complete Application Required

1.3.60-1.3.140 Public Hearings

Article II Zoning Districts and Use Categories:

Chapter 2.3 Multi – Family Zoning Districts

Chapter 2.4 Commercial Zoning Districts

Chapter 2.7 Land Use Categories

Article III Specific Land Use Review Procedures:

Chapter 3.7 Comprehensive Plan and Zoning Map Amendments

PROPERTY LOCATION: Tax Lot 7.5.33 BC 11400, 12000, 12100 and a portion of 11900.

ZONE DESIGNATION: RHD-Residential High Density.

COMP. PLAN DESIGNATION: Multi Family.

STAFF CONTACT FOR ADDITIONAL INFORMATION: Jerry Wyatt, Director of Community Development, (503) 831-3565 or TDD phone (503) 623-7355.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER, ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

The recipient of this notice is hereby responsible promptly to forward a copy of this notice to every person with a documented interest, including a renter or lessee.

Dated and posted: May 21, 2007

Published: May 23, 2007

Roger Jordan, City Manager
City of Dallas, Oregon

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RESOLUTION NO. 3120

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$10,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation, with \$8,000 thereof to the General Fund, Municipal Court Department, County Assessment Appropriation, and with \$2,000 thereof to the General Fund, Municipal Court Department, Prosecution Appropriation for unanticipated costs of increased caseload in the Municipal Court;

WHEREAS, it is necessary to transfer the appropriation authority of \$24,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation with \$8,000 thereof to the General Fund, Fire Department, Turn-Outs Appropriation for the unanticipated cost of replacing worn turn-outs, with \$10,000 thereof to the General Fund, Fire Department, Heat and Power Appropriation to pay the unanticipated costs of rising utility rates, and with \$6,000 thereof to the General Fund, Fire Department, Operation and Maintenance of Equipment Appropriation for the unanticipated costs of rising fuel prices;

WHEREAS, it is necessary to transfer the appropriation authority of \$30,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation with \$8,000 thereof to the General Fund, Aquatic Center Department, Pro Shop and Concession Appropriation to pay unanticipated costs of increased sales, with \$12,000 thereof to the General Fund, Aquatic Center Department, Gas Service Appropriation to pay the unanticipated costs of rising utility rates, and with \$10,000 thereof to the General Fund, Aquatic Center Department, Repair and Maintenance Appropriation to pay the unanticipated costs of equipment repairs;

WHEREAS, it is necessary to transfer the appropriation authority of \$6,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation to the General Fund, Parks Department, Salary and Fringe Benefits Appropriations to pay unanticipated costs of increased part-time temporary personnel expenditures;

WHEREAS, it is necessary to transfer the appropriation authority of \$30,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation to the Internal Services Fund, Facilities Maintenance Department, Building and Grounds Appropriation to pay unanticipated costs of upgrading the heating system at City Hall;

WHEREAS, it is necessary to transfer the appropriation authority of \$40,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation with \$25,000 thereof to the Ambulance Fund, Salary and Fringe Benefits Appropriation to pay unanticipated costs of personnel expenditures resulting from increased transports, with \$10,000 thereof to the Ambulance Fund, Operation of Maintenance and Equipment to pay for unanticipated costs of rising fuel prices, and with \$5,000 thereof to the Ambulance Fund, Contractual Services Appropriation to pay for unanticipated billing costs resulting from increased transports;

WHEREAS, it is necessary to transfer the appropriation authority of \$7,000 from the Trust Fund, Aquatic Center Expenditures Appropriation to the Trust Fund, Police Expenditure, Appropriation, to allow expenditure of unanticipated escrow account refund held for the Police Department remodel;

WHEREAS, it is necessary to transfer the appropriation authority of \$10,000 from the Internal Services Fund, Finance Department, Supplies Appropriation to the Internal Services Fund, City Manager

Department, Salary and Fringe Benefits for unanticipated additional costs resulting from retirement of personnel;

WHEREAS, it is necessary to transfer the appropriation authority of \$35,00 from the Street Fund, Debt Service and Contingency Department, Contingency Appropriation, with \$15,000 thereof to Street Fund, Maintenance Department, Salary and Fringe Benefits Appropriation for unanticipated personnel costs related to street maintenance and with \$20,000 thereof to the Street Fund, Maintenance Department, Street and Traffic Lights Appropriation, to pay for unanticipated costs of increasing utility rates;

WHEREAS, it is necessary to transfer the appropriation authority of \$45,000 from the Water Fund, Debt Service and Contingency Department, Contingency Appropriation, with \$30,000 thereof to the Water Fund, Maintenance Department, Salary and Fringe Benefits Appropriation, and with \$15,000 thereof to the Water Fund, Water Treatment Plant Department, Salary and Fringe Benefits Appropriation, to pay for unanticipated additional personnel costs;

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

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$10,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation, with \$8,000 thereof to the General Fund, Municipal Court Department, County Assessments Appropriation, and with \$2,000 thereof to the General Fund, Municipal Court Department, Prosecution Appropriation.

Section 2. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$24,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation, with \$8,000 thereof to the General Fund, Fire Department, Turn-Outs Appropriation, with \$10,000 thereof to the General Fund, Fire Department, Heat and Power Appropriation, and with \$6,000 thereof to the General Fund, Fire Department, Operation and Maintenance of Equipment Appropriation.

Section 3. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$30,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation, with \$8,000 thereof to the General Fund, Aquatic Center Department, Pro Shop and Concessions Appropriation, with \$12,000 thereof to the General Fund, Aquatic Center Department, Gas Services Appropriation, and with \$10,000 thereof to the General Fund, Aquatic Center Department, Repair and Maintenance Appropriation.

Section 4. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$6,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation to the General Fund, Parks Department, Salary and Fringe Benefits Appropriation.

Section 5. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$30,000 from the General Fund, Non-Departmental and Contingency Department, Contingency Appropriation to the Internal Services Fund, Facilities Maintenance Department, Building and Grounds Appropriation.

Section 6. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$40,000 from the General Fund, Non-Departmental and Contingency

Department, Contingency Appropriation, with \$25,000 thereof to the Ambulance Fund, Salary and Fringe Benefits Appropriation, with \$10,000 thereof to the Ambulance Fund, Operation and Maintenance of Equipment Appropriation and with \$5,000 thereof to the Ambulance Fund, Contractual Services Appropriation.

Section 7. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$7, 000 from the Trust Fund, Aquatic Center Expenditures Appropriation to the Trust Fund, Police Expenditures Appropriation.

Section 8. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$10,000 from the Internal Services Fund, Finance Department, Supplies Appropriation to the Internal Services Fund, City Manager Department, Salary and Fringe Benefits Appropriation.

Section 9. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$35,000 from the Street Fund, Debt Service and Contingency Department, Contingency Appropriation, with \$15,000 thereof to the Street Fund, Maintenance Department, Salary and Fringe Benefits Appropriation, and with \$20,000 thereof to the Street Fund, Maintenance Department, Street and Traffic Lights Appropriation.

Section 10. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$45,000 from the Water Fund, Debt Service and Contingency Department, Contingency Appropriation, with \$30,000 thereof to the Water Fund, Maintenance Department, Salary and Fringe Benefits Appropriation, and with \$15,000 thereof to the Water Fund, Water Treatment Plant Department, Salary and Fringe Benefits Appropriation.

Section 11 This Resolution shall be effective upon its passage.

Adopted: June 4, 2007
Approved: June 4, 2007

James B. Fairchild, Mayor

ATTEST:

Roger Jordan, City Manager

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ORDINANCE NO. 1675

An Ordinance amending DCC 2.876 regarding payment of court appointed counsel.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The hourly rate for indigent defense counsel appointed by Dallas Municipal Court, pursuant to DCC 2.872, is increased to \$50 per hour.

Section 2. The increased hourly rate shall apply to work done on or after July 2, 2007 and not to work done before July 2, 2007, but billed on or after July 2, 2007.

Section 3. In order to implement this overdue rate increase on July 2, 2007, an emergency is hereby declared and this Ordinance shall take effect on July 2, 2007.

Read for the first time: June 4, 2007.

Read for the second time: June 18, 2007.

Passed by the City Council: June 18, 2007.

Approved by the Mayor: June 18, 2007.

JAMES B. FAIRCHILD, MAYOR

ATTEST:

ROGER JORDAN, CITY MANAGER

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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

Legal description:

Beginning at the southwest corner of Phase II Living Waters Subdivision, Polk County, Oregon; thence north 90° east; thence south 0°06'28" east 887 feet; thence north 90° west 40 feet; thence north 0°06'28" west 887 feet to the point of beginning.