

**DALLAS CITY COUNCIL**  
**Monday, September 17, 2012**  
**Council Chambers**

The Dallas City Council met in regular session on Monday, September 17, 2012, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council members present: Council President Wes Scroggin, Councilor Jim Brown, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.

Also present were: Interim City Manager Jon Nelson, City Attorney Lane Shetterly, Director of Administrative Services Robert Spivey, Engineering and Environmental Services Director Fred Braun, Parks Supervisor Ron Lines, and Recording Secretary Emily Gagner.

Mayor Dalton led the Pledge of Allegiance.

**COMMENTS FROM THE AUDIENCE**

Mayor Dalton asked the audience members to limit their speeches to five minutes.

D. Stephen Pickering, 1895 S. Church Street, Dallas, Oregon, stated not taking into account the school district, City government should have priorities. He listed what he felt were a city's top four priorities, including providing for the safety of taxpaying residents, providing clean drinking water to taxpaying residents, providing sanitary sewer systems for the taxpaying citizens, and providing serviceable and safe streets for the residents. He indicated things like parks, urban renewal, and other feel-good programs should take a back seat to those four priorities. When times are flush, we should build monuments to ourselves but when times are tough we must recognize that fact and channel scarce resources into the four primary duties. He stated he understood cities also passed ordinances and promoted and regulated businesses and other activities within the city, but those endeavors served to provide support for the priorities. Mr. Pickering commented that his street was recently the front page poster child for streets within the city limits that the City had no intention of maintaining, yet he was expected to pay the same street fees as other taxpaying residents of the City under ordinance 1715 passed a couple years ago for the maintenance of his street. He stated that by 2013, every citizen would be paying over \$5 per month for street maintenance but being told residential streets are zero priority, adding that was not acceptable. He asked the City to reconsider the status of the less than 1000 foot section of Church Street, which was an extension of Main Street and a feeder into the city by county residents on Church Road.

Jake Frazier, 1260 SE Howe Street, Dallas, Oregon, stated he was the owner of Domino's Pizza in Dallas. He stated social media was a big thing, adding everyone was a part of it and there was no such thing as private media, particularly as a public official. He passed out a print out of a string of Facebook comments regarding his business. He highlighted comments he said were disconcerting to him from an elected official directed toward a business in Dallas. He read a Facebook post regarding the Orkin man parked in front of his business and noted additional comments from people indicating they wouldn't eat at his business. Mr. Frazier explained that Domino's required a pest inspection for each business every month to ensure there were no pests, adding he passed his pest inspection each month for the past year and received a 92 or above for the past several health inspections. Mr. Frazier commented again that social media was not private.

Todd Nelson, 14700 Webb Lane, Dallas, Oregon, stated he had heard a lot of rumors regarding Jerry Wyatt. He asked the Council if they were aware of all the charges brought against Mr. Wyatt. He also asked if the Council had received updates on the details as the case progressed. Next he asked who was representing the Council through the trial. Mr. Nelson asked what the Council was hoping to see happen with the case and asked if they wanted a felony conviction with a prison sentence or if that was simply the police chief and the District Attorney. He asked if the Council was in agreement with the charges that added up to a lifetime sentence in prison for Mr. Wyatt. He asked if the Council had considered the use of an independent mediator or could they request it from the District Attorney. He stated he understood the Council was not in control, adding they did have influence on what happened from here on out. He indicated he's heard several times this was completely out of the Council's hands but he commented that they did have influence. Mr. Nelson stated the City was looking at a lengthy and costly trial that they didn't need and that was putting stress on the Council and staff that they didn't need. He advised the citizens understood the pressure the Council was under.

Vera Cronin, 1401 W Ellendale Avenue #59, Dallas, Oregon, stated she had known the Wyatt

family for over four years and Jerry was a man you could depend on, a man of his word, and a man of integrity. She said whatever allegations the City was bringing against Mr. Wyatt didn't warrant the excessive amount of taxpayers' money spent on the investigation. She asked under whose authority the Police Department was acting on the investigation and wondered if there was a conflict of interest. She asked why the matter was not solved in-house where it should have been addressed so that Mr. Wyatt was able to remedy any questions or problems. She stated to her as a citizen it smelled fishy and looked like a set-up. Ms. Cronin commented that when we work we get rewarded and asked if this was the reward for a man who resolved the City's financial crisis. She asked the Council to request the DA dismiss all charges against Mr. Wyatt. She said she hoped there were still good, decent men in this City who could do this for Jerry Wyatt.

Heidi Kessel, 8565 Clow Corner Road, Independence, Oregon, stated she didn't live in the City but had owned a business in Dallas for over twenty years. She indicated she didn't know all the circumstances of Mr. Wyatt's case but she did know that when she called the City for her problems over the years, Mr. Wyatt was always one of the few that returned her call and was prompt. She commented that he made sure her needs were taken care of as a business owner. Ms. Kessel advised that guilty or not guilty, she respected Jerry for what he did for her as a business owner in Dallas.

Mr. Shetterly stated he wanted to underscore some things that were in the matter of public record. He indicated that because of the pending prosecution, the City needed to be careful not to engage in public debate regarding the charges and possibly interfere with what was happening with the District Attorney, the Court, and Mr. Wyatt's attorney. He clarified the Council wasn't privy to all the evidence and information that was presented to the Grand Jury, which was convened by the District Attorney. The Grand Jury brought the charges based on the evidence and testimony presented to it, not the City Council. He indicated the police investigation, after the very earliest stages, was associated with the District Attorney's office and the investigation that went forward was not independent and not under the charge of the Council but in cooperation with the District Attorney's office. Mr. Shetterly stated the Council was legally interested in the outcome, but didn't have the full information about the facts and charges; those were in the possession of the District Attorney. He advised that full discovery had been made and given to Mr. Wyatt's attorney, so they knew all of the facts that that District Attorney knew and that was the venue in which it would all be resolved. He stated everyone would have an opportunity to better evaluate where we were today with the perspective of some time as this resolved itself through the constitutional process.

## **PUBLIC HEARING**

### **CONSENT AGENDA**

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

Items approved by the Consent Agenda: a) the September 4, 2012, City Council meeting minutes; b) separation of temporary aide; and c) report of the August 22, 2012, Citizen Advisory Committee for Residential Street Funding meeting.

### **ITEMS REMOVED FROM CONSENT AGENDA**

There were no items removed from the Consent Agenda.

### **REPORTS OR COMMENTS FROM COUNCIL**

Councilor Lawson stated she wanted to go on record that she had made every effort to contact Mr. Frazier so he would understand the slight comment she made was a joke. She apologized that her friends would disparage his business, adding she made a public apology on her Facebook page.

Councilor Jones indicated it was a good reminder for everyone that it was a small town and as much as she would like to have a public service life and a private life, it wasn't possible. She told Mr. Frazier she appreciated him coming in and providing that reminder.

Councilor Marshall clarified that five of the eight comments on Councilor Lawson's page were not elected officials.

Mayor Dalton reported that the Public Works and Parks Departments received a nice award from Polk Soil and Water Conservation District several weeks earlier for the Conservation Group of the Year. He congratulated Kenn Carter, Fred Braun, and Ron Lines who represented the two

agencies.

Kenn Carter stated he was the former Assistant Public Works Director for the City and during that time, he was fortunate to have the opportunity work with Polk Soil and Water. He commented it was nice to be recognized for the positive things the City did, adding they were ancillary but critical. He indicated there were many low-cost things the City could do to protect its water source, adding wastewater and stormwater discharges came under that umbrella. He explained the City had received grants from other agencies to do a lot of the work. Mayor Dalton thanked Mr. Carter for the work he did.

## **REPORTS FROM CITY MANAGER AND STAFF**

### **LONGBOARD EVENT PRESENTATION**

Mayor Dalton introduced Nicole Walker Sundby. Ms Walker Sundby introduced Ian Ussery and Kyle Schmidt, two of the skaters that planned and participated in the event. She explained the long boarding event that occurred on August 3 through 5 with the support of the City and Polk County.

Ms. Walker Sundby presented a short video of the event highlights. She noted there were no serious injuries, adding some of the falls looked bad, but the participants had good protective gear.

Mr. Ussery stated he had contacted many different longboard companies about the event and many were impressed that it was city-sanctioned, adding it was one of the first city-sanctioned events in Oregon.

Ms. Walker Sundby pointed out that Independence was working on a long boarding event in the next few weeks, noting it was cool that Dallas set the bar for those in Polk County.

Ms. Walker Sundby thanked the City for their support. Mr. Schmidt stated from a long boarders standpoint, the weekend event was everything they could have dreamed it would be, adding with the City behind them, there was no telling what they could do.

Ms. Walker Sundby indicated in the future she hoped to have many more events and hoped the youth would continue to develop their leadership skills.

Mayor Dalton and several Councilors thanked Ms. Walker Sundby and the participants for a great event.

### **LOC LEGISLATIVE PRIORITIES**

Mr. Nelson reviewed the staff report. He told the Councilors he did not plan to review the League of Oregon Cities' legislative priorities individually, but would be happy to discuss them at a later time with anyone who was interested.

### **OTHER**

Mayor Dalton stated he went to the Dallas High School football game the previous Friday. He indicated they didn't win but despite being down 40 to 6 in the last minutes of the game the crowd was amazing. He commented that no one left early and everyone clapped and shouted and encouraged the team to their last play, noting it showed how the community supported each other.

### **FIRST READING OF ORDINANCE**

### **SECOND READING OF ORDINANCE**

### **EXECUTIVE SESSION UNDER ORS 192.660(2)(a)**

Mayor Dalton recessed the meeting at 7:42 p.m. for an executive session to consider the employment of a public officer, employee, staff member, or individual agent.

Mayor Dalton reconvened the Council meeting at 8:30 p.m.

### **OTHER BUSINESS**

There being no further business, the meeting adjourned at 8:30 p.m.

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

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Mayor

ATTEST:

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Interim City Manager