

**DALLAS CITY COUNCIL**  
**Monday, November 19, 2012**  
**Council Chambers**

The Dallas City Council met in regular session on Monday, November 19, 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, Chief of Police John Teague, Fire Chief Bill Hahn, Engineering Director Fred Braun, Finance Director Cecilia Ward, and Recording Secretary Emily Gagner.

Mayor Dalton led the Pledge of Allegiance.

**BLUE HYDRANT PROGRAM ACKNOWLEDGMENT**

Mayor Dalton introduced Cooper Noack, a Boy Scout working toward his Eagle Scout rank. He indicated Mr. Noack had raised about \$1,800 to place 550 blue reflective dots on Dallas streets to identify the location of fire hydrants. Mayor Dalton presented Mr. Noack a certificate of appreciation for his efforts. Chief Hahn added Mr. Noack also donated 21 smoke detectors that he had purchased with the additional funds he'd raised.

**COMMENTS FROM THE AUDIENCE**

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

Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitors Center, 119 SW Court Street, Dallas, Oregon, invited everyone to come see Santa on November 30 during Winterfest. She anticipated 2,000 people in the downtown for the event. Ms. Pope thanked the volunteers who put up the snowflakes and lights throughout the town, noting there were about 60 volunteers, including many from the Fire Department.

Mikeal Davis, 14450 Webb Lane, Dallas, Oregon, indicated he felt compelled to speak in the interest of the community and the Wyatt family. He stated his purpose was to provide information and make sure the Council was aware of recent information that he felt was relevant. Mr. Davis advised the Council to make a deliberate decision regarding taking some action on the matter as opposed to doing nothing. He commented that there were three categories of Councilors, those that thought Mr. Wyatt was a good person who did great things for the community but made some bad decisions and they wished things had been handled differently, those who think Mr. Wyatt was a villain who deserved what he got, and those that were not sure and felt the legal system should run its course. Mr. Davis acknowledged the Council had a legislative role, but noted they did have influence, particularly in a small community. Mr. Davis expressed his concern about the Mayor influencing the process, adding when he saw the Mayor meeting with the prosecutor, he got the impression he was influencing things. Mr. Davis stated to be fair he didn't hear a word the Mayor said and the Mayor was the victim representative for the City, but he didn't see anyone coming to a conclusion other than the one he did. Mr. Davis stated he understood both sides were making progress on a settlement when the prosecution suddenly reversed course and became unwilling to negotiate unless there was a multiple year prison sentence. He reminded the Council they had only heard one side of the story. He said Mr. Wyatt was told at the July 2, Council meeting that he was going to be fired and he should resign and he should say nothing. Mr. Davis commented that if the matter went to trial so Mr. Wyatt could get his side of the story out, several people would be getting a subpoena, many of those people in the Council Chambers. He indicated statements that were made, decisions that were made, and actions that were taken would all be scrutinized. He said his point was that this was not good for the community. He asked the Council to ask questions, noting there was a short window of time before the trial started that they could ask questions. He asked the Council to consider what he would call proportionality, noting they'd only heard one side of the story and the aggravated theft charges were dropped. He added the punishment was perhaps not fitting the alleged crimes. He asked if it was important to make an example of Mr. Wyatt. He urged the Council to use their influence, noting it appeared the City was exerting influence. He advised he wanted to avoid a trial and for things to be settled.

**PUBLIC HEARING**

There were no public hearings.

### **CONSENT AGENDA**

It was moved by Councilor Marshall *to approve the Consent Agenda as presented.* The motion was duly seconded and carried unanimously.

Items approved by the Consent Agenda: a) the November 5, 2012, City Council meeting minutes; and b) the November 8, 2012, special City Council meeting minutes.

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

There were no items removed from the consent agenda.

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

McKenzie Darr, Student Body Liaison, reported during the school's annual canned food drive they raised \$281.49 and 1,195 cans of food. She thanked everyone in the community.

Councilor Stewart stated he appreciated the holiday decorations, noting it looked nice.

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

#### **OCTOBER FINANCIAL REPORTS**

Mr. Nelson explained this was for information. He indicated he and Ms. Ward were available if anyone had questions. Mayor Dalton commented that the monthly reports help the Council visualize where the City was.

#### **EMS STAFFING**

Mr. Fairchild asked if someone was selected. Mr. Nelson explained there were several good part-time employees from which to choose through an internal selection process. Chief Hahn added applications were being accepted until November 26.

It was moved by Councilor Lawson *to authorize the hiring of a full-time paramedic.* The motion was duly seconded and carried unanimously.

#### **CITY ATTORNEY CONTRACT AMENDMENT**

Mr. Nelson reviewed the staff report.

It was moved by Councilor Stewart *to approve the amendment to the City Attorney services agreement as presented.* The motion was duly seconded and carried unanimously.

#### **OTHER**

Mr. Nelson pointed out a staff report and liquor license application from Chateau Bianca Winery for their participation in the Winterfest event.

It was moved by Councilor Lawson *to recommend the OLCC grant the special event winery application for Chateau Bianca to participate in Winterfest with approval subject to the submittal of satisfactory proof of insurance.* The motion was duly seconded and carried unanimously.

Mr. Nelson pointed out the good work by staff as rains came down earlier in the day. He noted there were sandbag stations set up at the High School and Lyle Elementary and explained that information was shared on the website as well as with people who called in.

Mr. Nelson reported Mr. Spivey's last day would be November 21. He indicated he had enjoyed the positive comments he'd received from recreation and library advocates on all Mr. Spivey had done for those service areas.

### **RESOLUTIONS**

**Resolution No. 3254** – A resolution adopting and appropriating a Supplemental Budget for FY 2012-2013.

Mayor Dalton pointed out the staff report was an excellent memo which very well captured the lengthy discussions on the subject. He noted it dealt with the \$583,000 transferred from the Sewer SDC fund to the General Fund which the Council agreed to move back as soon as possible.

He explained this was the document that accomplished that.

Mr. Shetterly stated he had reviewed the resolution the previous week, noting it was appropriate and did what it was supposed to do.

A roll call vote was taken and Mayor Dalton declared Resolution No. 3254 to have PASSED BY A UNANIMOUS VOTE with 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. voting YES.

#### **FIRST READING OF ORDINANCE**

**Ordinance No. 1751** – An Ordinance amending Dallas City Code Section 5.228, relating to truancy.

Mayor Dalton declared Ordinance No. 1751 to have passed its first reading.

#### **SECOND READING OF ORDINANCE**

**Ordinance No. 1750** – An Ordinance amending Dallas City Code Section 5.228, relating to truancy.

Mayor Dalton declared Ordinance No. 1750 to have passed its second reading. A roll call vote was taken and Mayor Dalton declared Ordinance No. 1750 to have PASSED BY A UNANIMOUS VOTE with 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. voting YES.

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

Mayor Dalton recessed the meeting at 7:28 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 7:47 p.m.

#### **OTHER BUSINESS**

It was moved by Councilor Brown *that the proposed City Manager Employment Agreement between the City of Dallas and Ronald W. Foggin be approved, that the mayor be authorized to sign the contract on behalf of the city, and that the city employ Ronald W. Foggin as city manager according to the terms of the proposed agreement.* The motion was duly seconded and carried unanimously.

Councilor Lawson commented that it was a good process that involved the community. She noted the councilors were all unanimous on the choice and Mr. Foggin would be the best fit for the community.

Mayor Dalton thanked Nancy Boyer from the Council of Governments.

There being no further business, the meeting adjourned at 7:50 p.m.

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Interim City Manager