



**City Council**

Mayor  
Brian Dalton

Council President  
LaVonne Wilson

Councilor  
Jim Brown

Councilor  
Jim Fairchild

Councilor  
Kelly Gabliks

Councilor  
Beth Jones

Councilor  
Jackie Lawson

Councilor  
Kevin Marshall

Councilor  
Murray Stewart

Councilor  
Ken Woods, Jr.

**Staff**

City Manager  
Ron Foggin

City Attorney  
Lane Shetterly

Community Development/  
Operations Director  
Jason Locke

Finance Director  
Cecilia Ward

Fire Chief  
Bill Hahn

Chief of Police  
John Teague

Engineering Director  
Fred Braun

City Recorder  
Emily Gagner

Recording Secretary  
Jeremy Teal

# Dallas City Council Agenda

Monday, April 1, 2013, 7:00 p.m.  
Mayor Brian Dalton, Presiding  
Dallas City Hall  
187 SE Court Street  
Dallas, Oregon 97338

*All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please sign in on the provided card.*

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. COMMENTS FROM THE AUDIENCE <i>This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings. The Mayor may place time restrictions on comments. Please supply 14 copies of the material brought to the meeting for distribution.</i>	
4. PUBLIC HEARINGS <i>Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.</i>	
5. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i>	
a. Approve minutes of March 18, 2013, City Council meeting	PG . 3
b. Approve Dallas Arts Association request for Art in the Park 2013	PG . 6
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM MAYOR and COUNCIL MEMBERS	
a. Report of the March 25, 2013, Administrative Committee Meeting (Councilor Fairchild)	PG . 7
b. Report of the March 25, 2013, Building and Grounds Committee Meeting (Councilor Stewart)	PG . 18
c. Other	

# Dallas City Council Agenda

## Page 2

### Our Vision

*Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.*

### Our Mission

*The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.*

### Our Motto

*Commitment to the Community.  
People Serving People.*

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

8. REPORTS FROM CITY MANAGER AND STAFF	
a. Garage sale permit fee discussion	Motion PG. 24
b. Proposed Charter revision process	Motion PG. 27
c. City Manager's 6-month evaluation process	Motion PG. 30
d. Hiebert Trail Section Route Selection	Motion PG. 38
e. Other	
9. RESOLUTIONS	
a. <u>Resolution No. 3265</u> - A Resolution establishing a schedule of rates for ambulance and emergency medical services and Dallas FireMed; and repealing Resolution 3219.	Roll Call Vote PG. 41
10. FIRST READING OF ORDINANCE	
a. <u>Ordinance No. 1755</u> : An Ordinance amending provisions of the Dallas City Code Chapter 8, and adding new provisions relating to vacant commercial buildings and maintenance of commercial buildings in the Central Business District.	First Reading PG. 44
11. SECOND READING OF ORDINANCE	
12. OTHER BUSINESS	
13. ADJOURNMENT	

1 The Dallas City Council met in regular session on Monday, March 18, 2013, at 7:00 p.m. in the  
2 Council Chambers of City Hall with Mayor Brian Dalton presiding.

3 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

4 Council members present: Council President LaVonne Wilson, Councilor Jim Brown, Councilor  
5 Jim Fairchild, Councilor Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, and  
6 Councilor Ken Woods, Jr. Excused: Councilor Kevin Marshall and Councilor Murray Stewart.

7 Also present were: City Manager Ron Foggin, City Attorney Lane Shetterly, Chief of Police John  
8 Teague, Fire Chief Bill Hahn, Community Development/Operations Director Jason Locke,  
9 Engineering and Environmental Services Director Fred Braun, Finance Director Cecilia Ward,  
10 City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

11 Mayor Dalton led the Pledge of Allegiance.

12 **COMMENTS FROM THE AUDIENCE**

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

14 Jamie Richardson, 1043 SE Shelton, Dallas, Oregon, Principal of LaCreole Middle School,  
15 explained he was looking for volunteers to teach extra classes. He stated the school lost  
16 extracurricular activities and elective classes for the students. He noted the budget forecast would  
17 keep the schools from having elective classes return anytime soon. He advised the kids were  
18 getting the important classes, but they were looking for a creative outlet. He stated this would be a  
19 good way to bring the community into the school to help enrich the student's lives.

20 Sean Nickerson, 497 NW Douglas St., Dallas, Oregon, stated Trust Builders at 883 SW Church  
21 St. would have an open house this Thursday, March 21, 2013.

22 Jack Schult, PO Box 222, Dallas, Oregon, President of Radio Operators Association of Dallas  
23 (ROADS), gave a brief overview of the club and asked for the use of the City Park on June 22 and  
24 23 for a 24 hour event.

25 Steve Pickering, 1895 S. Church St., Dallas, Oregon, Secretary of ROADS, commented that Field  
26 Day at the Dallas City Park would be a fun learning experience for the whole City. He asked the  
27 Council for the use of the Dallas City Park for a 24 hour period on June 22 and 23 from at 11:00  
28 am Saturday thru 2:00 pm Sunday. He read a statement concerning the event and the club, a copy  
29 of which is attached to these minutes and incorporated herein.

30 **PUBLIC HEARINGS**

31 There were none.

32 **CONSENT AGENDA**

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

35 **ITEMS REMOVED FROM THE CONSENT AGENDA**

36 There were none.

37 **REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS**

38 Councilor Fairchild commented that he recently visited Washington D.C. for the National League  
39 of Cities conference. He reviewed some of the important issues that were discussed. He noted no  
40 City funds were used for his trip.

41 McKenzie Darr stated the high school had their annual American Cancer Society fundraiser week  
42 which raised \$2,954 and ended the week with the Mr. Dallas competition.

43 Councilor Lawson stated the Park & Recreation board meeting would be on Tuesday, March 19,  
44 2013. She noted the prescription card the city provided was noteworthy and saved our residents  
45 money. She commented the Chamber of Commerce had done an incredible job in the community.

46 **REPORTS FROM CITY MANAGER AND STAFF**

47 **FEBRUARY FINANCIAL REPORT**

1 Mr. Foggin stated the February financials were in the agenda packet. Councilor Brown asked if  
2 there were street expenditures outlined in the February Financial statement. Mr. Locke stated the  
3 funds were spent on contractual overlays and the rest would be used by the end of the fiscal year.

4 DISCUSSION ABOUT VACANT COMMERCIAL BUILDING ORDINANCE

5 Mr. Foggin stated the proposed ordinance had been reviewed by the Administrative committee  
6 and brought before the Council for discussion.

7 Councilor Lawson declared a potential conflict of interest on this matter because she owned  
8 downtown businesses. She stated the conflict of interest class exception may apply. She noted she  
9 would participate in the discussion of this matter and the vote.

10 Mr. Locke stated the committee decided to focus on the long term vacant store fronts in the  
11 downtown area. He noted the proposed ordinance applied to ground level vacancies in the  
12 downtown and outlined the length of time a building could remain vacant without penalty. He  
13 advised the resolution would have a registration schedule and an escalating fee schedule to deter  
14 long term vacancies. He noted there were a few exceptions to the ordinance. He commented the  
15 purpose of the ordinance was for property owners to provide basic maintenance to keep the  
16 building habitable.

17 Councilor Jones asked how many buildings this ordinance would currently affect. Mr. Locke  
18 stated there were eight or nine buildings in the downtown area.

19 Councilor Brown asked about owners that were diligently trying to sell their building. Mr. Locke  
20 noted that they would fall under the ordinance as proposed. Mr. Shetterly stated exceptions could  
21 be made.

22 Councilor Woods asked if the ordinance would have any effect on landlords that didn't own the  
23 ground floor of the building. Mr. Locke advised that the ordinance didn't apply to second and  
24 third floors. He stated that with maintenance of the exterior of the building there was a common  
25 ownership among all owners.

26 Councilor Lawson asked how many building this would apply to, not those that were vacant or  
27 had maintenance issues, but total. Mr. Locke stated seventy-five buildings or more. Councilor  
28 Lawson commented that the City had a lot of good owners and this ordinance effected less than  
29 10% of the property owners. She felt 90 days was an unreasonable amount of time for a notice of  
30 a \$100 penalty to register, when within a month or two the property could be filled. She suggested  
31 a rebate program for people that register and then within a short time have the property rented.

32 Councilor Brown asked how the City would determine the building was vacant. Mr. Locke stated  
33 the proposed ordinance outlined the responsibilities of the owner. He noted that putting furniture  
34 in the vacant property would not satisfy the requirements of the ordinance. Councilor Brown  
35 stated some businesses were difficult to monitor. Mr. Locke stated the City knew who was  
36 operating a business downtown. He noted that there were other means to determine whether the  
37 building was occupied.

38 Councilor Lawson suggested changes to be made to the ordinance. She proposed that if a building  
39 was in the process of selling, to waive the registration fees. She asked if the first registration could  
40 be at no charge and then later implement the fees. Mr. Locke stated that if a building was  
41 occupied within 60 days of registration, a refund of 50% of the fee could be given. Councilor  
42 Gabliks stated she rather charge them the fees and then rebate them. Mr. Shetterly noted that  
43 would be taken care of in the fee resolution. He commented the registration fee was \$100 but if  
44 the property was occupied within 60 days, half the fee could be refunded.

45 Councilor Woods asked when the registration was good, this year or next year. Mr. Locke stated  
46 that if you had a vacant building now you would pay registration fees now and they would be  
47 good for the remainder of the calendar year. He commented that once January came around,  
48 another registration fee would be due. Councilor Woods asked if the fee was prorated. Mr. Locke  
49 stated that it was not.

50 In response to questions, Mr. Locke indicated the ordinance as proposed did not allow for  
51 prorated fees. Councilor Lawson commented the ordinance should prorate the fees or have  
52 registration be due annually on the anniversary date. Mr. Shetterly stated he could change the  
53 ordinance so the annual fee was due on the anniversary date of the initial registration.

54 Mayor stated the Council agreed on the changes set forth and noted the proposed ordinance would  
55 be brought back to the Council at the next meeting.

56 OTHER

1 **RESOLUTIONS**

2 **Resolution No. 3264** – A resolution of the City of Dallas authorizing a grant application under  
3 the Oregon Parks and Recreation Department Local Government Grant Program for park  
4 improvements on the Rickreall Creek Trail System; and committing available local matching  
5 funds.

6 A roll call vote was taken and Mayor Dalton declared Resolution No. 3264 to have PASSED BY  
7 A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly  
8 Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Council President LaVonne Wilson,  
9 and Councilor Ken Woods, Jr. voting YES.

10 **FIRST READING OF ORDINANCE**

11 **SECOND READING OF ORDINANCE**

12 **Ordinance No. 1753** – An ordinance amending provisions of the Dallas City Code Section 4.486  
13 relating to service of the city water to property outside city limits.

14 A roll call vote was taken and Mayor Dalton declared Ordinance No. 1753 to have PASSED BY  
15 A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly  
16 Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Council President LaVonne Wilson,  
17 and Councilor Ken Woods, Jr. voting YES.

18 **OTHER BUSINESS**

19 Councilor Fairchild asked if the Council could receive a monthly police report.

20 There being no further business, the meeting adjourned at 8:00 p.m.

Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Mayor

ATTEST:

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



February 20, 2013

City of Dallas  
187 SE Court Street  
Dallas, OR 97338

Dear Mayor Dalton and City Councilors,

We would like to request approval to hold Art in the Park 2013 on Sunday, July 28th. The Dallas Arts Association is really looking forward to working with City of Dallas staff in setup through cleanup details. Please contact me if you have any questions, concerns or recommendations.

Thank you for your continued support!

Sincerely,

Dani Mouser  
Dallas Arts Association  
*Board President*

cc:

Ron Foggin, City Manager

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Members Present: Jim Fairchild, Chair; Jim Brown, Kelly Gabliks, Murray Stewart. Excused: Kevin Marshall  
Also Present: City Manager Ron Foggin, Mayor Brian Dalton, City Attorney Lane Shetterly, Council President LaVonne Wilson, Finance Director Cecilia Ward, EMS Director Todd Brumfield, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Fairchild called the meeting to order at 6:12 p.m.

**GARAGE SALE PERMITS DISCUSSION**

Councilor Fairchild outlined the City’s proposal to incorporate a \$5 permit fee for garage sales. Ms. Ward stated the sign deposit was \$15. Councilor Brown asked why we gave the deposit back when the signs came back filthy. Ms. Ward commented that it was a fight every time a dirty sign was returned.

Councilor Stewart asked what the inventory of signs was. Ms. Ward stated the City had about 50 signs, but during the busy months they ran out.

Councilor Stewart suggested a \$5 permit fee with a \$15 deposit for the sign with only \$12 returned to help cover the cost of new signs. He noted with \$8 per transaction new signs could be purchased and extra money would be available. Councilor Gabliks noted she liked the \$5 fee, but suggested the full sign deposit be given back.

Councilor Brown stated the City should calculate exactly what it cost to run the program and charge accordingly. Councilor Gabliks stated with staff availability and additional cost a garage sale permit would be \$50. Ms. Ward advised that if she calculated the true cost, it would be upwards of \$50. Councilor Stewart noted with the cost of new signs, the City needed to calculate the cost of the program to the City.

Councilor Fairchild suggested the permit fee should be \$8, with a \$5 permit fee and \$3 from the sign deposit for maintenance. Councilor Brown suggested just making the permit fee \$8 and keeping the sign deposit fee at \$15.

Councilor Stewart asked if there was replacement cost of the sign on the agreement. Ms. Ward stated the City enforced that if the person doesn’t bring the sign back. Mr. Shetterly stated in the Code the City may secure a deposit up to the value of the replacement of the sign.

It was moved by Councilor Brown to recommend to the Council that the City implement an \$8 fee for garage sale permits. The motion was duly seconded and passed by majority vote with Councilor Gabliks voting no.

Mr. Shetterly stated that it would take an ordinance to implement the permit.

**AMBULANCE RATES**

There was discussion about the current ambulance rates.

Councilor Gabliks stated she would like to raise the FireMed rate to \$55.

There was discussion about FireMed and the need to inform the public about the program.

1 Mr. Brumfield noted he hoped in the future with online bill pay that FireMed could be handled through the  
2 City website. Mr. Foggin noted that even with few staff, there were possibilities for advertising on  
3 Facebook.

4 It was moved by Councilor Gabliks to increase the ALS to \$1000 and take the percentage and apply it to  
5 the BLS and revisit it in six months and add \$5 to the FireMed rate. It was duly seconded.

6 Mr. Shetterly clarified the rate would be \$1000 for the ALS and then an equivalent percentage of increase  
7 would apply across the board to the other categories.

8 Mr. Brumfield suggested taking the amount for ALS 2 Emergency and applying it to the BLS.

9 Councilor Gabliks amended her motion to change \$1000 for all ALS and BLS transports and apply an  
10 equivalent percentage to the non-resident rates.

11 Councilor Brown suggested a \$500 fee for basic evaluation rather than \$450. Mr. Foggin stated that basic  
12 evaluation was capped at \$450

13 It was moved by Councilor Gabliks for staff to draft a resolution for the proposed ambulance fees for  
14 residents \$1000 for all services and the percentage applied to non resident's services and a \$5 increase for  
15 FireMed with the resolution adopted on April 1 and effective April 15. The motion was duly seconded and  
16 passed unanimously.

17 Mr. Brumfield reported there was a need for a political person to be the voice for ambulance on the  
18 Coordinated Care Organization board (CCO). Councilor Gabliks volunteered to be the City liaison on the  
19 CCO.

## 20 **PROPOSED CHARTER REVISION PROCESS**

21 Mr. Foggin stated he had a proposal for the City of Dallas Charter revision process. He noted the citizen  
22 committee would look at the current charter and make revisions and bring the final revised Charter to  
23 the Council.

24 There was discussion about who would serve on the committee and the time frame in which it would be  
25 completed. The committee determined nominations would be due by May 1 to the Mayor.

26 Council President Wilson noted that the citizens needed to be city residents.

27 It was moved by Councilor Gabliks to amend the revised document and add that a committee member  
28 must be a city resident and the deadline of submitting names was May 1. The motion was duly seconded  
29 and passed unanimously.

## 30 **SIX-MONTH REVIEW PROCESS**

31 It was moved by Councilor Stewart to forward to the Council for consideration the proposed evaluation  
32 form. The motion was duly seconded and passed unanimously.

## 33 **FINANCE DIRECTOR'S REPORT**

1 Ms. Ward reported that Express Bill Pay did a demonstration for staff and they would be implementing the  
2 service soon.

3 **OTHER**

4 **ADJOURNMENT**

5 There was no other business and the meeting was adjourned at 7:26 p.m.



# Administrative Committee

## AGENDA

**March 25, 2013**

**6:00 PM**

**Council  
Chambers,  
Dallas City Hall,  
187 SE Court St,  
Dallas, OR  
97338**

1. Call to Order
2. Garage sale permits discussion PG. 3
3. Ambulance rates PG. 5
4. Proposed Charter revision process PG. 8
5. City Manager six-month review process PG. 11
6. **Finance Director's Report**
7. Other
8. Adjournment

Chair Jim Fairchild  
Jim Brown  
Kelly Gabliks  
Kevin Marshall  
Murray Stewart

# DALLAS CITY COUNCIL

## ADMINISTRATIVE SUBCOMMITTEE REPORT

**TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>2</b>	<b>Topic:</b> Garage Sale Permit Fee
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> March 25, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED MOTION:**

Recommend the Council adopt a resolution establishing a fee for garage sale permits.

**BACKGROUND:**

The City of Dallas requires a garage sale permit for the purpose of a public sale. The City also provides one sign per permit with a \$15 deposit. The deposit is refunded upon return of the sign.

Calendar year 2012 the finance office issued 676 permits. The signs cost approximately \$70 each. Even though it is emphasized to the customer that the sign must be returned with no tape residue and clean, the finance personnel cleans the signs when needed. Code enforcement also spends a majority of the summer enforcing the garage sales.

Due to excessive staff time and material costs, staff recommends a minimal \$5.00 charge per garage sale permit. A deposit would still be required for the signs. The City of Monmouth charges \$8.00 for a permit and the City of Stayton charges \$5.00 for a permit. Both cities do not provide signs.

**GARAGE SALE PERMIT STATISTICS**

by calendar year

<b>2010</b>		<b>2011</b>		<b>2012</b>	
Dec	6	Dec	0	Dec	5
Nov	4	Nov	1	Nov	9
Oct	21	Oct	27	Oct	33
Sept	88	Sept	90	Sept	115
Aug	151	Aug	158	Aug	160
July	136	July	138	July	134
June	116	June	106	June	127
May	54	May	54	May	72
April	35	April	28	April	21
March	21	March	11	March	0
Feb	10	Feb	5	Feb	0
Jan	6	Jan	0	Jan	0
<b>Totals</b>	<b>648</b>	<b>Totals</b>	<b>618</b>	<b>Totals</b>	<b>676</b>

Walk-in traffic per year due to garage sale permits:

x2      1,296                      1,236                      1,352

If we charged for garage sale permits:

\$5.00    **\$3,240.00**                      **\$3,090.00**                      **\$3,380.00**

FISCAL IMPACT:

GF Revenue - approx \$3,300

ATTACHMENTS:

None

# Memo

**To:** Administrative Committee  
**From:** Todd Brumfield  
**CC:** Emily Gagner, Bill Hahn  
**Date:** March 15, 2013  
**Re:** Ambulance Rates

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**Situation:** Forecasting revenues for FY 2013 reveals a significant decrease for the general fund. If ambulance rates were adjusted, what would be the anticipated revenue increase?

**Background:** Fees associated with ambulance transport services reduce the Ambulance Service's reliance on general fund dollars by an estimated 82% annually. Calculating rate changes becomes complex because of the dynamic nature of emergency medical services. Comparing city resident patients versus non-city resident patients, payer mix, level of service provided, capitated reimbursement and our net collection rate all figure into this complex structure. The last revision to the city resolution for ambulance rates was April 2011.

**Assessment:** The ambulance service contributed information to the City of Corvallis for their recent ambulance rate review (attached). This review includes areas and agencies of similar size and/or areas within the Mid-Willamette Valley. The City of Dallas statistics examined included payer mix, estimated total transports for FY 2012, breakdown of transports per level of service, current rate structure, capitated fees, current collection rate and revenue from a potential rate increase. It is also important to understand the effects of the Patient Protection and Affordable Care Act (PPACA), as well as more recent events concerning "sequestration", on our capitated reimbursement. The following represents findings and information gathered:

- The City of Dallas current ambulance rate structure is below the median rates revealed in the Corvallis study.
- Increasing the Advanced Life Support (ALS) and Basic Life Support (BLS) rates to align with the reported median rate would be an average increase of 9%.
- Our payer mix reflects 27.25% of transported patients are covered by insurance or private pay. This represents 43.35% of our collected revenue. The other 72.75% of transported patients are Medicare or Medicaid clients. This is an above average mix for the Mid-Willamette Valley.
- Comparing FY 2012 total transports under the current rate structure to the proposed increased rate structure results in a billable increase of \$41,584.00. Our current estimated net collection rate is 84% which results in a comparison income increase of \$34,930.00 for FY 2012.
- A 5% increase in total patients transported is a conservative estimate for FY 2013.

- Beginning April 1, 2013, the Centers for Medicare and Medicaid Services (CMS) will reduce reimbursement to providers by 2%. This calculates to a \$2,532.00 actual decrease for the remainder of FY 2012. At a minimum, with the unpredictability of where future cuts will be made and to what extent, projecting another 2% decrease for FY 2013 would be prudent and result in a \$10,350.00 decrease in revenue.
- FireMed membership continues to show marginal increase each year, and our rates are solidly in the median as reflected in the Corvallis report. The non-city resident rate was increased recently to cover the cost of services borne by the city yet not recoverable from the county or fire district. A modest increase to the city membership fee of \$5.00 would result in revenue of \$4,500-\$4,800.00.
- Under the current resolution, adopted April 2011, the service delivery fee was clarified and has been applied chiefly to lift assists for citizens in need of non-medical services. FY 2012 to date, the city has billed \$5,250.00 with a collection of \$3,810.00 (64%).

**Recommendation:** The above figures are dynamic as the ambulance service cannot guarantee our call volume, payer mix or level of service provided. It is unfortunate that rate increases will continue to be offset by the decreasing value of capitated reimbursement. Another key point concerning PPACA is our local Coordinated Care Organization (CCO) which will provide the division of Medicaid dollars within Marion and Polk Counties. At the end of 2014 the ambulance Medicaid fee-for-service reimbursement schedule for the state will expire. Even if this was not a fact, the fee-for-service model will eventually be extinct under PPACA. Before this occurs, the ambulance service will need to negotiate with the CCO for services provided and a reasonable reimbursement rate. These uncharted waters bring a challenge to forecasting ambulance revenues. The following are recommendations for the ambulance service:

- Increase the fee rates, at a minimum, to the median rate listed in the Corvallis report. A higher rate can be calculated upon request, but raising the rate beyond 10% may not be palatable for the public.
- Enlist political support when negotiating reimbursement, whether fee-for-service or a future model, with our CCO.
- Increase FireMed membership for city residents to \$55.00 annually.
- Continue collection of the service delivery fee as listed in the current resolution.

Proposed Fee Schedule:

Level of Service	Resident		Non-Resident	
	Current	Proposed	Current	Proposed
ALS 2 Emergency	\$894	\$970	\$1,038	\$1,126
ALS 2 Non-Emerg.	\$894	\$970	\$1,038	\$1,126
ALS 1 Emergency	\$894	\$970	\$1,038	\$1,126
ALS 1 Non-Emerg.	\$894	\$970	\$1,038	\$1,126
BLS Emergency	\$712	\$780	\$894	\$970
BLS Non-Emerg.	\$712	\$780	\$894	\$970

	<i>County</i>	<i>Fire-Med</i>	<i>BLS-Emergency</i>	<i>ALS 1 Emergency</i>	<i>ALS 2 Emergency</i>	<i>ALS 1 Non-Emergency</i>	<i>BLS Non-Emergency</i>	<i>Evaluateion &amp; Treatment No Transport</i>	<i>Transport Mileage (per mile)</i>
<b>Corvallis Fire (Current)</b>	Benton	<b>\$50.00</b>	<b>\$775.00</b>	<b>\$1,000.00</b>	<b>\$1,000.00</b>	<b>\$1,000.00</b>	<b>\$775.00</b>	<b>\$450.00</b>	<b>\$15.00</b>
Eugene Fire & EMS	Lane	\$62.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$800.00	\$20.00
Lane Fire Authority	Lane	\$62.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$800.00	\$20.00
South Lane Fire and Rescue	Lane	\$62.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$800.00	\$20.00
Springfield Fire & Life	Lane	\$62.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$800.00	\$20.00
Albany Fire	Linn	\$65.00	\$1,020.00	\$1,020.00	\$1,020.00	\$1,020.00	\$1,020.00	\$420.00	\$19.50
Jefferson Fire District	Linn	\$50.00	\$700.00	\$800.00	\$900.00	\$800.00	\$700.00	\$400.00	\$15.00
Lebanon Fire District	Linn	\$50.00	\$743.80	\$854.63	\$854.63	\$854.63	\$743.80	\$274.28	\$13.74
Sweet Home Fire	Linn	\$50.00	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00	\$177.50	\$13.50
Salem Fire Department	Marion	\$50.00	\$781.92	\$919.50	\$970.73	\$919.50	\$619.23	\$448.60	\$14.86
Marion County Fire District #1	Marion	\$50.00	\$781.92	\$919.50	\$970.73	\$919.50	\$650.00	\$450.00	\$15.00
Keizer Fire District	Marion	\$50.00	\$781.92	\$919.50	\$970.73	\$919.50	\$619.23	\$448.60	\$14.86
Turner Fire District	Marion	\$50.00	\$740.00	\$870.00	\$925.00	\$870.00	\$650.00	\$450.00	\$15.00
Dallas Fire Department	Polk	\$50.00	\$712.00	\$894.00	\$894.00	\$894.00	\$712.00	\$450.00	\$18.00
Polk County Fire District #1	Polk	\$50.00	\$759.00	\$855.00	\$950.00	\$855.00	\$759.00	\$404.00	\$15.00
McMinnville Fire	Yamhill	\$70.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$450.00	\$22.00
Newberg Fire Department	Yamhill	\$45.00	\$1,440.00	\$1,440.00	\$1,440.00	\$1,440.00	\$1,440.00	\$432.00	\$19.80
<b>Median</b>		<b>\$50.00</b>	<b>\$781.92</b>	<b>\$919.50</b>	<b>\$970.73</b>	<b>\$919.50</b>	<b>\$775.00</b>	<b>\$450.00</b>	<b>\$15.00</b>
<b>Median for College/University Communities</b>		<b>\$50.00</b>	<b>\$781.92</b>	<b>\$919.50</b>	<b>\$970.73</b>	<b>\$919.50</b>	<b>\$759.00</b>	<b>\$448.60</b>	<b>\$15.00</b>

## **Proposed City of Dallas Charter Revision Process**

The City of Dallas currently operates under a charter that was adopted by the citizens in 1964. The Dallas City Charter has served the community well for almost 50 years. As you can imagine many things have changed in the 50 years and the charter needs to be updated to account for the many changes.

It is critical for the City to implement a solid charter revision process that blends community input with strong organizational knowledge. The process must have the voice of the citizens as well as those that understand the day to day operations of the City government.

In an effort to create a starting point for a new city charter it is proposed that the sample charter produced by the League of Oregon Cities be used as the template to craft a new Dallas City Charter. The proposed City of Dallas Charter Revision Committee as well as the City Council can make changes to the template based on citizen input, standard operating procedures and items and issues that may be unique to the community.

### **Proposed Process**

- Selection of a blue ribbon 10 member committee by the Mayor
  - o 2 of the committee members will be current council members.
  - o 8 members of the committee will be individuals that are familiar with the City of Dallas organization and community. These committee members will include former elected officials, past and present members of standing committees, and former City employees and volunteers.
  - o City staff will be assigned to support the committee.
- The City Charter Advisory Committee will use the existing charter and the League's charter template to create a draft city charter.
- The Committee will present the draft charter in at least 4 meetings out in the community as well as making sure the draft charter can be reviewed by the public in as many places and formats as possible.
- The Committee will take public input on the draft charter at all their meetings.
- After the Committee has satisfied all the requirements they must unanimously approve a proposed city charter that will be presented to the City Council.

Once the proposed city charter is presented to the City Council, the Council must approve the new city charter and vote to place it on the ballot for citizen approval.

**DALLAS CITY COUNCIL**  
**ADMINISTRATIVE SUBCOMMITTEE REPORT**

**TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>5</b>	<b>Topic:</b> City Manager's 6-month review process
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> March 25, 2013	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Mayor Dalton		

RECOMMENDED MOTION:

Recommend the Council approve and adopt the proposed evaluation form and rating period.

BACKGROUND:

Per the contract signed with Ron Foggin, the Council is required to complete a performance evaluation in June, 2013. Normal evaluation procedures for the City Manager require the Administrative Committee to review the form and rating period and make a recommendation to the Council.

In the past, the Council has felt it important to provide the rating form as early as possible to the City Manager so he knows on what criteria he will be evaluated.

If the Committee approves the form on March 25 and the Council adopts it at the April 1 meeting, I would propose having the Council complete the evaluation form and return it to me no later than May 17. This would give me an opportunity to summarize the comments and scores and schedule an executive session to review the final results.

FISCAL IMPACT:

None

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Members Present: Murray Stewart, Chair, Jim Brown, Jim Fairchild, Kelly Gabliks. Excused: Kevin Marshall

Also Present: City Manager Ron Foggin, Mayor Brian Dalton, City Attorney Lane Shetterly, Council President LaVonne Wilson, Finance Director Cecilia Ward, Community Development/Operations Director Jason Locke, EMS Director Todd Brumfield, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Stewart called the meeting to order at 5:58 p.m.

**ST. PHILIP CATHOLIC CHURCH SURPLUS PROPERTY**

Councilor Stewart read the staff report. Mr. Locke explained the specific layout of the property.

Councilor Fairchild asked if the property ran to the middle of the creek. Mr. Locke stated the property incorporated both side of the creek.

Councilor Stewart asked what the process of a quit claim was. Mr. Shetterly advised that an ordinance would be drafted and passed, much like the Heibert property. Councilor Stewart asked if there would be a cost involved in the process. Mr. Shetterly responded that it would be a few hundred dollars.

Councilor Brown asked how the church got the property. Mr. Locke stated that the church had owned many different properties over the years and were looking to donate some property. Mr. Foggin noted that it wasn't unusual for people to give property to a church. Councilor Brown asked if it was in the church's best interest to quit claim the property to remove any liability. Mr. Foggin stated that the property didn't have any value to the church. He commented that it would give the City continuous property.

Mr. Locke noted the acquisition of this property would allow the City to do some repair and enhancements to the property. In response to a question, Mr. Locke stated the property was stable.

It was moved by Councilor Fairchild to have staff draft a report on the property. It was duly seconded and passed unanimously.

**COMMUNITY DEVELOPMENT/OPERATIONS DIRECTOR'S REPORT**

Mr. Locke explained that a private sale fell through with the farmhouse so it would be listed for sale. He noted a lot of rehab had been done to the property to prepare for the sale. He commented that at the next meeting there would be a discussion about the Carneige building and future improvements made to the building. He advised that no HVAC improvements had been made due to the uncertainty of possible new tenants.

Councilor Stewart asked if the farmhouse would be listed in the \$230,000-\$235,000 range and who the house would be listed with. Mr. Locke stated the house would be listed in that range and the City would use the realtor that did the market analysis.

**OTHER**

Mr. Foggin stated the staff would like to change the 6:00 pm meeting time to an earlier time or a 7:00 pm time, adding the current time was difficult for staff. Councilors Stewart, Brown, Fairchild and Gabliks had

1 no conflicts with an earlier time on Mondays. Councilor Brown and Councilor Gabliks suggested a 4:00  
2 pm meeting time. Councilor Stewart voiced concern about Councilor Marshall's schedule. Ms. Gagner  
3 suggested a 5:30 pm time. Councilor Fairchild suggested a 5:00 or 5:30 meeting and indicated he would  
4 discuss it with Councilor Marshall.

5 **ADJOURNMENT**

6 There was no other business and the meeting was adjourned at 6:12 p.m.



# Building & Grounds Committee

## AGENDA

**March 25, 2013**

**6:00 PM**

**Council  
Chambers,  
Dallas City Hall,  
187 SE Court St,  
Dallas, OR  
97338**

1. Call to Order
2. St. Philip Catholic Church surplus property
3. Community Development/Operations  
**Director's Report**
4. Other
5. Adjournment

Chair Murray Stewart  
Jim Brown  
Jim Fairchild  
Kelly Gabliks  
Kevin Marshall



Community Development/Operations Department

## Memo

**To:** Buildings and Grounds Committee  
**From:** Jason Locke, Community Development/Operations Director   
**Date:** March 25, 2013  
**Re:** Acquisition of property adjacent to City Park

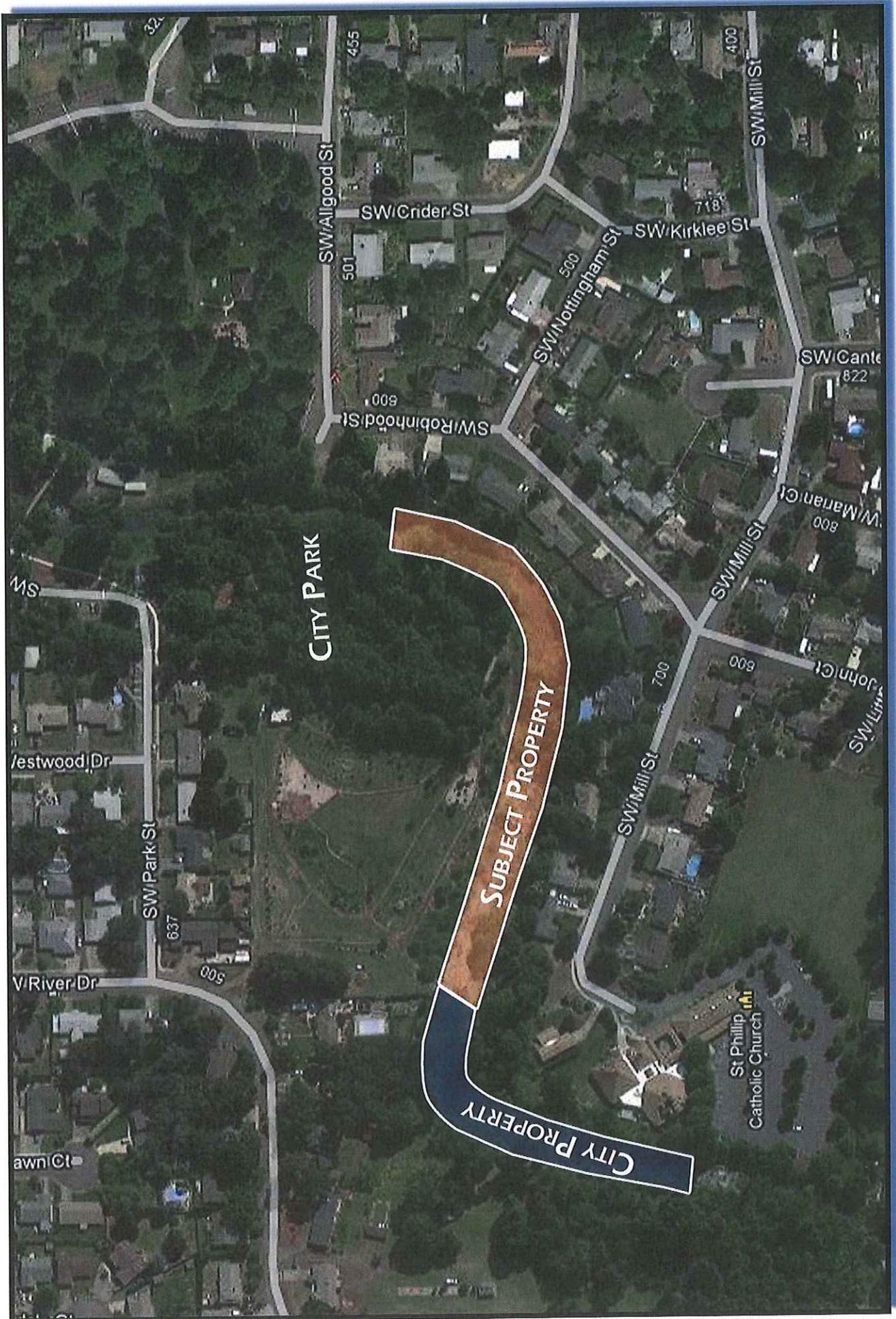
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The Roman Catholic Archdiocese of Portland, the legal owner of the St. Philip Catholic Church Property on SW Mill Street, is in the process of transferring the property directly to St. Philip to put under local parish ownership. St. Philip representatives have approached the City about quitclaiming the strip of property shown on the attached map to the City.

The land runs behind homes on Mill Street and includes Rickreall Creek and adjoins the City Park/Arboretum property. Previously, they quitclaimed the property directly west of the church to the City in a similar manner.

Recommendation: Direct staff to work with the proper representatives and start the process to quitclaim the subject property to the City of Dallas.





# DALLAS CITY COUNCIL REPORT

**To: DALLAS CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8 a</b>	<b>Topic:</b> Garage Sale Permit Fee
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> April 1, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Recommend the Council move the ordinance establishing a fee for garage sale permits forward for a first reading at the April 15 Council meeting and the resolution setting the fee amount to the May 6 Council meeting for adoption.

BACKGROUND:

The City of Dallas requires a garage sale permit for the purpose of a public sale. The City also provides one sign per permit with a \$15 deposit. The deposit is refunded upon return of the sign.

Calendar year 2012 the finance office issued 676 permits. The signs cost approximately \$70 each. Even though it is emphasized to the customer that the sign must be returned with no tape residue and clean, the finance personnel cleans the signs when needed. Code enforcement also spends a majority of the summer enforcing the garage sales.

Due to excessive staff time and material costs, staff recommends a minimal \$5.00 charge per garage sale permit. A deposit would still be required for the signs. The City of Monmouth charges \$8.00 for a permit and the City of Stayton charges \$5.00 for a permit. Both cities do not provide signs.

*At the March 25, 2013, Administrative Committee meeting, the committee discussed at length setting the fee to cover some of the staff costs and cost and maintenance of the signs (see March 25, 2013, Administrative Committee minutes). The committee recommended an \$8.00 permit fee with the continuance of the \$15.00, refundable sign deposit.*

FISCAL IMPACT:

GF Revenue - approx \$3,300

ATTACHMENTS:

Draft ordinance and resolution

ORDINANCE NO. \_\_\_\_\_

An Ordinance amending Dallas City Code Section 7.530, relating to garage sales.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Sections 7.500 to 7.545 are hereby amended in their entirety to read as follows:

**7.530 Permit Fee.**

The city council may, by resolution, establish a fee for a garage sale permit.

Read for the first time: April 1, 2013  
Read for the second time: April 15, 2013  
Adopted by the City Council: April 15, 2013  
Approved by the Mayor: April 15, 2013

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

RESOLUTION NO. \_\_\_\_\_

A Resolution establishing the fee for a garage sale permit pursuant to Dallas City Code Section 7.530.

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

Section 1. The fee payable to the City of Dallas under Dallas City Code Section 7.530 for a permit for a garage sale shall be \$8.

Section 2. This resolution shall be effective May 14, 2013.

Adopted: April 15, 2013

Approved: April 15, 2013

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8 b</b>	<b>Topic:</b> Proposed Charter revision process
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 1, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Motion to adopt the proposed Charter revision process.

BACKGROUND:

The Administrative Committee directed the City Manager to outline a process for revising our current Charter, which was adopted in 1964. Attached is Ron's proposal. The Administrative Committee has reviewed this and recommended the Council approve it.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed City of Dallas Charter Revision Process

## **Proposed City of Dallas Charter Revision Process (Revised)**

The City of Dallas currently operates under a charter that was adopted by the citizens in 1964. The Dallas City Charter has served the community well for almost 50 years. As you can imagine many things have changed in the 50 years and the charter needs to be updated to account for the many changes.

It is critical for the City to implement a solid charter revision process that blends community input with strong organizational knowledge. The process must have the voice of the citizens as well as those that understand the day to day operations of the City government.

In an effort to create a starting point for a new city charter it is proposed that the sample charter produced by the League of Oregon Cities be used as the template to craft a new Dallas City Charter. The proposed City of Dallas Charter Revision Committee as well as the City Council can make changes to the template based on citizen input, standard operating procedures and items and issues that may be unique to the community.

### **Proposed Process**

- Selection of a blue ribbon, 9-member committee by the Mayor and City Council.
  - o Each City Councilor will provide two names to the Mayor for consideration by May 1. Nominees must be residents of the City of Dallas.
  - o The Mayor will choose one committee member from each of the Councilors' recommendations.
  - o Once the Mayor has selected the committee members, he will present
  - o The members of the committee will be individuals that are familiar with the City of Dallas organization and community. These committee members will include former elected officials, past and present members of standing committees, and former City employees and volunteers.
  - o City staff will be assigned to support the committee as assigned by the city manager.
- The Mayor will open the first City Charter Advisory Committee meeting and ask the committee to elect a chairperson. Once the chairperson is elected it will be her/his responsibility to conduct all committee meetings as well as present the final proposed city charter to the City Council.
- The City Charter Advisory Committee will use the existing charter and the League's charter template to create a draft city charter.
- The Committee will present the draft charter in at least 4 meetings out in the community as well as making sure the draft charter can be reviewed by the public in as many places and formats as possible.
- The Committee will take public input on the draft charter at all their meetings.
- After the Committee has satisfied all the requirements they must unanimously approve a proposed city charter that will be presented to the City Council.

Once the proposed city charter is presented to the City Council, the Council must approve the new city charter and vote to place it on the ballot for citizen approval.

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8 c</b>	<b>Topic:</b> City Manager's 6-month evaluation process
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 1, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Motion to approve and adopt the proposed evaluation form and schedule.

BACKGROUND:

Per the contract signed with Ron Foggin, the Council is required to complete a performance evaluation in June, 2013. Normal evaluation procedures for the City Manager require the Administrative Committee to review the form and rating period and make a recommendation to the Council.

The Administrative Committee has discussed the attached form and moved to forward it for consideration to the full Council. Their recommendation was to have the Council complete the evaluation forms and submit them to the City Recorder no later than May 17, 2013. I will then summarize the comments and scores and schedule an executive session to review the results (unless Ron chooses to have the meeting in open session).

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed Evaluation Form  
Performance Evaluation Procedure as adopted by the Council 2/2/2009

# CITY MANAGER PERFORMANCE EVALUATION

## Rating Scale Definitions (1-5)

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

## I. PERFORMANCE EVALUATION AND ACHIEVEMENTS

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

Comments:

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2. Public Relations                                1     2     3     4     5   Not observed

Comments:

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

Comments:

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**4. Fiscal Management**

1 2 3 4 5 Not observed

Comments:

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**5. Personal Traits**

1 2 3 4 5 Not observed

Comments:

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**6. Intergovernmental Affairs**

1 2 3 4 5 Not observed

Comments:

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**7. Planning and Implementation of Council Policies and Goals**

1 2 3 4 5 Not observed

Comments:

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**CITY OF DALLAS**  
**Performance Evaluation Procedure**  
**City Manager**

**Introduction**

The City Manager is a City employee. Under sections 10, 11, and 21 of the Dallas City Charter, the City Council is charged with the duty of selecting, hiring, and compensating the City Manager. The City Manager is thus the Council's employee, and his or her supervision is the Council's responsibility.

To be fair and effective, supervision must be based on performance benchmarks which are clearly defined and communicated so that performance can be evaluated objectively. Fairness demands that the standards be conveyed at the beginning of the rating period so that the City Manager knows exactly what is expected and how performance will be judged.

**Purpose**

The purpose of this document is to define a regular, structured, and consistent procedure for evaluating the City Manager's discharge of his or her duties and responsibilities as specified by the Charter, the City Code, and the City Council.

The objective of the performance evaluation is to provide an objective basis for recognizing and acknowledging exemplary performance, identifying areas for improvement if any, and determining appropriate compensation. The process is intended to insure that the management of City operations, personnel, and fiscal resources adhere consistently to the highest possible standard.

**Procedure**

The City Council shall conduct a periodic review and evaluation of the City Manager's work performance. The evaluation shall commend areas of good performance and identify areas for improvement where appropriate. It shall also be the basis for decisions regarding compensation and continued employment of the City Manager.

The review shall be conducted according to the following procedure:

1. In its first meeting of each calendar year, the Committee on Public Administration of the City Council shall review and recommend to the City Council the format and content of the Manager's evaluation documentation. The recommendations will include the following:
  - a. The Evaluation Form to be used.
  - b. The rating period, which shall be from January to December, or such other period as the Committee may specify.
2. At the next City Council meeting following the Public Administration Committee meeting, the City Council shall formally approve and adopt the Evaluation Form and rating period, either as recommended by the Committee on Public Administration or with such amendments as the Council shall deem necessary and appropriate. The procedure will be as defined herein, or as modified by the Council at the meeting.
3. Not later than one week following the Council's adoption of the Evaluation Form, rating period, and procedure, the Council President and the Chair of the Committee on Public Administration will meet in person with the City Manager to convey the Council's directions with regard to the performance evaluation. If the Council President or Chair of the Public Administration Committee is unavailable, the person most senior on the Council will act in substitution. This will apply to actions in #6 and #9 below as well.
4. Not later than the second Council meeting in November, a copy of the approved Evaluation Form will be provided to each Council member via electronic means. Paper copies will also be available to Councilors upon request.
5. Each Council member shall return his or her completed and dated Evaluation Form to the City Recorder not later than 5 working days prior to the first Council meeting in December. The information should be submitted on electronic media such as a flash drive, CD, or other such media [not via email]. Paper copies will be accepted but electronic copies are preferred. After receipt, a paper copy of each Councilor's Evaluation Form will be printed out by the Recorder for that Councilor to sign prior to the review session (paragraph 7 below). The City Recorder shall treat this information as extremely confidential.
6. The City Council President and the Chair of the Public Administration Committee shall compile the results of the Evaluation Forms as submitted. The compilation will

consist of averaging the numeric scores within each rating category, and compiling the written comments of Council members within each rating category. Comments shall not be edited or selectively parsed, but simply transcribed as written within each category. The final document will be the Performance Evaluation Summary.

7. At the last Council meeting in December, the Council will meet to review the City Manager's performance. Unless the City Manager explicitly requests an open hearing, the meeting will take place in executive session pursuant to ORS 192.660(2)(i). Printed copies of the Performance Evaluation Summary shall be distributed to Council members at that meeting. Individual Councilors desiring an advance copy of the Evaluation Summary can make arrangements with the Assistant City Recorder to obtain a copy prior to the meeting. To preserve maximum confidentiality, neither the completed individual evaluations nor the Evaluation Summary will be transmitted in whole or in part on the internet or via email. Councilors will treat the evaluation summary as confidential, and shall not copy or distribute the evaluation summary to any other person.
8. After the Council has completed its review of the performance evaluation, it shall meet with the City Manager to review the evaluation. This meeting will normally take place immediately following the Council's review, and shall be in executive session unless the City Manager explicitly requests an open hearing.
9. Following the review session(s), the City Manager will be furnished a written copy of the Evaluation Summary as well as the individual Councilors' Evaluation Forms. These documents will be presented in person to the City Manager by the City Council President and the Chair of the Public Administration Committee, and copies will also be made a permanent part of the Manager's personnel file.

## **Compensation Review**

The performance of the City Manager has a direct bearing on his or her compensation package. As such, the performance review will include a review of the base salary and other benefits provided under the terms of the employment agreement of the Manager and adjustments, if any, will be made as deemed appropriate by the Council.

## **Evaluation Form**

The format for the Evaluation Form is attached. This form will be updated and approved every year as prescribed in the Procedure paragraph above.

## **Effective Date**

This policy will take effect on February 2, 2009, and will remain in effect until amended or rescinded by action of the City Council. If the criteria, standards, or policy directives governing the review should change, a public process shall be followed as outlined in ORS 192.610 to 192.690.

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8d</b>	<b>Topic:</b> Hiebert Trail Section Route Selection
<b>Prepared By:</b> Jeremy Teal	<b>Meeting Date:</b> April 1, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Motion to direct staff to design the Hiebert Section of the RCTS using the blue route.

BACKGROUND:

Last year, the City received a Recreational Trails Program grant to construct the Hiebert Section of the Rickreall Creek Trail System (RCTS). In December, staff hired a contractor to grub out the proposed route of this trail, including 2 alternative routes for a portion of the trail. These alternate routes are shown on the attached map. Staff monitored both routes throughout the winter and encouraged residents to walk the sections. We had an online poll on our website and in March, held an Open House for the public to discuss concerns and get questions answered regarding both options. The results of the poll and open house are attached. The responses strongly favor the blue trail option.

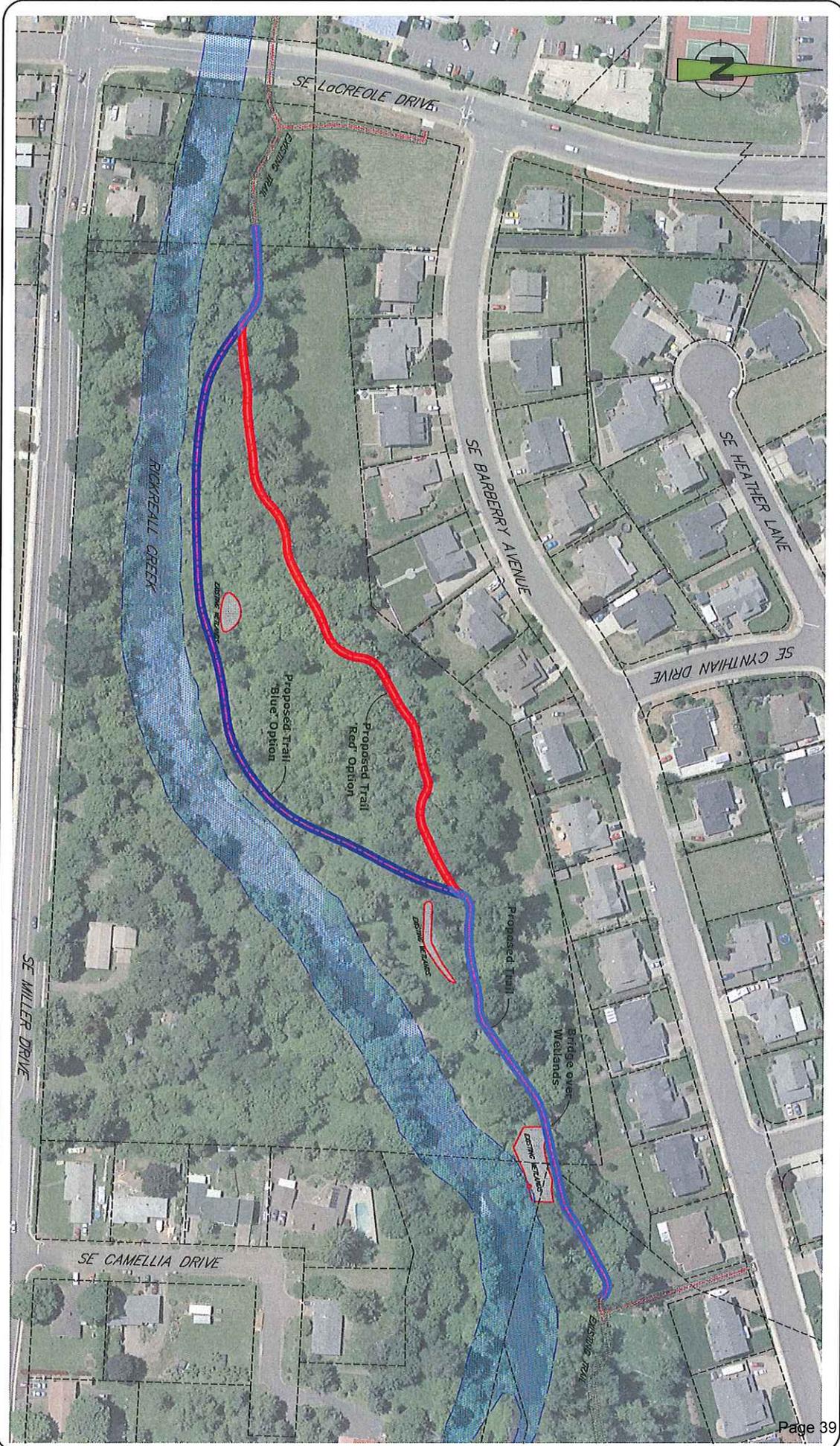
The Park Board reviewed the responses and recommended unanimously that the Council choose the blue route.

FISCAL IMPACT:

None (the grant was written for the longest trail length so either option is covered)

ATTACHMENTS:

Map of Hiebert Trail Section  
Online Poll & Comment Card Results



**Rickreall Creek Trail, Phase 4**  
Site Plan



### Online Poll Results

Red: 14.6%

Blue: 85.4%

### Comment Cards

All 16 comment cards filled out were for the Blue trail.

### Comments

Leave red trail "as is" for bikes.

I would like the trail closer to the creek.

I would like to see the trail be in area of creek. The red trail is too close to homes. I hope that efforts are made to correct the trail that was cut in error. Lots of traffic still in that area.

Can't wait until it's done.

The blue trail is my preference due to the creek view and distance from the residences.

Love the one close to the creek. We walk all that is done so far often and love it. Keep up the good work. This is a huge asset to the City of Dallas and all who live and visit here.

As close to the creek. A controlled invasive species.

Walking the blue trail would be better than walking on the red. People would prefer to walk in nature, trees and creek, rather than trees and backsides of houses.

I like blue because of the higher ground and closer proximity to creek. It would also leave parts of the red route for flood relief.

This will be further from the home owners and avoid the lower wetlands area.

Good view of creek. Higher and water will drain off.

Please put this by the creek.

A creek trail needs to be near the creek.

Either is good though.

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 9 a</b>	<b>Topic:</b> Resolution 3265 – Ambulance Rates
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 1, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Adopt Resolution No 3265

BACKGROUND:

The Council directed staff to review ambulance rates every two years and bring recommendations to the Council for proposed rate increases. Staff submitted a comparison of other local rates to the Administrative Committee at the March 25 meeting. The attached resolution reflects the discussion and recommendations of the Administrative Committee. The proposed increase brings resident rates to \$1,000 and increases resident BLS rates and all non-resident rates by about 12%.

The Committee also recommended increasing the FireMed rate for residents from \$50 to \$55. In order to keep the rates consistent, a corresponding \$5 increase to the non-resident FireMed rate (from \$60 to \$65) is included in the resolution, although was not discussed in the committee meeting. As a note, the FireMed rates have not changed since 1994.

FISCAL IMPACT:

Potential revenue increase of \$88,400

ATTACHMENTS:

Resolution # 3265

RESOLUTION NO. 3265

A Resolution establishing a schedule of rates for ambulance and emergency medical services and Dallas FireMed; and repealing Resolution 3219.

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

Section 1. The following rates shall apply to ambulance and emergency medical services provided by the City of Dallas:

- (a) Resident rates (All levels of service): \$1,000
- (b) Non-resident rates (All levels of service): \$1,163
- (c) Service delivery fee, where an ambulance is called to a location but neither transportation nor medical services are required and were not reasonably anticipated to be required \$450
- (d) For mileage from the point where the patient is picked up to the point where the patient is delivered, per mile \$ 18
- (e) Mileage for pre-authorized BLS transfer for patient care or contact mileage only, per mile; provided transport is only from the patient's initial location to the requested location, and BLS transfer rate must be pre-authorized and care may not exceed the level of BLS skills \$ 9

Section 2. The annual fee for enrollment in the Dallas FireMed program shall be \$55 for residents and \$65 for non-residents.

Section 3. The rates established under this resolution shall be effective for services provided on and after April 15, 2013.

Section 4. Resolution No. 3219 is repealed effective as of the date the new rates set forth herein go into effect.

Adopted: April 1, 2013  
Approved: April 1, 2013

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 10a</b>	<b>Topic:</b> Ordinance 1755 - Vacant Commercial Buildings
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> April 1, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Move Ordinance 1755 to a second reading

**BACKGROUND:** The issue of vacant commercial space downtown has been discussed in the past by the Administrative Committee. The most recent discussion occurred in January of 2013, at which time the Administration Committee recommended moving this issue to the full Council for consideration. Since this is an issue of some importance and will have impacts, it was determined that the full Council should discuss the matter prior to scheduling a first reading of the Ordinance.

The proposed Ordinance was based on an Everett, Washington ordinance that was set up to accomplish; 1) a vacant commercial space registry with fees and; 2) basic maintenance standards for commercial buildings in the downtown. An escalating fee structure also served to curb long-term vacancies that are detrimental to the downtown.

The Ordinance would apply to ground floor commercial space that is located in the CBD zone. A space is considered to be vacant when it has not been occupied with a permitted commercial use for 90 days. The responsible party would then have an additional 30 days to complete the registration. There are 2 exceptions to this:

- 1) If the space is the subject of a current building permit and tenant improvements are being made.
- 2) If the property containing the commercial space is subject of a land-use application for redevelopment but which no building permits have been issued.

There are also requirements that there be window displays if the space is not occupied for more than 60 days in order to avoid a blank window, which is detrimental to adjoining buildings and to downtown in general.

Fees: The proposed Resolution contains an escalating fee structure, which requires an initial \$100 registration fee. The longer the building is vacant, the higher the fee goes on each year if the building remains vacant.

Maintenance: As proposed, the maintenance section in 8.815 applies to all buildings, and is a basic list of items that each building owner or person in charge will be responsible for. It includes things like

maintaining the exterior surfaces, precluding the use of plywood or OSB to fill building openings like doors and windows, and requiring maintenance of the roof and flashing to prevent water infiltration. Also, buildings equipped with sprinkler systems must maintain and show proof of testing for the system.

**The City Council discussed this issue at the March 18 meeting, and requested changes to both the proposed Ordinance and Resolution. The changes have been made to the Ordinance as directed by the Council, and the Resolution setting the fees will be brought to the April 15 meeting for approval.**

**FISCAL IMPACT: Undetermined. There will be fees paid and staff time involved to set up and operate the program.**

**ATTACHMENTS:**

Ordinance 1755

ORDINANCE NO. 1755

An Ordinance amending provisions of the Dallas City Code Chapter 8, and adding new provisions relating to vacant commercial buildings and maintenance of commercial buildings in the Central Business District.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are hereby added to and made a part of Dallas City Code Chapter 8:

MAINTENANCE OF VACANT COMMERCIAL SPACE IN THE CENTRAL BUSINESS DISTRICT

8.800 Scope.

The provisions of this chapter apply to all structures in the Central Business District (CBD zone) unless otherwise stated. All responsible persons, as defined in Section 8.810, shall comply with the requirements of this chapter.

8.805 Administration.

This chapter will be administered by the building official, who may adopt administrative rules and regulations consistent with its terms. The building official and his or her designee, or code enforcement officers, or both are authorized to enforce this chapter.

8.810 Definitions.

For the purposes of this chapter:

“Commercial space” means any portion of a structure in the Central Business District that is not intended for residential use.

“Occupied.” A commercial space is considered occupied if a permitted, nonresidential use is physically located and lawfully operating in the space for 30 days. Evidence of physical occupancy may include, but is not limited to, usable furniture, office equipment, retail inventory or other equipment and inventory in the space that are consistent with the space’s intended use, and persons regularly present at and using the space for its intended use. Proof of physical occupancy must also include documentation, which may include, but is not limited to, a current, executed lease agreement, paid utility receipts, or valid state and local business licenses, indicating the subject space is the business address of the person or business claiming occupancy.

“Responsible person” means any person, firm, association, corporation or any agent thereof, who owns, leases, rents, manages or has lawful possession of a structure in the Central Business District.

“Vacant commercial space” means any portion of a street-level commercial space that, on or after July 1, 2013, is not occupied and has not been occupied during the preceding 90 days.

#### 8.815 General minimum maintenance requirements.

All responsible persons shall perform the following with respect to each structure they own, lease, rent, manage or lawfully possess:

(1) Maintain all exterior surfaces, including but not limited to doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, in good condition. No use of plywood, oriented strand board, or similar materials is permitted in place of actual doors, windows, or on other building openings and in no event shall such materials be visible from the street. A responsible person shall not be in violation of this subsection if such exterior surfaces have been damaged by weather, fire, earthquake or other casualty loss beyond the control of the responsible person until a reasonable time to repair such damage has passed.

(2) Protect exterior wood surfaces, other than decay-resistant woods, from the elements and decay with paint or other protective covering or treatment. If protection of the surface is compromised, restore adequate protection within a reasonable time; for example, remove peeling, flaking or chipped paint and repaint the compromised surface.

(3) Cause all siding and masonry joints and joints between the building envelope and the perimeter of windows, doors, and skylights to be weather-resistant and watertight.

(4) Coat all metal surfaces subject to rust or corrosion, except those designed to be stabilized by oxidation, to inhibit rust and corrosion, after first stabilizing any existing rust and corrosion. Remove oxidation stains from exterior surfaces.

(5) Maintain all exterior walls free from moss, algae, dirt, grime, holes, breaks, and loose or decaying materials. Weatherproof and properly coat the surface of all exterior walls when required to prevent deterioration.

(6) Maintain the roof and flashing of all structures so that they are sound, tight, free of moss, algae or defects that admit rain, attract pests or create a public nuisance. Maintain adequate roof drainage to prevent dampness and deterioration in the walls and inside the structure. Maintain roof drains, gutters, and downspouts in good repair and free from obstructions.

(7) Maintain and show proof of testing of existing fire suppression systems.

#### 8.820 Vacant commercial space registration.

(1) At least one responsible person for each vacant commercial space must register that space with the city within 30 calendar days of the date the space becomes vacant commercial space, as that term is defined in Section 8.810, unless:

(a) The space is the subject of a current, valid building permit for repair or rehabilitation and the responsible person provides proof, such as receipts, invoices or executed contracts, that the repair or rehabilitation is proceeding without significant delay; or

(b) The property the commercial space is located on is the subject of a land use application for redevelopment for which approval has been granted, but building permits have yet to be issued.

(2) A space will be considered to be registered on the date the city receives, on a form provided by the building official and properly completed and signed by a responsible person, the following information:

(a) The street address and parcel number of the vacant commercial space;

(b) The name, address, and daytime and evening telephone numbers of each responsible person for the vacant commercial space, including any owner or tenant;

(c) The period of time the vacant commercial space is expected to remain vacant; and

(d) Any other information requested by the building official for the administration of this chapter.

(3) A responsible person must post notice in substantially the following form inside every vacant commercial space so as to be clearly visible to all potential tenants, lessees, renters or buyers upon entering the space but not visible from outside the space:

This Vacant Commercial Space is registered with the City of Dallas.

This Vacant Commercial Space may not meet all applicable codes and regulations, which may include codes and regulations required to occupy the space for a permitted use in the applicable zoning District.

This Vacant Commercial Space was registered on [date].

The Responsible Person for this building is\_\_\_\_\_.

Contact mailing  
address:\_\_\_\_\_.

Phone number\_\_\_\_\_.

(4) A responsible person must renew the registration of each vacant commercial space on or before January 1st each year that the space remains vacant. A responsible person must submit the renewal application to the city on forms provided by the building official.

(5) Upon satisfactory proof to the building official that the vacant commercial space has become occupied as defined in Section 8.810, the vacant commercial space will be unregistered.

(6) The determination of the number of vacant commercial spaces a structure contains will be at the reasonable discretion of the building official.

8.825 Window displays for commercial spaces not occupied for sixty days.

When commercial space has not been occupied for more than sixty days, a responsible person must take steps to maintain a vibrant streetscape and avoid adverse impacts on neighborhood character by applying at least one of the following measures to all ground-floor windows that face sidewalks, streets, or public open space:

(1) Paint windows with visually appealing scenes depicting or suggesting business or cultural activities;

(2) Display works of art or provide other displays of cultural or educational value, using background panels or other methods to screen views from the street of the unoccupied space;

(3) Other measures consistent with these examples approved by the building official.

#### 8.830 Fees for vacant commercial space registration.

(1) A responsible person shall pay an annual registration fee for each registered vacant commercial space. The initial fee shall be due at the time the space is registered, and thereafter on the same date each year that the space remains vacant. The fee will be based on the duration of the vacancy as determined by resolution of the city council.

(2) The fees are intended to defray the costs of administering this section through Section 8.855 and may be changed by resolution of the council to meet these costs.

#### 8.835 Delinquent registration fees – Collection.

If a responsible person fails to register a vacant commercial building and pay the registration fee by the due date, the city may:

(1) Assess a late fee in an amount that the city council may, by resolution, establish; and

(2) Bring an action in Dallas Municipal Court to collect the registration fee and any late fee, including filing civil actions or turning the matter over to collection, in which case costs incurred by the city as a result of the collection process will be assessed to the responsible person or responsible persons in addition to the registration fee. Any delinquent registration fee shall bear interest at the statutory rate of nine percent (9%) per annum from the due date thereof until paid. The right of the city to bring an action under this section is in addition to, and not in lieu of, the authority of the city to bring an enforcement proceeding for a violation of sections 8.800 to 8.840, as provided in section 8.850.

#### 8.840 Duty to amend registration statement.

Responsible persons for any registered vacant commercial space shall advise the building official, in writing, of any changes to the information on the registration form within 30 days of the occurrence of the change.

#### 8.845 Inspections.

The building official or his designee, or code enforcement officers, or both are authorized to conduct inspections to enforce the provisions of this chapter.

#### 8.850 Enforcement.

(1) A violation of any provision of sections 8.800 to 8.840 is a civil infraction punishable by a fine not to exceed \$500. Each responsible person commits a

separate offense for each and every day they commit, continue or permit a violation of any provision of this chapter.

(2) All responsible persons for a commercial space shall be jointly and severally responsible with respect to that commercial space for compliance with the provisions of this chapter and for any payments that they may be required to make to the city under this chapter. If the commercial space is subject to a lease, the city shall have discretion to determine whether to enforce this chapter against the commercial space owner, the tenant or both of them, but the city shall consider in this determination whether the lease provides that the compliance with this chapter is the responsibility of the commercial space owner or the tenant.

8.855 Annual report.

The building official shall make a report to the city council in January of every year on the status of the vacant commercial space registration program.

Read for the first time: April 1, 2013  
Read for the second time: April 15, 2013  
Adopted by the City Council: April 15, 2013  
Approved by the Mayor: April 15, 2013

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY