

DALLAS CITY COUNCIL
Monday, April 1, 2013
Council Chambers

The Dallas City Council met in regular session on Monday, April 1, 2013, 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 LaVonne Wilson, Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, and Councilor Ken Woods, Jr.

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

Mayor Dalton led the Pledge of Allegiance.

COMMENTS FROM THE AUDIENCE

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

David Kromer, 1228 SW Hayter St, Dallas, Oregon, commented regarding the proposed vacant building ordinance. He asked why the fee schedule wasn't laid out in the ordinance. He stated the annual registration was not needed. He noted that what a tenant paid the landlord was a private matter and that part of the ordinance offended him the most. He indicated that this ordinance would be an imposition on the building owners in a very difficult economy. He asked that the Council be aware of the unintended consequences that this ordinance may cause other businesses.

Mayor Dalton explained the fees would be brought before the Council in a resolution rather than the ordinance, as this was the standard policy.

David Shein, 1680 SW Bridlewood Dr., Dallas, Oregon, spoke regarding the vacant building ordinance and stated it was long overdue. He noted the hard and bitter experience of the last several years and of other communities had clearly established the validity of this ordinance. He noted the Charter revision was needed.

PUBLIC HEARINGS

There were none.

CONSENT AGENDA

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

ITEMS REMOVED FROM THE CONSENT AGENDA

There were none.

REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS

REPORT OF THE MARCH 25, 2013, ADMINISTRATIVE COMMITTEE MEETING

Councilor Fairchild outlined the Committee discussion on the proposed garage sale permits. He stated the Committee discussed the vacant building ordinance, a proposed Charter revision and the City Manager's six-month review process. He noted the Committee had a lengthy discussion regarding the ambulance rates.

REPORT OF THE MARCH 25, 2013, BUILDING & GROUNDS COMMITTEE MEETING

Councilor Stewart discussed the property acquisition from the St. Philip Church. He noted that the church had approached the City to quitclaim the property to the City. He reported that the farmhouse would be placed on the market for sale soon.

OTHER

Council President Wilson stated the Dallas High School gym would be dedicated this Friday, April 5 to Mr. Gordon Kunke. She commented that she would like to commend the Fire and EMS for their courage with the recent car accident.

REPORTS FROM CITY MANAGER AND STAFF

GARAGE SALE PERMIT FEE DISCUSSION

Ms. Ward gave an overview of the proposed garage sale permits and stated there was currently a

\$15 sign deposit. She noted in 2012, 676 garage sale permits were issued. She commented that a \$5 permit fee was suggested, but the Administrative Committee suggested an \$8 permit fee to better help cover some of the costs for signs and staff time.

Councilor Jones asked if it would be better to get rid of the signs and implement the \$5 permit fee and eliminate multiple visits. Ms. Ward noted that other cities didn't provide signs, but charged a permit fee. She stated the signs were meant to keep the City clean. Councilor Jones stated the signs were nice, but seem to be costing the City more money. Councilor Fairchild stated the signs were purchased to alleviate the trash and signs being posted everywhere.

Councilor Lawson stated the signs were well done, but the potential of dirty or broken signs was possible. She noted she would prefer a \$15 sign deposit and no refund for dirty or broken signs. She commented that trying to raise revenue through permit fees seems ridiculous in this economy. Mr. Shetterly clarified that the \$15 sign deposit was authorized by another section of the code and would not be amended by this ordinance.

Councilor Stewart stated the City needed the permit fee to have enough funds to have enough signs and enough money to run the program efficiently. He noted that \$8 was a minimal cost.

Ms. Ward noted to not refund the deposit put a burden on staff to inspect signs. Councilor Brown asked if signs needed to be replaced. Ms. Ward stated there were 20-25 signs that needed to be replaced. Councilor Brown asked what the cost was for each new sign. Ms. Ward noted each sign was \$70 the last time they were purchased.

Councilor Lawson stated after sitting in budget meetings she felt it was ridiculous to charge people \$5 or \$8 for a garage sale permit when it was a \$3,000 issue.

Councilor Stewart stated the City wouldn't have enough signs to make it through the season. Ms. Ward stated that at the height of the season the City would run out of signs. Councilor Stewart stated the City really needed more signs.

Councilor Brown stated with limited funds, the City had to look at what programs it could fund. He noted he was in favor of user charges and stated an \$8 fee was reasonable.

Councilor Gabliks stated she would like to see this discussed as part of the budget process. She indicated the committee could look at the impact not adopting the permit fee would have on the program. Councilor Jones and Councilor Brown indicated their support for discussing it in the budget process. Councilor Brown added at some point someone would have to pay for the program

Councilor Jones asked if the issue could be addressed again after the budget process.

Councilor Wilson stated the signs were critical and the City needed to keep them. Councilor Lawson suggested possibly a \$20 sign deposit. Councilor Fairchild stated the signs were not the issue, recouping some of the cost to run the program was the issue.

It was moved by Councilor Fairchild *to advance the ordinance to first reading at the April 15 Council meeting*. The motion was duly seconded and was passed by majority with Councilor Brown, Councilor Fairchild, Councilor Marshall, Councilor Stewart, and Councilor Woods voting YES and Councilor Gabliks, Councilor Jones, Councilor Lawson, and Council President Wilson voting NO.

PROPOSED CHARTER REVISION PROCESS

Mr. Foggin outlined the Charter revision process to create a citizen committee to revise the City Charter.

It was moved by Councilor Lawson *to adopt the revised proposed Charter Revision process*. The motion was duly seconded and passed unanimously.

CITY MANAGER'S SIX-MONTH EVALUATION PROCESS

Council President Wilson stated the process included in the agenda packet was the same that had been used over the past number of years. She noted the City Recorder would compile all the comments and scores and the Administrative Committee Chair and she would then provide the City Manager the feedback.

It was moved by Councilor Brown *to approve the six-month review process for the city manager*. The motion was duly seconded and passed unanimously.

HIEBERT TRAIL SECTION ROUTE SELECTION

Mr. Foggin stated the Parks & Recreation Board had an open house and the overwhelming decision was for the blue trail.

Councilor Brown asked if the red trail could be maintained as a bike trail. Mr. Foggin stated he was working with parks to make that happen.

It was moved by Councilor Fairchild *to direct the staff to proceed with the design for the blue trail*. The motion was duly seconded and passed unanimously.

OTHER

Mr. Foggin announced that Arbor Day event was the following day at noon at the Brandvold kitchen area in the Dallas City Park. Mr. Lines stated that 15 fir trees and 19 deciduous trees would be planted. He noted that Lyle's third grade class and the Statesman Journal would be there as well.

Mr. Foggin stated he had been working with the City Attorney regarding the radio operator's event in June in the Dallas City Park. He asked Councilor Woods if they had approached him about insurance. He noted there would be a recommendation at the next Council meeting.

RESOLUTIONS

Resolution No. 3265 – A resolution establishing a schedule of rates for ambulance and emergency medical services and Dallas FireMed; and repealing Resolution 3219.

A roll call vote was taken and Mayor Dalton declared Resolution No. 3265 to have PASSED BY A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Marshall, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

FIRST READING OF ORDINANCE

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.

Councilor Lawson declared that she was not comfortable with the way the City was addressing the vacant building issue. She stated the City was penalizing all the business owners instead of the specific owners. She noted maintenance issues could be handled differently. She commented the registration was a good idea for exposure. She indicated she believed the City was addressing the issue the wrong way.

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

Councilor Brown stated he agreed with Councilor Lawson and the ordinance needed to go back to committee for further discussion. He noted he thought the ordinance was too harsh and that Everett wasn't the best model. Council President Wilson stated she agreed with the Councilors and the ordinance should go back to committee. Councilor Jones stated she felt uncomfortable with the ordinance and asked if there were some more creative ways to solve the problems.

Councilor Gabliks stated the Council couldn't get to the particular owners that were causing the problems without creating an ordinance that applied to all owners. She indicated if the ordinance did go back to committee, they needed to make sure they gave the Council the legal ability to take care of the problem. Councilor Fairchild agreed with Councilor Gabliks, stating laws were created for the small percentage of people who did not follow the rules.

It was moved by Councilor Lawson *to refer Ordinance 1755 back to the Administrative Committee*. The motion was duly seconded passed by majority with Councilor Gabliks voting NO.

SECOND READING OF ORDINANCE

OTHER BUSINESS

There being no further business, the meeting adjourned at 8:05 p.m.

Read and approved this _____ day of _____ 2013.

Mayor

ATTEST:

City Manager