



**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, June 3, 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>	
a. Public hearing on the 2013-2014 City of Dallas Budget and use of state revenue sharing funds.	PG. 3
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 May 20, 2013, City Council meeting	PG. 6
b. OLCC Application for Temporary Use of an Annual License for a special event at Ixtapa Family Restaurant	PG. 12
c. Award contract for Rickreall Creek Trail, Phase 4	PG. 17
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM MAYOR and COUNCIL MEMBERS	
a. General comments from the Council	
b. Report of the May 28, 2013, Administrative Committee Meeting (Councilor Fairchild)	PG. 18

# 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.

c. Report of the May 28, 2013, Building and Grounds Committee Meeting (Councilor Fairchild)	PG. 51
8. REPORTS FROM CITY MANAGER AND STAFF	
a. Deposit and late fees for utility accounts	Motion PG. 53
b. Upcoming meeting discussion	Motion PG. 55
c. Workshop scheduling	Information
d. Other	
9. RESOLUTIONS	
a. <u>Resolution No. 3272</u> - A Resolution establishing a schedule of rates for water service and related water account fees; and repealing all prior conflicting resolutions.	Roll Call Vote PG. 56
b. <u>Resolution No. 3273</u> - A Resolution defining customer classes, establishing a schedule of rates for sewer service and repealing Resolution No. 3147.	Roll Call Vote PG. 63
c. <u>Resolution No. 3274</u> - A Resolution establishing a schedule of rates and fees to be paid by persons using the Dallas Aquatic Center, and repealing Resolution No. 3242.	Roll Call Vote PG. 72
10. FIRST READING OF ORDINANCE	
11. SECOND READING OF ORDINANCE	
12. OTHER BUSINESS	
13. ADJOURNMENT	

Note: Following the Council meeting, there will be a meeting of the Urban Renewal Agency Board of Directors

# DALLAS CITY COUNCIL

## REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>4 a</b>	<b>Topic:</b> 2013-2014 Budget Hearing
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 3, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

### RECOMMENDED MOTION:

The purpose of this Public Hearing is to allow the public a chance to provide input on the 2013-2014 Budget and the use of State Revenue Sharing funds. The amount of State Revenue Sharing funds included in this year's budget is \$110,000.

A motion should be made to approve the 2013-2014 City of Dallas Budget and the use of State Revenue Sharing funds as approved by the Budget Committee and direct staff to prepare the resolution to adopt the budget and to authorize use of state revenue sharing funds for the June 17, 2013, Council meeting.

### BACKGROUND:

The property tax rate to be imposed is the permanent rate of \$4.1954 per \$1,000 of assessed value. The levy to be imposed for debt service on General Obligation bonds is \$682,539.

### FISCAL IMPACT:

Adoption of the budget allows for expenditures in the 2013-2014 fiscal year.

### ATTACHMENTS:

Minutes from Budget Committee meeting on May 20, 2013

Chair Hurt called the meeting of the Budget Committee to order at 9:05 p.m.

Budget Committee members present: William Brite, Pete Christensen, Lynn Hurt, Joe Koubek, and Christine Valentine. Excused: Darand Davies and Paul Trahan. Absent: Chris Bellamy and John Davis.

Councilors present: Jim Brown, Jim Fairchild, Kelly Gabliks, Beth Jones, Kevin Marshall, Murray Stewart, and LaVonne Wilson. Excused: Jackie Lawson and Ken Woods, Jr.

Also present: Mayor Brian Dalton, City Manager Ron Foggin, City Attorney Lane Shetterly, Fire Chief Bill Hahn, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, Engineering/Environmental Services Director Fred Braun, Lead Librarian Rosalyn McGarva, and City Recorder Emily Gagner.

### **APPROVAL OF MINUTES**

Chair Hurt pointed out that the minutes of May 6 stated Mayor Dalton called the meeting to order, but in fact, he did.

It was moved by Mr. Koubek to approve the minutes of the March 18, 2013, April 15, 2013, April 29, 2013, and May 6, 2013, Budget committee meetings as amended. The motion carried unanimously.

### **PUBLIC HEARING**

#### **PUBLIC HEARING TO SOLICIT COMMENTS ON THE PROPOSED BUDGET AND USE OF STATE REVENUE SHARING FUNDS FOR FISCAL YEAR 2013-2014**

Chair Hurt opened the public hearing to solicit comments on the proposed budget and use of State Revenue Sharing Funds for fiscal year 2013-2014 at 9:07 p.m.

Mr. Christensen asked if the City built the Senior Center how it would pay for operations. Mr. Foggin indicated he had talked to the Seniors about maintenance and they would be responsible for the general day-to-day cleaning. He added City staff would do building maintenance just as they did on other City buildings. He noted a new building shouldn't require a lot of maintenance.

There were no comments from the public.

Chair Hurt pointed out the recommended amendments to the budget proposed by staff and reviewed the memo.

There were no further comments, so Chair Hurt closed the public hearing at 9:13 p.m.

### **ADOPTION OF THE CITY OF DALLAS 2013-14 BUDGET AND RECOMMENDATION TO THE CITY COUNCIL**

It was moved by Mr. Christensen to adopt and recommend to the Council the 2013-2014 budget as presented to the Budget Committee with the following amendments: decrease Fire, Professional

1 Services line item by \$10,000; decrease the General Fund Revenue, Garage Sale Permits line item  
2 by \$5,000; and increase the Library, Books line item by \$5,000. The motion was duly seconded by  
3 Councilor Wilson and carried unanimously.

4 It was moved by Mr. Koubek to recommend to the City Council to approve the property tax rate of  
5 \$4.1954 per \$1,000 of assessed value and the levy to be imposed for debt service on General Obliga-  
6 tion Bonds of \$682,539. The motion was duly seconded and carried unanimously.

7 **ADJOURNMENT**

8 It was moved by Councilor Brown to adjourn the meeting. The motion was duly seconded and car-  
9 ried unanimously.

10 The meeting was adjourned at 9:17 p.m.

1 The Dallas City Council met in regular session on Monday, May 20, 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 Kevin Marshall, and  
6 Councilor Murray Stewart. Excused: Councilor Ken Woods, Jr. and Councilor Lawson.

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 and City Recorder Emily Gagner.

11 Mayor Dalton introduced four kindergarteners from Oakdale Heights Elementary School who led  
12 the Pledge of Allegiance.

13 **COMMENTS FROM THE AUDIENCE**

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

15 Mayor Dalton stated the Oakdale Heights students had been studying about the importance of  
16 caring for the Earth and the community. He noted for their spring field trip, the students planted  
17 flower bulbs in the Dallas City Park and were litter police and picked up trash in the park. Mayor  
18 Dalton invited the four students to read their essays. Atticus Tesch, David May, Hannah Griffith,  
19 and Addison McGrady read essays about their experiences of helping keep our community clean.

20 Joe Koubek, 565 SE Mifflin St, Dallas, Oregon, read a statement regarding garage sale permits, a  
21 copy of which is attached to these minutes and incorporated herein.

22 Randy Wisnia, 313 SE Oak Street, Dallas, Oregon, presented a handout and read a statement  
23 regarding the condition of the southeast end of Oak Street, a copy of which is attached to these  
24 minutes and incorporated herein.

25 **PUBLIC HEARINGS**

26 **PUBLIC HEARING REGARDING THE SALE OF PROPERTY LOCATED AT 11235 ORRS  
27 CORNER ROAD, RICKREALL, OREGON**

28 Mayor Dalton opened the public hearing open at 7:13 p.m.

29 Mr. Locke reviewed the staff report.

30 David Shein, 1680 SW Bridlewood Drive, Dallas, Oregon, stated he didn't believe the City had  
31 any business being in the landlord business, so this was long overdue. He recommended moving  
32 forward expeditiously.

33 Mayor Dalton closed the public hearing at 7:15 p.m.

34 **RESOLUTIONS**

35 **Resolution No. 3271** – A resolution declaring real property located at 11235 Orrs Corner Road,  
36 Rickreall, Polk County, Oregon not needed for public use and authorizing the sale thereof.

37 A roll call vote was taken and Mayor Dalton declared Resolution No. 3271 to have PASSED BY  
38 A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly  
39 Gabliks, Councilor Beth Jones, Councilor Marshall, Councilor Stewart, and Council President  
40 LaVonne Wilson voting YES.

41 **CONSENT AGENDA**

42 It was moved by Councilor Marshall *to approve the Consent Agenda as presented.* The motion

1 was duly seconded and carried unanimously.

2 Items approved by the Consent Agenda: a) the May 6, 2013, City Council meeting minutes; and  
3 b) award the 2013 Street Resurfacing Project contract to North Santiam Paving, Inc. and  
4 authorize the extra work to repave SE Oak Street.

5 **ITEMS REMOVED FROM THE CONSENT AGENDA**

6 There were none.

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

8 Councilor Jones pointed out a Freedomfest poster that had been distributed. She asked anyone  
9 interested in judging to contact her.

10 Mayor Dalton noted the Relay for Life event had been held the past weekend. He indicated they  
11 had raised \$80,000 so far, with a goal of \$100,000 for the year.

12 McKenzie Darr, student body liaison, introduced Lacey McKelvie who will be taking over for  
13 Ms. Darr for the 13-14 school year. She reported there would be softball and baseball playoff  
14 games later in the week and noted some track team members would be heading to State at the end  
15 of the week.

16 Mayor Dalton invited everyone to view the Avenue of Flags at the cemetery on Memorial Day.

17 Councilor Stewart commented on the wonderful and beautiful parks in Dallas. He added given  
18 the limited staff it was amazing how beautiful they looked.

19 **REPORTS FROM CITY MANAGER AND STAFF**

20 **UTILITY RATE and SDC METHODOLOGY DISCUSSION**

21 Steve Donovan of Donovan and Associates presented a PowerPoint regarding water and sewer  
22 rates and a proposed SDC methodology update.

23 Mr. Donovan indicated the policy recommendation would be to replace the split season, declining  
24 block rate structure with a uniform rate for water. He noted the recommendation would continue  
25 a base fee and establish a different commodity rate for commercial and residential customers.

26 Mr. Donovan stated for sewer, the recommendation was to move commercial customers off the  
27 winter water use average method and expand the single customer class to include low, medium,  
28 and high strength sub-classes as well as creating a new industrial strength class.

29 Mr. Donovan stated that 97% of all water sold in Fiscal Year 2011 was sold to residential  
30 customers. He showed examples of a single family, a multi-family, a motel, and a large  
31 commercial grocery store customer's current water rate and how those compared to the proposed  
32 rate revisions. He noted that the current rate structure for these customers had no relationship to  
33 the amount of water they actually used to the amount they were billed. He explained the  
34 proposed new rate structure would change that. Mr. Donovan added he would not recommend  
35 phasing in the new rate structure.

36 Mr. Donovan reported that 93% of all sewer accounts and 88% of sewer revenue came from  
37 residential customers. He showed examples of a single family, a multi-family, a motel, and a  
38 large commercial grocery store customer's current sewer rate and how those compared to the  
39 proposed rate revisions. He noted the multi-family customers were currently getting a very good  
40 deal, adding the larger the complex, the greater the discount currently was. He discussed that in  
41 order to alleviate the big rate hit those customers would face, the per dwelling unit rate was  
42 reduced but eventually the City needed to get those customers up to where they should be. Mr.  
43 Donovan pointed out that once again with the sewer rates, there was no relationship between what  
44 a customer was billed and what it cost the City to deliver the service to the customer.

45 Councilor Marshall asked what the net bottom line difference would be to the City. Mr. Donovan  
46 indicated it was essentially revenue neutral.

1 Councilor Stewart asked how the automatic meter reads that were being installed came into play.  
2 He stated they would be more accurate and asked if that played a role with the new rate structure.  
3 Mr. Donovan indicated that when water meters failed, they failed to the customers' advantage.  
4 He reported some people would likely see they were using more water and would change their  
5 behavior to change that. Mr. Braun advised that if all the meters were switched out at once, the  
6 City could see a three to five percent increase in revenue.

7 Councilor Brown stated he was trying to get his head around the discounted rates the Committee  
8 recommended. Mr. Foggin stated staff was recommending the alternate rates. Councilor Brown  
9 indicated he was in favor of fairness and wasn't sure he bought into the idea that putting off the  
10 change for three years was a good idea. Mr. Donovan commented he didn't think putting off the  
11 rate change was a good idea because the customer had the ability to avoid an increase by not  
12 using as much water. Mr. Foggin pointed out that staff agreed with the Committee, but the reality  
13 was some people would see an increase. He indicated people who used a large amount of water  
14 because of past habits may not adapt quickly, so there could be political fallout.

15 Mr. Donovan proposed bringing two resolutions to the June 3 Council meeting, one to implement  
16 the proposed water rates with one commodity rate, and another to implement the proposed sewer  
17 rates with the adjustment for multi-family and motel customers that was discussed. He advised  
18 having the resolutions effective June 3, adding water use was seasonal and an immediate effective  
19 date would capture the time period when 60-65% of all water was used.

20 Mr. Foggin stated that one thing discussed by the Committee and the consultant was the need to  
21 develop a policy to reduce uncollected bills. He noted staff was looking at requiring a deposit  
22 when signing up for utilities and also establishing a late fee and disconnect fee. He advised the  
23 City needed to get the aging numbers down so staff was advising the Council adopt policies to  
24 accomplish that.

25 Mr. Donovan indicated the systems development charge (SDC) methodology review was  
26 included in his scope of work, adding the key thing identified was to include a reimbursement fee.  
27 He stated SDCs were charged against new development for connecting into our system to ensure  
28 there was reserve capacity for new users. He advised per Oregon Revised Statutes, cities could  
29 charge a reimbursement fee for existing capacity as well as a fee for planned future capacity. He  
30 noted the City currently did not charge for reimbursement. Mr. Donovan reported that as  
31 proposed, SDCs would increase by about \$2,100 with the new methodology. He pointed out that  
32 when a city proposed a methodology change, the state statute provided lengthy noticing  
33 provisions, so an enacting ordinance would not happen for some months.

34 Mr. Foggin stated staff was currently working on a policy that would recognize drought levels at  
35 the reservoir and finished water reservoirs and a plan that would propose a water rate that would  
36 step up if a drought was declared. He explained that would come to the Council in the next  
37 several months.

38 It was moved by Councilor Gabliks to *direct staff to prepare a resolution modifying the water and*  
39 *sewer rates as outlined in the staff report with an effective date of June 3.* The motion was duly  
40 seconded.

41 Councilor Fairchild pointed out that it was already May and the Council was talking about  
42 implementing the new rates in June. He recommended doing a partial implementation this year  
43 and finish in 2014. Councilor Brown advised changing the rate structure in September or October  
44 after gardens were harvested.

45 Mr. Donovan recommended taking advantage of the selling season by having the new rate  
46 structure take effect June 3. Councilor Gabliks clarified her motion was for the resolution to take  
47 effect June 3. In response to a question, Mr. Foggin stated that staff ran a comparison and a  
48 higher water user would see an increase of about \$20 in August versus the current rate structure.

49 Mr. Braun advised the changes to the rate structure were essentially revenue neutral. He indicated  
50 if the Council delayed implementing the new rate structure, the current rates would be increased  
51 by the CPI on June 1, which would be an increase of slightly more than what the new structure  
52 would be. He explained the low water use customers would continue to subsidize the high water  
53 users, so the sooner the new rate structure was implemented, the better. He added the new rate  
54 structure was fair because it was based on the actual cost of service.

1 Councilor Brown stated he was in favor of fairness, adding he didn't think some utility customers  
2 should subsidize others. Mr. Donovan indicated that was the goal of the study.

3 Councilor Gabliks announced she supported her motion that the rates should go into effect  
4 immediately. She noted it was early in the season and if she had to pay more because she used  
5 more water, that seemed fair. She stated if people didn't want to pay more, they could take  
6 measures such as installing a drip system or catching rainwater.

7 Mr. Donovan indicated from an engineer's standpoint, he wanted to reduce peak use because that  
8 would reduce the need for capital improvements, which were the most expensive. He noted this  
9 wasn't being done in a vacuum and the City would reach out to customers. He added the  
10 Committee wanted to do this in concert with an educational element.

11 Councilor Fairchild stated that was where he had a problem, noting when he was teaching, he  
12 would tell his students and then have to teach them again what he'd already taught them. He  
13 indicated he agreed with everything that was being said except the time factor, adding he felt the  
14 Council was rushing.

15 Councilor Marshall advised caution, noting the Council tended to look at facts, logic, and  
16 numbers, but they were also dealing with emotional customers. He indicated education was key  
17 in a small town, adding bad news traveled fast.

18 Councilor Jones asked when customers had a chance to address the Council about the rates.  
19 Mayor Dalton pointed out the Council was voting on directing staff to prepare a resolution.  
20 Councilor Brown commented that the community had been informed through articles.

21 The motion to *direct staff to prepare a resolution modifying the water and sewer rates as outlined*  
22 *in the staff report with an effective date of June 3* carried with a majority with Council President  
23 Wilson, Councilor Brown, Councilor Gabliks, Councilor Jones, and Councilor Stewart voting yes  
24 and Councilor Fairchild and Councilor Marshall voting no.

25 It was moved by Councilor Wilson to *direct staff to prepare policies and procedures in order to*  
26 *address past and minimize future uncollectable water and sewer utility billings*. The motion was  
27 duly seconded and carried unanimously.

28 It was moved by Councilor Gabliks to *direct staff to begin the process for updating the water,*  
29 *sewer, and storm drainage systems development charges*. The motion was duly seconded and  
30 carried unanimously.

31 It was moved by Councilor Brown to *direct staff to prepare a policy and ordinance regarding the*  
32 *establishment of emergency or drought conditions as well as establish a water pricing/rate*  
33 *structure for such conditions*. The motion was duly seconded and carried unanimously.

#### 34 CITIZEN SURVEY RESULTS

35 Mr. Foggin introduced Barbara Tull from Advanced Marketing Research, Inc.

36 Ms. Tull presented the results of the citizen survey.

37 Mayor Dalton asked how Dallas compared to other cities of similar size. Ms. Tull responded it  
38 was notable that there were no hot spots and the entire survey was quite positive.

39 Ms. Tull explained this survey provided baseline data, adding the Council would want to follow  
40 up in a year to see what changes there were in the results.

#### 41 STREET ADVISORY COMMITTEE RECOMMENDATIONS

42 Pete Christensen of the Street Funding Citizens Advisory Committee reported that the Council  
43 had established a goal of a minimum PCI of 70 for City streets. He noted PCI stood for Pavement  
44 Condition Index and explained a PCI of 85-100 was very good, 70-85 was good, 55-70 was fair,  
45 40-55 was poor, and 0-40 was very poor and required reconstruction.

46 Mr. Christensen indicated that pavement condition gradually started to deteriorate almost  
47 immediately, but once it started to drop, the deterioration sped up quickly. He noted that delays

1 in rehabilitation ended up costing much more down the road.

2 Mr. Christensen reviewed a scenario where the City would pump in several million dollars to  
3 bump the overall average PCI to 85. He stated if nothing was done after that initial expenditure,  
4 the deterioration would begin again, but more slowly. He then reviewed a scenario where the  
5 City would put in a large amount of cash to repair the streets and then add a small amount for  
6 maintenance going forward. In that case, he noted, the PCI would remain essentially constant.

7 Mr. Christensen indicated the cost to correct the deferred maintenance issues was \$7.5 million in  
8 2008 numbers, so it would be larger now. He stated that one conclusion of the Committee was  
9 that there was really no other option than a general obligation (GO) bond to take care of the  
10 deferred maintenance issue. He added the Committee considered a special levy every three to  
11 five years for maintenance or some sort of street utility fee.

12 Mr. Christensen indicated this was a different approach than the last time a street utility fee was  
13 proposed because last time the Council said it was needed and this time a citizen group proposed  
14 it. He stated the Committee was planning to do information sessions with the public and then  
15 would incorporate the public's input into the final proposal to Council.

16 Mr. Christensen asked the Council to accept the recommendation and direct the Street Funding  
17 Citizens Advisory Committee to continue to refine the numbers, provide public informational  
18 opportunities, and submit a final report by October 2013.

19 It was moved by Councilor Fairchild to *direct the Street Funding Citizens Advisory Committee to*  
20 *continue to refine the numbers, provide public informational opportunities, and submit a final*  
21 *recommendation by October 2013.* The motion was duly seconded.

22 Mr. Locke indicated the Committee wanted to make sure the Council understood what they were  
23 proposing before they went out and did a lot of informational workshops. He explained the  
24 Committee didn't want to market something that didn't have the support of the Council.

25 Mayor Dalton stated that after a GO bond passed, the Council should consider a street utility fee,  
26 adding that would occur only after the streets were repaired. Mr. Locke indicated how the  
27 Council wanted to approach it would be discussed at that time. He noted if the Council dealt with  
28 the deferred maintenance with a GO bond, they would then need to think about maintaining those  
29 streets.

30 Councilor Brown stated it would be difficult to get brand new streets and then try to tell the  
31 people that the City needed a street maintenance fee. Mr. Christensen indicated that would be  
32 part of the information push, adding the Committee members would need to explain the need to  
33 maintain the newly repaired streets.

34 Council President Wilson asked Mr. Christensen to bring back to the Council the information they  
35 would be taking to the public, including the specific dollar amounts once calculated.

36 The motion carried unanimously.

37 **APRIL 2013 FINANCIAL REPORT**

38 Mr. Foggin asked if there were any questions on the April financial reports.

39 Councilor Brown thanked staff for the notes regarding the financial report that identified items to  
40 look at.

41 **OTHER**

42 **FIRST READING OF ORDINANCE**

43 **SECOND READING OF ORDINANCE**

44 **OTHER BUSINESS**

45 There being no further business, the meeting adjourned at 8:57 p.m.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

Draft

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 5 b</b>	<b>Topic:</b> OLCC Application for Temporary Use of an Annual License (Ixtapa)
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 3, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

With approval of the consent agenda, the Council would be recommending to the OLCC to grant the request for a temporary use of an annual license (special event) for Ixtapa.

BACKGROUND:

Daniel Velasco, owner of Ixtapa Family Mexican Restaurant has submitted an Application for Temporary Use of an Annual License to serve alcohol on this outdoor patio from June 7 through 20 11 a.m. to 11 p.m.

Staff has reviewed the OLCC application and there are no items of concern.

FISCAL IMPACT:

None

ATTACHMENTS:

OLCC Temporary Use of Annual License (special event) applications for Ixtapa



# APPLICATION FOR TEMPORARY USE OF AN ANNUAL LICENSE

- **FULL ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION**  
Allows an Oregon Full On-Premises Sales Licensee to sell wine, cider, malt beverages, and distilled spirits for drinking on the special event licensed premises. There is no license fee.
- **LIMITED ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION**  
Allows an Oregon Limited On-Premises Sales Licensee to sell wine, cider, and malt beverages for drinking on the special event licensed premises. There is no license fee.

**Process Time:** OLCC needs your completed application to us in sufficient time to approve it. Sufficient time is typically 1 to 3 weeks before the first event date listed in #9 below (some events may need extra processing time).

**License Days:** In #9 below, you can apply for a maximum of 7 license days per application form. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.

1. My annual license is a:     FULL ON-PREMISES     LIMITED ON-PREMISES
2. Licensee Name (please print): Ixtapa Dallas Inc.
3. Trade Name of Business: Ixtapa Family Mexican Restaurant    4. Fax: \_\_\_\_\_
5. Street Address of **Annual** Business: 1320 SW Fairview    6. City: Dallas
7. Contact Person: Daniel Velasco    8. Contact Phone: (503) 871 7910
9. Date(s) of event: June 7-13 2013    10. Start/End hours of alcohol service: 11am to 11pm

**LICENSED AREA BOUNDARIES:** ORS 471.159 prohibits the OLCC from licensing an area that does not have defined boundaries. OLCC may require the licensed area to be enclosed and may require you to submit a drawing showing the licensed area and how the boundaries of the licensed area will be identified.

11. Address of **Special Event** Licensed Area: 1320 SW Fairview    Dallas  
(Street)    (City)

12. Identify the licensed area (for example: entire premises; a room within the premises; an area in a park; etc.):

Outdoor Patio

13. List the primary activities within the licensed area (like: dinner; auction; beer festival; wine festival; food fair; art show; music; patron dancing; sports event; etc.). If entertainment will be offered in the areas where alcohol will be sold or consumed, please describe the entertainment, the times it will be offered, and list the targeted age of attendees:

Lunch and Dinner

14. Will minors and alcohol be allowed together in the same area?     Yes     No

15. What is the expected attendance per day in the licensed area (where alcohol will be sold or consumed)?    100

**PLAN TO MANAGE THE SPECIAL EVENT LICENSED AREA:** If your answer to #15 is 501 or more, in addition to your answers to questions 16, 17, and 18, you will need to complete the OLCC's *Plan to Manage Special Events form* (available on [www.oregon.gov/OLCC](http://www.oregon.gov/OLCC)), unless the OLCC exempts you from this requirement.

16. Describe your plan to prevent problems and violations. Limit the amount of drinks, make sure all our customers eat. Ask for ID to all people who look under 25.

17. Describe your plan to prevent minors from gaining access to alcoholic beverages and from gaining access to any portion of the licensed premises prohibited to minors. Both the servers as the manager will ask for ID to any person who looks under 25. It will be the responsibility of the servers to monitor that no one who is under 21 have access to alcohol.

18. Describe your plan to manage alcohol consumption by adults. Limit the amount of drinks. If someone is drinking fast offer some food. Serve no more than one drink at a time.

**MANAGER AND SERVICE PERMITS:** You must name a manager or managers who will be at the special event.

19. List name(s) of on-site manager(s): Jose Jaime Rubio 20. Contact Phone: (503) 623 0578

21. Service permit number of manager(s): 400440 Exp 1-18-17 (A)

**LIQUOR LIABILITY INSURANCE:** I certify that I have obtained at least \$300,000 of liquor liability insurance coverage for this event as required by ORS 471.168.

22. Insurance Company: Oregon Mutual Insurance 23. Policy #: BS P710090 24. Expiration Date: 05-18-13

25. Name of insurance agent: Bell-Anderson Ins 26. Agent's phone number: 425-291-5200

**FOOD SERVICE:** See the attached sheet for an explanation of this requirement.

27. If you will **NOT** provide distilled spirits, name at least two different substantial food items that you will provide:

① \_\_\_\_\_ ② \_\_\_\_\_

28. If you are a Full On-Premises Sales Licensee and will provide distilled spirits, name at least five different substantial food items that you will provide:

① Chicken ② Pork ③ Beef ④ Seafood ⑤ Salads

29. Licensee Name (please print): Daniel Velasco

30. LICENSEE SIGNATURE: [Signature] 31. Date: 5/3/13

**GOVERNMENT RECOMMENDATION:** Once you've completed this form to this point, you must obtain a recommendation from the local city or county named in #32 below before submitting this application to the OLCC.

32. Name the city if the event address is within a city's limits or name the county if the event address is outside the city's limits: Dallas

**CITY OR COUNTY USE ONLY**

The city/county named in #32 above recommends:

Grant  Acknowledge  Deny (attach written explanation of deny recommendation)

City/County Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FORM TO OLCC:** This license is valid only when signed by an OLCC representative. Submit this form to the OLCC office regulating the county in which your special event will happen.

**OLCC USE ONLY**

Fee Paid: \_\_\_\_\_ Date: \_\_\_\_\_ Receipt #: \_\_\_\_\_

License is:  Approved  Denied

Restrictions: \_\_\_\_\_

OLCC Signature: \_\_\_\_\_ Date: \_\_\_\_\_



OREGON LIQUOR CONTROL COMMISSION

APPLICATION FOR TEMPORARY USE OF AN ANNUAL LICENSE

- **FULL ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION**  
Allows an Oregon Full On-Premises Sales Licensee to sell wine, cider, malt beverages, and distilled spirits for drinking on the special event licensed premises. There is no license fee.
- **LIMITED ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION**  
Allows an Oregon Limited On-Premises Sales Licensee to sell wine, cider, and malt beverages for drinking on the special event licensed premises. There is no license fee.

**Process Time:** OLCC needs your completed application to us in sufficient time to approve it. Sufficient time is typically 1 to 3 weeks before the first event date listed in #9 below (some events may need extra processing time).

**License Days:** In #9 below, you can apply for a maximum of 7 license days per application form. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.

1. My annual license is a:  FULL ON-PREMISES  LIMITED ON-PREMISES
2. Licensee Name (please print): Ixtapa Dallas Inc. E-mail: \_\_\_\_\_
3. Trade Name of Business: Ixtapa Family Mexican Restaurant 4. Fax: \_\_\_\_\_
5. Street Address of Annual Business: 1320 SW Fairview 6. City/ZIP: Dallas 97338
7. Contact Person: David Velasco 8. Contact Phone: (503) 871 7910
9. Date(s) of event: June 14 to June 20 2013 10. Start/End hours of alcohol service: 11am to 11pm

**LICENSED AREA BOUNDARIES:** ORS 471.159 prohibits the OLCC from licensing an area that does not have defined boundaries. OLCC may require the licensed area to be enclosed and may require you to submit a drawing showing the licensed area and how the boundaries of the licensed area will be identified.

11. Address of **Special Event** Licensed Area: 1320 SW Fairview Dallas  
(Street) (City)

12. Identify the licensed area (for example: entire premises; a room within the premises; an area in a park; etc.):

Outdoor patio

13. List the primary activities within the licensed area (like: dinner; auction; beer festival; wine festival; food fair; art show; music; patron dancing; sports event; etc.). If entertainment will be offered in the areas where alcohol will be sold or consumed, please describe the entertainment, the times it will be offered, and list the targeted age of attendees:

Lunch and dinner

14. Will minors and alcohol be allowed together in the same area?  Yes  No

15. What is the expected attendance per day in the licensed area (where alcohol will be sold or consumed)? 100

**PLAN TO MANAGE THE SPECIAL EVENT LICENSED AREA:** If your answer to #15 is 501 or more, in addition to your answers to questions 16, 17, and 18, you will need to complete the OLCC's *Plan to Manage Special Events form* (available on [www.oregon.gov/OLCC](http://www.oregon.gov/OLCC)), unless the OLCC exempts you from this requirement.

16. Describe your plan to prevent problems and violations. Limit the amount of drinks, make sure all our customers eat. Ask for ID to all people who look under 26.

17. Describe your plan to prevent minors from gaining access to alcoholic beverages and from gaining access to any portion of the licensed premises prohibited to minors. Both the servers as the manager will as for ID to any person who looks under 25. It will be the responsibility of the servers to monitor that no one under 21 have access to alcohol.

18. Describe your plan to manage alcohol consumption by adults. Limit the amount of drinks. IF someone is drinking fast offer some food. serve no more than one drink per person at a time  
MANAGER AND SERVICE PERMITS: You must name a manager or managers who will be at the special event.

19. List name(s) of on-site manager(s): Jose Jaime Rubio 20. Contact Phone: (503) 623 0678  
21. Service permit number of manager(s): 400940

LIQUOR LIABILITY INSURANCE: I certify that I have obtained at least \$300,000 of liquor liability insurance coverage for this event as required by ORS 471.168.

22. Insurance Company: Oregon Mutual Insurance 23. Policy #: BSP710090 24. Expiration Date: 06-18-13  
25. Name of insurance agent: Bell-Anderson Ins. 26. Agent's phone number: 425-291-5200

FOOD SERVICE: See the attached sheet for an explanation of this requirement.

27. If you will NOT provide distilled spirits, name at least two different substantial food items that you will provide:  
① \_\_\_\_\_ ② \_\_\_\_\_

28. If you are a Full On-Premises Sales Licensee and will provide distilled spirits, name at least five different substantial food items that you will provide:  
① Chicken ② Pork ③ Beef ④ Seafood ⑤ Salads

29. Licensee Name (please print): Daniel Velasco  
30. LICENSEE SIGNATURE: [Signature] 31. Date: 5/19/13

GOVERNMENT RECOMMENDATION: Once you've completed this form to this point, you must obtain a recommendation from the local city or county named in #32 below before submitting this application to the OLCC.

32. Name the city if the event address is within a city's limits or name the county if the event address is outside the city's limits: Dallas

**CITY OR COUNTY USE ONLY**  
The city/county named in #32 above recommends:  
 Grant  Acknowledge  Deny (attach written explanation of deny recommendation)  
City/County Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FORM TO OLCC: This license is valid only when signed by an OLCC representative. Submit this form to the OLCC off ce regulating the county in which your special event will happen.

**OLCC USE ONLY**  
License is:  Approved  Denied  
Restrictions:  
OLCC Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No.</b> 5c	<b>Topic:</b> Bids Received for Phase 4 of Rickreall Creek Trail System
<b>Prepared By:</b> Tom Gilson	<b>Meeting Date:</b> June 3, 2013	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

None

BACKGROUND:

Following is a list of bids received for Phase 4 of the Rickreall Creek Trail System project. The low bid was \$106,742.<sup>50</sup>, which was within the amount budgeted for this project and below the engineer’s estimate of \$150,000. We have given notice of our intent to award this contract to the low bidder, CG Contractors LLC. CG Contractors was low bid on the last phase of the Rickreall Creek Trail and the City staff felt they produced a satisfactory product.

CG Contractors, LLC	\$ 106,742. <sup>50</sup>
R&R General Contractors	\$ 130,525. <sup>00</sup>
T Edge Construction, Inc.	\$ 149,300. <sup>00</sup>
Green Thumb Landscape	\$ 152,999. <sup>03</sup>
Gelco Construction Co.	\$ 180,595. <sup>00</sup>

FISCAL IMPACT:

This project is funded through the Oregon Parks and Recreation’s Recreational Trails Program. The total project cost was estimated to be \$190,000 of which \$40,000 is city match funds. These funds include \$10,000 for Parks Maintenance Equipment budgeted in FY 12-13, \$7,500 from Parks SDCs, a \$500 grant from Dallas Community Foundation and \$22,000 from Force Account Labor.

ATTACHMENTS: None

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

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

Also Present: City Manager Ron Foggin, Mayor Brian Dalton, City Attorney Lane Shetterly, Council President LaVonne Wilson, Finance Director Cecilia Ward, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Fairchild called the meeting to order at 5:07 p.m.

Mr. Foggin arrived at 5:11 p.m.

**AQUATIC CENTER RATES**

Councilor Brown asked with the fifty cent increase why the women’s/mother’s program fee dropped from \$2.00 to \$1.50. Mr. Locke advised that fee wasn’t attached to the fee schedule and would adjust accordingly.

Councilor Gabliks asked about the coupon books and how many people held an annual membership pass. Mayor Dalton stated over 900 people. Mr. Locke reported that the fifty cent increase would affect the daily admission and coupon books. He noted that the annual membership pass and the facility rental rates wouldn’t change. He reported that \$1.00 increase was considered, but that a fifty cent increase would generate an additional \$20,000.

It was moved by Councilor Gabliks to direct staff to prepare a resolution reflecting the revised rates for Council approval. The motion was duly seconded and passed unanimously.

**VACANT COMMERCIAL BUILDING ORDINANCE**

Councilor Fairchild stated that the commercial building ordinance should be separated into two ordinances, maintenance and vacancy. Councilor Brown asked if the maintenance applied to everyone whether the building was occupied or not. Councilor Fairchild commented that was how he understood it. Mr. Shetterly stated that some redrafting could be made to the ordinance. He asked if maintenance would apply to all buildings regardless of their occupied status. Councilor Brown and Councilor Gabliks stated that it should. Mr. Locke reported that this would require downtown building owners to maintain their buildings beyond unsafe building standards.

Councilor Brown asked about the façade sign requirements concerning the Blue Garden. Mr. Locke stated that a sign must be removed after a business was gone for a certain amount of time. He commented that the iconic nature of the sign was the only reason the sign hadn’t been dealt with.

Councilor Marshall commented that he was concerned that maintenance was subjective. He noted that to come up with quantified specifics to apply across the board might be difficult. Councilor Fairchild stated the ordinance outlined the specifics quite well. Mr. Foggin stated that the City needed to set standards and apply them.

Mr. Locke stated there would be resource impacts and political ramifications that would come with this proposed ordinance.

1 Mr. Foggin reported that the comments he had received regarding this ordinance indicated that the two  
2 items should be separate ordinances. He noted the Councilors wanted good, safe, clean buildings that were  
3 maintained well. He stated the vacant building portion of the ordinance was the issue that the Councilors  
4 were most concerned about. Mayor Dalton stated that the comments he had received showed interest in the  
5 maintenance side of the ordinance. He suggested implementing the maintenance portion and then at a later  
6 date implement the vacant occupancy. Councilor Brown advised that the tenants of the buildings that he  
7 spoke with were overjoyed with the maintenance requirements.

8 Mr. Shetterly stated a reference to a palette of paint colors could be added to the ordinance. Mr. Foggin  
9 explained that there was a grant program using urban renewal funds to help pay for the painting of the  
10 buildings. Mr. Locke advised that there were two programs. The first was a façade loan program where the  
11 City would loan the building owner money to do façade improvements to their building. The second was  
12 an urban renewal grant program that included painting and signage and would pay 50% of the project cost  
13 up to \$2,000. He outlined that the grant program was tied to the 800/900 of Main Street block project, and  
14 used urban renewal dollars, and require less of a dollar match from the building owners.

15 Mr. Shetterly stated this ordinance would be silent on paint colors and those would be implemented  
16 through one of those programs. Councilor Marshall asked how the City would discourage people from  
17 obnoxious paint on their building. Mr. Locke noted the grants incentivized them to follow the rules.

18 Councilor Brown asked if this ordinance would have the word vacant removed from it. Mr. Shetterly  
19 stated that it would and the ordinance would only address the maintenance of commercial space.

20 Councilor Marshall asked about the time frames for enforcement. Mr. Shetterly stated he would look and  
21 see how the enforcement translated to a maintenance-only ordinance. He suggested moving this to a  
22 discussion at the next Council meeting and not a first reading.

23 Councilor Brown wondered with the City strapped for money what kind of enforcement could be  
24 applied. Mr. Foggin advised that nothing had been discussed with staff.

25 It was moved by Councilor Marshall to bring a draft maintenance ordinance to the Council for discussion.  
26 The motion was duly seconded and passed unanimously.

27 **NATIONAL HISTORIC REGISTER DESIGNATION**

28 Mr. Foggin commented that Councilor Lawson wanted to take the vacant building ordinance and turn it  
29 from a negative to a positive with a suggestion to have downtown get a National Register designation. He  
30 stated staff looked into the feasibility.

31 Mr. Locke stated there were two separate components to this idea. He noted the first was the National  
32 Register of Historic Places. He outlined that an individual building owner could go through the necessary  
33 steps and secure their name on the National Registry of Historic Places. He commented that would give  
34 the owner access to funds for restoration activities and an income tax credit. He noted that through the  
35 State Historic Preservation Office, a freeze could be put on the assessed value of the property in exchange  
36 for improvements to the property. He commented that all of these were voluntary things an owner could  
37 do. He indicated that when a National Historic District was created, it got considerably more complicated  
38 and expensive. He noted that a National Historic District helped recognize a certain level of historic

1 preservation.

2 He explained that a district was initiated by a local government. He advised that a reconnaissance survey  
3 could run between \$8,000 and \$10,000, but it informed elected officials and property owners that they  
4 were eligible to apply to the national register. He commented that being a district didn't provide any better  
5 benefits than that of an individual, but actually put more regulations overall. He noted that once a district  
6 was formed, it would seek to become a local government through the State Historical Preservation Office.  
7 He stated that you would have to create a preservation program and establish a Historic Landmark  
8 Commission that would make design decisions related to projects in the district. He commented that this  
9 did not provide a way to maintain your building.

10 Councilor Gabliks voiced concern about the ability to drop out at anytime. Mr. Locke stated this program  
11 created something that the City didn't have the resources to carry forward. He noted that the City could  
12 explain the benefits of the program to an individual building owner. Councilor Fairchild recommended  
13 making the resources available to the building owners.

14 Mr. Foggin advised that staff had researched the possibilities and the City would encourage property  
15 owners to pursue the program on their own, but a historic district was not a solution for the vacant  
16 building ordinance.

17 It was moved by Councilor Brown to not recommend becoming a historic district. The motion was duly  
18 seconded and passed unanimously.

19 **FINANCE DIRECTOR'S REPORT**

20 Ms. Ward stated that on June 5, 2013, the Finance Department would be training on the new online bill  
21 pay system. She noted that when the training was complete, the system would be live.

22 **OTHER**

23 **ADJOURNMENT**

24 There was no other business and the meeting was adjourned at 5:54 p.m.



# Administrative Committee

## AGENDA

**TUESDAY,  
May 28, 2013**

**5:00 PM**

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

1. Call to Order
2. Dallas Aquatic Center Rates
3. Vacant Commercial Building ordinance discussion
4. National Historic Register designation
5. **Finance Director's Report**
6. Other
7. Adjournment

Chair Jim Fairchild  
Jim Brown  
Kelly Gabliks  
Kevin Marshall  
Murray Stewart



*Community Development/Operations Department*

## **Memo**

**To:** Admin Committee

**From:** Jason Locke, Community Development/Operations Director

**Date:** May 28, 2013

**Re:** Aquatic Center Daily rates

---

As discussed at the Budget Committee meeting of April 29, 2013, the projected Aquatic Center Revenue of \$440,000 includes, among other adjustments, a daily pass rate increase of \$.50 for individual passes and a proportional increase in family passes and coupons. Based on a prior 6 month analysis, staff anticipates that we will see a revenue boost of approximately \$20,000 over a full year (see Attached).

The pricing analysis initially included an increase of \$1.00, but it was believed that an increase of that size would not be feasible, given the elasticity of demand. On balance, and given the number of annual pass holders (over 900), staff believes that a modest increase, as being proposed, would not adversely impact attendance and still retain the good value being offered.

There are no changes being proposed to any of the other rates set by Resolution of the Council.

***Recommended action: Direct staff to prepare a Resolution reflecting the revised rates for Council approval.***

# Dallas Aquatic Center

## Cost Comparison 6 months July 1, 2012 to Dec 31 2012

Actual numbers

<b>Day Rates</b>	<b>Rate</b>	<b># attended</b>	<b>Revenue</b>
Family (4 People)	\$12.00	1960	\$23,520
additional ea	\$2.50	996	\$2,490
Adult	\$5.00	2400	\$12,000
Sr	\$4.00	519	\$2,076
Youth	\$4.00	5184	\$20,736
Infant	\$1.00	788	\$788
Mom's Club	\$2.00	35	\$70
			\$61,680

<b>Add \$0.50</b>	<b>6 - month Projected Revenue</b>
\$14.00	\$27,440
\$3.00	\$2,989
\$5.50	\$13,200
\$4.50	\$2,335
\$4.50	\$23,328
\$1.50	\$1,182
\$1.50	\$53
	\$70,527

\$ 8847 increase

### Coupon Books

Adult	\$85	26	\$2,210
Sr	\$60	86	\$5,160
Youth	\$60	34	\$2,040
			\$9,410

	\$95	\$2,470
	\$70	\$6,020
	\$70	\$2,380
		\$10,870

\$1460 increase

6 Months  
\$ .50 increase

Day Rates	\$8,847
Coupon books	\$1,460

6 month total	\$10,307
full year total	\$20,614

RESOLUTION NO. 3242

A Resolution establishing a schedule of rates and fees to be paid by persons using the Dallas Aquatic Center, and repealing Resolution No. 3152.

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

Section 1. The fees and rates charged for persons using the Dallas Aquatic Center are hereby adopted as set forth in Exhibit A, attached hereto and by reference incorporated herein.

Section 2. All other rates, fees and prices not expressly set forth in Exhibit A may be set by the City Manager.

Section 3. This Resolution shall be effective April 1, 2012.

Section 4. Upon the effective date of this resolution, all prior and conflicting Resolutions are hereby repealed.

Adopted: March 5, 2012  
Approved: March 5, 2012

---

BRIAN W. DALTON, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER

EXHIBIT A

DALLAS AQUATIC CENTER RATES

1) General Admission Day Use Pass

Adult (18-59)	\$5.00	5.50
Youth (under 18)	\$4.00	4.50
Senior (60 & over)	\$4.00	4.50
Family <sup>1</sup>	\$12.00	14.00
**Infants 3 and under wading pool use \$1.00		1.50

2) Youth summer only Pass (June-August)

Youth (18 & under) \$100.00

3) 3-month Water Aerobics Pass (unlimited use)

All ages \$75.00

4) Annual Membership

(Includes all lap swims, recreation swims, and unlimited water aerobics, as well as a 20% discount all classes/lessons, 10% discount on room/facility rentals and swimsuits, 5 free passes per year for friends and family, and discounts on special events)

**(Residents receive 10% discount on annual pass)**

Adult (18-59)	\$250
Youth (under 18)	\$200
Senior (60 & over)	\$200
Two-person	\$375
Family <sup>1</sup>	\$450

5) 20 coupons (non-expiring)

Adult (18-59)	\$85.00	95.00
Youth (under 18)	\$60.00	70.00
Senior (60 & over)	\$60.00	70.00

<sup>1</sup> "Family" means up to four persons related by blood, marriage or civil union who reside together in the same household. In the case of an annual pass, add \$60.00 for each additional family member.

6) Facility rental rates

Small room           \$30.00/hour  
Large Room         \$60.00/hour

Entire facility (includes both rooms, all pools, lifeguards, and one lead lifeguard for one hour)

<u># of Guests</u>	<u>Rate*</u>
1-40	\$200.00
41-80	\$250.00
81-120	\$300.00
121-160	\$350.00
161-200	\$400.00
201-240	\$450.00

\*Add \$75.00 for each additional hour.

# DALLAS CITY COUNCIL

## ADMINISTRATIVE SUBCOMMITTEE REPORT

**TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>3</b>	<b>Topic:</b> Vacant Commercial Building Ordinance Discussion
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> May 28, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED ACTION:

Staff recommends some type of action be implemented to improve the downtown.

BACKGROUND:

The Administrative Committee discussed a Vacant Commercial Building Ordinance earlier this year. At the April 1 Council meeting, the Council discussed the ordinance and ultimately voted to refer it back to the Committee. The minutes of that discussion are attached.

Staff is unsure what the Council and Committee are looking for at this point, so would like to find out what direction the Committee would like to go. The original ordinance is attached to this staff report for reference, as well as the draft resolution that would have set the fees.

One item of note: Staff recommends some type of action be implemented to improve the downtown. In the recent community survey, of the respondents who rated the appearance of the city as a “1” or “2,” the majority stated the reason was “Storefronts look run-down, old.” Some specific comments include:

- Downtown businesses make it gloomy.
- Storefronts could look better; looks dowdy.
- Parts of the city, specifically downtown, look run down and need uplifted.
- There are a lot of run down stores in the city itself.
- It's got a pretty poor appearance, comes off as a little dumpy.
- Dreary and old-fashioned downtown. Hasn't gotten better in ten years. It's outdated.
- Mostly because of the buildings downtown that are not maintained or empty and the eyesore of them tearing down the mill.
- I think the city looks run down. The city is making efforts with curbs and sidewalks but they need to work with the business owners to keep it up.

One portion of Ordinance 1755 that all Councilors seemed to agree on was the building maintenance section. Perhaps the Council would like to pursue strictly a Building Maintenance Ordinance. If so, staff could do more research and bring something back to the committee at a later meeting.

Finally, Councilor Lawson has suggested pursuing a National Historic District designation for the downtown as a way to improve the downtown. This suggestion will be discussed later in the agenda.

ATTACHMENTS:

Minutes of the April 1, 2013 Council Meeting  
Draft Ordinance No. 1755  
Draft Resolution

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

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

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

7 OTHER

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

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

#### 15 RESOLUTIONS

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

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

#### 22 FIRST READING OF ORDINANCE

23 **Ordinance No. 1755** – An ordinance amending provisions of the Dallas City Code Chapter 8, and  
24 adding new provisions relating to vacant commercial buildings and maintenance of commercial  
25 buildings in the Central Business District.

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

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

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

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

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

#### 47 SECOND READING OF ORDINANCE

#### 48 OTHER BUSINESS

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

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

---

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

---

RONALD W. FOGGIN,  
CITY MANAGER

---

LANE P. SHETTERLY,  
CITY ATTORNEY

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

A Resolution establishing fees for vacant commercial building registration and related fees.

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

Section 1. The fees for registration of vacant commercial buildings authorized under Dallas City Code section 8.830(1) are as follows:

\$100 for the initial registration; provided, that if the vacant commercial building is registered within the time provided in section 8.820 and thereafter becomes occupied within 60 calendar days after the date of initial registration, one-half of the initial registration fee will be refunded.

\$250 for the first renewal.

\$750 for the second renewal.

\$1000 for the third renewal and each renewal thereafter.

Section 2. The delinquent registration fee authorized under Dallas City Code section 8.835 shall be ten percent (10%) of the amount of the delinquent fee, plus interest thereon as provided in section 8.835(2).

Section 4. This resolution will take effect on the effective date of Ordinance No. \_\_\_\_\_.

Adopted: April 1, 2013

Approved: April 1, 2013

\_\_\_\_\_  
BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
RONALD W. FOGGIN,  
CITY MANAGER

\_\_\_\_\_  
LANE P. SHETTERLY,  
CITY ATTORNEY



## Memo

**To:** Admin Committee  
**From:** Jason Locke, Community Development/Operations Director   
**Date:** May 28, 2013  
**Re:** National Historic Register Information

---

This item was introduced by Councilor Lawson at a prior Council Meeting, and the Council agreed to have staff to prepare some information/recommendations.

There are two distinct programs that are covered by the National Historic Register Program:

- 1) The listing of individual properties or sites by property owners. This is the most common approach, and is accomplished by preparing a nomination, submitting it for review, and going through the review process which is overseen by the State Historic Preservation Office (SHPO). If a property is listed on the Register, there are potential benefits that can accrue to the property including a federal tax credit program that can save building owners up to 20% of the cost of rehabilitating their building. In addition, Oregon has a property tax benefit that can freeze the assessed value of the listed property for up to 15 years (this is known as "special assessment" and has some additional requirements).

Note that a listing on the National Register does not impose any additional federal or state restrictions provided the property is not benefitting from the programs mentioned above.

- 2) The creation of a National Historic Register District. Generally, a Register District is an area or neighborhood that has a concentration of buildings and features that

retain a high degree of historic character and integrity, and represent an important aspect of the area's history. This is a much more involved, complicated, and expensive process than an individual listing. It takes an initial reconnaissance-level survey to at least identify potential boundaries of the District, a baseline inventory of contributing resources, and considerable time to gather and organize information prior to moving forward. Based on the outcome of the RLS, a determination can be made to proceed to the full-blown process. Generally, a consultant is hired for the entire process, as there is a significant amount of specialized work that needs to be done. This could be a significant cost.

Attached please find information related to the National Register.

# HERITAGE BULLETIN

Tips, Ideas & More to Help Preserve Oregon's Heritage

4

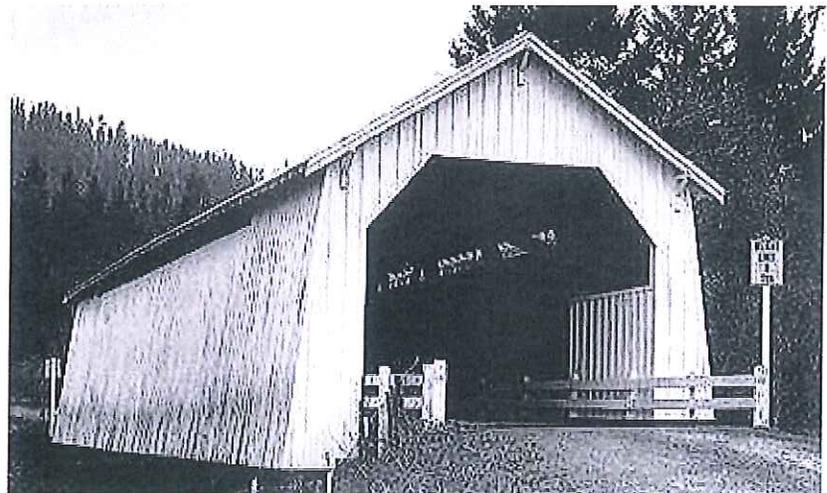
NATIONAL REGISTER OF HISTORIC PLACES

JUNE 2012

The National Register of Historic Places is the nation's official list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, and culture. The records are maintained in Washington, D.C. by the National Park Service, and the U.S. Department of the Interior. Over 1,927 properties located in all 36 counties of Oregon are listed in the National Register. Oregon listings presently include 124 historic districts.

## The State Historic Preservation Office

Each state has a designated State Historic Preservation Office (SHPO). In Oregon, the State Historic Preservation Office operates within the Oregon State Parks and Recreation Department. A nine-member governor-appointed State Advisory Committee on Historic Preservation (SACHP) is responsible for reviewing and approving all nominations to the National Register. Academic disciplines represented by the SHPO staff and the SACHP include history, archaeology, architecture, architectural history, related fields, and a Native American representative.



*Hayden Bridge, Benton County*



WWW.OREGONHERITAGE.ORG

OREGON.HERITAGE@STATE.OR.US

(503) 986-0671

**How are properties listed in the National Register?**

Properties are listed in the National Register through a public nomination process. The property owner often initiates a nomination, but any individual, local historical society, other community group, or even the state of Oregon may propose a nomination. The first step is a phone call to the SHPO to get a preliminary eligibility evaluation of the property from National Register staff. The next step is completion of the nomination form that describes the property and documents its significance. The property owner decides whether to prepare the form independently or engage a consultant to conduct the research and assemble the materials required to complete the form. About 50 percent of applicants conduct their own research and prepare their own nomination forms.

When a technically complete nomination form is received by the SHPO, it is placed on the calendar for review by the SACHP during one of three public meetings each year. The SACHP decides whether the property proposed for nomination meets the National Register criteria and makes its recommendations to the SHPO accordingly. If approved by the SACHP and the SHPO, the form is sent to Washington, D.C. The Keeper of the National Register of Historic Places decides whether to accept the nomination and list the property. The majority of properties nominated to the National Register are accepted for listing. Sometimes a nomination is returned for correction and resubmitted to the Keeper.



*James Grant Watts House, Columbia County*



**What are the benefits of listing a property in the National Register?**

Listing in the National Register of Historic Places honors the property and recognizes its importance to the community, the state, or the nation. Owners of listed properties may apply for Preserving Oregon grants when funds are available, usually in November. The SHPO administers a federal tax credit program that can save building owners 20 percent of the cost of rehabilitating their listed commercial, industrial, or rental residential building. In addition, Oregon has a property tax benefit that freezes the assessed value of a listed property for a 15-year period. As conditions of the property tax benefit, the owner must produce a preservation plan and open the property to the public once a year for the period of the benefit.

**Are properties listed in the National Register subject to restrictions and regulations?**

No restrictions are imposed by the state or federal governments provided the property is not benefiting from state or federal grants or tax incentive programs. However, state law in Oregon requires local governments to offer some level of protection to National Register properties. Restrictions will vary from jurisdiction to jurisdiction, so contact your local planning bureau to determine the level of regulation in your community.

Private owners of National Register properties have no obligation to admit the public to their properties or restore them unless they have voluntarily agreed to as a condition of receiving federal, state, or local economic benefits.

Listing a property in the National Register does not prevent the owner from selling the property or adapting it to a compatible new use. In making changes to a listed property, owners are advised to follow the Secretary of the Interior’s Standards for Rehabilitation.

Listed properties can be removed from the Register only under specific circumstances: If the decision regarding eligibility for listing was made in error, or was based on information subsequently proven incorrect or if a procedural error was made in the nomination process, or if the qualities which made the property eligible for listing in the National Register no longer exist.

*No restrictions are imposed by the state or federal governments provided the property is not benefiting from state or federal grants or tax incentive programs.*



**Can a property be listed without permission of the owner?**

Private property: A property in private ownership that is proposed for nomination as an individual listing in the National Register cannot be listed if the owner has formally objected to the listing. If a historic district is being proposed for nomination, the district cannot be listed if the majority of owners of private property within the proposed district boundary object to the listing.

Publicly owned property: Although the Keeper of the National Register will take the agency’s comments into consideration, a public owner’s objection does not preclude the listing of a property in public ownership.

**How difficult is it to prepare a nomination to the National Register?**

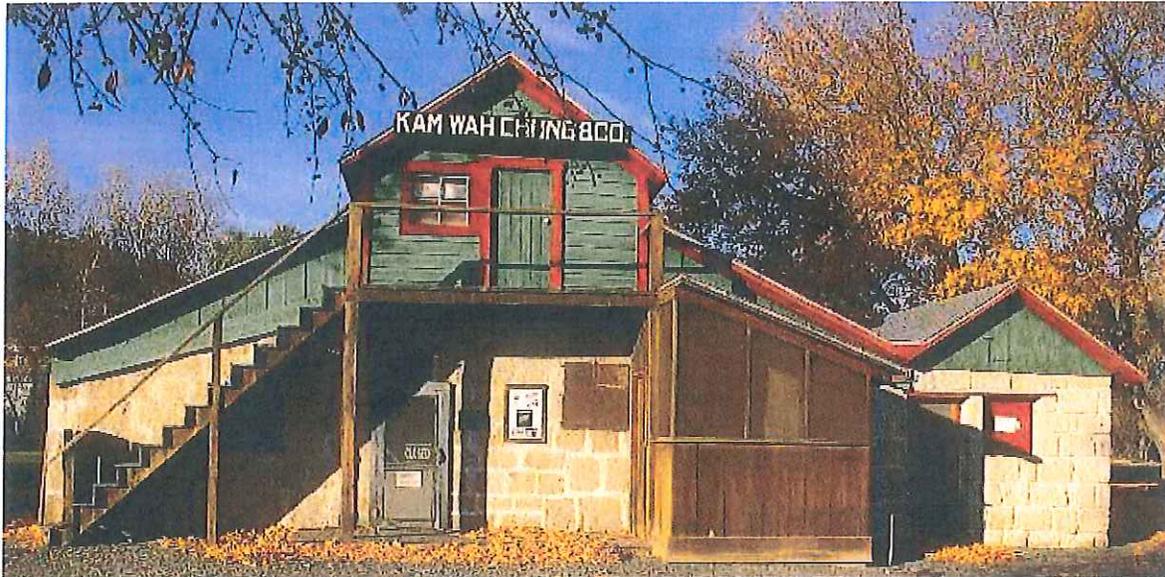
One should expect to spend between 100 and 150 hours preparing a nomination for an individual property. If the property is a historic district or a complex of several buildings, it will take longer. The narrative of the nomination form is divided into two sections: a description of the property, and a discussion of why it is significant. The key to preparing a successful nomination form is staying focused on the applicable criteria and demonstrating how the property meets those criteria. Appendices include maps and photographs. The process for an individual listing takes approximately one year from start to finish.

*One should expect to spend between 100 and 150 hours preparing a nomination for an individual property.*

**What determines whether a property qualifies for listing in the National Register?**

The National Park Service provides excellent guidance on applying the National Register criteria for evaluation. While there can be exceptions, properties likely to meet the criteria of the National Register are at least 50 years old, are well preserved and distinctive examples of an architectural or engineering type or style. Also, the property may be associated with persons, events, or broad patterns in local, state, or national history; or, in the case of archaeological sites, they have the potential to yield significant information in American history or prehistory.





*Kam Wah Chung, Grant County*

## ADDITIONAL INFORMATION

State Historic Preservation Office  
Oregon Parks and Recreation Department  
725 Summer Street NE, Suite C  
Salem, Oregon 97301

**Oregon Heritage** website: [www.oregonheritage.org](http://www.oregonheritage.org)  
**National Register** website: [www.nps.gov/nr](http://www.nps.gov/nr)

For **general information** about the National Register of Historic Places, contact Tracy Zeller, Oregon Heritage Administrative Specialist, at 503-986-0690 or [tracy.zeller@state.or.us](mailto:tracy.zeller@state.or.us).

### **National Register Program Staff:**

Ian Johnson, Historian  
503-986-0678  
[ian.johnson@state.or.us](mailto:ian.johnson@state.or.us)



# HERITAGE BULLETIN

Tips, Ideas & More to Help Preserve Oregon's Heritage

5

## NATIONAL REGISTER BENEFITS AND RESTRICTIONS

JUNE 2012

The National Register of Historic Places is the official federal list of properties that are significant in American history, architecture, archaeology, and engineering. This is primarily an honorific designation intended to recognize important buildings, structures, object, sites and districts to encourage their preservation. The National Register program is a federal program administered at the state level by the State Historic Preservation Office (SHPO). The regulation of National Register-listed properties in Oregon takes place at the local level. The following benefits and restrictions apply to National Register-listed properties:

### BENEFITS

**Recognition:** Owners may purchase an official plaque that can be placed on the building. Please contact Susan Haylock at 503-986-0672 for ordering instructions.

**Eligibility for federal tax credit:** The SHPO administers a federal tax credit program that can save building owners twenty percent of the cost of rehabilitating their National Register-listed commercial, industrial, or rental residential building. Requirements include submitting a short application form and performing only work that meets appropriate rehabilitation standards. Because tax aspects outlined above are complex, individuals should consult legal counsel, an accountant or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions.

### *Benefits:*

- *Recognition*
- *Tax Credit Eligibility*
- *Consideration in planning for federally licensed, permitted or funded projects*
- *Grants*
- *Special Assessment*
- *Building Code Leniency*



**Consideration in planning for federally licensed, permitted, or funded projects:** Section 106 of the National Historic Preservation Act of 1966 requires that federal agencies allow for the Advisory Council on Historic Preservation to have an opportunity to comment on all projects affecting historic properties listed in the National Register. This program is administered at the state level.

**Grants:** When funds are available, Preserving Oregon grant applications are invited, usually in November. Contact the SHPO for the grant schedule. Grants are awarded competitively since demand invariably exceeds availability of funds.

**Special Assessment:** This program allows owners of properties listed in the National Register of Historic Places to apply to freeze the assessed value of the property for a 10-year period. The program is designed as an incentive to assist property owners in the preservation of historic resources. The law requires property owners to submit a preservation plan for the building and to install an identification plaque. Owners have the opportunity to apply for an additional 10-year freeze after the completion of the first term.

**Building Code Leniency:** Under Section 3403.5 of the Uniform Building Code/Oregon Structural Specialty Code, National Register properties, and other certified historic buildings, are eligible to be considered for waivers of certain normal code requirements in the interest of preserving the integrity of the property.

**RESTRICTIONS**

No restrictions are imposed by the state or federal governments; however, state law in Oregon requires local governments to offer some level of protection to National Register properties. Local jurisdictions (county or city) regulate National Register-listed properties per their local ordinances, which means restrictions will vary from jurisdiction to jurisdiction. Contact your local planning bureau to determine the level of regulation in your community.

*No restrictions are imposed by the state or federal government. Local jurisdictions regulate National Register listed properties per their local ordinances.*



**Historic District Listing:** Private property owners may object to the listing of their property by sending a notarized letter to that effect to the SHPO prior to final review. In the case of a historic district, a majority of property owners must object in order to stop a nomination. Individual property owners within a historic district may not “opt out” if the majority of owners have not objected. National Register-listed historic districts, just like individually listed buildings, are subject to whatever local regulations apply (as described above).

**Public Property Listing:** Public property owners may support or object to the listing of a publicly owned property, but owner consent is not required for nominations of public properties to move forward.

If you wish to comment on the nomination of a property to the National Register, please send your comments to the SHPO before the forthcoming meeting of the State Advisory Committee on Historic Preservation. A copy of the nomination and information on the National Register is available from the SHPO upon request.

**ADDITIONAL INFORMATION**

State Historic Preservation Office  
 Oregon Parks and Recreation Department  
 725 Summer Street, N.E., Suite C  
 Salem, OR 97301

**Oregon Heritage** website: [www.oregonheritage.org](http://www.oregonheritage.org)  
**National Register** website: [www.nps.gov/nr](http://www.nps.gov/nr)

For **general information** about the National Register of Historic Places, contact Tracy Zeller, Oregon Heritage Administrative Specialist at 503-986-0690 or [tracy.zeller@state.or.us](mailto:tracy.zeller@state.or.us).

**National Register Program Staff:**

Ian Johnson, Historian  
 503-986-0678  
[ian.johnson@state.or.us](mailto:ian.johnson@state.or.us)

*If you wish to comment on the nomination of a property to the National Register, please send your comments to the State Historic Preservation Office before the forthcoming meeting of the State Advisory Committee on Historic Preservation.*



# HERITAGE BULLETIN

Tips, Ideas & More to Help Preserve Oregon's Heritage

6

## NATIONAL REGISTER HISTORIC DISTRICTS

NOVEMBER 2011

A historic district is an area or neighborhood that has a concentration of buildings and associated landscape and streetscape features (50 years or older) that retain a high degree of historic character and integrity, and represent an important aspect of an area's history.

### What is required for documenting a historic district?

A historic district is treated as one property by the National Register. A district nomination is prepared using the same National Register Bulletins (instructions), form and continuation sheets that one would use to document an individual property, and processed in generally the same manner as an individual property, but there are some additional considerations:

Survey documentation is required for proposed districts. This involves photographing and describing all buildings and related features in the district, recording their basic characteristics, and assessing whether or not they contribute to the historic character of the district. Contributing properties retain and exhibit sufficient integrity (materials, design, setting) to convey a sense of history. In those cases where a jurisdiction already has an updated survey of the proposed district area, a list of the buildings that includes their addresses, pertinent descriptive information, and contributing status may be substituted for detailed survey information.

A historical overview of the entire district based on the survey of the district, the individual property histories, and other local history information is required. This narrative statement of significance provides a basic background history of the area and justifies the significance of the district.

*A historic district is an area that has a high concentration of buildings and landscape and streetscape features that:*

- *retain a high degree of historic integrity and*
- *represent an important aspect of the area's history.*

*Please contact the staff of the Oregon National Register program for more information on how to document potential historic districts.*



The National Register requires a map showing the boundaries of the district and each building and structure in the district, with the contributing properties distinguished from the non-contributing properties. Mapping requirements are described in more detailed in National Register Bulletin #16A, “How to Complete the National Register Registration Form.” Having a map completed early in the process will often help in determining district boundaries, since you can see at a glance where the contributing buildings are concentrated.

**What are the implications of historic district designation?**

One of the primary benefits of National Register designation is the fostering of community awareness and pride in one’s heritage and the neighborhood. Designation tends to help stabilize a neighborhood, stimulate increased owner-occupancy by making it a more distinct and desirable place to live and work, and generate increased property values as buildings are rehabilitated. These beneficial effects vary, of course, depending on the area and the economy at the time. Overall, however, historic district designation has produced positive results both in Oregon and throughout the country.

*One of the primary benefits of National Register designation is the fostering of community awareness and pride in one’s heritage and the neighborhood.*

Historic designation provides financial benefits for qualifying properties. Under provisions of the Economic Recovery Tax Act, owners of listed properties may qualify for a 20% investment tax credit for the certified rehabilitation of income-producing property such as commercial, industrial, or rental residential buildings. In Oregon, under state law, owners of listed properties may apply for a property tax benefit – a “freeze” of the assessed value of the property for a 10-year period, provided the property is in need of rehabilitation. There are also limited funds available annually on a competitive basis to owners of listed properties through the Oregon SHPO’s Preserving Oregon grant program. In historic districts, these financial incentives are only available to contributing properties in the district. If your house is considered non-contributing, you still have to comply with the local preservation ordinance, even though you do not qualify for the financial benefits mentioned above.

*There are no restrictions imposed by federal or state regulations on private property owners in a historic district, provided the property is not benefitting from state or federal grants or tax incentives. money.*

Buildings listed in the National Register can be given more leniency in complying with building code requirements in order to protect the qualities of the historic resource. They can often qualify more easily for

conditional use permits or other code exemptions or variances. Restrictions and controls in a historic district are set forth by the local jurisdiction. Contact your local planning office for a copy of its preservation ordinance and for details about any regulations that may be imposed on district property owners. There are no restrictions imposed by federal or state regulations on private property owners in a historic district, provided the property is not benefiting from federal money through federally funded projects or tax incentive programs.

**Can a property owner object to a listing?**

Owners of private property within a proposed historic district may object to the listing by submitting to the SHPO a notarized statement certifying that the party is the sole or partial owner of the property and objects to the listing. The National Register will not list a district if the majority of property owners object.

Each owner of private property in a district has one “vote” regardless of how many properties or what part of the one property that party owns and regardless of whether the property contributes to the significance of the district. An owner is defined as an entity (individual, partnership, corporation or public agency) holding fee simple title to property. The right to object is described more fully in the federal regulations governing the National Register program, 36 CFR 60.6.

**ADDITIONAL INFORMATION**

State Historic Preservation Office  
 Oregon Parks and Recreation Department  
 725 Summer Street, N.E., Suite C  
 Salem, OR 97301

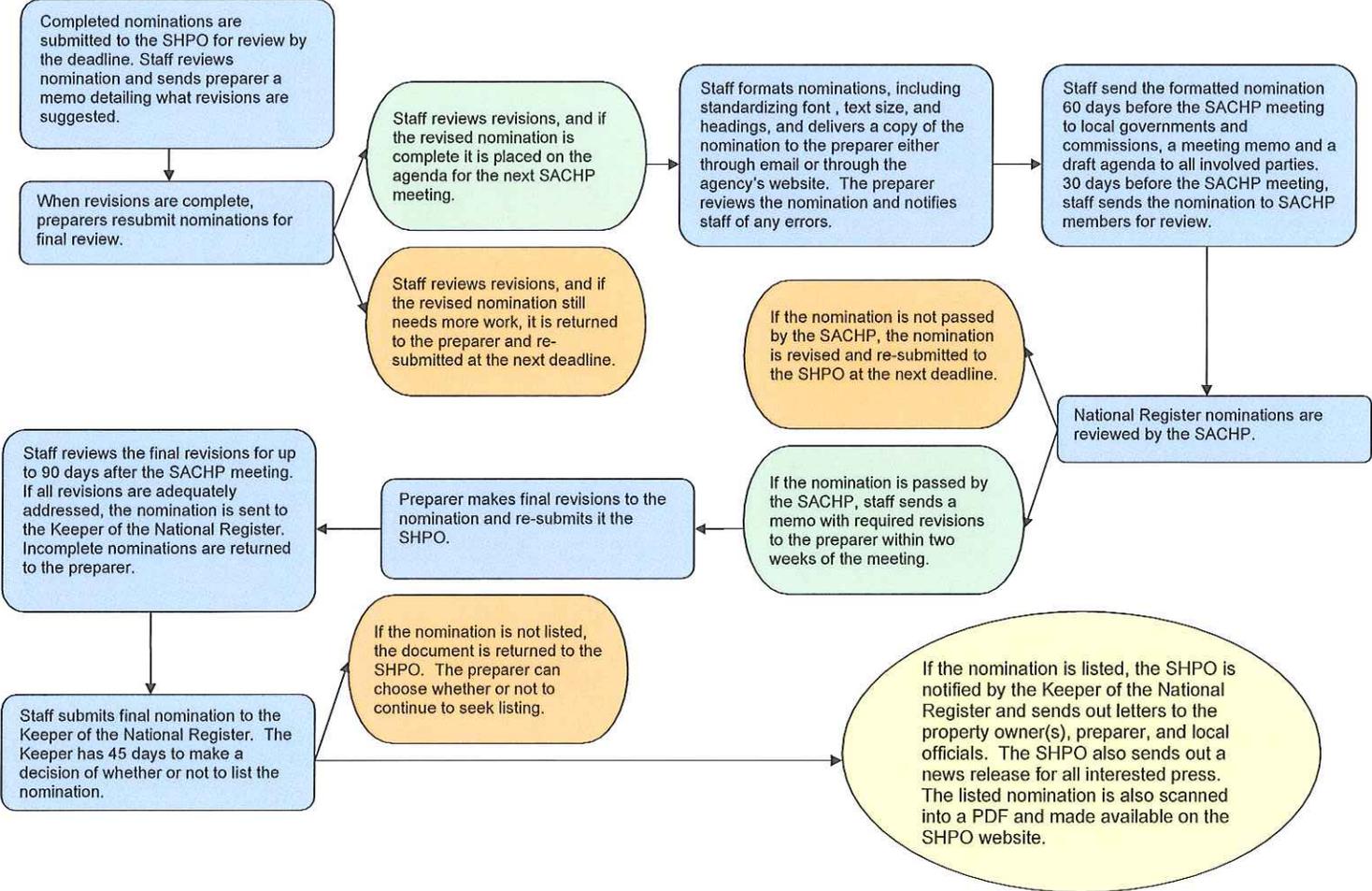
Oregon Heritage Programs website: [www.oregonheritage.org](http://www.oregonheritage.org)  
 National Register website: [www.nps.gov/nr](http://www.nps.gov/nr)

For general information about the National Register of Historic Places, contact Tracy Zeller, Heritage Programs Administrative Specialist, at 503-986-0690.

National Register Program Staff:  
 Ian Johnson, Historian  
 503-986-0678  
[ian.johnson@state.or.us](mailto:ian.johnson@state.or.us)

*Owners of private property within a proposed historic district may object to the listing by submitting to the SHPO a notarized statement certifying that the party is the sole or partial owner of the property and objects to the listing.*

## Oregon State Historic Preservation Office The National Register Process



**Building and Grounds Committee**  
**Monday, May 28, 2013**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

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

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

Chair Fairchild called the meeting to order at 5:00 p.m.

Councilor Marshall arrived at 5:06 pm.

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

Mr. Locke stated the farmhouse property would be closing the first part of June. He commented that a discussion had taken place with the Oregon Military Department about the old armory building property. He noted that they seemed to be hesitant to move forward so the City would budget for the property next year. He reported that staff would be preparing a report on the Carnegie building for the next committee meeting. He noted he would be looking for some resolution on how to proceed on that building.

Councilor Gabliks asked if the intention was to sell the building or lease it. Mr. Locke noted that from the last discussion, leasing was the preferred option. He also noted that the heating system in the building had broken down and the City hadn’t made any improvements yet. He advised that the problem was making the improvements for an unknown user. Councilor Gabliks stated the City should put it on the market and see who was interested in leasing the building.

Councilor Fairchild stated staff would prepare a report on the Carnegie building alternatives.

**OTHER**

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 5:07 p.m.



# Building & Grounds Committee

## *A G E N D A*

**TUESDAY,  
May 28, 2013**

**5:00 PM**

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

1. Call to Order
2. Community Development/Operations  
**Director's Report**
3. Other
4. Adjournment

Chair Murray Stewart  
Jim Brown  
Jim Fairchild  
Kelly Gabliks  
Kevin Marshall

# DALLAS CITY COUNCIL REPORT

**To: DALLAS CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8 a</b>	<b>Topic:</b> Utility Deposits, Late Fee and Collection Fee
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> June 3, 2013	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Recommend that Council adopt Resolution 3272 later in the agenda.

BACKGROUND:

As part of the Utility Rate Study, prepared by Donovan Enterprises and approved by the Utility Rate Advisory Committee, the committee made the following recommendation in the treatment of the estimated \$114k in uncollectable/past due utility billings:

1. Do not raise rates now to recover the \$114k in uncollectables/past due billings. The one-time rate spike is not necessary.
2. Implement business policies to reduce the risk of uncollectables in the future.
3. Develop a business policy on bad debt charge-offs.

At this time, staff is recommending implementing business policies to reduce the risk of uncollectables in the future by establishing a deposit for new accounts, implementing a late fee and collection fee, and narrowing the time gap that service is disconnected for non-payment.

Deposits - A refundable deposit for water and sewer will be collected upon the start of service for both a homeowner and a renter. For homeowners, the deposit will be applied to the customer's account balance after one year of payments with no late fees or upon close of service. Renters' deposits will be applied to their final bill. At the time the account is closed, if any deposit remains after it is applied to the final bill, the remaining deposit will be refunded to the customer.

Late Fee - A late fee will be applied to an utility account seven (7) days after the due date, allowing for a grace period.

Collection Fee - A collection fee will be added to any account sent to collections. At this time, Municipal Court applies this fee for any citations sent to collections. This fee would help to recover some of the cost of the 23% commission paid to the collection company and the cost of preliminary collection procedures.

Disconnect Policy - Staff is proposing to narrow the gap between the billing and disconnect for non-payment. At this time, a customer may use 3 months of water usage before they are disconnected for non-payment. Staff proposes to cut that to 1-1/2 months of usage.

Staff believes the above steps would mitigate the risk of uncollectables in the future.

FISCAL IMPACT:

Minimal revenue from fees and increase in water and sewer sales due to timely collections.

ATTACHMENTS:

None

# 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> Upcoming Meeting Discussion
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 3, 2013	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Motion to cancel the July 1, 2013, Dallas City Council meeting

BACKGROUND:

Several staff members will be out of the office during the week of July 1 for the Independence Day holiday. I do not anticipate any agenda items for this meeting. For this reason, we are requesting the Council cancel the July 1, 2013, City Council meeting. As always, if something comes up, we can schedule an emergency meeting.

FISCAL IMPACT:

None

ATTACHMENTS:

None

# 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 No. 3272 – Water Rates
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 3, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Adopt Resolution No. 3272

BACKGROUND:

The Council discussed the findings of the Utility Rate Study at the May 6 and May 20 City Council meetings. The following resolution implements the changes discussed at those meetings.

At the May 20 meeting, some Councilors expressed concern about the implementation date. There is an alternate resolution included in the packet that would make the new rate structure effective with the July 2013 billing. If the Council so chooses, they could adopt that resolution instead of the resolution with the original June 2013 implementation date.

FISCAL IMPACT:

The changes to the water rates are intended to be revenue neutral.

ATTACHMENTS:

Resolution No. 3272  
Alternate Resolution No. 3272, effective with the July 2013 billing

RESOLUTION NO. 3272

A Resolution establishing a schedule of rates for water service and related water account fees; and repealing Resolution No. 3180.

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

Section 1. The following rates are established for all water furnished by the City of Dallas:

(a) For water furnished through meters located within the boundaries of the City of Dallas as constituted on the date of this resolution or hereinafter established, a monthly charge shall be computed as follows:

1) Monthly base charge (per meter) with the first 300 cubic feet of metered water included in the base charge.....\$16.10

2) Use (commodity) charge (per 100 cubic feet of metered water):

a. Single family and multi-family residential customers:

Over 300 cubic feet of metered water.....\$1.73

For the purpose of this subsection, the term "multiple dwelling" shall mean all residences that have separate facilities for occupancy of more than one family or person providing such residences do not have individual water meters. This shall include apartment houses, multiple-family dwellings, trailer courts, mobile home parks, and motels if minimum kitchen facilities are provided for permanent or semi-permanent occupancy.

b. Non-housekeeping or transient quarters, commercial, institutional, and industrial customers:

Over 300 cubic feet of metered water.....\$1.34

For the purpose of this subsection, the term "non-housekeeping" or "transient quarters" shall mean all boarding houses, rooming houses, transient hotels, hospitals, rest homes and all other non-housekeeping or transient type quarters not included in multiple dwellings.

(b) For water furnished through meters located outside the boundaries of the City of Dallas a monthly charge shall be computed as follows:

- 1) Monthly base charge (per meter) with the first 300 cubic feet of metered water included in the base charge..... \$32.28
- 2) Use (commodity) charge (per 100 cubic feet of metered water):
  - a. Single family and multi-family residential customers:
    - Over 300 cubic feet of metered water.....\$2.60
  - b. Non-housekeeping or transient quarters, commercial, institutional, and industrial customers:
    - Over 300 cubic feet of metered water.....\$2.01
- (c) Water furnished to water districts, cooperatives or corporations, organized and existing under the laws of the State of Oregon and receiving water through a master meter shall pay therefor such amount as may be negotiated between the City and the water district, cooperative or corporation prior to receiving such water.
- (d) Users of unmetered water shall pay a monthly charge equal to the minimum rate paid by users of metered water without regard to the quantity used.
- (e) Persons receiving bulk deliveries shall pay at the rate of \$16.85 per thousand gallons or fraction thereof, delivered subject to a minimum charge of \$16.85 per delivery.

Section 2. In addition to the monthly fees established herein, the following service fees are hereby established:

- (a) New Account .....\$15.00  
plus any delinquent amount from a prior account
- (b) Disconnection upon customer request (seasonal disconnect) within city limits during regular business hours.....\$30.00
- (c) Disconnection upon customer request (seasonal disconnect) outside city limits during regular business hours.....\$50.00
- (d) Extra fee for disconnection (convenience off) or connection (convenience on) upon customer request not during business hours.....\$20.00
- (e) Disconnection for nonpayment within city limits.....\$40.00  
plus past-due amount
- (f) Disconnection for nonpayment outside the city limits.....\$50.00  
plus past-due amount
- (g) Late fees.....\$10.00

- (h) Customer deposits.....\$125.00
- (i) Credit and collections agency referral fee.....\$25.00

Section 3. The rates established for water furnished by the City of Dallas, as set forth in Section 1 shall be adjusted effective June 1, 2014, according to the change in the Consumer Price Index for All Urban Consumers, Portland-Salem, established by the Bureau of Labor Statistics, for the period January 1, 2013 to December 31, 2013, subject to Section 5 below.

Section 4. Thereafter, on and as of June 1 on each year, beginning with June 1, 2015, the rates for water furnished by the City of Dallas, as previously adjusted, shall be adjusted according to the change in the Consumer Price Index for All Urban Consumers, Portland-Salem, established by the Bureau of Labor Statistics, for the immediately preceding calendar year, subject to Section 5 below.

Section 5. The adjustment in water rates provided by Sections 3 and 4 shall not exceed three percent (3%) in any one-year period.

Section 6. The rates set forth in Sections 1 shall be effective with the June 2013 billing.

Section 7. The fees set forth in Section 2 shall be effective on July 1, 2013.

Section 8. All prior and conflicting resolutions are repealed effective as of the dates the new rates and fees set forth herein go into effect.

Adopted: June 3, 2013  
 Approved: June 3, 2013

---

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

---

RONALD W. FOGGIN,  
 CITY MANAGER

---

LANE P. SHETTERLY,  
 CITY ATTORNEY

RESOLUTION NO. 3272

A Resolution establishing a schedule of rates for water service and related water account fees; and repealing Resolution No. 3180.

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

Section 1. The following rates are established for all water furnished by the City of Dallas:

- (a) For water furnished through meters located within the boundaries of the City of Dallas as constituted on the date of this resolution or hereinafter established, a monthly charge shall be computed as follows:
  - 1) Monthly base charge (per meter) with the first 300 cubic feet of metered water included in the base charge.....\$16.10
  - 2) Use (commodity) charge (per 100 cubic feet of metered water):
    - a. Single family and multi-family residential customers:
      - Over 300 cubic feet of metered water.....\$1.73

For the purpose of this subsection, the term "multiple dwelling" shall mean all residences that have separate facilities for occupancy of more than one family or person providing such residences do not have individual water meters. This shall include apartment houses, multiple-family dwellings, trailer courts, mobile home parks, and motels if minimum kitchen facilities are provided for permanent or semi-permanent occupancy.

- b. Non-housekeeping or transient quarters, commercial, institutional, and industrial customers:
  - Over 300 cubic feet of metered water.....\$1.34

For the purpose of this subsection, the term "non-housekeeping" or "transient quarters" shall mean all boarding houses, rooming houses, transient hotels, hospitals, rest homes and all other non-housekeeping or transient type quarters not included in multiple dwellings.

- (b) For water furnished through meters located outside the boundaries of the City of Dallas a monthly charge shall be computed as follows:

- 1) Monthly base charge (per meter) with the first 300 cubic feet of metered water included in the base charge..... \$32.28
- 2) Use (commodity) charge (per 100 cubic feet of metered water):
  - a. Single family and multi-family residential customers:
    - Over 300 cubic feet of metered water.....\$2.60
  - b. Non-housekeeping or transient quarters, commercial, institutional, and industrial customers:
    - Over 300 cubic feet of metered water.....\$2.01
- (c) Water furnished to water districts, cooperatives or corporations, organized and existing under the laws of the State of Oregon and receiving water through a master meter shall pay therefor such amount as may be negotiated between the City and the water district, cooperative or corporation prior to receiving such water.
- (d) Users of unmetered water shall pay a monthly charge equal to the minimum rate paid by users of metered water without regard to the quantity used.
- (e) Persons receiving bulk deliveries shall pay at the rate of \$16.85 per thousand gallons or fraction thereof, delivered subject to a minimum charge of \$16.85 per delivery.

Section 2. In addition to the monthly fees established herein, the following service fees are hereby established:

- (a) New Account .....\$15.00  
plus any delinquent amount from a prior account
- (b) Disconnection upon customer request (seasonal disconnect) within city limits during regular business hours.....\$30.00
- (c) Disconnection upon customer request (seasonal disconnect) outside city limits during regular business hours.....\$50.00
- (d) Extra fee for disconnection (convenience off) or connection (convenience on) upon customer request not during business hours.....\$20.00
- (e) Disconnection for nonpayment within city limits.....\$40.00  
plus past-due amount
- (f) Disconnection for nonpayment outside the city limits.....\$50.00  
plus past-due amount
- (g) Late fees.....\$10.00

- (h) Customer deposits.....\$125.00
- (i) Credit and collections agency referral fee.....\$25.00

Section 3. The rates established for water furnished by the City of Dallas, as set forth in Section 1 shall be adjusted effective June 1, 2014, according to the change in the Consumer Price Index for All Urban Consumers, Portland-Salem, established by the Bureau of Labor Statistics, for the period January 1, 2013 to December 31, 2013, subject to Section 5 below.

Section 4. Thereafter, on and as of June 1 on each year, beginning with June 1, 2015, the rates for water furnished by the City of Dallas, as previously adjusted, shall be adjusted according to the change in the Consumer Price Index for All Urban Consumers, Portland-Salem, established by the Bureau of Labor Statistics, for the immediately preceding calendar year, subject to Section 5 below.

Section 5. The adjustment in water rates provided by Sections 3 and 4 shall not exceed three percent (3%) in any one-year period.

Section 6. The rates set forth in Sections 1 shall be effective with the July 2013 billing.

Section 7. The fees set forth in Section 2 shall be effective on July 1, 2013.

Section 8. All prior and conflicting resolutions are repealed effective as of the dates the new rates and fees set forth herein go into effect.

Adopted: June 3, 2013  
 Approved: June 3, 2013

---

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

---

RONALD W. FOGGIN,  
 CITY MANAGER

---

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. 9 b</b>	<b>Topic:</b> Resolution No. 3273 – Sewer Rates
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 3, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Adopt Resolution No. 3273

BACKGROUND:

The Council discussed the findings of the Utility Rate Study at the May 6 and May 20 City Council meetings. The following resolution implements the changes discussed at those meetings.

At the May 20 meeting, some Councilors expressed concern about the implementation date. There is an alternate resolution included in the packet that would make the new rate structure effective with the July 2013 billing. If the Council so chooses, they could adopt that resolution instead of the resolution with the original June 2013 implementation date.

FISCAL IMPACT:

The changes to sewer rates is intended to be revenue neutral.

ATTACHMENTS:

Resolution No. 3273  
Alternate Resolution No. 3273, effective with the July 2013 billing

RESOLUTION NO. 3273

A Resolution defining customer classes, establishing a schedule of rates for sewer service and repealing Resolution No. 3147.

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

Section 1. Definitions of customer classes. For the purposes of this resolution, customers who discharge wastes into the public sewer system shall be classified as follows:

- (a) Residential.
  - 1) Single-family (per dwelling unit);
  - 2) Multiple-family (per dwelling unit);
  - 3) Mobile home park (per dwelling space);
  - 4) Travel trailer park (per dwelling space);
  - 5) Hotels and motels (each).
  
- (b) Commercial I.
  - 1) Barbershops and beauty shops (each);
  - 2) Car dealers and automotive repair facilities (each);
  - 3) Churches (each, without garbage disposal);
  - 4) Department stores (each);
  - 5) Fraternal clubs (each, without food service);
  - 6) Grocery stores (each, without meat cutting);
  - 7) Hardware stores (each);
  - 8) Laundromats (each);
  - 9) Light industrial (each, based on City Engineer's review);
  - 10) Medical, dental, and veterinary clinics (each);
  - 11) Pharmacies (each);
  - 12) Print shops (each);
  - 13) Professional offices (each business);
  - 14) Schools (each, without food preparation);
  - 15) Service stations (each);
  - 16) Taverns (each, without food preparation);

- 17) Warehouses (each);
- 18) Carwashes (each);
- 19) Government utilities (each);
- 20) Nursery (each).

(c) Commercial II.

- 1) Churches (each, with garbage disposal);
- 2) Restaurants and fraternal clubs (each, with food service, no garbage disposal, with grease trap);
- 3) Institutions (each, hospitals, schools, nursing homes).

(d) Commercial III.

- 1) Bakeries (each);
- 2) Restaurants and fraternal clubs (each, with food service, no garbage disposal, without grease trap);
- 3) Grocery stores (each, with meat cutting and/or bakery)
- 4) Meat markets (each).

(e) Industrial.

- 1) Any facility that discharges effluent to the sanitary sewer for any 24-hour period which equals or exceeds any one of the following criteria:
  - a. Flow greater than 25,000 gpd;
  - b. BOD greater than 350 mg/l;
  - c. SS greater than 350 mg/l;
  - d. pH greater than 9.0;
  - e. pH less than 6.0.

(f) When an existing or new customer's use does not conform precisely to one of the customer classifications shown above, the City Manager may apply an appropriate adjustment to the customer classifications as deemed appropriate in the City Manager's judgment to properly classify the customer for the purpose of this resolution.

Section 2. The following rates shall apply to all persons who discharge wastes into the public sewer:

- (a) Single Family Residential User. A flat rate per calendar month per connection .....\$41.85

- (b) Multiple Family Dwelling Users.
  - 1) Monthly base charge (per dwelling unit). A flat rate per calendar month per dwelling unit or dwelling place.....\$28.31
  - 2) Use (commodity) charge (per 100 cubic feet of metered water) based on the monthly average metered delivery of water to said premises for the months of usage during November through February just previous.....\$0.92
  
- (c) Non-Housekeeping, Hotels, Motels, or Transient Quarter Users.
  - 1) Monthly base charge (per bedroom or sleeping quarters). A flat rate per calendar month per bedroom or sleeping quarters.....\$9.44
  - 2) Use (commodity) charge (per 100 cubic feet of metered water) based on the monthly average metered delivery of water to said premises .....\$0.92
  
- (d) Commercial and Industrial Users.
  - 1) Monthly base charge (per meter). A flat rate per calendar month per meter.....\$35.39
  - 2) Use (commodity) charge (per 100 cubic feet of metered water) based on the monthly average metered delivery of water to said premises.
    - a. Commercial I.....\$0.92
    - b. Commercial II.....\$1.99
    - c. Commercial III.....\$2.13
    - d. Industrial High Strength
      - i. Sanitary flow and infiltration and inflow - \$/100 cubic feet.....\$0.64
      - ii. BOD - \$/pound.....\$0.24
      - iii. TSS - \$/pound.....\$0.24
  
- (e) Where, due to special and unusual circumstances, average metered delivery of water determined under subparagraph (d) does not fairly reflect average sewer usage, the City Manager may apply an appropriate adjustment as deemed appropriate in the City Manager’s judgment to fairly reflect such average sewer usage.
  
- (f) Septic tank pumping. For dumping the content of a septic tank, a fee of \$0.82 per gallon septic tank load.

Section 3. The rates established for sewer service furnished by the City of Dallas, as set forth in Section 2 shall be adjusted effective June 1, 2014, according to the change in the

Consumer Price Index for All Urban Consumers, Portland-Salem, established by the Bureau of Labor Statistics, for the period January 1, 2013 to December 31, 2013, subject to Section 5 below.

Section 4. Thereafter, on and as of June 1 on each year, beginning with June 1, 2015, the rates for water furnished by the City of Dallas, as previously adjusted, shall be adjusted according to the change in the Consumer Price Index for All Urban Consumers, Portland-Salem, established by the Bureau of Labor Statistics, for the immediately preceding calendar year, subject to Section 5 below.

Section 5. The adjustment in sewer rates provided by Sections 3 and 4 shall not exceed three percent (3%) in any one-year period.

Section 6. The rates established hereunder shall be effective with the June 2013 billing.

Section 7. All prior and conflicting resolutions are repealed effective as of the date the new rates set forth herein go into effect.

Adopted: June 3, 2013  
Approved: June 3, 2013

---

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

---

RONALD W. FOGGIN,  
CITY MANAGER

---

LANE P. SHETTERLY,  
CITY ATTORNEY

RESOLUTION NO. 3273

A Resolution defining customer classes, establishing a schedule of rates for sewer service and repealing Resolution No. 3147.

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

Section 1. Definitions of customer classes. For the purposes of this resolution, customers who discharge wastes into the public sewer system shall be classified as follows:

- (a) Residential.
  - 1) Single-family (per dwelling unit);
  - 2) Multiple-family (per dwelling unit);
  - 3) Mobile home park (per dwelling space);
  - 4) Travel trailer park (per dwelling space);
  - 5) Hotels and motels (each).
  
- (b) Commercial I.
  - 1) Barbershops and beauty shops (each);
  - 2) Car dealers and automotive repair facilities (each);
  - 3) Churches (each, without garbage disposal);
  - 4) Department stores (each);
  - 5) Fraternal clubs (each, without food service);
  - 6) Grocery stores (each, without meat cutting);
  - 7) Hardware stores (each);
  - 8) Laundromats (each);
  - 9) Light industrial (each, based on City Engineer's review);
  - 10) Medical, dental, and veterinary clinics (each);
  - 11) Pharmacies (each);
  - 12) Print shops (each);
  - 13) Professional offices (each business);
  - 14) Schools (each, without food preparation);
  - 15) Service stations (each);
  - 16) Taverns (each, without food preparation);

- 17) Warehouses (each);
- 18) Carwashes (each);
- 19) Government utilities (each);
- 20) Nursery (each).

(c) Commercial II.

- 1) Churches (each, with garbage disposal);
- 2) Restaurants and fraternal clubs (each, with food service, no garbage disposal, with grease trap);
- 3) Institutions (each, hospitals, schools, nursing homes).

(d) Commercial III.

- 1) Bakeries (each);
- 2) Restaurants and fraternal clubs (each, with food service, no garbage disposal, without grease trap);
- 3) Grocery stores (each, with meat cutting and/or bakery)
- 4) Meat markets (each).

(e) Industrial.

- 1) Any facility that discharges effluent to the sanitary sewer for any 24-hour period which equals or exceeds any one of the following criteria:
  - a. Flow greater than 25,000 gpd;
  - b. BOD greater than 350 mg/l;
  - c. SS greater than 350 mg/l;
  - d. pH greater than 9.0;
  - e. pH less than 6.0.

(f) When an existing or new customer's use does not conform precisely to one of the customer classifications shown above, the City Manager may apply an appropriate adjustment to the customer classifications as deemed appropriate in the City Manager's judgment to properly classify the customer for the purpose of this resolution.

Section 2. The following rates shall apply to all persons who discharge wastes into the public sewer:

- (a) Single Family Residential User. A flat rate per calendar month per connection .....\$41.85

- (b) Multiple Family Dwelling Users.
  - 1) Monthly base charge (per dwelling unit). A flat rate per calendar month per dwelling unit or dwelling place.....\$28.31
  - 2) Use (commodity) charge (per 100 cubic feet of metered water) based on the monthly average metered delivery of water to said premises for the months of usage during November through February just previous.....\$0.92
  
- (c) Non-Housekeeping, Hotels, Motels, or Transient Quarter Users.
  - 1) Monthly base charge (per bedroom or sleeping quarters). A flat rate per calendar month per bedroom or sleeping quarters.....\$9.44
  - 2) Use (commodity) charge (per 100 cubic feet of metered water) based on the monthly average metered delivery of water to said premises .....\$0.92
  
- (d) Commercial and Industrial Users.
  - 1) Monthly base charge (per meter). A flat rate per calendar month per meter.....\$35.39
  - 2) Use (commodity) charge (per 100 cubic feet of metered water) based on the monthly average metered delivery of water to said premises.
    - a. Commercial I.....\$0.92
    - b. Commercial II.....\$1.99
    - c. Commercial III.....\$2.13
    - d. Industrial High Strength
      - i. Sanitary flow and infiltration and inflow - \$/100 cubic feet.....\$0.64
      - ii. BOD - \$/pound.....\$0.24
      - iii. TSS - \$/pound.....\$0.24
  
- (e) Where, due to special and unusual circumstances, average metered delivery of water determined under subparagraph (d) does not fairly reflect average sewer usage, the City Manager may apply an appropriate adjustment as deemed appropriate in the City Manager’s judgment to fairly reflect such average sewer usage.
  
- (f) Septic tank pumping. For dumping the content of a septic tank, a fee of \$0.82 per gallon septic tank load.

Section 3. The rates established for sewer service furnished by the City of Dallas, as set forth in Section 2 shall be adjusted effective June 1, 2014, according to the change in the

Consumer Price Index for All Urban Consumers, Portland-Salem, established by the Bureau of Labor Statistics, for the period January 1, 2013 to December 31, 2013, subject to Section 5 below.

Section 4. Thereafter, on and as of June 1 on each year, beginning with June 1, 2015, the rates for water furnished by the City of Dallas, as previously adjusted, shall be adjusted according to the change in the Consumer Price Index for All Urban Consumers, Portland-Salem, established by the Bureau of Labor Statistics, for the immediately preceding calendar year, subject to Section 5 below.

Section 5. The adjustment in sewer rates provided by Sections 3 and 4 shall not exceed three percent (3%) in any one-year period.

Section 6. The rates established hereunder shall be effective with the July 2013 billing.

Section 7. All prior and conflicting resolutions are repealed effective as of the date the new rates set forth herein go into effect.

Adopted: June 3, 2013  
Approved: June 3, 2013

---

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

---

RONALD W. FOGGIN,  
CITY MANAGER

---

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.</b> <b>9 c</b>	<b>Topic:</b> Resolution 3274 Aquatic Center Rates
<b>Prepared By:</b> Jason Locke	<b>Meeting Date:</b> June 3, 2013	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED ACTION:**

Adopt Resolution 3274

**BACKGROUND:**

The Administrative Committee reviewed the proposed rate increase and has recommended approval in order to meet the revenue expectations included in the FY 13/14 budget. The rate increase as proposed will add \$0.50 to individual daily rates, and a proportional increase to family day passes and coupon books. It will not affect any other rates covered by Resolution.

**FISCAL IMPACT:**

**Based on similar attendance, an additional \$20,000 will be generated next fiscal year.**

**ATTACHMENTS:**

- 1) Staff Memo and analysis to the Admin Committee
- 2) Resolution 3274



Community Development/Operations Department

## Memo

**To:** Admin Committee

**From:** Jason Locke, Community Development/Operations Director

A handwritten signature in black ink, appearing to be 'JL' or similar initials.

**Date:** May 28, 2013

**Re:** Aquatic Center Daily rates

---

As discussed at the Budget Committee meeting of April 29, 2013, the projected Aquatic Center Revenue of \$440,000 includes, among other adjustments, a daily pass rate increase of \$.50 for individual passes and a proportional increase in family passes and coupons. Based on a prior 6 month analysis, staff anticipates that we will see a revenue boost of approximately \$20,000 over a full year (see Attached).

The pricing analysis initially included an increase of \$1.00, but it was believed that an increase of that size would not be feasible, given the elasticity of demand. On balance, and given the number of annual pass holders (over 900), staff believes that a modest increase, as being proposed, would not adversely impact attendance and still retain the good value being offered.

There are no changes being proposed to any of the other rates set by Resolution of the Council.

***Recommended action: Direct staff to prepare a Resolution reflecting the revised rates for Council approval.***

# Dallas Aquatic Center

## Cost Comparison 6 months July 1, 2012 to Dec 31 2012

Actual numbers

<b>Day Rates</b>	<b>Rate</b>	<b># attended</b>	<b>Revenue</b>
Family (4 People)	\$12.00	1960	\$23,520
additional ea	\$2.50	996	\$2,490
Adult	\$5.00	2400	\$12,000
Sr	\$4.00	519	\$2,076
Youth	\$4.00	5184	\$20,736
Infant	\$1.00	788	\$788
Mom's Club	\$2.00	35	\$70
			\$61,680

<b>Add \$0.50</b>	<b>6 - month Projected Revenue</b>
\$14.00	\$27,440
\$3.00	\$2,989
\$5.50	\$13,200
\$4.50	\$2,335
\$4.50	\$23,328
\$1.50	\$1,182
\$1.50	\$53
	\$70,527

\$ 8847 increase

### Coupon Books

Adult	\$85	26	\$2,210
Sr	\$60	86	\$5,160
Youth	\$60	34	\$2,040
			\$9,410

	\$95	\$2,470
	\$70	\$6,020
	\$70	\$2,380
		\$10,870

\$1460 increase

6 Months  
\$ .50 increase

Day Rates	\$8,847
Coupon books	\$1,460

6 month total	\$10,307
full year total	\$20,614

RESOLUTION NO. 3274

A Resolution establishing a schedule of rates and fees to be paid by persons using the Dallas Aquatic Center, and repealing Resolution No. 3242.

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

Section 1. The fees and rates charged for persons using the Dallas Aquatic Center are hereby adopted as set forth in Exhibit A, attached hereto and by reference incorporated herein.

Section 2. All other rates, fees and prices not expressly set forth in Exhibit A may be set by the City Manager.

Section 3. This Resolution shall be effective July 1, 2013.

Section 4. Upon the effective date of this resolution, Resolution 3242 is hereby repealed.

Adopted: June 3, 2013  
Approved: June 3, 2013

---

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

---

RONALD W. FOGGIN,  
CITY MANAGER

---

LANE P. SHETTERLY,  
CITY ATTORNEY

EXHIBIT A

DALLAS AQUATIC CENTER RATES

1) General Admission Day Use Pass

Adult (18-59)	\$5.50
Youth (under 18)	\$4.50
Senior (60 & over)	\$4.50
Family <sup>1</sup>	\$14.00

*\*\*Infants 3 and under wading pool use \$1.50*

2) Youth summer only Pass (June-August)

Youth (18 & under) \$100.00

3) 3-month Water Aerobics Pass (unlimited use)

All ages \$75.00

4) Annual Membership

(Includes all lap swims, recreation swims, and unlimited water aerobics, as well as a 20% discount all classes/lessons, 10% discount on room/facility rentals and swimsuits, 5 free passes per year for friends and family, and discounts on special events)

**(Residents receive 10% discount on annual pass)**

Adult (18-59)	\$250
Youth (under 18)	\$200
Senior (60 & over)	\$200
Two-person	\$375
Family <sup>1</sup>	\$450

---

<sup>1</sup> "Family" means up to four persons related by blood, marriage or civil union who reside together in the same household. In the case of an annual pass, add \$60.00 for each additional family member.

5) 20 coupons (non-expiring)

Adult (18-59)	\$95.00
Youth (under 18)	\$70.00
Senior (60 & over)	\$70.00

6) Facility rental rates

Small room	\$30.00/hour
Large Room	\$60.00/hour

Entire facility (includes both rooms, all pools, lifeguards, and one lead lifeguard for one hour)

<u># of Guests</u>	<u>Rate*</u>
1-40	\$200.00
41-80	\$250.00
81-120	\$300.00
121-160	\$350.00
161-200	\$400.00
201-240	\$450.00

\*Add \$75.00 for each additional hour.