



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.

City Staff

City Manager
Ron Foggin

City Attorney
Lane Shetterly

Community
Development/
Operations Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Bill Hahn

Interim Chief of Police
Tom Simpson

Engineering Director
Fred Braun

City Recorder
Emily Gagner

Recording Secretary
Jeremy Teal

Dallas City Council Agenda

Mayor Brian Dalton, Presiding

Monday, December 2

7:00 pm

Dallas City Hall

187 SE Court St.

Dallas, OR 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.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. RECOGNITION OF LARRY WEISS FOR HIS CONTRIBUTIONS TO THE COMMUNITY	
4. INTRODUCTION OF NEW EMPLOYEE Fire Chief Fred Hertel	
5. COMMENTS FROM AUDIENCE 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.	
6. PUBLIC HEARINGS 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.	
7. CONSENT AGENDA 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. a. Approve minutes of November 18, 2013 City Council Meeting	PG . 3
8. ITEMS REMOVED FROM CONSENT AGENDA	
9. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS a. General comments from Councilors and Mayor b. Report of the November 25 Administrative Committee meeting (Councilor Fairchild) c. Report of the November 25 Building and Grounds Committee meeting (Councilor Stewart)	PG . 10 PG . 17



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

City Hall

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.

9. REPORTS FROM CITY MANAGER AND STAFF

- a. Upcoming December meetings
- b. Visitor Center presentation (Chelsea Pope)
- c. Other

Motion
PG. 26
Information

10. RESOLUTIONS

11. FIRST READING OF ORDINANCE

Ordinance No. 1759: An Ordinance amending provisions of the Dallas City Code Section 5.210, relating to smoking.

PG. 27

12. SECOND READING OF ORDINANCE

13. OTHER BUSINESS

14. ADJOURNMENT

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

3 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

7 Also present were: City Manager Ron Foggin, City Attorney Lane Shetterly, Fire Chief Bill
8 Hahn, Engineering and Environmental Services Director Fred Braun, City Recorder Emily
9 Gagner, and Recording Secretary Jeremy Teal.

10 Mayor Dalton led the Pledge of Allegiance.

11 **COMMENTS FROM THE AUDIENCE**

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

13 Chelsea Pope, Executive Director, Dallas Area Chamber of Commerce, 119 SW Court St, Dallas,
14 Oregon, read a statement regarding chamber events, a copy of which is attached to these minutes
15 and incorporated herein.

16 **PUBLIC HEARINGS**

17 **PROPOSED 2013 CDBG HOUSING REHABILITATION GRANT**

18 Mayor Dalton opened the public hearing on the proposed 2013 CDBG Housing Rehabilitation
19 Grant at 7:06 p.m.

20 Diana Cvitanovich, Polk Community Development Corporation, 657 SW Main St, Dallas,
21 Oregon, read a statement regarding the Home Rehabilitation Loans, a copy of which is attached to
22 these minutes and incorporated herein.

23 Councilor Lawson asked if the \$400,000 program would be put out as loans or grants to citizens.
24 Ms. Cvitanovich stated that homeowners who were unable to access financing funds would be
25 given grants.

26 Councilor Lawson asked if the people on the waiting list would be picked over the people that
27 could receive financing funds. Ms. Cvitanovich noted the waiting list was for people that couldn't
28 qualify for a loan but were eligible for a grant. She advised that there were revolving loan funds
29 for people that could qualify for a loan and commented that awarding loans would help stretch the
30 funds. She reported that all the money must be awarded.

31 Councilor Lawson asked if all 23 people on the waiting list would take all the funds Ms.
32 Cvitanovich replied no, there was plenty of room for new people on the list.

33 Councilor Brown asked if the grants were allocated based on the merits of the type of
34 rehabilitation. Ms. Cvitanovich advised that the applicant had to be income eligible and the house
35 had to be able to be fixed.

36 Councilor Brown asked if there was an inspection process. Ms. Cvitanovich stated there was an
37 assessment done on the home and the Program Rehabilitation Specialist would talk with the
38 homeowners and decide the best plan of action for the home.

39 Councilor Brown asked if the grant was given based on receipts for the rehabilitation or if the
40 homeowner received an outright \$7,000 grant. Ms. Cvitanovich stated that once the homeowners
41 were eligible, the assessment was done and the homeowners would seek bids for the scope of
42 work they needed completed. She noted that once the grant was secured the contractor would sign
43 paperwork with the homeowner to complete work.

44 Councilor Brown asked if the income determination was based on tax returns. Ms. Cvitanovich

1 stated that it was based on the tax returns and the adjusted gross income. She advised that the
2 program was through HUD and there were a number of substantiations required.

3 Councilor Lawson asked if there was \$7,000 cap on the grant. Ms. Cvitanovich stated the grants
4 were based on the total household income. She noted that there was no cap, but there were
5 reasonable standards and determinations. She advised that an average loan was \$17,000.

6 Councilor Lawson asked about using the \$400,000 before time ran out. Ms. Cvitanovich reported
7 that the grant had to be written in 2013, as not to affect the Senior Center grant. She advised the
8 grant agreement wouldn't be signed until summer of 2014 and that was when the two year clock
9 started.

10 Councilor Lawson asked how it wouldn't affect the Senior Center grant. Ms. Cvitanovich stated
11 that if the rehabilitation program applied in 2013 that it wouldn't affect the Senior Center
12 application in 2014.

13 Mayor Dalton closed the public hearing at 7:22 p.m.

14 It was moved by Councilor Stewart *to authorize the City of Dallas to be the applicant for the*
15 *2013 CDBG Housing Rehabilitation Program Grant, to be administered by the Polk Community*
16 *Development Corporation (Polk CDC).* The motion was duly seconded and carried unanimously.

17 **CONSENT AGENDA**

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

20 Item approved by the Consent Agenda: the November 4, 2013, City Council meeting minutes.

21 **ITEMS REMOVED FROM THE CONSENT AGENDA**

22 There were none.

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

24 **GENERAL COMMENTS**

25 Councilor Stewart reported the National League of Cities (NLC) Conference was a great first time
26 experience. He noted the panels were well put together and very dignified and informative.
27 He advised that he received a great deal of insight into philosophies that could be applied to
28 Dallas.

29 Council President Wilson reported that the high school play was a magnificent performance. She
30 noted that the cast was made up of mainly high school kids, but the ages ranged from 6 to 90.

31 Councilor Marshall stated he was impressed with everything that was heard at the NLC
32 conference and that Dallas was doing good things. He noted the downtown revitalization and the
33 projects all over the city were on the right track with what other cities were doing.

34 **REPORTS FROM CITY MANAGER AND STAFF**

35 **OCTOBER FINANCIAL REPORT**

36 Mr. Foggin reported the October financials were tracking nicely with no surprises and all the
37 departments were staying within their budgets. He reported that the City was working on a three
38 year plan for capital projects and would be mapping out what the finances would look like over
39 the next three years. He noted it wasn't an exercise for a balanced budget, but based on revenue
40 projections could accomplish what the City set out to do.

41 Councilor Brown asked about the backsliding on the aging report. Mr. Foggin stated he couldn't
42 pin point anything, but holidays may have an effect.

43 **OTHER**

44 Mr. Foggin invited everybody to the downtown ribbon cutting Saturday, November 23 at 10 a.m..

1 He noted that the project was well on the way to be completed.

2 Mr. Foggin reported that the City received a letter of acceptance from Fred Hertel and he would
3 start on December 9 as the new Fire Chief. He commented that Mr. Hertel was excited to get
4 started. He noted that Chief Hahn would be missed.

5 Mr. Foggin advised that he spoke with Bill Petrovic about his concern for crosswalk safety. He
6 noted that staff had researched the crosswalk equipment and it was not quite as cost effective as
7 Mr. Petrovic thought, noting the cost would be \$25,000 not installed. He stated that the City was
8 dedicated to crosswalk safety and drivers staying at the posted speed would help eliminate
9 accidents.

10 Mr. Foggin shared that the Facebook weekly total reach was up 1,219%. He also reported the City
11 was looking at creating a smart phone app to help the public keep track of things in the city.

12 Councilor Brown stated the he was approached by two business owners on Main Street about
13 signs and façade grants and asked who at the City was handling those. Mr. Foggin stated that
14 Jason Locke or John Swanson. He noted that there had been an uptake in interest in the façade
15 grants and signs.

16 **RESOLUTIONS**

17 **Resolution No. 3283** – A resolution setting forth the City of Dallas’s commitment to put healthy
18 options within reach of all residents.

19 Councilor Fairchild noted he served on League of Oregon Cities board and worked on HEAL
20 Oregon campaign and felt the City could benefit from the program.

21 Beth Kaye, Oregon Public Health Institute, 305 SW 4th Ave, Portland, Oregon, 97204, stated she
22 was part of the Healthy Eating Active Living (HEAL) program from Oregon Public Health
23 Institute and the League of Oregon Cities through Kaiser Permanente. She reported that there was
24 an obesity epidemic in our country and this program helped create a healthy environment for
25 citizens and residents. She advised that this program would provide training and technical
26 assistance to help City officials adopt policies that would improve healthier lifestyle choices. She
27 stated that annually \$421 a person in the state was spent on medical care due to unhealthy
28 lifestyles. She noted that the three factors that directly affect obesity were genetics, behavior, and
29 environment. She commented that this program would help educate people, inform the public
30 about best practice policies, and encourage healthy food access. She indicated this program would
31 align the City with the League of Oregon Cities Livability Policy and create a platform for
32 healthy living. She noted that this program would help when applying for competitive grants for
33 trails and parks. Ms. Kaye noted that Dallas would be the seventh City in Oregon to join the
34 HEAL Program.

35 Councilor Jones asked how the City would measure the effectiveness of the program. Ms. Kaye
36 stated the program used DMV records and tracked policies passed. She noted this program helped
37 future councils that could hang new programs on it.

38 Councilor Brown asked when the program started. Ms. Kaye stated it was started seven or eight
39 years ago in California and this was her second year in Oregon. She noted the first year was a lot
40 of traveling and listening to what communities wanted for healthy living.

41 Mr. Foggin stated that a number of the items listed on the HEAL cities website Dallas was
42 already doing, like farmers’ markets. He noted the City was writing a trail connectivity grant with
43 ODOT and this program would help with securing that grant and creating safe routes for kids to
44 get to school.

45 Councilor Lawson asked if any of the program policies were restrictive. Ms. Kaye stated that they
46 weren’t.

47 A roll call vote was taken and Mayor Dalton declared Resolution No. 3283 to have PASSED BY
48 A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly
49 Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor
50 Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

51 **FIRST READING OF ORDINANCE**

1 **SECOND READING OF ORDINANCE**

2 **Ordinance No. 1758** – An ordinance establishing water use regulations during drought or
3 emergency.

4 A roll call vote was taken and Mayor Dalton declared Resolution No. 3283 to have PASSED BY
5 A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly
6 Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor
7 Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

8 **OTHER BUSINESS**

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

Read and approved this _____ day of _____ 2013.

Mayor

ATTEST:

City Manager

DRAFT

11.18.2013 City Council Report

1. Halloween Event at Morrison was fantastic
 - a. 575 people... weather resistant event was key this year!
2. Congressman Kurt Schrader was here on 11/5
 - a. Walked downtown... Hosted Town Hall
3. WalMart Ribbon Cutting on 11/15
 - a. They had a great turnout... LOTS of their staff
 - b. Several of the speakers commented about the City staff and the community being very supportive
4. Downtown Construction has been great
 - a. LOTS of positive comments from downtown business owners and staff... workers have been very respectful and responsive
 - b. Looking forward to the Ribbon Cutting this Saturday
5. Winterfest is December 6th...
 - a. Santa has been confirmed... Ray has offered the Majestic as a weather resistant back up ☺
 - b. Lights & decorations will go up this Sunday.... THANKS to volunteers!!
 - c. New snowflake banners and snowflakes will be here this week ☺
6. Never too early to nominate for the community awards ceremony
 - a. Nominations are open year round from the website
 - b. Planning committee is looking at February and looking at announcing the winners ahead of time

Public Hearing Testimony ~ CDBG Housing Rehabilitation Project

The City of Dallas is eligible to apply for Community Development Block Grant funding from the Oregon Business Infrastructure Finance Authority (IFA) in 2013. Community Development Block Grant (CDBG) funds come from the U.S. Department of Housing and Urban Development (HUD). The grants can be used for public facilities and housing improvements, primarily for persons with low and moderate incomes. IFA has \$12,178,221 available for award to Oregon non-metropolitan cities and counties in 2013 and again in 2014. The maximum grant that a city or county can receive for a CDBG project is \$3,000,000. IFA has \$3,183,207 available for the Housing Rehabilitation Program in 2013 with \$2,797,932.00 expected in 2014. The maximum grant a jurisdiction can receive for a Housing Rehabilitation Project is \$400,000. 100% of the housing rehabilitation project funds will be used for activities that meet the national objective of benefit to low-moderate income households.

Housing rehabilitation activities are prioritized for repairs that would positively affect the health, safety, and livability of the owner-occupied home. This includes upgrades for reasonable accommodation, the removal/repair of substandard systems and structures, and any repairs that support a sustained healthy home environment. First priority will be given to emergency situations. Lead safe and asbestos abatement practices will be employed according to current regulations.

The City of Dallas is preparing a 2013 CDBG application for a Regional Housing Rehabilitation Program that will provide grants to owner-occupied homes in Dallas, Monmouth, Independence, Falls City, and Polk County for the purpose of housing rehabilitation. It is estimated that the project will benefit at least 58 persons of whom 100% will be low-moderate income.

The purpose of this public hearing is for the Dallas City Council to obtain citizen views and to respond to questions and comments about: community development and housing needs, especially the needs of low- and moderate-income persons, as well as other needs in the community that might be assisted with a Community Development Block Grant project; and this proposed project. Written comments are also welcome and must be received by 5:00PM November 29, 2013 at Dallas City Hall, 187 SE Court Street, Dallas, Oregon 97338. Both oral and written comments will be considered by the Dallas City Council in deciding whether to apply.

More information about Oregon Community Development Block Grants, the proposed project, and records about the City of Dallas' past use of Community Development Block Grant funds can be found for public review at Dallas City Hall, 187 SE Court Street, Dallas, Oregon during regular office hours. Advance notice is requested. If special accommodations are needed, please notify Emily Gagner at 503.831.3557 so that appropriate assistance can be provided.

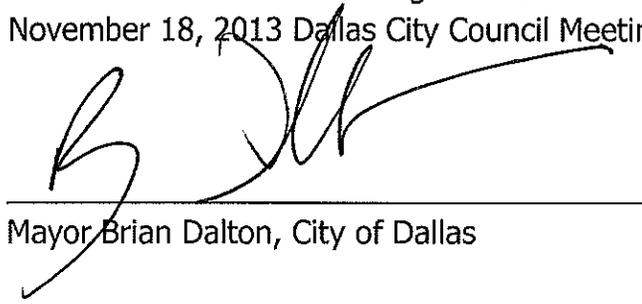
Permanent involuntary displacement of persons or businesses is not anticipated as a result of the proposed project. If displacement becomes necessary, alternatives will be examined to minimize the displacement and provide required/reasonable benefits to those displaced. Any low- and moderate income housing which is demolished or converted to another use will be replaced.

NEED for the Project

From the 2010 Census: 53% of all housing in Dallas was built prior to 1980. There are 3,539 owner occupied housing units in Dallas. Estimating that half of these were built prior to 1980 as many as 770 homeowners may benefit from the program when the percentage of low-moderate income persons in the community (43.3%) is also taken into account. While these are rough estimates it is clear that a great many homeowners can benefit from this program. The program can be especially beneficial to income eligible senior homeowners allowing them to maintain the livability of their homes which is vital to their health and independence. Seniors represent 25% of the population in Dallas.

Oregon Business IFA has never offered the housing rehabilitation program as a grant to homeowners until now. This is due to the fact that, across the State of Oregon, CDBG HR funding as a loan program has been extremely difficult to expedite resulting in some funding awards being returned to IFA. Polk CDC has a long standing housing rehabilitation program. In the past two years many income eligible applicants have been unable to secure loan program funds for lack of equity and repayment ability. Polk CDC is keeping these applicants on a wait list for this proposed project. An average loan is about \$17,000.

Certified to the Public Hearing Record
November 18, 2013 Dallas City Council Meeting



Mayor Brian Dalton, City of Dallas



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

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

Chair Fairchild called the meeting to order at 5:23 p.m.

BUILDING MAINTENANCE POLICY DISCUSSION

Mr. Locke reported that the Council declined to enact the vacant building and maintenance ordinance earlier in the year but wanted to continue the discussion regarding maintenance on commercial buildings in the Central Business District. He noted that a copy of the Independence Building Maintenance Code and the International Property Maintenance Code (IPMC) was provided and provided a very basic overview of the building maintenance code. He reported that the current Dallas code dealt with new construction and dangerous buildings, but didn't address any maintenance issues in between. He noted that Independence took pieces of the IPMC to fit their community with tenant issues and applied it city wide. He advised that there were a number of ways to deal with this and have the code cover the entire gambit of issues.

Councilor Stewart agreed pinpointing one area was a problem and the code should be broad. He asked the difference between occupied and vacant buildings. Mr. Locke stated the code didn't deal with the vacant issue other than to ensure the structure was secure. He explained the first proposed ordinance that failed to pass the Council had two components. One part was to provide incentives to not leave commercial spaces vacant and the other part dealt with a maintenance standard whether a building was vacant or not. Councilor Gabliks indicated she liked the original proposal. She suggested biting off small sections at a time to make it easier for the full Council to deal with and recommended starting with the downtown. She advised the City needed a legal basis to deal with properties that didn't follow the rules. Councilor Brown pointed out that every building downtown had some maintenance issues and asked where the line would be drawn for dealing with those.

Mr. Foggin reported that the antique store on Main Street had roof issues and didn't know if this code would have caught that. Councilor Brown asked if inspectors would go into the downtown buildings. Mr. Foggin noted that would be ideal.

Councilor Brown asked if there would be a fiscal impact on the City. Mr. Locke advised that the staff would be inspecting these buildings and were used to seeing these types of issues. He noted it would give the City a way in to deal with more pressing issues. He noted that with the code enforced when an issue was found, a permit would be required to fix any issues and that would help alleviate some fiscal impact. He stated to move forward with some form of the code, he would need to look at the impact on staff and resources.

Mr. Shetterly advised he could build in a delayed effective date for the ordinance to give property owners time to make the needed changes.

There was discussion regarding the two code examples and Mr. Locke stated he would work with staff on a first draft of the code to present at the January Committee meeting.

SMOKING ORDINANCE MODIFICATION

1 Mr. Foggin advised the proposed no smoking code changes were generated by a citizen who called and
2 asked if smoking was allowed at bus stops. He noted the City currently did not allow smoking at public
3 bus stops, but did not address smoking at school bus stops.

4 It was moved by Councilor Stewart *to recommend to the Council to modify the Smoking Ordinance*. It was
5 duly seconded and carried unanimously.

6 **FINANCE DIRECTOR'S REPORT**

7 Ms. Ward reported the Finance Department would be completing the CAFR and the auditor would present
8 the audit report to the Council in January. She advised the City had 945 Xpress Bill Pay customers, a 3%
9 increase since September, with 334 customers having paperless billing. She noted the full report would be
10 presented to the Council in January. She stated the late fees implemented in July resulted in the collection
11 of \$23,000 in late fees, but that was on the decline as people got used to the new program. She commented
12 the City had reversed 103 late fees for first timers.

13 **HR MANAGER'S REPORT**

14 Ms. Gagner reported that a part time EMT and a fire chief had been hired, and the City lost a part-time
15 lifeguard and a part-time EMT. She noted that she had finished the Connect Oregon grant for the next
16 piece of park trail and the employee committee was working on a Code of Ethics for the employees.

17 **OTHER**

18 **ADJOURNMENT**

19 There was no other business and the meeting was adjourned at 5:55 p.m.



Administrative Committee

AGENDA

**Monday,
November 25, 2013**

5:00 PM

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

1. Call to Order
2. Building maintenance policy discussion PG. 2
3. Smoking Ordinance modification PG. 4
4. Finance Director's report
5. HR Manager's report
6. Other
7. Adjournment

Chair Jim Fairchild
Jim Brown
Kelly Gabliks
Kevin Marshall
Murray Stewart



Community Development Department

Memo

To: Administration Committee
From: Jason Locke, Community Development/Operations Director 
Date: November 25, 2013
Re: Building Maintenance

Below is what was proposed as part of the Vacant Building/Maintenance Ordinance

8.815 General minimum maintenance requirements. (Only applicable to commercial buildings in the CBD)

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

- A. 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, OSB, or similar materials are permitted in place of actual doors, windows, or on other building openings and shall not be visible from the street.

- B. 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.

- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. Maintain and show proof of testing of existing fire suppression systems.

Attachments:

- 1) City of Independence Property Maintenance Regulations
- 2) 2012 Property Maintenance Code

Copies of the Maintenance Code are available at the Front Desk for viewing.

DALLAS CITY COUNCIL
ADMINISTRATIVE SUBCOMMITTEE REPORT

TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 3	Topic: Smoking Ordinance Modification
Prepared By: Emily Gagner	Meeting Date: November 25, 2013	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Motion to forward the proposed changes to the smoking ordinance to the full Council for adoption.

BACKGROUND:

It was recently brought to our attention that while our No Smoking code prohibits smoking in any bus shelter *structure*, it did nothing to address school bus stops. These are often just a place on the sidewalk where children gather to wait for the bus. There are concerns about the number of parents waiting at these school bus stops with their children that are smoking around the kids.

A simple change to our No Smoking ordinance would prohibit smoking at school bus stops while children are present, thus eliminating the children’s exposure to second hand smoke. A redlined version of the code showing the proposed changes is attached.

FISCAL IMPACT:

None

ATTACHMENTS:

Redline version of proposed changes to the No Smoking ordinance

5.210 No Smoking.

Smoking is prohibited and no person shall smoke:

(1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.

(2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.

(3) On or within 25 feet of the external boundaries of the following:

(a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including, but not limited to, spectator areas and bleachers.

(b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.

(c) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.

(d) Any bus shelter structure.

(4) Within 25 feet of any public or private school bus stop while children are present at the bus stop.

(54) In all city parks, including the Rickreall Creek Trail, and all parking lots adjacent to such parks and trail, except that the City Manager shall designate one smoking area within the Dallas City Park where smoking will be permitted.

(65) The restrictions of subsections (1), (2) ~~and~~ (3) ~~and~~ (4) of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(76) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

(87) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section. The area designated for smoking within the Dallas City Park pursuant to subsection (4) shall be identified by signs and markings as a smoking area.

(89) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section [5.428](#).

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
38

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

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

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

CARNEGIE BUILDING DISCUSSION

Mr. Locke stated there had been a lot of discussion regarding the Carnegie building and what to do with it. He reported the committee walked through the building to get a good idea of the condition of the building and what it would take to get a new user in there. He advised that an appraisal had been done, but noted if vacant property attached was used for another purpose would take value away from the property. He reported that funds had been budgeted for reheating the building, but a possible system replacement may not suit the new owner. He stated the building was sealed up and in relatively good condition, but would quickly begin to deteriorate without heat and it was time to see if the building was sellable. He noted the City could put stipulations on the sale of the building. He advised that the City could sell the building outright and let the new owners deal with the improvements. He added if the City rented the building the rent would go back into a fund to deal with maintenance.

Councilor Stewart asked if the market value at \$240,000 two years ago had dropped. Mr. Locke stated that values hadn't dropped and that was fairly accurate, but didn't take into account the vacant property south of the building. He noted there were uses being discussed for that property and that would take value away.

Councilor Gabliks commented that the appraisal value for the building was \$240,000, not the land. Mr. Locke stated that the appraisal included the building with the entire property.

Councilor Gabliks asked if there were any promises made to the seniors for that property. Mr. Foggin reported there was a building designed for that property and the CDBG grant was moving forward.

Councilor Brown asked if the City could bring in a commercial real estate agent to get a professional opinion on the building. Mr. Foggin stated the City could, but there was no local commercial real estate agent. Mr. Locke advised that the City could bring in someone from Monmouth.

Councilor Marshall asked the dollar value placed on the property for the seniors. Mr. Foggin stated the property was city owned and wasn't required to be valued with the CDBG grant. Mr. Locke noted it would be worth approximately \$60,000 for the land. Mr. Foggin commented that the seniors bought the lot on the corner of Washington Street and Church Street for \$50,000.

Councilor Fairchild suggested getting the minimum rent and turning the building into an entrepreneurial setting for people looking for an office space to start a business.

Councilor Gabliks noted she wasn't sure what the City would do with it and suggested it was time to put the building on the market. Mr. Foggin stated that he and Mr. Locke had discussions regarding what business would work in that building. He noted that whatever investment the City put into the building, the City would never get the investment back. Councilor Stewart stated he had mixed feelings about the heating is-

1 sue and making the building sellable without heat. He commented that offers would be low without ameni-
2 ties and wouldn't be appealable to anyone as the building currently was.

3 Councilor Marshall asked if the heating could be patched for the winter. Mr. Locke stated the boiler was
4 damaged and removed so there was no boiler in the building. Councilor Marshall asked if there were any
5 temporary heating solutions. Mr. Locke stated the City could use a temporary solution and keep the build-
6 ing at a minimal temperature.

7 Councilor Brown suggested getting people in the building to look at it with no cost to the City. Mr. Locke
8 stated that if that was the direction the committee wanted to go, the City would get an opinion of value
9 from a commercial real estate agent and possibly get some ideas for the building. He noted the agent may
10 have a client list that was looking for that kind of building. Councilor Gabliks suggested putting a heating
11 system together for the winter and selling the building as-is to let the new owner decide what they wanted.

12 Councilor Brown stated that \$240,000 was nothing and suggested holding on to the building while the
13 market increased, so the City could sell when the market was high. Mr. Locke stated that the City could
14 contact a couple realtors and get some professional opinions.

15 Mr. Foggin stated staff would do some more research and get back to the committee.

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

17 Mr. Locke reported staff was working on the Capital Improvement Plan.

18 **OTHER**

19 **ADJOURNMENT**

20 There was no other business and the meeting was adjourned at 5:23 p.m.



Building & Grounds Committee

AMENDED AGENDA

**Monday,
November 25, 2013**

5:00 PM

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

1. Call to Order
2. Carnegie Building discussion
3. Community Development/Operations
Director's Report
4. Other
5. Adjournment

Chair Murray Stewart
Jim Brown
Jim Fairchild
Kelly Gabliks
Kevin Marshall



Community Development Department

Memo History of the Carnegie Building

To: Buildings and Grounds
From: Jason Locke, Community Development Director 
Date: September 19, 2011
Re: Carnegie Building

Staff has been instructed to provide the committee with information and options regarding the city-owned Carnegie Library Building, located on the corner of Court and Church. The building was constructed in 1910, and was formerly utilized as a library. The parcel is 14,650 sq.ft, and the south side is lawn area. Currently, the building is occupied by Kids Inc., who pays \$1/year in rent. The city pays all the operating costs for the building, and performs very limited maintenance due to budgetary constraints.

In order to ensure the long term future and viability of the building, the following options should be discussed:

- 1) Sell the building.
- 2) Start charging market rent in order to maintain the building properly.
- 3) Lease to own option to a qualified party or entity.
- 4) Maintain the status quo.
- 5) Divide the property on which the building sits and sell the bare parcel, and use the funds to perform needed maintenance/repairs and fund a trust account (and decide which option to pursue 1-4).
- 6) Develop a Request for Proposals (RFP) for development of the site.

7.5.32AD

SE1/4 NE1/4 SEC.32 T7S R5W WM
POLK COUNTY

Scale 1" = 100'

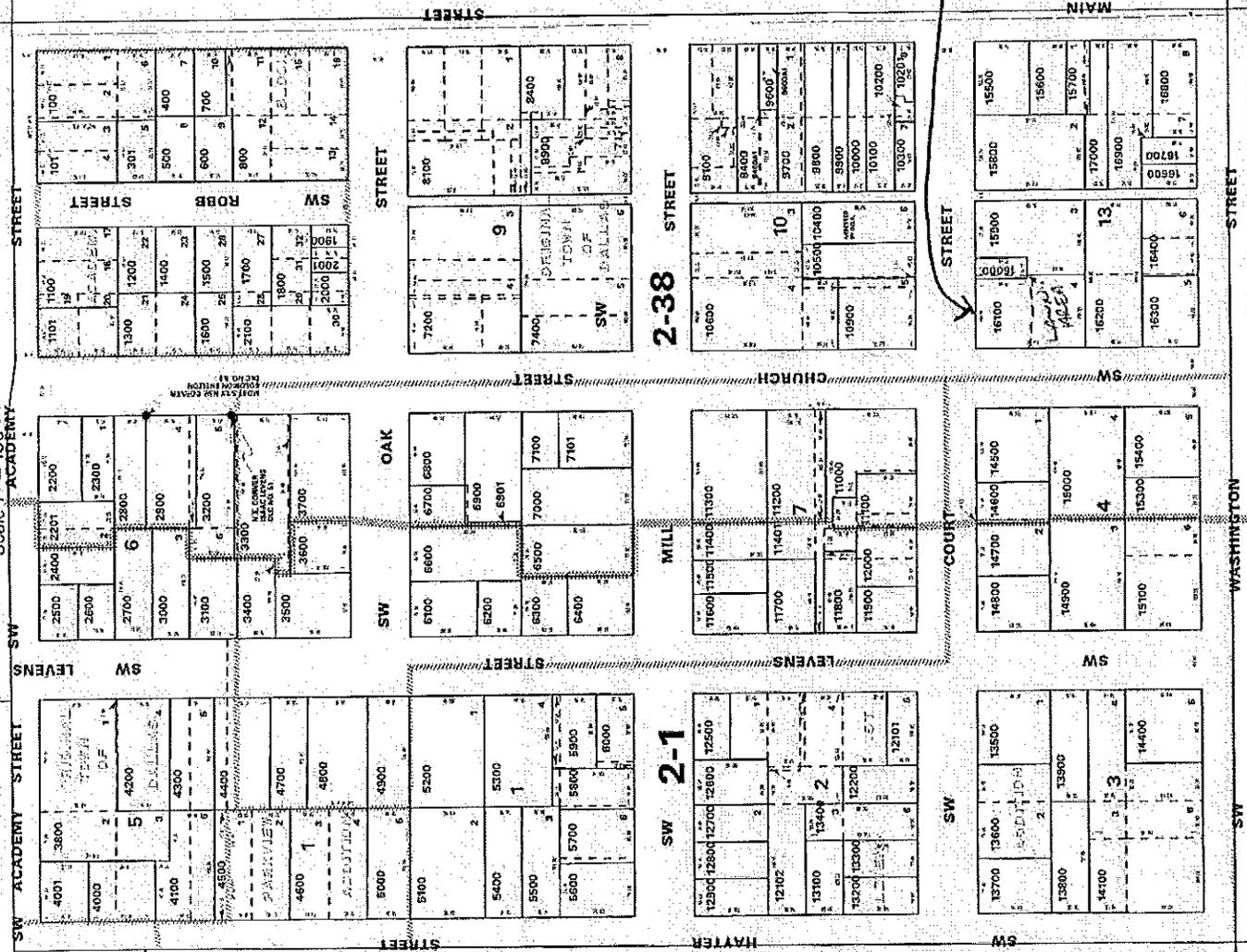
IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

Canceled No.

- 100 A2
- 300
- 800
- 1000
- 3901
- 4201
- 5301
- 5601
- 7600
- 7700
- 7800
- 7901
- 8000
- 8200
- 8300
- 8500
- 8700
- 8800
- 8901
- 9000
- 9200
- 9300
- 9401
- 9500
- 9600
- 10202
- 10700
- 10800
- 11002
- 11402
- 12001
- 12300
- 12400
- 13000
- 13200
- 13300
- 13500
- 15500

See Map 7.5.32B

SUBJECT
PROPERTY



01/27/11

7.5.32AD

Stat Class Type: **COMMERCIAL** Stat Class Desc: **Commercial Other Improvements**
 Year Built: **1910** Total Sq Ft: **4838**
 Improvement Image: [Click to view image](#)

City, County, Fire, School Districts & Land Size Info

Account Number:	Taxcode:	Acres:	District:
321936	0238	0.34	DALLAS SD 2 BONDS AFTER 2001
321936	0238	0.34	DALLAS SD 2
321936	0238	0.34	DALLAS CITY
321936	0238	0.34	POLK COUNTY

Disclaimer: The information presented on this report was generated to support county business. The county makes every effort to keep this information current and accurate. However, the county is not responsible for errors, misuse, omissions, or misinterpretations. Please contact the Polk County Assessor's Office for clarification and explanations. Report generated on: 9/20/2011 using data produced on: 2/1/2011.



Community Development Department

Memo

To: Buildings and Grounds
From: Jason Locke, Community Development Director
Date: November 16, 2011
Re: Carnegie Building

As directed at the last meeting, an appraisal of the Carnegie building has been completed. The appraised value of the building is \$240,000. In addition, the rental value was stated as \$.35/sq ft, or a gross rent of \$1,693/month for the entire building. Since the last meeting, the heating system in the building has failed, and needs to be replaced.

Based on that information, the options presented at the last meeting are still valid.

However, in the alternative, we are recommending that staff be directed to actively recruit potential tenants or purchasers for the next 6-9 months. If that does not produce results, we would re-evaluate and bring recommendations back to the Committee and or/Council.



Community Development/Operations Department

Memo

To: Buildings and Grounds Committee
From: Jason Locke, Community Development/Operations Director 
Date: July 23, 2012
Re: Status of Armory site and Carnegie Building

Armory Site: The building has been completely removed. There was an underground tank discovered and removed. The OMD has submitted paperwork to the DEQ regarding the tank removal, and are waiting for review and an OK from DEQ. The City has not received a sales contract from OMD with the agreed upon terms as of yet, but we expect it shortly.

Carnegie Building: The building has been vacated and was in rough condition both inside and out. City staff has done considerable cleanup on the inside, and will be completing the outside in the coming month. In addition, staff is determining what the best and most cost-effective HVAC solution is for the building. We anticipate having the HVAC installed this fall. After that, staff will present some options to the Council regarding the disposition of the building in conjunction with some other properties that should be considered for surplus.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 10 a	Topic: Upcoming December Meetings
Prepared By: Emily Gagner	Meeting Date: December 2, 2013	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Motion to cancel the December 16 City Council meeting and the December 23 Public Safety and Public Works Committee meetings.

BACKGROUND:

Staff has been discussing upcoming meeting agendas, and we have no topics for the December 16 Council meeting, and nothing for the Public Works or Public Safety Committee meetings that can't wait until February. For this reason, we are requesting the Council cancel these meetings.

If anything urgent arises, we can always inform the Council and hold the meeting(s) as originally scheduled.

FISCAL IMPACT:

None

ATTACHMENTS:

None

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11 a	Topic: Ord 1759 – No smoking ordinance
Prepared By: Emily Gagner	Meeting Date: December 2, 2013	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Allow the ordinance to pass its first reading.

BACKGROUND:

It was recently brought to our attention that while our No Smoking code prohibits smoking in any bus shelter *structure*, it did nothing to address school bus stops. These are often just a place on the sidewalk where children gather to wait for the bus. There are concerns about the number of parents waiting at these school bus stops with their children that are smoking around the kids.

The Administrative Committee reviewed proposed changes to the No Smoking code (a redline version showing the changes is included earlier in the agenda in the Admin Committee packet) and recommended the Council adopt an ordinance affecting those changes. That ordinance is attached.

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance No. 1759

ORDINANCE NO. 1759

An Ordinance amending provisions of the Dallas City Code Section 5.210, relating to smoking.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.210 is hereby amended to read as follows:

5.210 No Smoking.

Smoking is prohibited and no person shall smoke:

- (1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.
- (2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.
- (3) On or within 25 feet of the external boundaries of the following:
 - (a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including, but not limited to, spectator areas and bleachers.
 - (b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.
 - (c) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.
 - (d) Any bus shelter structure.
- (4) Within 25 feet of any public or private school bus stop while children are present at the bus stop.
- (5) In all city parks, including the Rickreall Creek Trail, and all parking lots adjacent to such parks and trail, except that the City Manager shall designate one smoking area within the Dallas City Park where smoking will be permitted.

(6) The restrictions of subsections (1), (2) (3) and (4) of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(7) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

(8) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section. The area designated for smoking within the Dallas City Park pursuant to subsection (5) shall be identified by signs and markings as a smoking area.

(9) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section 5.428.

Read for the first time: December 2, 2013
Read for the second time: January 6, 2014
Adopted by the City Council: January 6, 2014
Approved by the Mayor: January 6, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM;

RON FOGGIN,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY