

**DALLAS CITY COUNCIL**  
**Monday, January 6, 2014**  
**Council Chambers**

The Dallas City Council met in regular session on Monday, January 6, 2014, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

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

Mayor Dalton led the Pledge of Allegiance.

**EMPLOYEE RECOGNITION**

Chief Simpson recognized Daren Buchholz for his courage during a high speed chase that led to the arrest of a felon. He noted that Officer Buchholz was nominated for the award by his supervisor Sgt. Jerry Mott.

**COMMENTS FROM THE AUDIENCE**

Chelsea Pope, 119 SW Court St., Executive Director of Dallas Area Chamber and Visitor's Center, announced the Community Awards ceremony was coming up and this was a great opportunity to nominate the people that make our community amazing.

Matthew Stevenson, 182 SW Academy St., Polk County Tobacco Prevention Coordinator, stated he had read an article in Itemizer-Observer regarding smoking at bus stops. He passed out ordinances from other jurisdictions around the country regarding smoking restrictions.

Mike Arras, 796 SW Mill St., Dallas, noted that the downtown looked amazing and asked for color lights to be put on the downtown Christmas tree next year.

**PUBLIC HEARINGS**

There were none.

**CONSENT AGENDA**

Council President Wilson asked that the December 2, 2013, Council minutes be removed.

It was moved by Councilor Gabliks *to approve the Consent Agenda with item a removed*. The motion was duly seconded and carried unanimously.

Item approved by the Consent Agenda: b) December 11, 2013, Special City Council meeting minutes.

**ITEMS REMOVED FROM THE CONSENT AGENDA**

a) December 2, 2013, City Council meeting minutes

Council President Wilson noted that page 2 lines 14-39 listed the Chamber and they should read the Visitor's Center.

It was moved by Councilor Wilson *to approve the December 2, 2013, Council minutes with the correction*. The motion was duly seconded and carried unanimously.

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

**GENERAL COMMENTS**

Councilor Woods announced he was reappointed as Vice Chair of the League of Oregon Cities Transportation Committee.

Councilor Fairchild mentioned he was reappointed to the National League of Cities Community and Economic Development Steering Committee.

Councilor Jones thanked Ms. Pope for helping with the soldiers and collecting the gift cards.

Councilor Lawson praised Christmas Cheer. She noted that 300 families were taken care of this year with the donations.

#### MAYOR'S APPOINTMENT TO STANDING COMMITTEE

Mayor Dalton noted he rearranged the Council sub-committees.

#### REPORTS FROM CITY MANAGER AND STAFF

##### ONLINE BILL PAY REPORT

Mr. Foggin announced the report provided statistics for the first six months of the Xpress Bill Pay program.

Ms. Ward reported Xpress Bill Pay was a great program for the customers. She noted there was a drop in the enrollment and wanted to incorporate a marketing push to reach new potential customers. Ms. Ward gave a brief overview of the staff report.

Councilor Lawson asked if the number of enrollments was outlined in the graph. Ms. Ward stated that included all enrollments and they were in decline.

Mayor Dalton asked about sending marketing materials with the online billing. Ms. Ward noted the materials could be attached to the online bills.

##### OTHER

Mr. Foggin reported that Chief Hertel was doing a great job in his first month. He noted that Chief Hertel would be a part of the Oregon State Fire Marshall Incident Management Team.

Mr. Foggin advised the Council Goal Setting Retreat was being planned for February. He explained the Dallas 2030 Project would be helpful with Council decisions on what to implement in the coming years. He noted Doug Zenn would be the facilitator of the retreat. He stated the session would begin at 9:00 a.m. and end at 3:00 p.m.

Mr. Foggin mentioned the Council of Governments Award Dinner would be at the end of January. He noted it was a great way to meet people and see what other communities were doing.

Mr. Foggin indicated Municipal Court would be taking on criminal cases toward the end of January. He commented the Budget Committee would begin meeting in two weeks; prior to the Council meeting on January 21, 2014.

Mr. Foggin noted that he had been appointed to two League of Oregon Cities committees, the Finance and Taxation Policy Committee and the Water and Wastewater Committee. He commented City employees were able to adopt two families and gave large cash donations to two other charities with all the fundraisers they had done throughout the year.

#### RESOLUTIONS

**Resolution No. 3284** – A Resolution Amending the Transient Lodging Tax Policy Relating to Distribution of Discretionary Transient Lodging Tax Collections, and Authorizing the City Manager to Enter Into a Contract With Dallas Area Visitor's Center for Distribution of Such Discretionary Tax Collections; and Repealing Resolution 3258.

Mr. Foggin advised 30% collected from the Transient Tax was discretionary and the Council gave that percentage directly to the Visitor's Center. He noted the money was spent well and the Visitor's Center had climbed out of the hole and had some reserve. He stated it was the obvious choice to give the entire 100% of the Transient Tax to the Visitor's Center and continue to have Ms. Pope come and report on the spending. He explained the core events would be supported and the Visitor's Center would pay the City's Chamber dues and sponsorship to the awards ceremony.

Mr. Shetterly advised this contract covered the 30% only. He noted the 70% contract would be renewed later this year. He reported that 100% of the Transient Tax would be distributed to the Visitor's Center and noted by State Law 70% of the Transient Tax had to be used on tourism.

Councilor Brown asked if the transient tax money was subject to public disclosure or an audit. Mr. Shetterly affirmed that it was not.

A roll call vote was taken and Mayor Dalton declared Resolution No. 3284 to have PASSED BY A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

## **FIRST READING OF ORDINANCE**

## **SECOND READING OF ORDINANCE**

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

Councilor Lawson stated the Council was presented with a bus stops discussion and her concern was the City had nothing defining a school bus stop location. She noted there were numerous complaints at certain stops and suggested designating locations as a school bus stop.

It was moved by Councilor Lawson to table the ordinance to investigate the subject more and bring it to the next Council meeting on January 21.

Councilor Gabliks asked what needed to be more specific in the Ordinance. Councilor Lawson noted she would like to see designated school bus stops. She recommended giving the Police Department a better idea of where the stops were and giving parents something to fall back on so they had the courage to talk to people that were smoking in the bus stop area. Councilor Gabliks stated the problem she saw was definitively identifying a bus stop became difficult year to year with state regulations on where younger children had to be picked up. Councilor Lawson reported that there were five locations with issues and the age groups and demographics wouldn't change due to where the school bus stops were. She suggested putting signs on the buses and possibly change the verbiage of the ordinance.

Mayor Dalton asked for a second to the motion. There was none. Mayor Dalton declared the motion died due to the lack of a second.

Councilor Brown pointed out that Augusta, Maine's ordinance stated that the presence of children constituted a bus stop.

Mr. Shetterly advised that not every term in an ordinance needed to be defined. He indicated the court would apply the "plain and ordinary meaning" and wouldn't have a problem understanding what a bus stop was.

Councilor Jones commented she didn't see a negative to having the School District start with a letter and letting them handle it. Councilor Marshall stated that having the ordinance would give the School District something to fall back on. Councilor Jones noted the negative to adopting the ordinance would be the bad public relations. She asked what the potential negative was to giving it to the School District and let them deal with it. She asked if it was one family at the bus stop, were we telling those parents they couldn't smoke with their kids. She suggested giving this to the School District and letting them deal with it until they got complaints.

Council President Wilson noted that giving this issue to the School District was a problem with no enforcement in place. Councilor Jones asked the Council to consider if it was only one family, would we cite the parents for smoking outside with their kids.

A roll call vote was taken and Mayor Dalton declared Ordinance No. 1759 to have PASSED BY A MAJORITY VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES, and Councilor Beth Jones voting NO.

## **OTHER BUSINESS**

Mayor Dalton recessed the meeting at 7:48 p.m.

## **EXECUTIVE SESSION**

Mayor Dalton reconvened the Council meeting at 9:09 pm

There being no further business, the meeting adjourned at 9:10 p.m.

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

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Mayor

ATTEST:

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City Manager