



City Council

- Mayor
Brian Dalton
- Council President
LaVonne Wilson
- Councilor
Jim Brown
- Councilor
Jim Fairchild
- Councilor
Kelly Gabilks
- 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
Fred Hertel
- Police Chief
Tom Simpson
- Engineering Director
Fred Braun
- City Recorder
Emily Gagner
- Recording Secretary
Jeremy Teal

Dallas City Council Agenda

Mayor Brian Dalton, Presiding

Monday, March 17, 2014

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. EMPLOYEE/VOLUNTEER RECOGNITION	
4. 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.	
5. 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.	
6. 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 March 3, 2014 City Council meeting	PG . 3
b. Recommend approval of OLCC Application for The Exchange, formerly Tilted.	PG . 6
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
a. If I Were Mayor Contest	
b. General Comments from the Councilors and Mayor	
9. REPORTS FROM CITY MANAGER AND STAFF	
a. February financial report	Information PG . 14



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.

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.

b. Other

<p>10. RESOLUTIONS</p> <p>a. <u>Resolution No. 3289</u>: A Resolution authorizing the transfer of budgetary funds.</p> <p>b. <u>Resolution No. 3290</u>: A Resolution of the City of Dallas authorizing a grant application under the Oregon Parks and Recreation Department Local Government Grant Fund for rehabilitation of the restrooms at the Dallas City Park; and committing available local matching funds.</p> <p>c. <u>Resolution No. 3291</u>: A Resolution amending the Deferred Compensation Plan for Section 457 Plan Funds contributed by employees to ICMA Retirement Corporation.</p> <p>d. <u>Resolution No. 3292</u>: A Resolution requesting that the Dallas-Independence-Monmouth Enterprise Zone be designated for Electronic Commerce.</p>	<p>Roll Call Vote PG. 40</p> <p>Roll Call Vote PG. 42</p> <p>Roll Call Vote PG. 44</p> <p>Roll Call Vote PG. 46</p>
<p>11. FIRST READING OF ORDINANCE</p> <p>a. <u>Ordinance No. 1764</u>: An Ordinance accepting the conveyance of certain real property for public park use; and declaring an emergency.</p>	<p>First Reading PG. 51</p>
<p>12. SECOND READING OF ORDINANCE</p> <p>a. <u>Ordinance No. 1761</u>: An Ordinance amending the Dallas Comprehensive Plan Map for a parcel of real property owned by Gary and Bertha Fitzwater from Industrial to Residential.</p> <p>b. <u>Ordinance No. 1762</u>: An Ordinance changing the zoning designation of a parcel of real property owned by Gary and Bertha Fitzwater from Industrial to Residential Medium Density.</p> <p>c. <u>Ordinance No. 1763</u>: An Ordinance amending provisions of the Dallas City Code Section 5.430, relating to Mercer Lake regulations.</p>	<p>Roll Call Vote PG. 56</p> <p>Roll Call Vote PG. 68</p> <p>Roll Call Vote PG. 80</p>
<p>13. EXECUTIVE SESSION as authorized under ORS 192.660(2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations</p>	
<p>14. OTHER BUSINESS</p>	
<p>15. ADJOURNMENT</p>	

1 The Dallas City Council met in regular session on Monday, March 3, 2014, at 7:00 p.m. in the
2 Council Chambers of City Hall with Mayor Brian Dalton presiding.

3 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

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

11 Mayor Dalton led the Pledge of Allegiance.

12 Mayor Dalton congratulated First Citizen PJ Johnson.

13 **EMPLOYEE RECOGNITION**

14 Chief Simpson introduced Jerry Mott as the new lieutenant and second-in- command of the Police
15 Department.

16 Mr. Foggin recognized Kevin Anderson for his dedicated service regarding the air pack
17 maintenance that he conducts for the Fire Department.

18 **COMMENTS FROM THE AUDIENCE**

19 Alan Minton, 410 SE Hawthorne Ave., Dallas, Oregon, invited the Council to an event to discuss
20 Common Core.

21 **PUBLIC HEARINGS**

22 **CONSENT AGENDA**

23 Councilor Woods asked to remove item b from the Consent Agenda.

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

26 Item approved by the Consent Agenda: a) February 18, 2014, City Council meeting minutes.

27 **ITEMS REMOVED FROM THE CONSENT AGENDA**

28 b) OLCC Application for Temporary Use of an Annual License for Tony's Place.

29 Councilor Woods declared an actual conflict of interest as he was the insurance writer for Tony's.

30 Councilor Lawson declared a potential conflict of interest as she was the landlord for Tony's.

31 It was moved by Councilor Marshall *to approve item b of the Consent Agenda as submitted*. The
32 motion was duly seconded and carried with a unanimous vote. Councilor Woods didn't vote due
33 to his conflict of interest.

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

35 **RED CROSS MONTH PROCLAMATION**

36 Mayor Dalton read a proclamation for Red Cross Month.

37 Susan Gartland, 126 NW Elderberry Lane, Dallas, Oregon, introduced members of the board and
38 volunteers from the Red Cross.

39 **GENERAL COMMENTS**

40 Councilor Woods discussed progress at MWACT.

1 Councilor Jones announced that Bambinos had received a grant from the Dallas Community
2 Foundation. Mayor Dalton mentioned that Councilor Jones was awarded Good Samaritan at the
3 Community Awards.

4 Councilor Gabliks congratulated the Dallas High School Wrestling team for winning second at
5 state.

6 **REPORT OF THE FEBRUARY 24, 2014, PUBLIC SAFETY COMMITTEE**

7 Councilor Woods advised the Committee discussed the reconfiguration of the Police Department
8 and the restructuring of the Polk County Sheriff Department regarding officer coverage. He noted
9 the Fire Chief discussed the restructuring of the department and hiring new personnel.

10 **REPORT OF THE FEBRUARY 24, 2014, PUBLIC WORKS COMMITTEE**

11 Councilor Woods reported the Committee discussed the ban on motorized boats in Mercer
12 Reservoir, traffic control device standards used by the City of Dallas and recommended to the
13 Council for adoption. He reported that Mr. Foggin reported on the utility assistance program and
14 the equal pay billing program.

15 **OTHER**

16 There was discussion regarding the meeting times for the Council Sub-Committees.

17 It was moved by Councilor Stewart *to move all the Committee meetings to 5:00 p.m.* The motion
18 was duly seconded and carried by a majority with Councilor Brown, Councilor Fairchild,
19 Councilor Gabliks, Councilor Marshall, and Councilor Stewart voting YES and Councilor Jones,
20 Councilor Lawson, Council President Wilson, and Councilor Woods voting NO.

21 **REPORTS FROM CITY MANAGER AND STAFF**

22 **OTHER**

23 Mr. Foggin reported staff was reviewing mutual aid agreements following the announcement
24 from the Sheriff's Department about cuts that would affect our Fire, EMS and Police
25 Departments.

26 Mr. Foggin invited the Council to the March 10, 2014, Library Recognition Open House from
27 5:30 p.m. to 7:00 p.m. in the Civic Center.

28 Mr. Foggin noted he was preparing a memo on meeting minutes and noted that he hoped he could
29 help free up staff time by changing how minutes were done.

30 **RESOLUTIONS**

31 **Resolution No. 3287** - A Resolution of the City of Dallas authorizing a grant application under
32 the Oregon Parks and Recreation Department Land and Water Conservation Fund for
33 rehabilitation of the restrooms at the Dallas City Park; and committing available local matching
34 funds.

35 Mr. Foggin stated this was a 50% match grant to revitalize the restrooms in the City Park.

36 A roll call vote was taken and Mayor Dalton declared Resolution No. 3287 to have PASSED BY
37 A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly
38 Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor
39 Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

40 **Resolution No. 3288** - A Resolution of the City of Dallas adopting standards for traffic control
41 devices.

42 A roll call vote was taken and Mayor Dalton declared Resolution No. 3288 to have PASSED BY
43 A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly
44 Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor
45 Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

46 **FIRST READING OF ORDINANCE**

47 **Ordinance No. 1761** – An Ordinance amending the Dallas Comprehensive Plan Map for a parcel
48 of real property owned by Gary and Bertha Fitzwater from Industrial to Residential.

49 Mayor Dalton declared Ordinance No. 1761 to have passed its first reading.

50 **Ordinance No. 1762** – An Ordinance changing the zoning designation of a parcel of real property
51 owned by Gary and Bertha Fitzwater from Industrial to Residential Medium Density.

1 Mayor Dalton declared Ordinance No. 1762 to have passed its first reading.

2 **Ordinance No. 1763** – An Ordinance amending provisions of the Dallas City Code Section
3 5.430, relating to Mercer Lake regulations.

4 Mr. Shetterly stated the definition of boat came out of Oregon Law Statutes and this Ordinance
5 covered boats and invasive species.

6 Mayor Dalton declared Ordinance No. 1763 to have passed its first reading.

7 **SECOND READING OF ORDINANCE**

8 **Ordinance No. 1760** – An Ordinance amending provisions of the Dallas City Code Sections
9 2.550 and 2.555, and creating a new provision, relating to the Parks Advisory Board.

10 Mr. Shetterly stated if an ordinance that had been amended between readings, the revised section
11 must be read aloud and in its entirety. He read those sections.

12 (2) The Parks Advisory Board shall consist of seven members. At least five members of the Parks
13 Advisory Board shall be residents of the City. Two members may reside outside of the city limits
14 but must reside within Polk County. Members shall be appointed by the City Council and may be
15 removed by the City Council.

16 (3) Of the members first appointed, four members shall be appointed for a two-year term and
17 three members shall be appointed for a four-year term. Subsequent appointments shall be for a
18 term of four-years.

19 Mayor Dalton declared Ordinance No. 1760 to have passed its second reading.

20 A roll call vote was taken and Mayor Dalton declared Ordinance No. 1760 to have PASSED BY
21 A UNANIMOUS VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly
22 Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor
23 Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

24 **OTHER BUSINESS**

25 Mr. Shetterly reported that a recent State Legislative Counsel Committee opinion agreed with his
26 previous advice to Council that state medical marijuana dispensary laws cannot trump the Federal
27 Controlled Substance Act and cannot require a city allow such a facility to be established within
28 its boundaries.

29 **EXECUTIVE SESSION**

30 There being no further business, the meeting adjourned at 8:01 p.m.

31 Read and approved this _____ day of _____ 2014.

ATTEST:

Mayor

City Manager

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 6 b	Topic: OLCC Application for The Exchange (formerly Tilted)
Prepared By: Jeremy Teal	Meeting Date: March 17, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

With approval of the consent agenda, the Council would be recommending to the OLCC to grant the request for an annual on-premises sales license for The Exchange, formerly Tilted.

BACKGROUND:

Brad Moir, new owner of The Exchange has submitted an OLCC Application, as he would like to sell alcohol at his recently purchased establishment on Main Street.

Staff has reviewed the OLCC application and found some discrepancies with the information provided by Mr. Moir.

FISCAL IMPACT:

None

ATTACHMENTS:

Memo from Police Department
OLCC Application for The Exchange

MEMO

TO: RON FOGGIN
CITY MANAGER

FROM: TOM SIMPSON
CHIEF OF POLICE

RE: CHANGE OF OWNERSHIP
"The Exchange" (formerly Tilted)
Location: 962 Main Street

DATE: MARCH 14, 2014

This application is for a Change of Ownership and a request for Full On-Premises License. The applicant, Bradley Moir, is applying as a Limited Liability Company.

A routine background check has been completed and has revealed the following items of concern:

- Item 7 & 8: According to recent records, and contrary to information noted on the application, the current license is to "Tilted" and the former license is for "The Roundup."
- Item 18: The applicant marked "NO" to the question whether he had been convicted in the past 12 years for driving with a suspended driver license or driving with no insurance.
 - His driving record (matched on Name, address, DOB and OLN) reveals that he was:
 - Convicted of Driving While Suspended - Violation level in February, 2013 in Beaverton
 - Convicted of Driving Uninsured in April, 2013 in Lake Oswego
 - Convicted of Driving While Suspended - Violation level in August, 2013 in Newberg

- Convicted of Driving Uninsured in August, 2013 in Newberg
- Convicted of Driving While Suspended - Violation level in October, 2013 in Lake Oswego
- Convicted of Driving While Suspended - Violation level in December, 2013 in Lake Oswego

It should be noted that the above information was retrieved electronically from the Oregon DMV database on March 12, 2014. A certified copy of the applicants driver record could be obtained from Oregon DMV if necessary, to verify the accuracy of the above information.



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
- Commercial Establishment
- Caterer
- Passenger Carrier
- Other Public Location
- Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other U/TN

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: (signature)

Date: 2-18-14

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① The Exchange LLC ③ _____

② _____ ④ _____

2. Trade Name (dba): The Exchange

3. Business Location: 962 Main St. Dallas Polk OR 97338
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: _____
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-349-6190
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: The Roundup of Oregon LLC Type of License: Full on-Premises Sales

8. Former Business Name: Tilted

9. Will you have a manager? Yes No Name: N/A
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Polk county - Dallas
(name of city or county)

11. Contact person for this application: Brad Moir
(name) (phone number(s))

(address) (fax number) (email address)

RECEIVED

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① (signature) Date 17 Feb 14 ③ _____ Date FEB 18 2014

② _____ Date _____ ④ _____ SALEM REGIONAL OFFICE



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

1. Trade Name The Exchange 2. City Lake Oswego
 3. Name Moir Brad [REDACTED]
 (Last) (First) (Middle)
 4. Other names used (maiden, other) _____
 5. *SSN [REDACTED] Place of Birth [REDACTED] 7. DOB [REDACTED] 8. Sex M F O
 (State or Country) (mm) (dd) (yyyy)

*SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature]

9. Driver License or State ID # [REDACTED] 10. State OR
 11. Residence Address [REDACTED]
 (number and street) (city) (state) (zip code)
 12. Mailing Address (if different) _____
 (number and street) (city) (state) (zip code)
 13. Contact Phone [REDACTED] 14. E-Mail address (optional) [REDACTED]

15. Do you have a spouse or domestic partner? Yes No
 If yes, list his/her full name: _____

16. If yes to #15, will this person work at or be involved in the operation or management of the business?
 Yes No

17. List all states, other than Oregon, where you have lived during the past ten years:
N/A

18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?
 Yes No Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.
tel/gin/court

19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony? Yes No Unsure
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name The Exchange 21. City Lake Oswego

22. Do you have any arrests or citations that have not been resolved? Yes No Unsure
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol **diversion program** in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.) Yes No Unsure
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.) Yes No Unsure
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

Richfield Inc. Chesson 2006-2010

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the US?
 Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

I applied in Oct/Nov 2011 in Independence, the City didn't want the

Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.

Bar/Deli

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol? N/A Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?
 N/A Yes No Unsure If yes or unsure, explain:

Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 28.

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon? N/A Yes No Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature]

Date: 17 Feb 14



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: The Exchange LLC Phone: 503-349-6190

Trade Name (dba): The Exchange

Business Location Address: 962 Main St. ^(P)

City: Dallas ZIP Code: 97338

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>11:30^{AM}</u> to <u>11</u> pm
Monday	<u>11:30</u> to <u>2:30</u>
Tuesday	<u>11:30</u> to <u>2:30</u>
Wednesday	<u>11:30</u> to <u>2:30</u>
Thursday	<u>11:30</u> to <u>2:30</u>
Friday	<u>11:30</u> to <u>2:30</u>
Saturday	<u>11:30</u> to <u>2:30</u>

Outdoor Area Hours:

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

N/A

The outdoor area is used for:

- Food service Hours: _____ to _____
- Alcohol service Hours: _____ to _____
- Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

_____ (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke |
| <input type="checkbox"/> Recorded Music | <input type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input checked="" type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input checked="" type="checkbox"/> Pool Tables |
| | <input checked="" type="checkbox"/> Other: <u>TV'S</u> |

DAYS & HOURS OF LIVE OR DJ MUSIC

undetermined but inside the building.

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

SEATING COUNT

Restaurant: <u>44</u>	Outdoor: _____
Lounge: <u>15</u>	Other (explain): _____
Banquet: _____	Total Seating: <u>59</u>

OLCC USE ONLY
Investigator Verified Seating: ___(Y)___(N)
Investigator Initials: _____
Date: _____

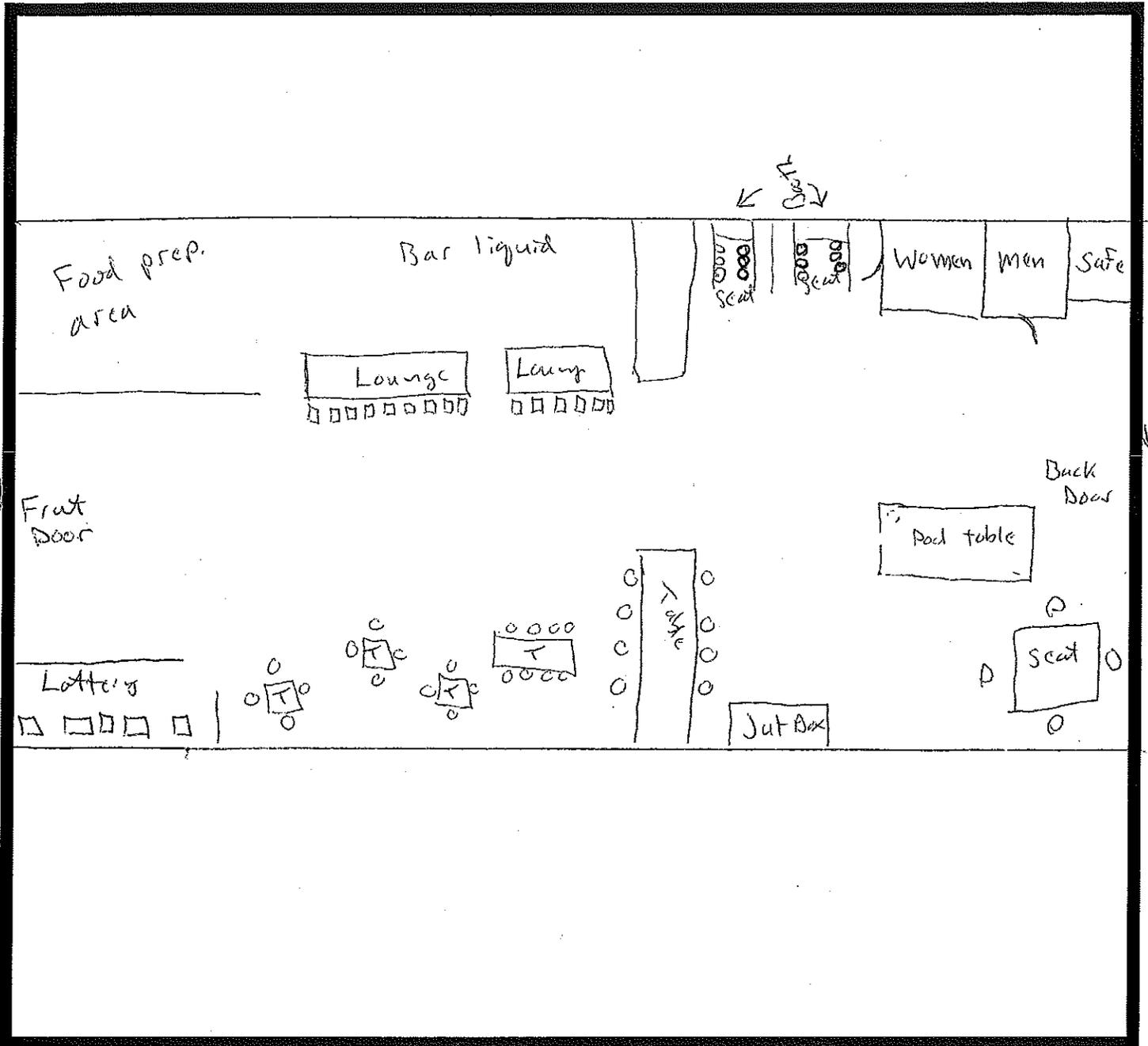
I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 17 Feb 14



OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



The Exchange LLC
Applicant Name

The Exchange
Trade Name (dba):

Dallas 97338
City and ZIP Code

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Date: _____ Initials: _____

DALLAS CITY COUNCIL REPORT

To: DALLAS CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No.	Topic: February 2014 Financial Report
Prepared By: Cecilia Ward	Meeting Date: March 17, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

Provided is the monthly financial reports for the month of February 2014.

For February 2014:

- Percent collected/spent should be at 66.67%. This can vary up or down depending on seasonal or one-time revenues and expenditures.
- The following capital improvement payments were made in February:
Street Fund-Sidewalks (repair to SW Robb/Academy and Clay) \$3,231

FISCAL IMPACT:

None

ATTACHMENTS:

February 2014 Financial Reports



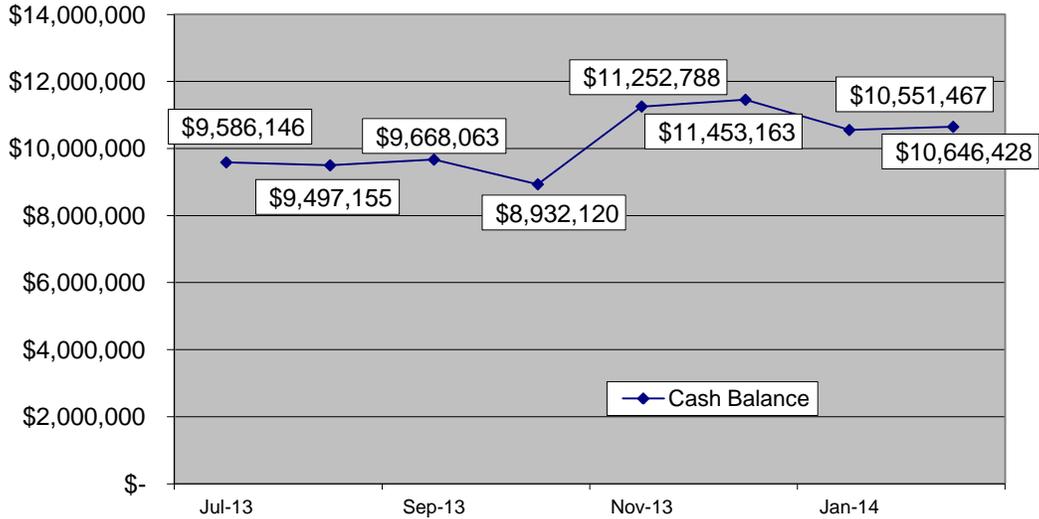
Monthly Financials
for the Month of
February 2014

CITY OF DALLAS
Cash Report
For the Period Ending February 28, 2014

Cash on hand	\$ 645
Cash in Investments	9,968,556
Cash in Bank	677,226
Total Cash Balance as of 02/28/2014	<u>\$ 10,646,428</u>

Restricted/Committed	\$ 6,894,527
Unrestricted	3,751,901
	<u>\$ 10,646,428</u>

Cash Balance



Investment Breakdown

	<u>Ending Bal</u>	<u>Interest YTD</u>
LGIP	\$ 8,790,331	\$ 28,775
Wells Fargo Savings	1,178,225	\$ 208
	<u>\$ 9,968,556</u>	<u>\$ 28,983</u>

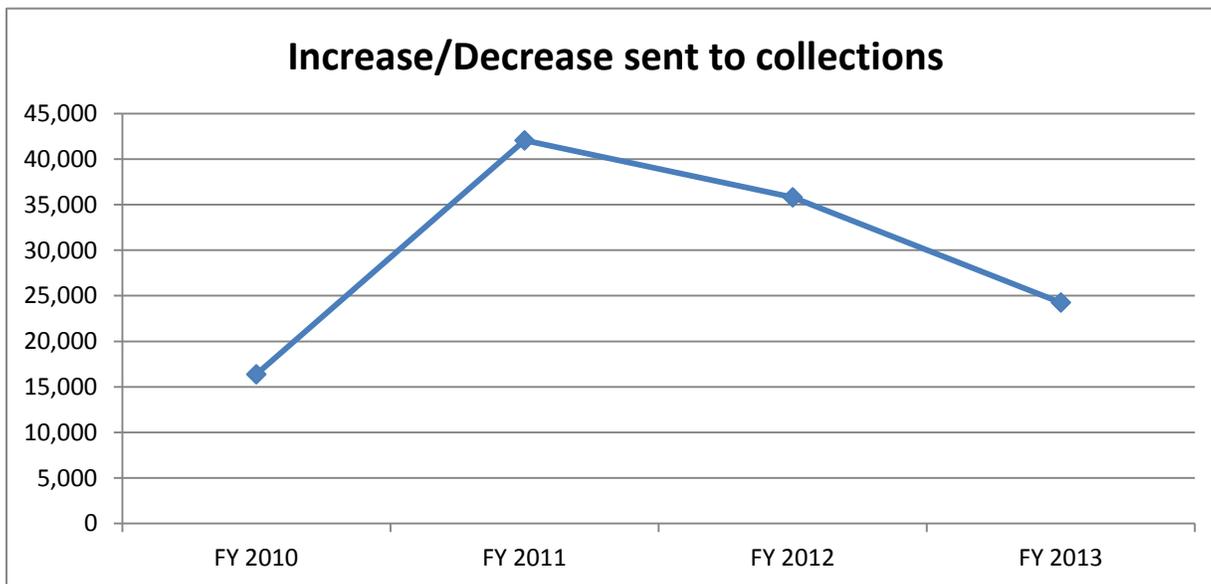
UTILITY AGING REPORT
February 28, 2014

Current Accounts Receivable

Current	30+ days	Total
94,594	22,367	116,961

60+ Days Accounts Receivable

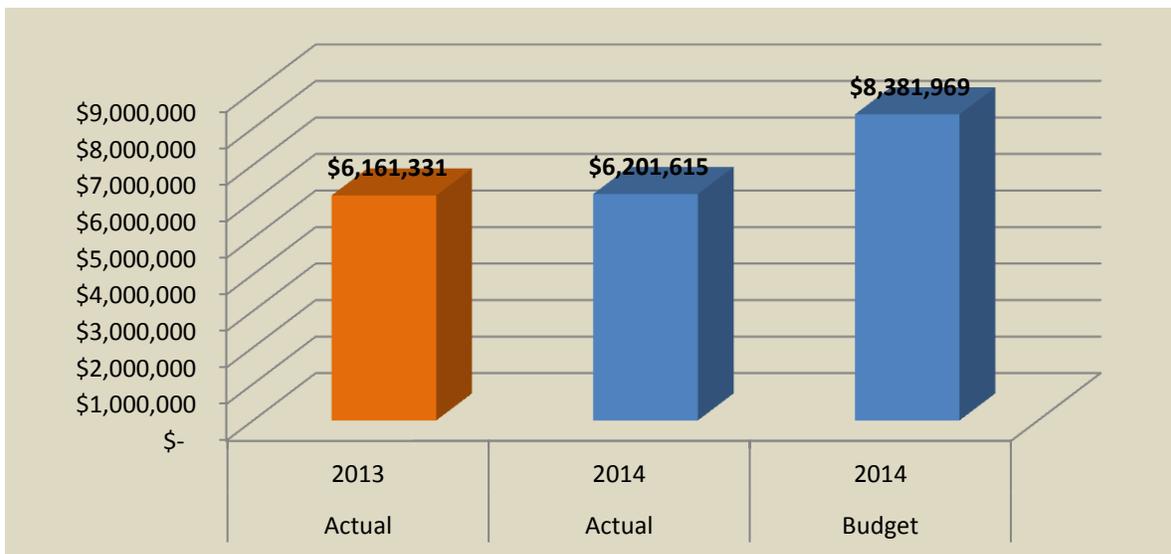
		Payments Made	Sent to Collections	Balance to Collect	Increase/Decrease sent to collections
	FY 2013	3,690	27,947	140,684	24,257
	FY 2012			116,427	35,803
	FY 2011			80,624	42,056
	FY 2010			38,568	16,378
	FY 2009			22,190	



City of Dallas
Monthly Financials
February 2014

General Fund Revenue

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Licenses, Permits and Fees	\$ 807,385	\$ 893,205	\$ 1,379,000	\$ 485,795	64.8%
Fines and Forfeitures	67,142	72,322	155,000	82,678	46.7%
Recreation Fees	276,416	290,083	461,000	170,917	62.9%
Library Fees	43,291	58,579	75,000	16,421	78.1%
Property Taxes	3,128,021	3,156,051	3,444,000	287,949	91.6%
Miscellaneous Taxes	170,536	136,696	225,000	88,304	60.8%
Franchise Fees	710,304	571,802	1,105,000	533,198	51.7%
Inter-governmental	83,299	96,553	187,000	90,447	51.6%
Miscellaneous Revenue	38,396	37,403	48,000	10,597	77.9%
Interest Earnings	8,848	8,406	15,000	6,594	56.0%
Transfers	827,693	880,516	1,287,969	407,453	68.4%
	\$ 6,161,331	\$ 6,201,615	\$ 8,381,969	\$ 2,180,354	74.0%



66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Administration

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 219,351	\$ 250,165	\$ 376,000	\$ 125,835	66.5%
Materials and Supplies	77,518	83,544	141,500	57,956	59.0%
	\$ 296,869	\$ 333,709	\$ 517,500	\$ 183,791	64.5%

There are no capital expenditures budgeted in this department.



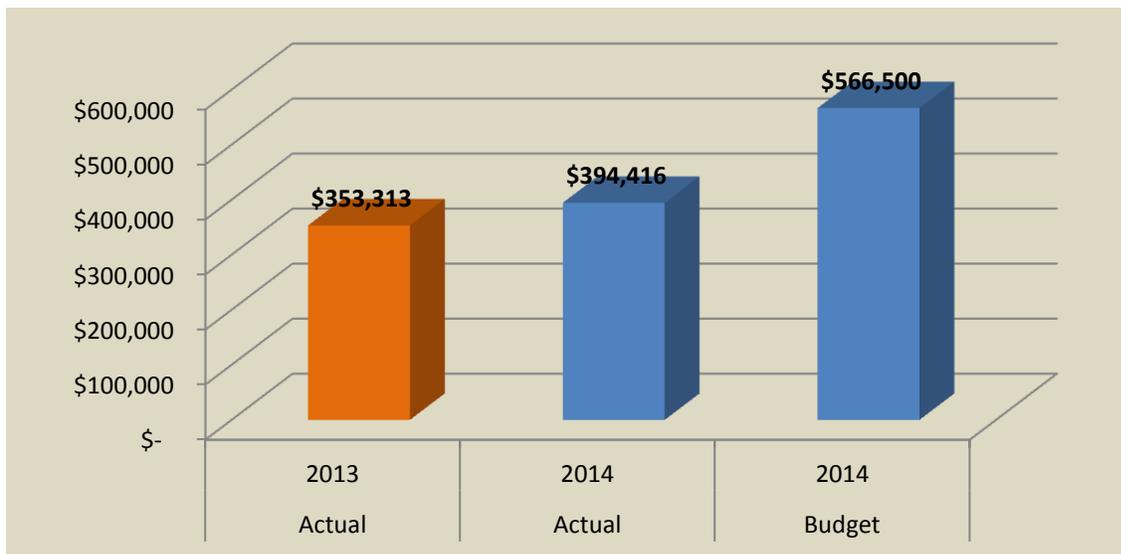
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Finance

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 219,083	\$ 242,331	\$ 361,000	\$ 118,669	67.1%
Materials and Supplies	134,230	152,084	205,500	53,416	74.0%
	\$ 353,313	\$ 394,416	\$ 566,500	\$ 172,084	69.6%

There are no capital expenditures budgeted in this department.



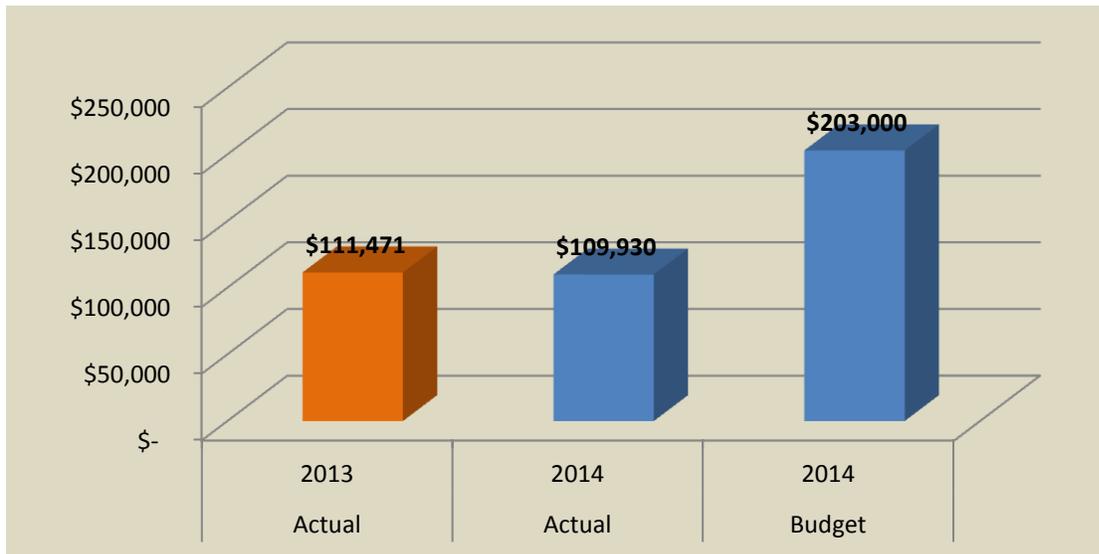
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Facilities

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 71,670	\$ 72,269	\$ 121,000	\$ 48,731	59.7%
Materials and Supplies	39,802	37,661	67,000	29,339	56.2%
Capital Outlay	-	-	15,000	15,000	0.0%
	\$ 111,471	\$ 109,930	\$ 203,000	\$ 93,070	54.2%

Capital Expenditures: HVAC system for Carnegie Building - \$15,000



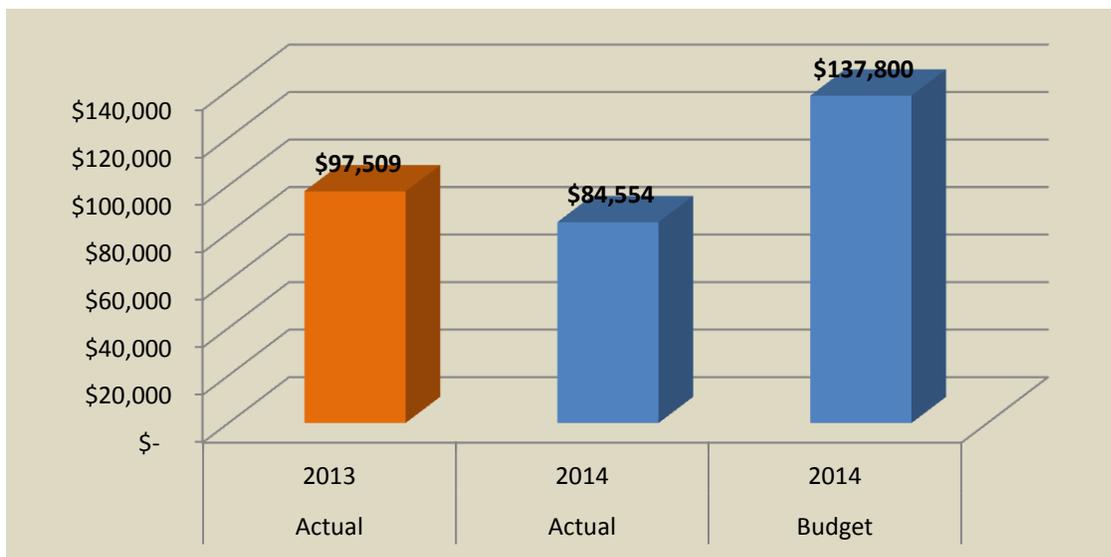
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Municipal Court

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 86,945	\$ 69,719	\$ 108,500	\$ 38,781	64.3%
Materials and Supplies	10,564	14,835	29,300	14,465	50.6%
	\$ 97,509	\$ 84,554	\$ 137,800	\$ 53,246	61.4%

There are no capital expenditures budgeted in this department.



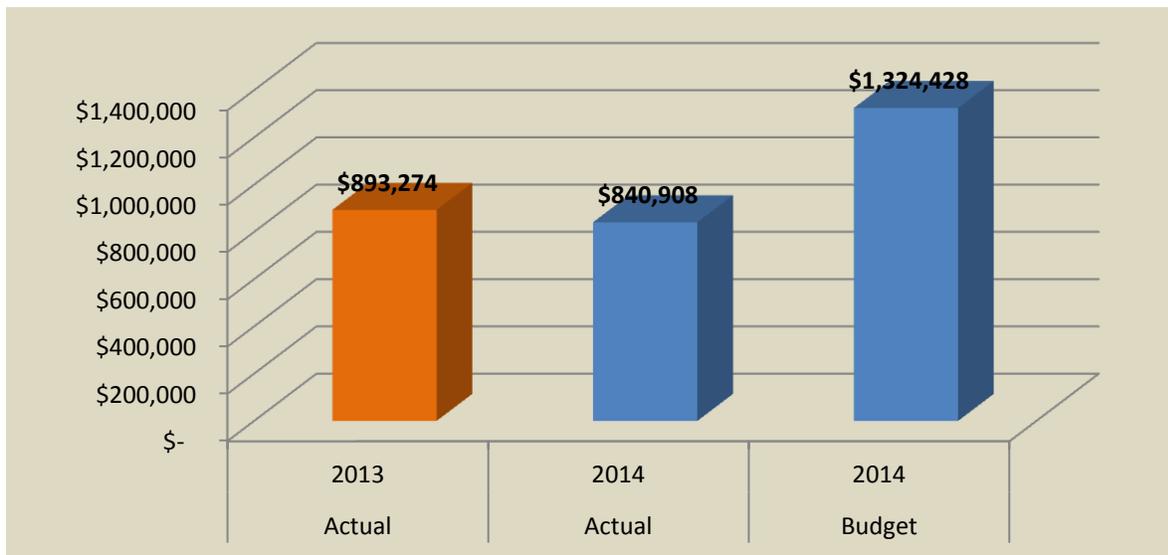
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Ambulance

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 629,911	\$ 606,105	\$ 927,000	\$ 320,895	65.4%
Materials and Supplies	200,506	172,369	320,125	147,756	53.8%
Capital Outlay	5,717	5,941	10,000	4,059	59.4%
Debt Service	37,140	36,493	37,303	811	97.8%
Transfers	20,000	20,000	30,000	10,000	66.7%
	\$ 893,274	\$ 840,908	\$ 1,324,428	\$ 483,520	63.5%

Capital Expenditures: Replacement of medical equipment - \$7,000
 Replacement of turnouts - \$3,000



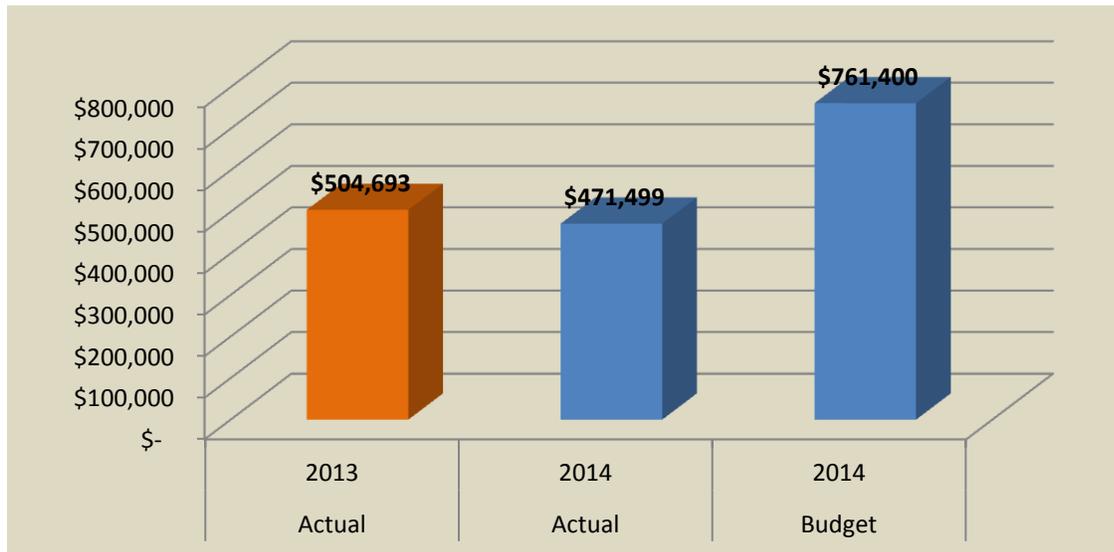
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Fire

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 317,428	\$ 279,808	\$ 421,000	\$ 141,192	66.5%
Materials and Supplies	136,876	148,476	230,000	81,524	64.6%
Capital Outlay	30,789	23,614	81,000	57,386	29.2%
Transfers	19,600	19,600	29,400	9,800	66.7%
	\$ 504,693	\$ 471,499	\$ 761,400	\$ 289,901	61.9%

Capital Expenditures: Replacement of equipment - \$8,000
 Replacement of turnouts - \$30,000



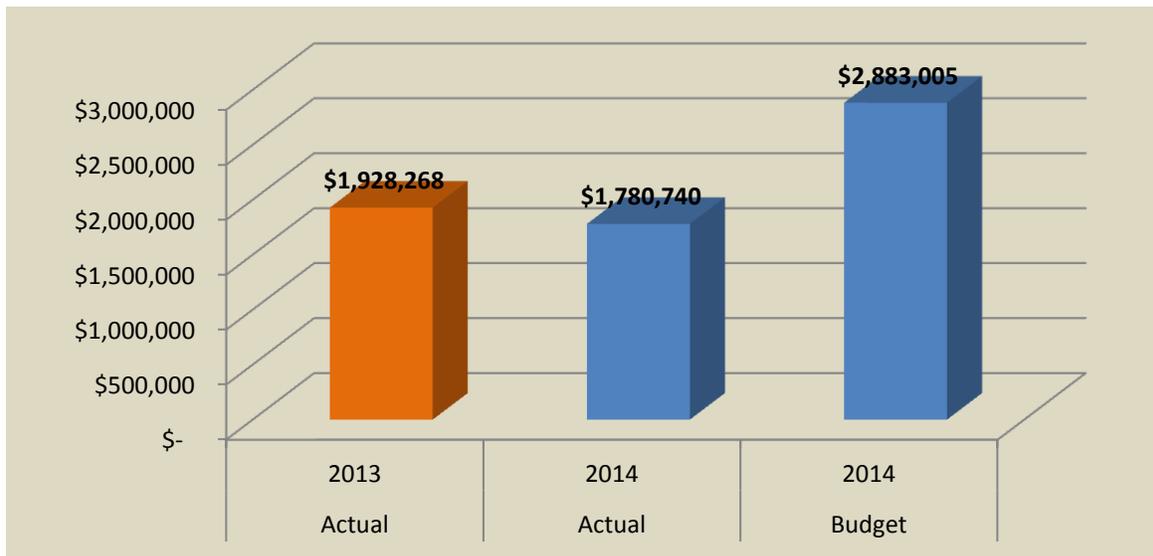
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Police

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 1,676,759	\$ 1,547,278	\$ 2,445,000	\$ 897,722	63.3%
Materials and Supplies	233,510	207,462	403,005	195,543	51.5%
Capital Outlay	-	8,000	8,000	-	100.0%
Transfers	18,000	18,000	27,000	9,000	66.7%
	\$ 1,928,268	\$ 1,780,740	\$ 2,883,005	\$ 1,102,265	61.8%

There are no capital expenditures budgeted in this department.



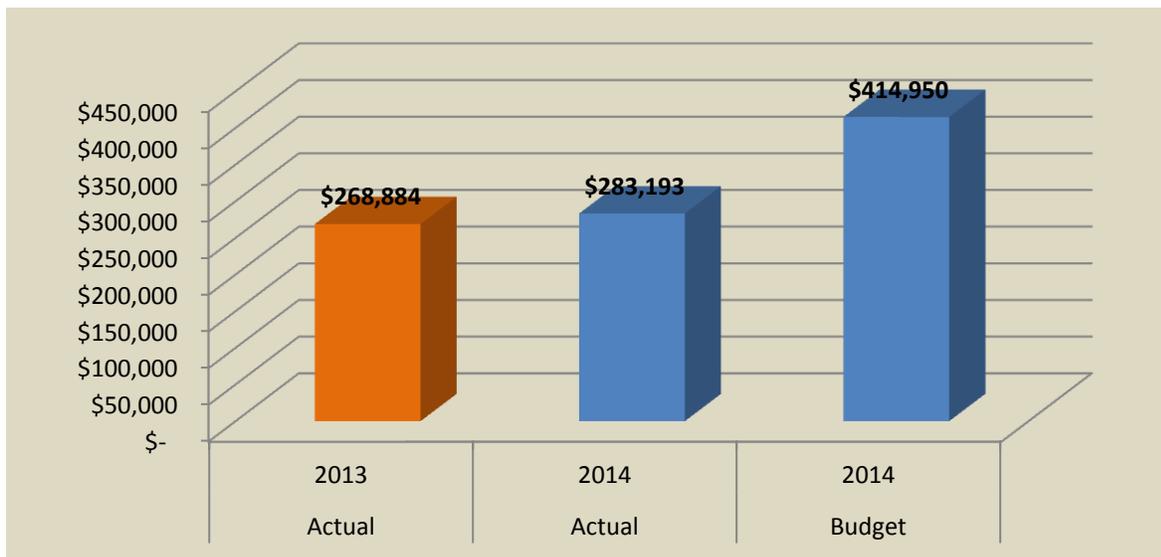
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Library

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 221,355	\$ 231,566	\$ 339,000	\$ 107,434	68.3%
Materials and Supplies	47,530	51,627	75,950	24,323	68.0%
	\$ 268,884	\$ 283,193	\$ 414,950	\$ 131,757	68.2%

There are no capital expenditures budgeted in this department.



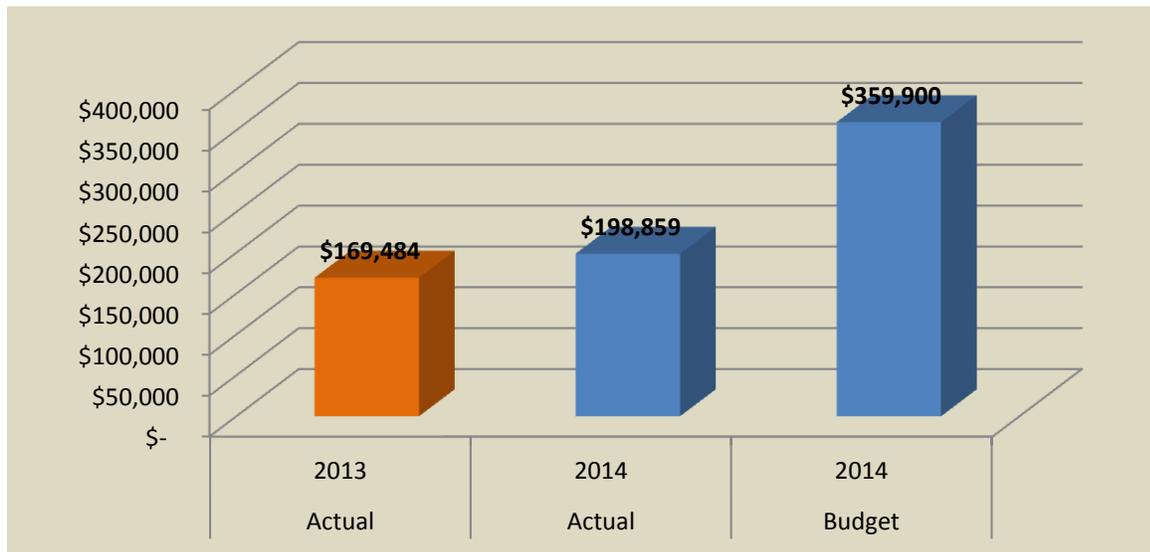
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Parks

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 106,229	\$ 143,061	\$ 208,000	\$ 64,939	68.8%
Materials and Supplies	59,921	52,465	101,900	49,435	51.5%
Capital Outlay	-	-	45,000	45,000	0.0%
Transfers	3,333	3,333	5,000	1,667	66.7%
	\$ 169,484	\$ 198,859	\$ 359,900	\$ 161,041	55.3%

Capital Expenditures: Equipment - \$45,000



66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Aquatic Center

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 278,468	\$ 278,439	\$ 410,000	\$ 131,561	67.9%
Materials and Supplies	189,725	184,738	271,700	86,962	68.0%
Capital Outlay	33,333	33,333	50,000	16,667	66.7%
	\$ 501,526	\$ 496,510	\$ 731,700	\$ 235,190	67.9%

Capital Expenditures: Equipment Reimbursement - \$50,000



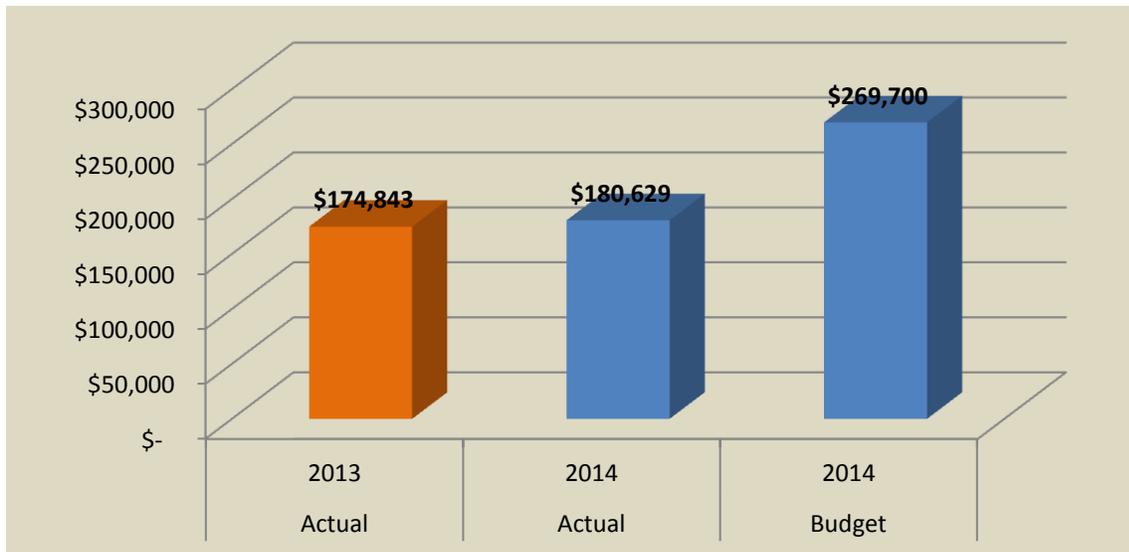
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Building Inspections

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 165,409	\$ 169,758	\$ 253,000	\$ 83,242	67.1%
Materials and Supplies	9,435	10,871	16,700	5,829	65.1%
	\$ 174,843	\$ 180,629	\$ 269,700	89,071	67.0%

There are no capital expenditures budgeted in this department.



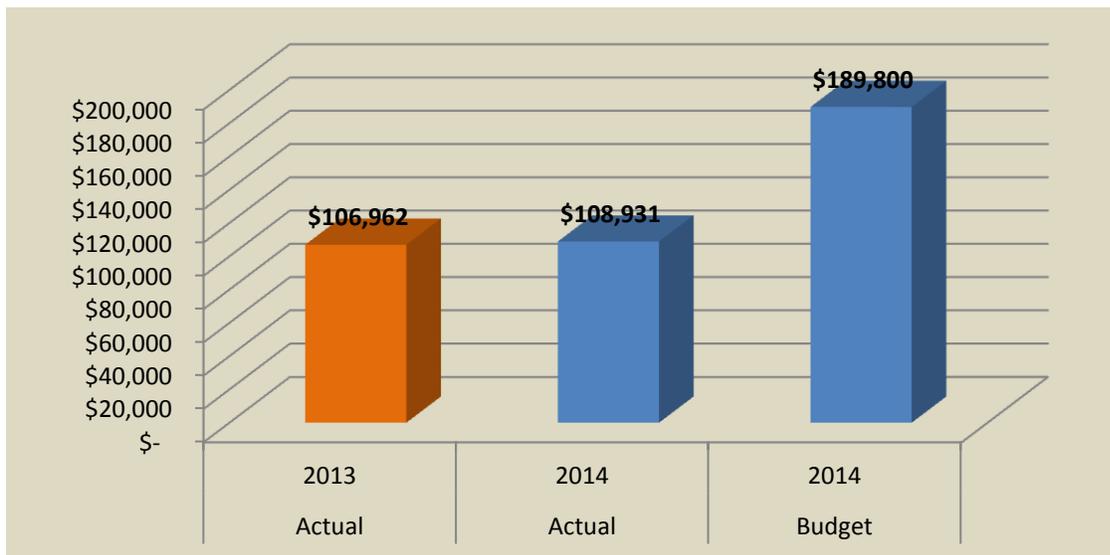
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Planning

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 95,064	\$ 96,779	\$ 147,000	\$ 50,221	65.8%
Materials and Supplies	9,631	9,885	39,400	29,515	25.1%
Transfers	2,267	2,267	3,400	1,133	66.7%
	\$ 106,962	\$ 108,931	\$ 189,800	\$ 80,869	57.4%

There are no capital expenditures budgeted in this department.



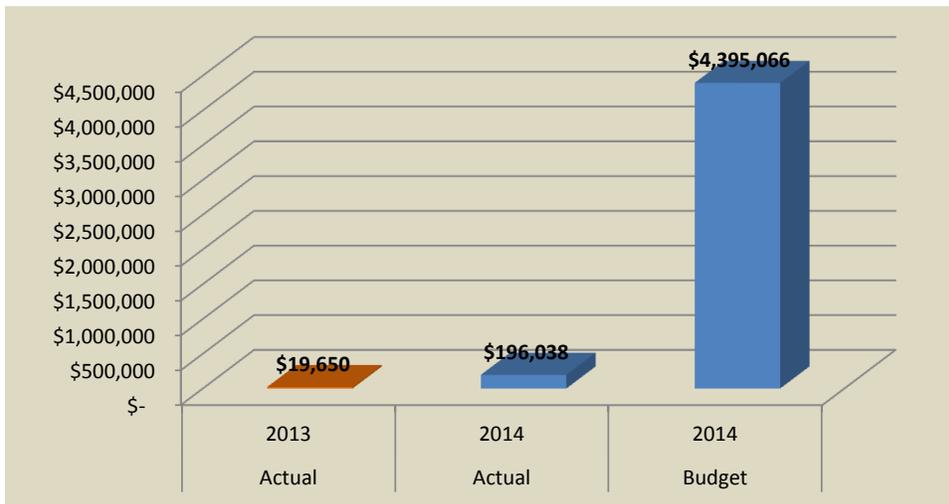
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: System Development Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Streets SDC	\$ 23,979	\$ 39,546	\$ 50,000	\$ 10,454	79.1%
Parks SDC	48,847	77,290	100,000	22,710	77.3%
Water SDC	56,751	140,236	100,000	(40,236)	140.2%
Sewer SDC	24,751	141,285	60,000	(81,285)	235.5%
Storm Water SDC	19,400	30,648	30,000	(648)	102.2%
Transfers	646,333	143,399	160,066	16,667	89.6%
	\$ 820,062	\$ 572,405	\$ 500,066	\$ (72,339)	114.5%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Street SDC Projects	\$ -	\$ -	\$ 240,000	\$ 240,000	0.0%
Park SDC Projects	3,050	-	242,451	242,451	0.0%
Water SDC Projects	-	-	225,000	225,000	0.0%
Sewer SDC Projects	-	196,038	3,627,615	3,431,577	5.4%
Storm Water SDC Projects	-	-	60,000	60,000	0.0%
Transfers (none for 2014)	16,600	-	-	-	
	\$ 19,650	\$ 196,038	\$ 4,395,066	\$ 4,199,028	4.5%



66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Streets

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Highway Reimbursement & Appropriations	\$ 1,023,301	\$ 743,462	\$ 1,025,000	\$ 281,538	72.5%
Miscellaneous Revenue and Interest	11,363	65,718	66,060	342	99.5%
	\$ 1,034,665	\$ 809,180	\$ 1,091,060	\$ 281,880	74.2%

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personnel Services	\$ 208,551	\$ 195,205	\$ 292,000	\$ 96,795	66.9%
Materials and Supplies	154,977	163,318	261,700	98,382	62.4%
Capital Outlay	26,941	58,097	495,000	436,903	11.7%
Transfers	53,333	53,333	80,000	26,667	66.7%
	\$ 443,803	\$ 469,954	\$ 1,128,700	\$ 658,746	41.6%

Capital Expenditures:

Contractual Overlays - \$475,000

Sidewalks - \$20,000



66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

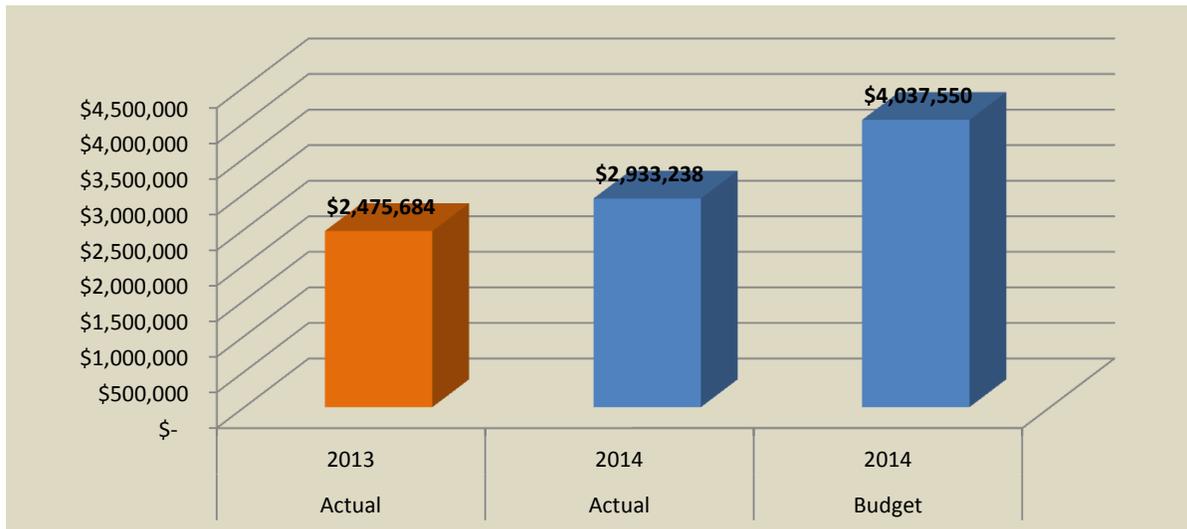
Department: Sewer

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Service Charges and Hook Up Fees	\$ 2,966,626	\$ 2,037,798	\$ 3,037,000	\$ 999,202	67.1%
Miscellaneous Revenue and Interest	204,721	334,683	120,000	\$ (214,683)	278.9%
	\$ 3,171,347	\$ 2,372,481	\$ 3,157,000	\$ 784,519	75.1%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personnel Services	\$ 396,841	\$ 399,214	\$ 593,500	\$ 194,286	67.3%
Materials and Supplies	611,739	571,818	1,070,500	498,682	53.4%
Capital Outlay	94,794	591,005	810,000	218,995	73.0%
Transfers	1,372,310	366,667	559,000	192,333	65.6%
Debt Service (2013 in Debt Service Fund)	-	1,004,534	1,004,550	16	100.0%
	\$ 2,475,684	\$ 2,933,238	\$ 4,037,550	\$ 1,104,312	72.6%

Capital Expenditures:

- Equipment - \$65,000
- Rickereall Crk Interceptor CIP - \$500,000
- Siphon Replacement - \$100,000
- I & I - \$25,000
- Storm Projects - \$20,000
- WWTF Capital Improvements - \$50,000
- Sewer Replacement Projects - \$50,000



66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

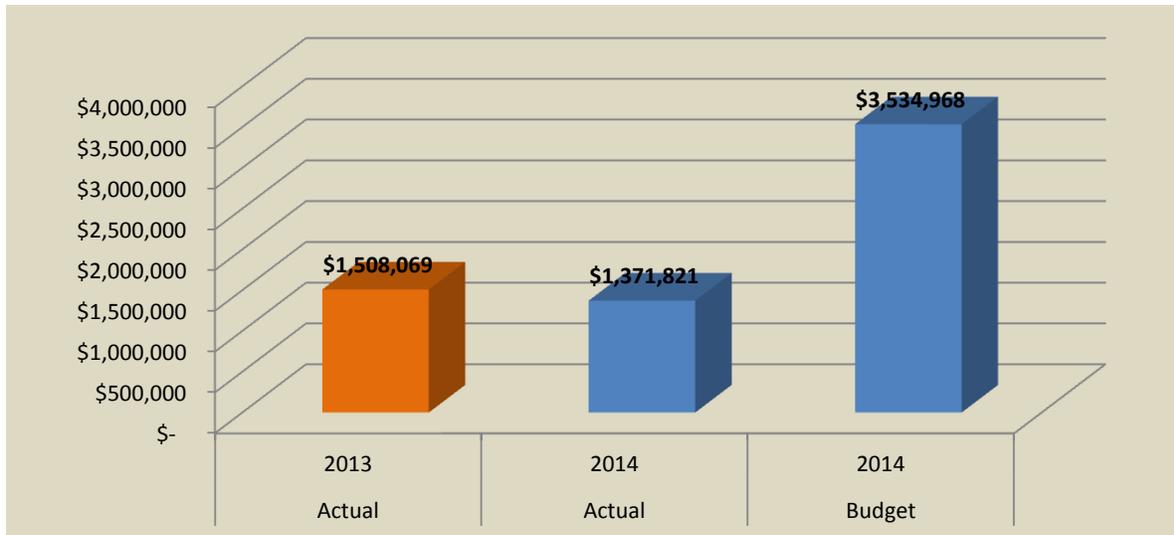
Department: Water

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Collected
Revenue					
Service Charges and Connection Fees	\$ 2,084,881	\$ 1,505,830	\$ 2,142,000	\$ 636,170	70.3%
Miscellaneous Revenue and Interest	49,558	69,426	1,545,000	1,475,574	4.5%
	\$ 2,134,440	\$ 1,575,256	\$ 3,687,000	\$ 2,111,744	42.7%

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Spent
Expenditures					
Personnel Services	\$ 268,525	\$ 269,556	\$ 398,000	\$ 128,444	67.7%
Materials and Supplies	433,019	470,965	705,000	234,035	66.8%
Capital Outlay	-	-	1,650,000	1,650,000	0.0%
Transfers	-	347,967	347,968	1	100.0%
Debt Service (2013 in Debt Service Fund)	806,526	283,333	434,000	150,667	65.3%
	\$ 1,508,069	\$ 1,371,821	\$ 3,534,968	\$ 2,163,147	38.8%

Capital Expenditures:

AMR Project- \$1,500,000
 Water Line Replacement Project - \$50,000
 Transmission Water Line- \$100,000



66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

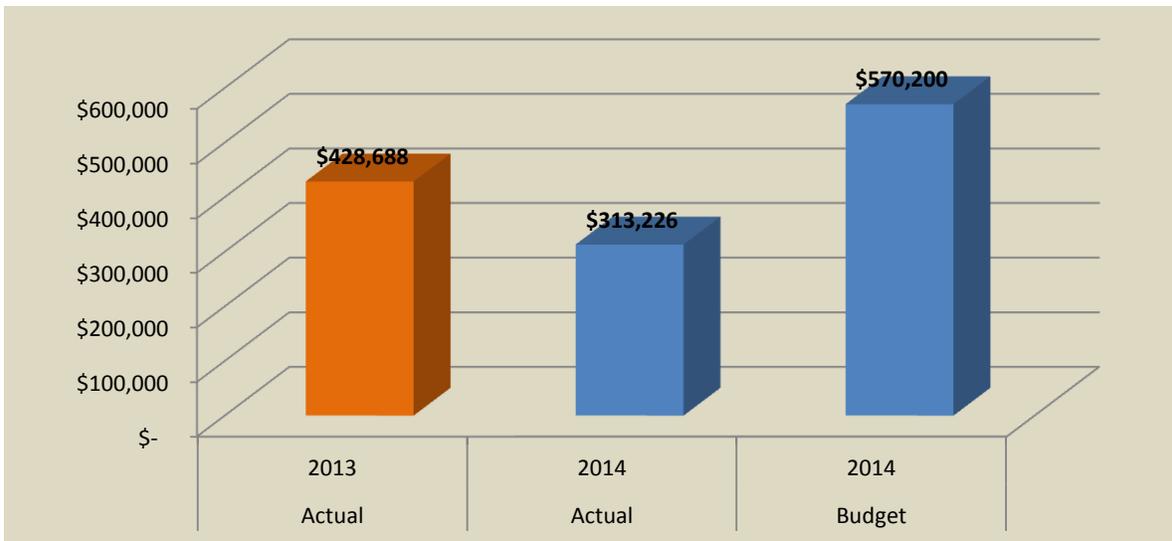
Department: Fleet

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Service Charges and Total Care	\$ 429,802	\$ 287,375	\$ 427,000	\$ 139,625	67.3%
Miscellaneous Revenue	103,958	59,416	84,800	25,384	70.1%
	\$ 533,761	\$ 346,791	\$ 511,800	\$ 165,009	67.8%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personnel Services	\$ 134,602	\$ 133,254	\$ 201,000	\$ 67,746	66.3%
Materials and Supplies	111,404	125,825	192,200	66,375	65.5%
Capital Outlay	129,348	814	97,000	96,186	0.8%
Transfers	53,333	53,333	80,000	26,667	66.7%
	\$ 428,688	\$ 313,226	\$ 570,200	\$ 256,974	54.9%

Capital Expenditures:

Equipment - \$65,000 (Sewer Camera System)
 Building Improvements - \$32,000



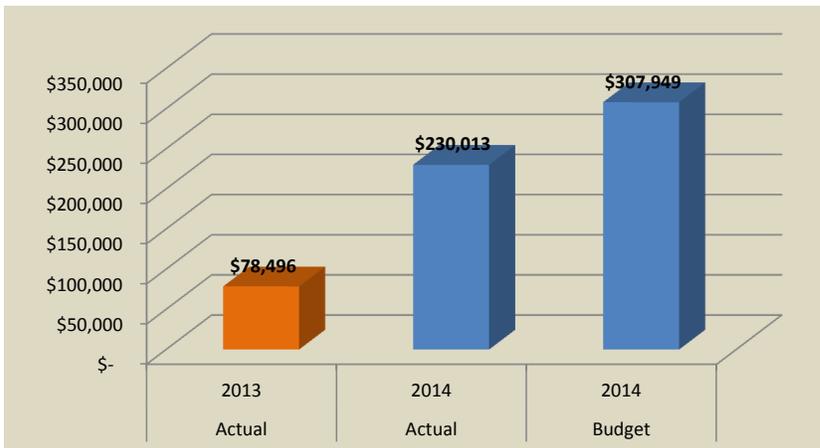
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: Trust Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Aquatics	\$ -	\$ -	\$ -	\$ -	
Fire and Ambulance	34,669	18,766	36,000	17,234	52.1%
Street	-	-	-	-	
Transient Lodging	54,822	-	-	-	
Miscellaneous	1,257	591	1,000	409	59.1%
Economic Development	28,831	20,000	30,000	10,000	66.7%
Park	3,225	2,719	4,000	1,281	
Police	8,513	-	-	-	
Library	1,237	19,454	20,000	546	97.3%
	\$ 132,555	\$ 61,530	\$ 91,000	\$ 29,470	67.6%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Aquatics	\$ 6,379	\$ -	\$ -	\$ -	
Fire and Ambulance	22,581	23,385	64,274	40,889	36.4%
Street	-	-	-	-	
Transient Lodging	40,113	-	-	-	
Miscellaneous	240	1,732	3,000	1,268	57.7%
Economic Development	2,965	26,919	48,000	21,081	56.1%
Park	2,164	1,736	4,000	2,264	43.4%
Police	479	-	-	-	
Library	3,576	11,513	20,000	8,487	57.6%
Transfers	-	164,727	168,675	3,948	97.7%
	\$ 78,496	\$ 230,013	\$ 307,949	\$ 77,936	74.7%



66.67% Through the Fiscal Year

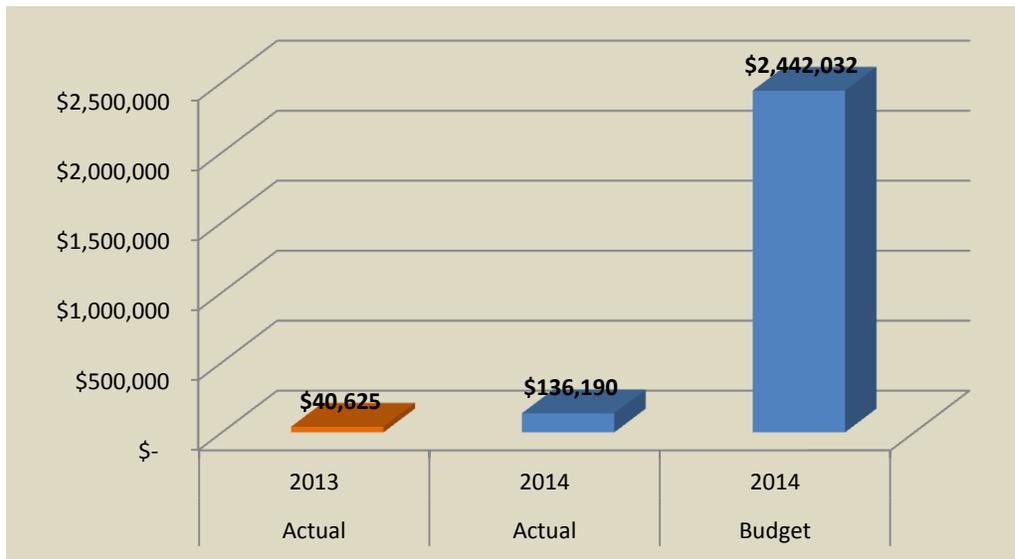
City of Dallas
Monthly Financials
February 2014

Department: Grant Fund

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Police	\$ 8,018	\$ 8,393	\$ 12,000	\$ 3,607	69.9%
Fire	38,047	-	456,532	456,532	0.0%
Parks and Trails	501	501	470,000	469,499	0.1%
Miscellaneous	2,739	1,020	1,503,500	1,502,480	0.1%
	\$ 49,305	\$ 9,914	\$ 2,442,032	\$ 2,432,118	0.4%

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Police	\$ 2,625	\$ 750	\$ 12,000	\$ 11,250	6.3%
Fire	38,000	-	456,532	456,532	0.0%
Parks and Trails	-	134,743	470,000	335,257	28.7%
Miscellaneous	-	697	1,503,500	2,803	0.0%
	\$ 40,625	\$ 136,190	\$ 2,442,032	\$ 805,842	5.6%

Grant Projects: Police - vests, misc.
 Fire - Hydraulic rescue tool system, pumper
 Parks and Trails - Rickreall Crk Trail System
 Miscellaneous - CDBG; Ready to Read



66.67% Through the Fiscal Year

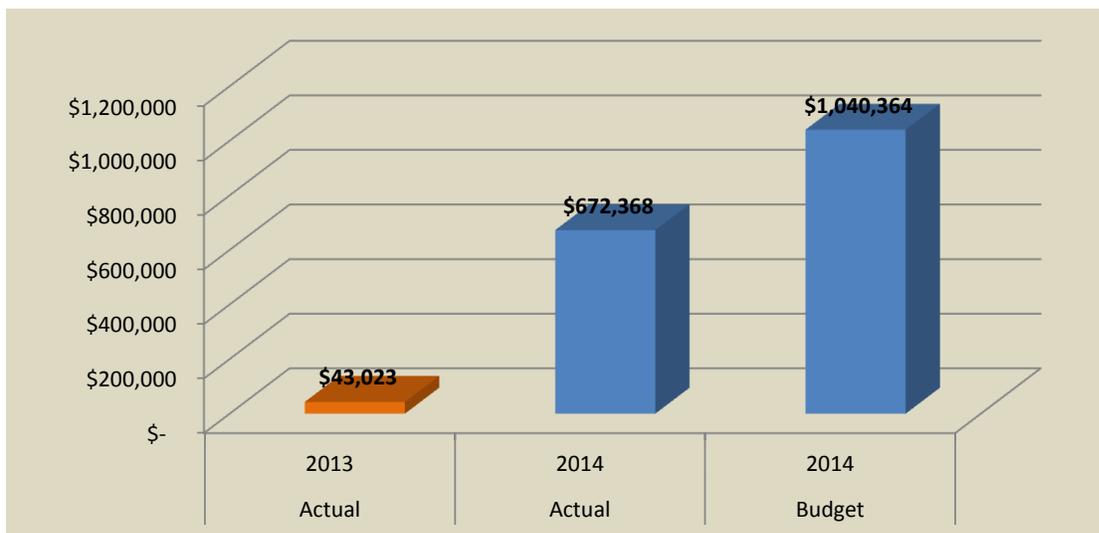
City of Dallas
Monthly Financials
February 2014

Department: Urban Renewal Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Property Taxes	\$ 121,062	\$ 128,251	\$ 125,000	\$ (3,251)	102.6%
Interest Earnings	2,311	1,788	1,000	(788)	178.8%
Miscellaneous Revenue	-	50	1,000	950	5.0%
Finance Proceeds	-	750,000	750,000	-	100.0%
	\$ 123,373	\$ 880,089	\$ 877,000	\$ (4,039)	100.4%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personal Services	\$ 9,702	\$ 10,934	\$ 16,000	\$ 5,066	68.3%
Materials and Services	-	11,798	13,000	1,202	90.8%
Debt Service Reserve	-	-	86,395	86,395	0.0%
Capital Expenditures	33,321	635,454	875,000	239,546	72.6%
Grants	-	4,213	40,000	35,787	10.5%
Transfers	-	9,969	9,969	0	100.0%
	\$ 43,023	\$ 672,368	\$ 1,040,364	\$ 367,996	64.6%

Capital Expenditures: 800/900 Block Main Street Project
Property Acquisition



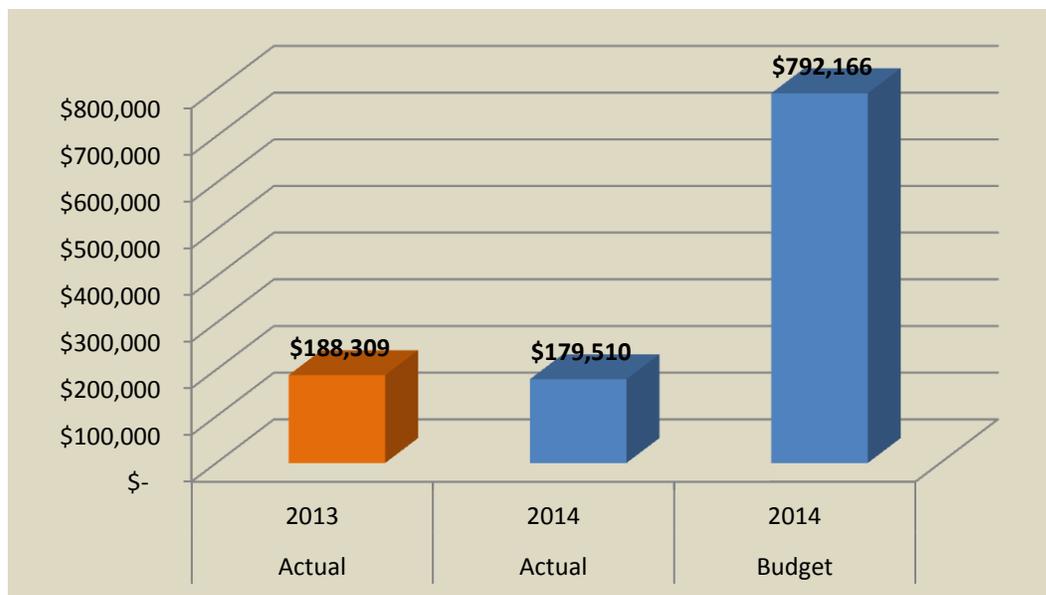
66.67% Through the Fiscal Year

City of Dallas
Monthly Financials
February 2014

Department: General Obligation and Long Term Debt Funds

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Collected
Revenue					
Property Taxes	\$ 668,945	\$ 671,076	\$ 735,000	\$ 63,924	91.3%
Transfers	70,673	71,681	109,627	37,946	65.4%
	\$ 739,618	\$ 742,757	\$ 844,627	\$ 101,870	87.9%

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Spent
Expenditures					
Principal	\$ 70,000	\$ 75,000	\$ 585,000	\$ 510,000	12.8%
Interest	118,309	104,510	207,166	102,656	50.4%
	\$ 188,309	\$ 179,510	\$ 792,166	\$ 612,656	22.7%



66.67% Through the Fiscal Year

DALLAS CITY COUNCIL

REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 10a	Topic: Budget Transfer Resolution 3289
Prepared By: Cecilia Ward	Meeting Date: March 17, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Approval of Budget Transfer Resolution 3289

BACKGROUND:

Oregon Budget Law allows for unanticipated changes to the budget throughout the fiscal year. ORS 294.463 allows for appropriation transfers which includes intra-and inter-fund transfers between appropriation categories and contingency transfers. Appropriation transfers require a budget resolution.

Following are the necessary transfers:

General Fund:

From:	To:	Purpose:	Amount:
Contingency	Municipal Court-Material and Services-Prosecution	Additional prosecution cost for criminal cases	\$ 10,000

Street Fund:

From:	To:	Purpose:	Amount:
Contingency	Material and Services-Professional Services	PCI Street Study	\$ 25,000

FISCAL IMPACT:

Appropriation impact:

General Fund: Decrease Contingency from \$30,000 to \$20,000
 Increase Municipal Court-Material and Services-Prosecution from \$17,000 to \$27,000
 Street Fund: Decrease Contingency from \$427,360 to \$402,360
 Increase Material and Services-Professional Services from \$15,000 to \$40,000

ATTACHMENTS:

Budget Transfer Resolution 3289

RESOLUTION NO. 3289

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$10,000 from the General Fund, Operating Contingency, to the General Fund, Municipal Court, for unanticipated prosecution costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$25,000 from the Street Fund, Operating Contingency, to the Street Fund, Professional Services, for unanticipated PCI street study;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$10,000 from the General Fund, Operating Contingency, to the General Fund, Municipal Court.

Section 2. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority \$25,000 from the Street Fund, Operating Contingency, to the Street Fund, Professional Services.

Section 3. This Resolution shall be effective upon its passage.

Adopted: March 17, 2014
Approved: March 17, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RON FOGGIN, CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY

DALLAS CITY COUNCIL

REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 10 b	Topic: Resolution 3290 – Authorizing Park Grant
Prepared By: Emily Gagner	Meeting Date: March 17, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Staff recommends adopting Resolution 3290 authorizing the City to apply for an OPRD Grant for Dallas City Park restroom rehabilitation.

BACKGROUND:

The City has the opportunity to apply for the 2014 Oregon Parks and Recreation Department (OPRD) Local Government Grant Program (LGGP) grant cycle. Staff would like to use this grant to apply for monies to rehabilitate the Dallas City Park restroom facilities.

The project would include upgrading the ventilation and lighting systems, improve the stalls and make the interior more vandal resistant, and if necessary would include a new roof on the buildings. The project will also upgrade the ADA accessibility of the restrooms.

Given the popularity of our City Park, the issues with vandalism, and the overall age of our bathroom structures, staff feels this is an important project to tackle and appreciates the Council’s support in this effort.

The Council passed Resolution 3287 at the March 3 meeting authorizing staff to apply for the LWCF grant through OPRD for the same project. Because OPRD allows us to apply for multiple grants for the same project, we are covering our bases. If awarded more than one grant for the same project, we will decline one, freeing up money for another entity to use.

FISCAL IMPACT:

Our grant application will be for \$25,000 and requires a \$25,000 match from the City. The City’s match will come from the General Fund and will include as much force account labor as possible.

ATTACHMENTS:

Resolution No. 3290

RESOLUTION NO. 3290

A Resolution of the City of Dallas authorizing a grant application under the Oregon Parks and Recreation Department Local Government Grant Program for rehabilitation of the restrooms at the Dallas City Park; and committing available local matching funds.

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; and

WHEREAS, the City of Dallas desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation improvements and enhancements; and

WHEREAS, the Dallas City Council has identified improvements to the restrooms in Dallas City Park as a high priority need in the City of Dallas; and

WHEREAS, the proposed improvements identified by the Dallas City Council include upgrading the restroom buildings, ventilation, lighting, plumbing, and fixtures; and

WHEREAS, the City of Dallas has available local matching funds to fulfill its share of obligation related to this grant application should the grant funds be awarded; and

WHEREAS, the City of Dallas commits to dedicate adequate funding for on-going operations and maintenance of this park and recreation facility should the grant funds be awarded, NOW, THEREFORE,

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

Section 1. The City Manager is hereby authorized and directed to prepare, sign, and submit an application for a Local Government Grant Program grant to the Oregon Parks and Recreation Department to seek funding for restroom improvements in Dallas City Park as set forth in the foregoing recitals.

Section 2. There is hereby committed a share of local available funds for the proposed improvements in an amount sufficient to satisfy the terms of the Local Government Grant Program.

Section 3. This Resolution shall take effect upon its passage and approval.

Adopted: March 17, 2014
Approved: March 17, 2014

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>	Agenda Item No. 10 c	Topic: Resolution 3291 – Amending Deferred Comp Plan
Prepared By: Emily Gagner	Meeting Date: March 17, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Staff recommends adopting Resolution 3291 amending the deferred compensation plan for employees.

BACKGROUND:

The City offers an employee-funded deferred compensation plan for Section 457 with ICMA Retirement Corporation. When Roth provisions were originally passed, the IRS forgot to include 457 accounts. They recently corrected this, and ICMA-RC now offers a Roth Provision to their 457 Deferred Compensation Plan, which allows employees to make after-tax deferrals to a retirement account and then withdraw those deferrals and associated earnings tax-free if they meet certain criteria. In order to allow our employees this option, we must amend our plan, with Council approval.

There is no impact to staff time, nor is there a budget impact to this change.

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution No. 3291

RESOLUTION NO. 3291

A Resolution amending the Deferred Compensation Plan for Section 457 Plan Funds contributed by employees to ICMA Retirement Corporation.

WHEREAS, the City of Dallas has employees rendering valuable services; and

WHEREAS, the City has established a deferred compensation plan for such employees that serves the interest of the City by enabling it to assist in providing reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the City wishes to amend the deferred compensation plan to allow employees to make Roth (after-tax) deferrals to their 457 plans, which will allow the Roth deferrals and associated earnings to be withdrawn tax-free if certain criteria are met; NOW, THEREFORE,

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

Section 1. That the City Council hereby amends and restates the deferred compensation plan in the form of the ICMA Retirement Corporation 457 Governmental Deferred Compensation Plan & Trust to include the associated Roth amendment.

Section 2. That the assets of the plan shall continue to be held in trust, with the City of Dallas serving as trustee for the exclusive benefit of the plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose; the City's beneficial ownership of the plan assets held in the ICMA Retirement Trust shall be held for the further exclusive benefit of the plan participants and their beneficiaries.

Section 3. That the City hereby agrees to continue to serve as trustee under the plan.

Adopted: March 17, 2014
Approved: March 17, 2014

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>	Agenda Item No. 10d	Topic: Resolution 3292 DIM Enterprise Zone Request
Prepared By: Jason Locke, Com Dev/ Operations Director	Meeting Date: March 17, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION: Adopt Resolution 3292

BACKGROUND:

The Dallas Independence Monmouth Enterprise Zone has an opportunity to be designated as an Electronic Commerce zone. Enterprise zones are designed to encourage business investment through property tax relief.

Several years ago, the state legislature created an additional designation, allowing certain Enterprise Zones to also be electronic commerce, or “eCommerce” zones. The new designation is an incentive program designed to attract businesses that do much of their commerce online, and the incentives are tied to the equipment and facilities that support eCommerce. The primary benefit of an eCommerce designation is a 25% income tax credit for the cost of capital assets used for electronic commerce within the designated zone.

When the State first created the eCommerce Zone designation, it capped the number of zones at 10. This number was reached quickly and several communities have requested that additional zones be allowed. This winter’s legislature has approved a bill that is awaiting the Governor’s signature to expand the number of available eCommerce Designations to 15. Assuming the Governor signs the legislation, new designations would be allowed beginning on the 91st day after the legislature closes its current session.

The primary concern with incentives is their cost to the local government in terms of lost tax revenue, primarily property taxes. In this case, an eCommerce designation would cost the City essentially nothing. The primary incentive is an income tax credit, and only the State of Oregon derives revenue from income taxes. An eCommerce Zone designation would be a low-cost way to add a significant incentive to our business recruitment efforts.

This designation must be requested by all the Zone sponsors, which are willing to do so. Resolution 3292 expresses the City’s support of an eCommerce designation.

FISCAL IMPACT: None

ATTACHMENTS:

Resolution 3292
Explanation of Electronic Commerce Zones



Electronic Commerce Zone

Several of Oregon's 60+ enterprise zones have received special status to further encourage electronic commerce, or "e-commerce," investments.

"Electronic commerce" is defined as engaging predominantly in transactions via the internet or an internet-based computer platform. These transactions can include taking orders, closing sales, making purchases, providing customer service or undertaking other activities that serve the business's overall purpose, even if retail in nature.

The most significant feature of these designations is that qualifying businesses may receive a credit against the business's annual state income or corporate excise tax liability.

State Income Tax Credit

The credit equals 25% of the investment cost made in capital assets used in electronic-commerce operations inside that enterprise zone. To make the investment means to have incurred the financial liability or commitment for the asset in that income tax year. Capital assets are property used in the business, the cost of which may be depreciated for federal income tax purposes. The annual maximum credit amount is \$2 million per year. Unused tax credit amounts may be carried forward over the next five years. The credit is claimed directly on corporate or individual tax returns, and while there is no additional form required, the taxpayer must maintain records of purchased assets.

To obtain this state tax credit, the business's e-commerce investment needs to be made after the enterprise zone application for authorization has been approved, or at anytime during the three- to five-year period of the standard enterprise zone exemption from local property taxes. This tax credit sunsets by law, such that the business must make the investment and its initial claim no later than the income tax year that begins during 2017.

Local Property Tax Abatement

In an e-commerce enterprise zone, "being engaged in electronic commerce" is itself an eligible activity for property tax abatement. In any Oregon enterprise zone, such an operation would likely qualify for the exemption for other reasons—for example, by satisfying the definition of an eligible administrative or call center.

In a designated e-commerce area, however, the newly installed personal property machinery and equipment that qualifies for exemption is more broadly defined. Usually, such property that costs less than \$50,000 per item qualifies only if used in the production of tangible goods. In the case of an e-commerce enterprise zone or city, using it in electronic commerce alone suffices for the exemption. The exemption still does not cover any personal property item costing less than \$1,000 or any vehicle, and all other enterprise zone criteria and procedures apply.

Qualified new investments also will include those for operations that support or ensue from the e-commerce activity—for example, shipping and storage facilities to fulfill orders mostly arising from e-commerce.

[Printer friendly version of this page](#)

RESOLUTION NO. 3292

A Resolution requesting that the Dallas/Independence/Monmouth Enterprise Zone be designated for Electronic Commerce

WHEREAS, the City of Dallas co-sponsors the Dallas/Independence/Monmouth Enterprise Zone; and

WHEREAS, the Enterprise Zone is one of the most successful economic development tools for the City of Dallas, contributing to the establishment and expansion of diverse businesses and the creation of family wage jobs; and

WHEREAS, the City of Dallas, with its supply of available land for development and complementary infrastructure, has established itself as a community that can support electronic commerce business; and

WHEREAS, the City of Dallas would like to encourage electronic commerce as part of its economic development efforts; and

WHEREAS, pursuant to ORS 285C.095, the City of Dallas can request the Oregon Business Development Department that the Dallas/Independence/Monmouth Enterprise Zone be designated for electronic commerce to provide additional financial/tax incentive for qualified business firms engaging in electronic commerce;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City of Dallas hereby requests the Oregon Business Development Department that the Dallas/Independence/Monmouth Enterprise Zone be designated for Electronic Commerce.

Section 2. That the City Manager or his designee be authorized and directed to communicate the city's request to the Oregon Business Development Department.

Adopted: March 17, 2014
Approved: March 17, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RON FOGGIN, CITY MANAGER

LANE P. SHETTERLY, CITY
ATTORNEY

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11a	Topic: Park Property Donation Ordinance 1764
Prepared By: Ron Foggin	Meeting Date: March 17, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Allow Ordinance 1764 to pass first reading.

BACKGROUND:

The Fowler Real Estate Group developed the Barberry Node and designated several lots to be open space and/or pocket parks. During the development process the developer planned on donating the open space to a home owners association, but an association was never formed. The developer discussed the donation of the open space with the City and it was decided that the open space would be donated to the City.

The two lots that are being donated are currently improved and maintained by the Fowler Real Estate Group. Both lots have subdivision signs on them, which will be relocated by the developer.

FISCAL IMPACT:

The Park Department Manager estimates that it will cost approximately \$1,200 a year to maintain the open space in the current condition.

ATTACHMENTS:

Ordinance 1764
Property Platt Map
Property Deed

ORDINANCE NO. 1764

An Ordinance accepting the conveyance of certain real property for public park use; and declaring an emergency.

WHEREAS, River Gleann Phase 6, LLC, an Oregon limited liability company, has proposed conveying Tract D and Lot 114, River Gleann Estates Phase 6 in the City of Dallas, Polk County, Oregon (Plat Volume 14, Page 14), as shown on the map attached hereto as Exhibit 1 and by reference incorporated herein, to the City of Dallas for park purposes; and

WHEREAS, the City is willing to accept said tract and lot for such purposes and has determined that such acceptance is in the best interest of the City;

NOW, THEREFORE, THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The City of Dallas hereby accepts the conveyance by River Gleann Phase 6, LLC, an Oregon limited liability company of the above-described real property for public park use, and the form of deed attached hereto as Exhibit 2, is approved and accepted.

Section 2. This ordinance being necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall take effect on second reading and approval.

Read for the first time: March 18, 2014
Read for the second time: April 7, 2014
Passed by the City Council: April 7, 2014
Approved by the Mayor: April 7, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY

RIVER GLEANN ESTATES PHASE 6

IN N.W.1/4 SEC. 34, T.7 S., R.5 W.,W.M.
CITY OF DALLAS, POLK COUNTY, OREGON

- = MONUMENT FOUND AS NOTED
- = 5/8" X 30" IRON ROD SET AT LOT CORNERS WITH YELLOW PLASTIC CAP MARKED "MULTI/TECH ENG."
- ⊠ = 5/8" X 30" IRON ROD SET AT CENTERLINE OF STREETS WITH ALUMINUM CAP MARKED "MULTI/TECH ENG"
- (R+M) = RECORD & MEASURED BEARING & DISTANCE PER REFERENCED SURVEY
- B.O.T.P. = BOOK OF TOWN PLATS
- COR. = CORNER
- C.S. = COUNTY SURVEY
- I.P. = IRON PIPE
- I.R. = IRON ROD
- PUE = 10 FEET WIDE PUBLIC UTILITY EASEMENT
- P. = PAGE
- YPC = YELLOW PLASTIC CAP
- V. = VOLUME

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E.
SALEM, OREGON 97302
503-363-9227

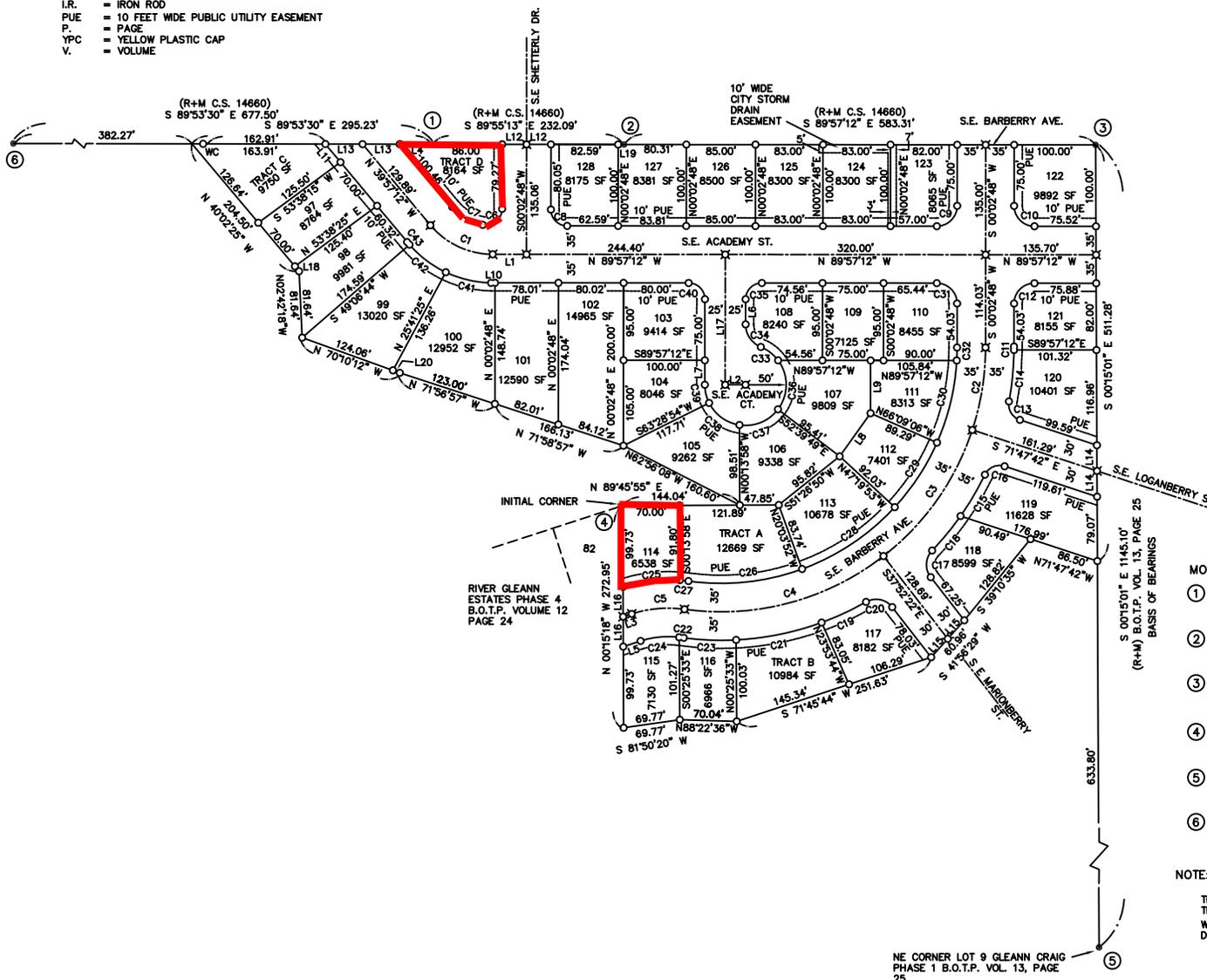
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 10, 1996
DENNIS L EDWARDS
2772

RENEW BY: 12/31/07

INDEX

- SHEET 1 OF 3 INDEX AND LOTS
- SHEET 2 OF 3 TABLES
- SHEET 3 OF 3 SIGNATURE PAGE



SCALE: 1" = 100'
DATE: 11-27-06

- MONUMENT NOTES:
- ① 3/4" IP 2" HIGH AT SE COR B.O.T.P. VOL. 4, PAGE 16. HELD FOR CONTROL.
 - ② 1/2" IP YPC LS 1038 FLUSH. SET IN C.S. 12165. HELD FOR CONTROL.
 - ③ 1/2" IP YPC LS 1038 FLUSH. SET IN C.S. 11731. HELD FOR CONTROL.
 - ④ REPLACED DAMAGED 5/8" I.R. WITH YELLOW PLASTIC CAP MARKED LAND TECH. FLUSH. SET IN B.O.T.P. VOLUME 12, PAGE 24. HELD POSITION RESET WITH 5/8" IR YPC MULTI/TECH ENG.
 - ⑤ 5/8" IR YPC MULTITECH ENG. FLUSH. NE CORNER LOT 9 GLEANN CRAIG PHASE 1 B.O.T.P. VOL. 13, PAGE 25. HELD FOR CONTROL.
 - ⑥ 5/8" IR YPC MULTITECH ENG. FLUSH. SET IN C.S. 14660. HELD FOR CONTROL.

NOTE:
TRACTS A AND B ARE OPEN AREAS GRANTED TO THE CITY OF DALLAS, OREGON.
TRACTS C AND D ARE RETAINED BY THE OWNER.
WC = WITNESS CORNER: THE NORTHWEST CORNER OF TRACT C WAS SET S89°53'30"E, 1.00 FEET, DUE TO A FALLEN TREE IN PLACE.

AFTER RECORDING RETURN TO:

Mr. Lane P. Shetterly
Shetterly, Irick & Ozias
PO Box 105
Dallas, OR 97338

Space for Recording Label

SEND TAX STATEMENTS TO:

City of Dallas
City Hall
187 SE Court Street
Dallas, OR 97338

CONSIDERATION: \$0.00

WARRANTY DEED

River Gleann Phase 6, LLC, an Oregon limited liability company, grantor, conveys and warrants to the City of Dallas, an Oregon municipal corporation, grantee, the following described real property, free of encumbrances except as specifically set forth herein, to wit:

Tract D and Lot 114, River Gleann Estates Phase 6 in the City of Dallas, Polk County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

There is no consideration for this conveyance.

DATED this _____ day of April, 2014.

River Gleann Phase 6, LLC,
an Oregon limited liability Company

By: James W. Fowler
Its: Manager

STATE OF OREGON,)
) ss.
County of Polk.)

The foregoing instrument was acknowledged before me this _____ day of April, 2014, by James W. Fowler, Manager of River Gleann Phase 6, LLC, an Oregon limited liability company, on behalf of said company.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

H:\Dallas\DeedRiverGleannPhase6.wpd

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 12a	Topic: Ordinance 1761
Prepared By: Jason Locke, Com Dev/ Operations Director	Meeting Date: March 17, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION:

Adopt Ordinance 1761.

BACKGROUND:

Council directed staff to prepare an Ordinance amending the Comprehensive Plan Map at 1505 SE Jonathan Ave. from Industrial to Residential following a public hearing. Ordinance 1761 is attached.

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance 1761

ORDINANCE NO. 1761

An Ordinance amending the Dallas Comprehensive Plan Map for a parcel of real property owned by Gary and Bertha Fitzwater from Industrial to Residential.

WHEREAS, Fowler Home, LLC and the above-named owners, Gary Fitzwater and Bertha Fitzwater, submitted an application to amend the Comprehensive Plan Map for the real property which is described generally as .23 acres located on the south side of SE Jonathan Avenue, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, from Industrial to Residential; and

WHEREAS, after due notice, on January 14, 2014, the Dallas Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, on February 18, 2014, the City Council held a public hearing on the application and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Dallas Comprehensive Plan, and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The application of the owners of the property described on Exhibit A, attached hereto, to amend the Comprehensive Plan Map for the property from Industrial to Residential, and it hereby is approved.

Section 2. The map attached hereto and marked Exhibit B is hereby adopted as the amended Comprehensive Plan Map for said property.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on February 18, 2014, a copy of which is attached hereto as Exhibit C and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this Comprehensive Plan Map amendment.

Read for the first time: March 3, 2014
Read for the second time: March 17, 2014
Passed by the City Council: March 17, 2014
Approved by the Mayor: March 17, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY
CITY ATTORNEY

Ordinance – Page 2

EXHIBIT A
Lot 63 of Applegate Landing, Phase 3

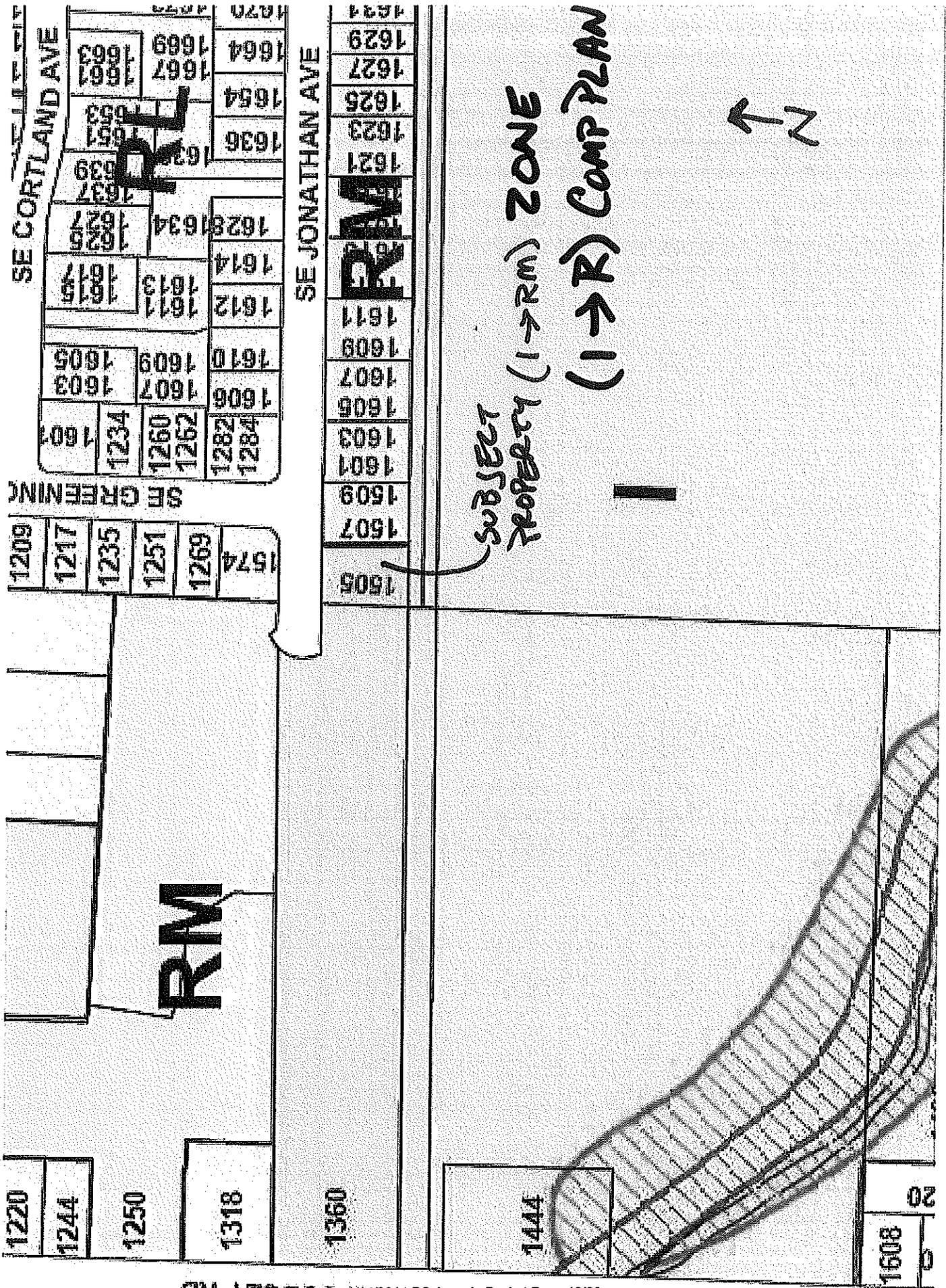


EXHIBIT C

CITY OF DALLAS
City Council

APPLICATION COMPLETE:
DECEMBER 4, 2013

STAFF REPORT
DATE: FEBRUARY 10, 2014

FILE NO.	ZC/CPA13-01
HEARING DATE	FEBRUARY 18, 2014 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER	GARY AND BERTHA FITZWATER
APPLICANT	FOWLER HOMES LLC
REQUEST	ZONE CHANGE AND COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO RESIDENTIAL (MEDIUM DENSITY) FOR .2 AC LOT
LOCATION	1505 SE JONATHAN AVE
RECOMMENDATION	APPROVAL

EXHIBIT C

CITY OF DALLAS
City Council



COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND INFORMATION: The subject property is located on the south side of SE Jonathan Ave and is comprised of 1 previously platted lot in the Applegate Landing Subdivision that is currently zoned Industrial (I). The 13 platted lots to the east have already been rezoned to RM and are developed. The Comprehensive Plan designation is Industrial. The access to the subject property occurs via SE Greening Drive and SE Appleseed Drive. SE Jonathan Ave is a fully improved city street.

The property to the east is developed with a duplex, the property to the west is zoned Industrial and contains self-storage units. The property to the north is a residential subdivision that is fully built out and contains detached single-family dwellings and duplexes. The property to the south is zoned Industrial and contains RR tracks.

The Planning Commission held a public hearing on this matter on January 14, 2014. After receiving testimony and deliberating, the Planning Commission is recommending approval of ZC/CPA13-01.

PROPOSAL: The applicant is proposing to change the Comprehensive Plan Map Designation from Industrial to Residential, and change the zoning from Industrial (I) to Residential Medium Density (RM) in order to accommodate smaller lot housing types.

APPROVAL CRITERIA:

Type IV Legislative Criteria (4.1.040)

G. **Decision-Making Criteria.** The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals;

Goal 9: Economic Development

*The Goal 9 Administrative Rule requires that conversion of 2 or more acres of Industrial land meet the requirements of **OAR 660-009-0010***

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

EXHIBIT C

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

Findings: The proposed change will not affect 2 acres or more. Therefore, the requirements of

Conclusion: The conversion of this property from industrial to residential use is not required to satisfy OAR 660-009-0010

Goal 10: Housing

Goal 10 states that: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Finding: The City of Dallas recently adopted a new Development Code that significantly changed the allowed housing types in various residential zones. The RM zone (Residential Medium Density) now allows more housing types beyond just apartments, including row houses, zero lot line housing, and small lot housing types in order to encourage development of needed housing types within the city. There is currently very little vacant RM-zoned land outside of designated Mixed-Use Nodes.

Conclusion: The proposal would provide an additional .2 acres of RM zoned land to provide a much needed housing type, single family attached or detached small lot housing at a price level affordable for the citizens of Dallas.

- 2. Approval of the request is consistent with the Comprehensive Plan; and
Findings: The Dallas Comprehensive Plan designation for the subject property is Industrial. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation.

ECONOMIC GOALS:

EXHIBIT C

2.1 Industrial Development Policies

1. Encourage the future development of industrial facilities, primarily ones that would have a limited environmental effect upon the community and which do not place excessive demands on the City's infrastructure.
2. Require all existing and future industries to locate within the City Limits and to conform to existing federal and state environmental laws.
3. Encourage the diversification of industries in Dallas to reduce the chance of economic depression because of an economic slump in one industry.
4. Encourage the development of an industrial or business park within the Dallas City Limits.
5. Provide for a choice among suitable industrial and business park sites.
6. Encourage the development of agriculture-related industries.

Findings: The proposal removes .2 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites.

2.3 Industrial Land Use Policies

1. Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand.
2. Support the Ash Creek Water Control District in order to maximize use of the Ash Creek Industrial area.
3. Encourage the use of the industrial park concept by requiring master planning rather than piecemeal development of industrial sites and areas.
4. Where appropriately buffered, designate multi-family residential land near industrial sites to minimize travel distance from employment centers to housing.
5. Encourage the continued growth of the service-related industries.

Findings: The proposal removes .2 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites, will provide a buffer from Industrial land to the south, and will have no impact on the growth of service-related industries.

HOUSING GOALS

3.3 Phasing & Adequate Public Facilities

Residential development shall be phased and provided with adequate sanitary sewer, water, storm drainage, transportation and park and recreational facilities, as prescribed in Chapter 7, Public Facilities Plan. In addition:

EXHIBIT C

1. Except in areas identified for more intensive development, existing high-quality residential areas and housing stock within the community shall be maintained and conserved.
2. The development of close-in vacant land, readily serviceable by a full range of urban services shall have a higher priority than development of peripheral land that cannot be provided, efficiently, with a full range of urban services.
3. Vacant land within the current City limits shall have a higher priority than unincorporated areas.

Except in documented health hazard situations, annexation shall occur in areas where services can be most easily extended, as prescribed in Chapter 7, the Public Facilities Plan.

Findings: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone. Therefore, being land that is close-in and serviceable, is of a higher priority than land on the periphery.

Conclusion: The proposal is consistent with the Dallas Comprehensive Plan.

3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.
Findings: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.
Conclusion: The subject property is presently provided with adequate public facilities and services.

Land Use Map and Text amendments 4.7.030(B)

- B. **Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;
Finding: See G1 above
2. Approval of the request is consistent with the Comprehensive Plan;
Finding: See G2 above

EXHIBIT C

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
Finding: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.
4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
Findings: The subject property is zoned Industrial, and is located in a residential neighborhood. The applicant states, and staff concurs, that this is an inconsistency on both the comprehensive plan map and zoning map, and that redesignating the property to residential with the proposed RM zoning will adequately correct the inconsistency and is, in fact, more in line with the Comprehensive Plan.
5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

4.7.060 TRANSPORTATION PLANNING RULE COMPLIANCE

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. “Significant” means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Dallas Transportation System Plan; or
Finding: The subject property is served by an existing local street, SE Jonathan Ave. There is no proposal or need to change the functional classification of SE Jonathan Ave. The nearest major collector is SE Miller Ave, which operates at acceptable performance levels.
2. Change the standards implementing a functional classification system; or
Finding: There is no change to the standards implementing the functional classification system.

EXHIBIT C

3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

Finding: The proposal, as measured at the end of the planning period identified in the Dallas Transportation Plan, will not result in levels of travel or access that are inconsistent with the functional classification of the existing transportation facility.

4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or

Finding: The proposal, with the RM designation at full buildout, would generate an additional 1-2 peak hour trips on to SE Miller Ave. SE Miller Ave. is a major collector with significant additional capacity. Therefore, the proposal would not fall below the minimum acceptable standard.

5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.

Finding: SE Miller Ave. does not currently, nor is it projected to perform below minimum acceptable standards as a result of the proposal.

6. Where the City lacks specific transportation policies or standards, the City Council shall be consulted, as provided under Section 4.1.050 (Type IV Legislative Review).

Finding: Not applicable.

OVERALL TPR FINDING: Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility.

CONCLUSION: Based on the applicants' findings, and the findings and conclusions above, it can be found that this proposal meets all the applicable criteria.

RECOMMENDATION:

Recommend approval of ZC/CPA13-01, a Comprehensive Plan Map amendment from Industrial to Residential and zone change from Industrial to Residential Medium density (RM) at 1505 SE Jonathan Ave.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 12b	Topic: Ordinance 1762
Prepared By: Jason Locke, Com Dev/ Operations Director	Meeting Date: March 17, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION:

Adopt Ordinance 1762.

BACKGROUND:

Council directed staff to prepare an Ordinance changing the zone at 1505 SE Jonathan Ave. from Industrial to Residential Medium Density following a public hearing. Ordinance 1762 is attached

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance 1762

ORDINANCE NO. 1762

An Ordinance changing the zoning designation of a parcel of real property owned by Gary and Bertha Fitzwater from Industrial to Residential Medium Density.

WHEREAS, the Fowler Homes, LLC and the above-named owners, Gary Fitzwater and Bertha Fitzwater, submitted a zone change application to the City requesting that the zoning designation of the real property which is described generally as .23 acres located on the south side of SE Jonathan Avenue, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, and as shown on the map attached hereto as Exhibit B and by this reference incorporated herein, be changed from Industrial to Residential (Medium Density); and

WHEREAS, after due notice, on January 14, 2014, the Dallas Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, on February 18, 2014, the City Council held a public hearing on the application and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Dallas Development Code and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The zoning designation of the real property described on Exhibit A attached hereto, and as shown on the map attached hereto as Exhibit B, is hereby changed from Industrial to Residential Medium Density.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on February 18, 2014, a copy of which is attached hereto as Exhibit C and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Read for the first time: March 3, 2014
Read for the second time: March 17, 2014
Passed by the City Council: March 17, 2014
Approved by the Mayor: March 17, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY
CITY ATTORNEY

EXHIBIT A
Lot 63 of Applegate Landing, Phase 3

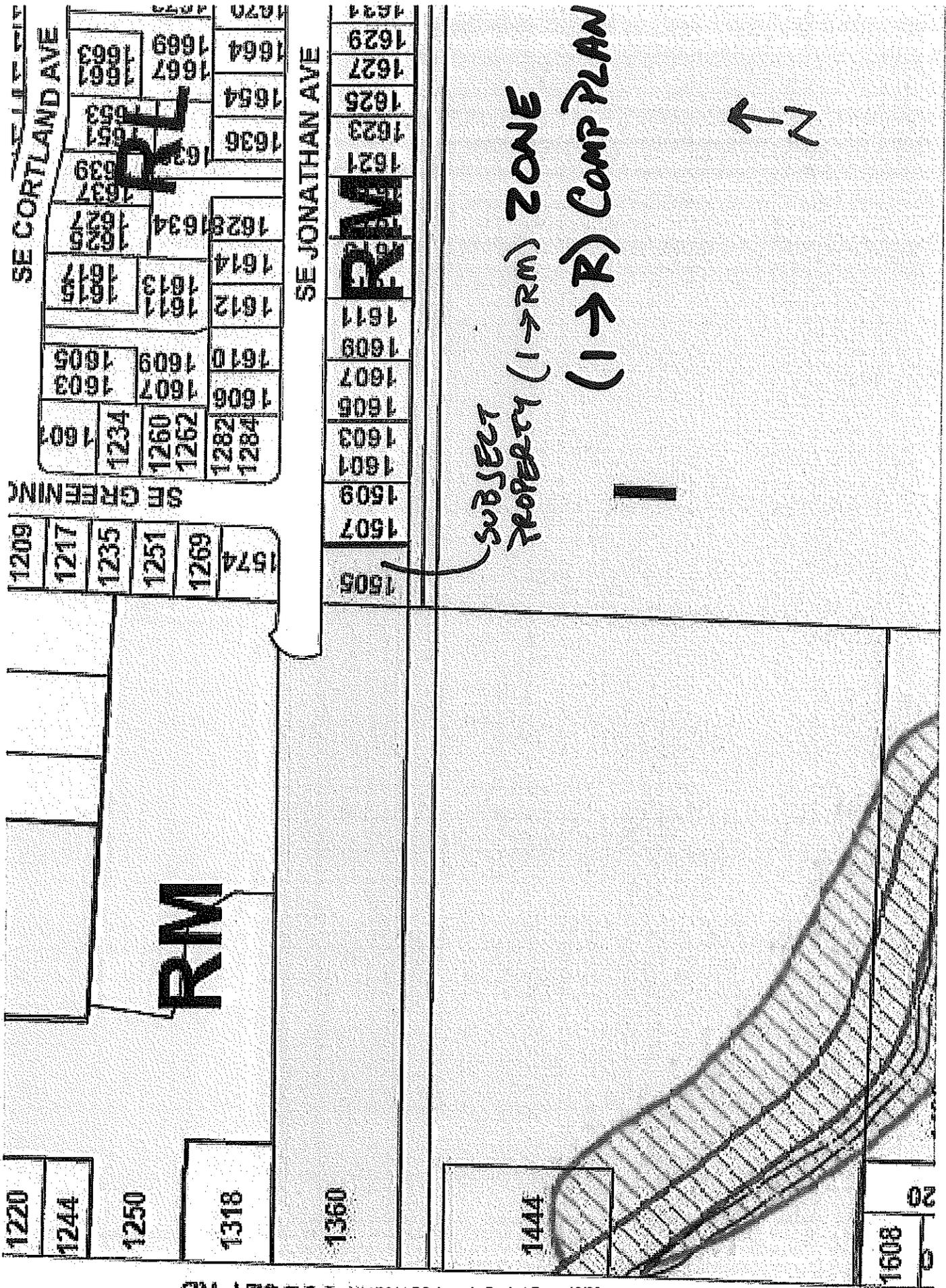


EXHIBIT C

CITY OF DALLAS
City Council

APPLICATION COMPLETE:
DECEMBER 4, 2013

STAFF REPORT
DATE: FEBRUARY 10, 2014

FILE NO.	ZC/CPA13-01
HEARING DATE	FEBRUARY 18, 2014 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER	GARY AND BERTHA FITZWATER
APPLICANT	FOWLER HOMES LLC
REQUEST	ZONE CHANGE AND COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO RESIDENTIAL (MEDIUM DENSITY) FOR .2 AC LOT
LOCATION	1505 SE JONATHAN AVE
RECOMMENDATION	APPROVAL

EXHIBIT C

CITY OF DALLAS
City Council



COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND INFORMATION: The subject property is located on the south side of SE Jonathan Ave and is comprised of 1 previously platted lot in the Applegate Landing Subdivision that is currently zoned Industrial (I). The 13 platted lots to the east have already been rezoned to RM and are developed. The Comprehensive Plan designation is Industrial. The access to the subject property occurs via SE Greening Drive and SE Appleseed Drive. SE Jonathan Ave is a fully improved city street.

The property to the east is developed with a duplex, the property to the west is zoned Industrial and contains self-storage units. The property to the north is a residential subdivision that is fully built out and contains detached single-family dwellings and duplexes. The property to the south is zoned Industrial and contains RR tracks.

The Planning Commission held a public hearing on this matter on January 14, 2014. After receiving testimony and deliberating, the Planning Commission is recommending approval of ZC/CPA13-01.

PROPOSAL: The applicant is proposing to change the Comprehensive Plan Map Designation from Industrial to Residential, and change the zoning from Industrial (I) to Residential Medium Density (RM) in order to accommodate smaller lot housing types.

APPROVAL CRITERIA:

Type IV Legislative Criteria (4.1.040)

G. **Decision-Making Criteria.** The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals;

Goal 9: Economic Development

*The Goal 9 Administrative Rule requires that conversion of 2 or more acres of Industrial land meet the requirements of **OAR 660-009-0010***

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

EXHIBIT C

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

Findings: The proposed change will not affect 2 acres or more. Therefore, the requirements of

Conclusion: The conversion of this property from industrial to residential use is not required to satisfy OAR 660-009-0010

Goal 10: Housing

Goal 10 states that: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Finding: The City of Dallas recently adopted a new Development Code that significantly changed the allowed housing types in various residential zones. The RM zone (Residential Medium Density) now allows more housing types beyond just apartments, including row houses, zero lot line housing, and small lot housing types in order to encourage development of needed housing types within the city. There is currently very little vacant RM-zoned land outside of designated Mixed-Use Nodes.

Conclusion: The proposal would provide an additional .2 acres of RM zoned land to provide a much needed housing type, single family attached or detached small lot housing at a price level affordable for the citizens of Dallas.

- 2. Approval of the request is consistent with the Comprehensive Plan; and
Findings: The Dallas Comprehensive Plan designation for the subject property is Industrial. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation.

ECONOMIC GOALS:

EXHIBIT C

2.1 Industrial Development Policies

1. Encourage the future development of industrial facilities, primarily ones that would have a limited environmental effect upon the community and which do not place excessive demands on the City's infrastructure.
2. Require all existing and future industries to locate within the City Limits and to conform to existing federal and state environmental laws.
3. Encourage the diversification of industries in Dallas to reduce the chance of economic depression because of an economic slump in one industry.
4. Encourage the development of an industrial or business park within the Dallas City Limits.
5. Provide for a choice among suitable industrial and business park sites.
6. Encourage the development of agriculture-related industries.

Findings: The proposal removes .2 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites.

2.3 Industrial Land Use Policies

1. Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand.
2. Support the Ash Creek Water Control District in order to maximize use of the Ash Creek Industrial area.
3. Encourage the use of the industrial park concept by requiring master planning rather than piecemeal development of industrial sites and areas.
4. Where appropriately buffered, designate multi-family residential land near industrial sites to minimize travel distance from employment centers to housing.
5. Encourage the continued growth of the service-related industries.

Findings: The proposal removes .2 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites, will provide a buffer from Industrial land to the south, and will have no impact on the growth of service-related industries.

HOUSING GOALS

3.3 Phasing & Adequate Public Facilities

Residential development shall be phased and provided with adequate sanitary sewer, water, storm drainage, transportation and park and recreational facilities, as prescribed in Chapter 7, Public Facilities Plan. In addition:

EXHIBIT C

1. Except in areas identified for more intensive development, existing high-quality residential areas and housing stock within the community shall be maintained and conserved.
2. The development of close-in vacant land, readily serviceable by a full range of urban services shall have a higher priority than development of peripheral land that cannot be provided, efficiently, with a full range of urban services.
3. Vacant land within the current City limits shall have a higher priority than unincorporated areas.

Except in documented health hazard situations, annexation shall occur in areas where services can be most easily extended, as prescribed in Chapter 7, the Public Facilities Plan.

Findings: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone. Therefore, being land that is close-in and serviceable, is of a higher priority than land on the periphery.

Conclusion: The proposal is consistent with the Dallas Comprehensive Plan.

3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.
Findings: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.
Conclusion: The subject property is presently provided with adequate public facilities and services.

Land Use Map and Text amendments 4.7.030(B)

- B. **Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;
Finding: See G1 above
2. Approval of the request is consistent with the Comprehensive Plan;
Finding: See G2 above

EXHIBIT C

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
Finding: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.
4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
Findings: The subject property is zoned Industrial, and is located in a residential neighborhood. The applicant states, and staff concurs, that this is an inconsistency on both the comprehensive plan map and zoning map, and that redesignating the property to residential with the proposed RM zoning will adequately correct the inconsistency and is, in fact, more in line with the Comprehensive Plan.
5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

4.7.060 TRANSPORTATION PLANNING RULE COMPLIANCE

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. “Significant” means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Dallas Transportation System Plan; or
Finding: The subject property is served by an existing local street, SE Jonathan Ave. There is no proposal or need to change the functional classification of SE Jonathan Ave. The nearest major collector is SE Miller Ave, which operates at acceptable performance levels.
2. Change the standards implementing a functional classification system; or
Finding: There is no change to the standards implementing the functional classification system.

EXHIBIT C

3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

Finding: The proposal, as measured at the end of the planning period identified in the Dallas Transportation Plan, will not result in levels of travel or access that are inconsistent with the functional classification of the existing transportation facility.

4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or

Finding: The proposal, with the RM designation at full buildout, would generate an additional 1-2 peak hour trips on to SE Miller Ave. SE Miller Ave. is a major collector with significant additional capacity. Therefore, the proposal would not fall below the minimum acceptable standard.

5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.

Finding: SE Miller Ave. does not currently, nor is it projected to perform below minimum acceptable standards as a result of the proposal.

6. Where the City lacks specific transportation policies or standards, the City Council shall be consulted, as provided under Section 4.1.050 (Type IV Legislative Review).

Finding: Not applicable.

OVERALL TPR FINDING: Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility.

CONCLUSION: Based on the applicants' findings, and the findings and conclusions above, it can be found that this proposal meets all the applicable criteria.

RECOMMENDATION:

Recommend approval of ZC/CPA13-01, a Comprehensive Plan Map amendment from Industrial to Residential and zone change from Industrial to Residential Medium density (RM) at 1505 SE Jonathan Ave.

DALLAS CITY COUNCIL

REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 12c	Topic: Ordinance 1763
Prepared By: F. Braun	Meeting Date: March 17, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Adopt Ordinance 1763 banning boats on Mercer Lake.

BACKGROUND:

The City of Dallas has an Ordinance prohibiting motorized boats from using Mercer Reservoir. The Ordinance was put in place to protect the City’s drinking water supply from the risk of a fuel spill. Due to the distance between Dallas and the Reservoir, the Ordinance is, at times, difficult to enforce. A number of motorized boats were reported in the Reservoir last summer. When confronted, a common response from motorized boat owners is typically: “Well, we saw a boat in the water here last week, and nobody seemed to mind”. Distinguishing between motorized and non-motorized vessels does create some confusion.

There are equally significant risks to the City’s drinking water supply from boats or other water vessels, with or without motors. These risks are primarily from invasive species transfer into the reservoir. The invasive species include Cyanobacteria, Chinese and Japanese Mystery Snails, New Zealand Mudsnaills, Zebra Mussels and Quagga Mussels. Some of these invasive species can be toxic, causing illness in humans and animals. Others host parasites and disease that are known to infect humans, and can obstruct intake pipe screens, interfere with the valve that controls flow from the reservoir and restrict water flow within the treatment plant. These organisms would, at the very least, increase needed maintenance, and costs throughout the system.

FISCAL IMPACT:

None.

ATTACHMENTS:

Ordinance 1763 amending Dallas City Code Section 5.430.

ORDINANCE NO. 1763

An Ordinance amending provisions of the Dallas City Code Section 5.430, relating to Mercer Lake regulations.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.430 is hereby amended and restated in its entirety as follows:

5.430 Mercer Lake Regulations.

(1) For the purpose of this section, “boat” means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include air mattresses, water toys or single inner tubes.

(2) No boat shall be permitted on Mercer Lake.

(3) No swimming or bathing in Mercer Lake shall be permitted when water is overflowing the spillway of the dam constituting the downstream bank of Mercer Lake.

(4) This section does not apply to a boat operated or authorized by the city, for the purpose of conducting operations or maintenance services on Mercer Lake or the dam constituting the downstream bank of Mercer Lake.

Read for the first time: March 3, 2014

Read for the second time: March 17, 2014

Adopted by the City Council: March 17, 2014

Approved by the Mayor: March 17, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY, CITY
ATTORNEY