



# Dallas City Council Agenda

**Mayor Brian Dalton, Presiding**  
**Monday, November 15, 2021**

**7:00 pm**  
**Dallas City Hall**  
**187 SE Court St**  
**Dallas, OR 97338**

**Masks are required to be worn in City Hall at all times, including before, during, and after the Council meeting for the safety of all present. If you need a mask, the City will provide you one.**

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, PLEDGE OF ALLEGIANCE	
2. INTRODUCTIONS, RECOGNITION, PROCLAMATIONS	
3. PUBLIC COMMENT <i>This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings.</i>	
4. CONSENT AGENDA p. 3 <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i>	Motion
a) Approve November 1, 2021 Council Meeting Minutes	
b) Approve November 1, 2021 Council Workshop Minutes	
c) Acknowledge November 1, 2021 Public Safety Meeting Minutes	
d) Acknowledge November 1, 2021 Public Works Meeting Minutes	
5. ITEMS REMOVED FROM CONSENT AGENDA	
6. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	

- COUNCIL**
- Mayor**  
Brian Dalton
- Council President**  
Michael Schilling
- Councilor**  
Larry Briggs
- Councilor**  
Kirsten Collins
- Councilor**  
Terry Crawford
- Councilor**  
Kim Fitzgerald
- Councilor**  
Bill Hahn
- Councilor**  
Rod Dunham
- Councilor**  
Paul Trahan
- Councilor**  
Ken Woods, Jr.
- CITY STAFF**
- City Manager**  
Brian Latta
- Asst. City Manager**  
Emily Gagner
- City Attorney**  
Lane Shetterly
- City Recorder**  
Sam Kaufmann
- Fire Chief**  
Todd Brumfield
- Police Chief**  
Tom Simpson
- Economic & Community Development Director**  
Charlie Mitchell
- Public Works Director**  
Gary Marks
- Library Director**  
Mark Johnson
- Finance Director**  
Cecilia Ward

**Our Motto: Come Thrive With Us, We Invest in People and Business**



## Dallas City Council Agenda

### Monday, November 15, 2021

### 7:00 pm

**7. REPORTS FROM CITY MANAGER AND STAFF**

- |   |            |
|---|------------|
| a) Economic Development Strategy 2022-2026 p. 8                     | Motion     |
| b) Ellendale Ave. and Fir Villa Rd Intersection Traffic Study p. 17 | Motion     |
| c) House Bill 3701 – Mandatory Reporter Status Changes p. 23        | Discussion |

**8. FIRST READING OF ORDINANCES**

- |  |     |
|--|-----|
| a) ORDINANCE 1861 - An Ordinance adopting new provisions of the Dallas City Code relating to shopping carts. p. 33     | N/A |
| b) ORDINANCE 1862 - An Ordinance Amending Dallas City Code Sections 6.610 regarding recreational vehicle parking p. 43 | N/A |

**9. EXECUTIVE SESSION**

The executive session is held pursuant to ORS 192.660(2)(i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

**10. OTHER BUSINESS**

**11. ADJOURNMENT**

These minutes are supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. Audio files from City Council meetings can be found online at <http://www.dallasor.gov/archive> under the corresponding agenda date. Staff reports, resolutions, ordinances, and other documents related to this meeting are also available at that site in the “Council Agendas” archive.

<b>DALLAS CITY COUNCIL</b>	<b>Monday, November 1, 2021</b>
The Dallas City Council met in regular session on Monday, November 1, 2021, at 7:00 PM in the council chambers in Dallas City Hall.	
<b>Council Members Present:</b>	
Council members present: Council President Michael Schilling, Councilor Larry Briggs, Councilor Kirsten Collins, Councilor Terry Crawford, Councilor Rod Dunham, Councilor Bill Hahn, Councilor Paul Trahan, Councilor Kim Fitzgerald and Councilor Ken Woods, Jr.	
<b>Staff:</b>	
Also present were: City Manager Brian Latta, City Attorney Lane Shetterly, Public Works Director Gary Marks, Deputy Police Chief Tom Simpson, Fire Chief Todd Brumfield, Finance Director Cecilia Ward, Library Director Mark Greenhalgh-Johnson and City Recorder Sam Kaufmann	

<b>AGENDA</b>	<b>ACTION</b>
<b>01:20:00 INTRODUCTIONS, RECOGNITION, PROCLAMATIONS</b>	Mayor Dalton proclaimed November as Native American heritage month.  Police Chief Tom Simpson swore in Officer Courtney Backer.
<b>01:30:01 PUBLIC COMMENT</b>	Ann Hurd commended Britneigh Hammill on her work as the Police Department’s Public Information Officer. Ms. Hurd also felt the city needs to staff more Lifeguards at the Dallas Aquatic Center and felt offering a higher wage would be beneficial.
<b>01:35:20 CONSENT AGENDA</b>	
<b>a) APPROVE OCTOBER 18, 2021 CITY COUNCIL BUSINESS MEETING MINUTES</b>	It was moved by Councilor Trahan to approve the Consent Agenda as presented. The motion was duly seconded by Councilor Briggs and CARRIED with a vote of 9-0 with Councilors Schilling, Collins, Briggs, Crawford, Fitzgerald, Dunham, Trahan, Hahn and Woods voting YES.
<b>01:38:05 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</b>	
Mayor Dalton thanked Mark Greenhalgh-Johnson on his recent Library presentations. Mayor Dalton also commended the Dallas Area Chamber of Commerce on their recent Halloween event. Councilor Schilling commended the Dallas Emergency Medical Services staff for their excellent work.	
<b>01:40:01 REPORTS FROM CITY MANAGER AND STAFF</b>	
<b>a) PARKS AND RECREATION DISTRICT FORMATION COMMITTEE</b>	Brian Latta presented his staff report on the Parks and Recreation District Formation Committee.  It was moved by Councilor Schilling to appoint the slate of nine applicants to serve on the Parks and Recreation District Formation Committee, as presented. The motion was duly seconded by Councilor Briggs and CARRIED with a vote of 9-

	0 with Councilors Schilling, Collins, Briggs, Crawford, Fitzgerald, Dunham, Trahan, Hahn and Woods voting YES.
Brian Latta reported the Mercer Reservoir is now filled to 100% of its capacity.	
<b>00:43:02 RESOLUTIONS</b>	
<b>a) RESOLUTION 3473 – A RESOLUTION AUTHORIZING THE TRANSFER OF BUDGETARY FUNDS.</b>	Brian Latta presented his staff report on Resolution 3473.  A roll call vote was taken and Mayor Dalton declared Resolution 3473 to have PASSED with a vote of 9-0 with Councilors Schilling, Collins, Briggs, Crawford, Fitzgerald, Dunham, Trahan, Hahn and Woods voting YES.
<b>00:34:20 OTHER</b>	
None.	

<b>00:41:20 ADJOURNMENT</b>	There being no further business, the meeting adjourned at 7:25 PM
Read and approved this _____ day of _____ 2021.	
_____ Mayor	
ATTEST:	
_____ City Manager	

**Public Safety Committee**  
**Monday, November 1, 2021**

1 Committee Chair Bill Hahn called the Public Safety Committee meeting to order on Monday  
2 November 1, 2021, at 5:00 PM by way of virtual meeting.

3 **ROLL CALL**

4 **Council Members Present:** Councilor Bill Hahn, Councilor Terry Crawford, Councilor Rod  
5 Dunham, Councilor Kim Fitzgerald.

6 Also present were: City Manager Brian Latta, Assistant City Manager Emily Gagner, City Attor-  
7 ney Lane Shetterly, Public Works Director Gary Marks, Police Chief Tom Simpson, Fire & EMS  
8 Chief Todd Brumfield and City Recorder Sam Kaufmann.

9 **APPROVAL OF JUNE 28, 2021 MINUTES**

10 It was moved by Councilor Dunham to approve the June 28, 2021 minutes as presented. The mo-  
11 tion was duly seconded by Councilor Crawford and CARRIED with a vote of 4-0 with coun-  
12 cils Hahn, Dunham, Crawford and Fitzgerald voting YES.

13 **TRANSFER CAR PARTNERSHIP WITH WEST VALLEY HOSPITAL**

14 Todd Brumfield presented his staff report on the transfer car partnership.

15 Councilor Hahn felt it's important the city maintain first right of refusal in regards to accessing  
16 the transfer car.

17 **PROPOSED SHOPPING CART ORDINANCE**

18 Tom Simpson presented his staff report on the proposed Shopping Cart Ordinance.

19 Brian Latta asked Lane Shetterly to look into a potential shopping cart return fee.

20 It was moved Councilor Crawford to direct the city attorney develop a proposed ordinance for  
21 consideration by the City Council declaring abandoned shopping carts a public nuisance and re-  
22 quiring shopping cart owners to retrieve recovered shopping carts which are reported abandoned  
23 or recovered by the police department as stolen property. The motion was duly seconded by  
24 Councilor Fitzgerald and CARRIED with a vote of 4-0 with councilors Hahn, Dunham, Craw-  
25 ford and Fitzgerald voting YES.

26 **ANIMAL CONTROL PROGRAM**

27 Tom Simpson presented his staff report on the city's animal control program.

28 Councilor Hahn asked that Mr. Simpson obtain more information on partnering with the Polk  
29 County Sherriff and follow up with the committee at the next meeting.

30 **OTHER:** None

31 **ADJOURNMENT:** 5:27 PM

Respectfully Submitted,



Sam Kaufmann

**Public Works Committee**  
**Monday, November 1, 2021**

1 Committee Chair Rod Dunham called the Public Works Committee meeting to order on Monday  
2 November 1, 2021, at 5:28 PM by way of virtual meeting.

3 **ROLL CALL**

4 **Council Members Present:** Councilor Bill Hahn, Councilor Terry Crawford, Councilor Rod  
5 Dunham, Councilor Kim Fitzgerald.

6 Also present were: City Manager Brian Latta, Assistant City Manager Emily Gagner, City Attor-  
7 ney Lane Shetterly, Public Works Director Gary Marks, Police Chief Tom Simpson, Fire & EMS  
8 Chief Todd Brumfield and City Recorder Sam Kaufmann.

9 **APPROVAL OF JUNE 28, 2021 MINUTES**

10 It was moved by Councilor Hahn to approve the June 28, 2021 minutes as presented. The motion  
11 was duly seconded by Councilor Crawford and CARRIED with a vote of 4-0 with councilors  
12 Hahn, Dunham, Crawford and Fitzgerald voting YES.

13 **REVIEW OF RV PARKING CODE REVISIONS**

14 Brian Latta presented his staff report on RV Parking Code. Councilor Fitzgerald asked for the  
15 code revisions to incorporate language regarding prohibited parking at the Dallas City Park.

16 It was moved by Councilor Crawford to forward the proposed revisions to Dallas City Code Sec-  
17 tions 6.605 and 6.610 to the City Council, and direct the City Attorney to prepare and ordinance.  
18 The motion was duly seconded by Councilor Hahn and CARRIED with a vote of 4-0 with coun-  
19 cilors Hahn, Dunham, Crawford and Fitzgerald voting YES.

20 **STREET REHABILITATION AND MAINTENANCE PROGRAM UPDATE**

21 Gary Marks presented his staff report on the Street Rehabilitation and Maintenance Program.

22 **UPDATE ON ELLENDALE AVE AND FIR VILLA RD INTERSECTION TRAFFIC**  
23 **STUDY**

24 Tom Gilson presented his staff report on the Ellendale Ave and Fir Villa Rd intersection traffic  
25 study.

26 It was moved by Councilor Hahn to recommend the City Council authorize the hiring of a con-  
27 tractor to perform a traffic study and signal warrant analysis for the intersection of Ellendale Av-  
28 enue and Fir Villa Road, including the study of additional intersections as needed. The motion  
29 was duly seconded by Councilor Crawford and CARRIED with a vote of 4-0 with councilors  
30 Hahn, Dunham, Crawford and Fitzgerald voting YES.

31 **OTHER:** None

32 **ADJOURNMENT:** 5:57 PM

Respectfully Submitted,



Sam Kaufmann

**DALLAS CITY COUNCIL WORKSHOP**  
**Monday, November 1, 2021**

1 Mayor Dalton called the Council Workshop to order on Monday, November 1, 2021, at 6:30 PM  
2 by way of virtual meeting

3 **Council members present:** Councilor Larry Briggs Councilor Rod Dunham, Councilor Terry  
4 Crawford, Councilor Paul Trahan, Councilor Kirsten Collins, Councilor Bill Hahn, Councilor  
5 Kim Fitzgerald, and Councilor Ken Woods Jr.

6  
7 **Council members Excused:** Council President Michael Schilling,

8 **Also present were:** City Manager Brian Latta, Assistant City Manager Emily Gagner, City  
9 Attorney Lane Shetterly, Finance Director Cecilia Ward, Police Chief Tom Simpson, Fire Chief  
10 Todd Brumfield, Public Works Director Gary Marks and City Recorder Sam Kaufmann.

11 **DALLAS PUBLIC WORKS DEPARTMENT ANNUAL REPORT**

12 Gary Marks presented the Dallas Public Works Department Annual report.

13 **ADJOURNMENT:** 7:00 PM


Respectfully Submitted,



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Sam Kaufmann

# CITY OF DALLAS CITY COUNCIL STAFF REPORT

**MEETING DATE:** November 15, 2021  
**AGENDA ITEM NO.** 7a  
**TOPIC:** Dallas 2022-26 Economic Development Strategy  
**PREPARED BY:** Charlie Mitchell  
**APPROVED BY:**  City Manager  
**ATTACHMENTS:** A – Draft Economic Development Strategy

## **RECOMMENDED ACTION:**

Staff recommends adoption of the Dallas 2022-26 Economic Development Strategy.

## **BACKGROUND:**

City of Dallas Ordinance No. 1835 relating to the Dallas Economic Development Commission states under Commission Duties that the Commission shall “Develop and recommend to the Council a strategic economic development plan and a marketing plan for the Dallas area.” The EDC has been very engaged in the development of a new Economic Development Strategy for the City of Dallas since May 2021. Staff would like to thank and commend the efforts of the EDC members and their devotion to the process and the outcome.

The attached Strategy document builds on previously adopted work in the Dallas 2030 Vision, the Dallas Strategic Plan 2022-26 and the Economic Opportunities Analysis of 2021.

In summary, the purpose of this Economic Development Strategy is to:

- Increase the Commercial and Industrial property tax base in Dallas.

This purpose will be accomplished through the following two long-range activities:

- PRIORITY #1. Address the Commercial Lands deficit in Dallas.
- PRIORITY #2. Prepare the Dallas Mill Site for development.

This purpose will be supported by the following short-term activity:

- PRIORITY #3. Continue Urban Renewal and downtown revitalization efforts.

This purpose will be supported by the following Primary Objective to guide day-to-day activities:

- Engage with the Dallas business community and regional partners to facilitate a healthy, growing and diverse local economy.



**SUMMARY TIMELINE:**

- 5/27/2021 - EDC and staff agree on process to develop the ED Strategy
- 6/24/2021 - EDC meets to review Strategy
- 7/27/2021 - EDC meets to discuss draft Strategy
- 9/23/2021 - EDC meets to consider final draft of the Strategy; joint meeting with EDC and tourism partners to discuss/draft marketing plan
- 10/28/21 - EDC/DAVC meeting; EDC finalizes Strategy document and recommends adoption to the City Council
- 11/15/2021 - City Council considers adoption of the 2022-26 Economic Development Strategy

**FISCAL IMPACT:**

N/A

**DALLAS 2030 VISION IMPACT:**

Directly supports the “Our Community and Jobs” component of the Dallas 2030 Vision.

**RECOMMENDED MOTION:**

I move to adopt the “City of Dallas, Oregon Economic Development Strategy 2022-2026” and to direct staff to implement the Strategy.

**ATTACHMENTS:**

A – Draft Economic Development Strategy



# City of Dallas, Oregon

## Economic Development Strategy

**2022-2026**

Final Draft

**November 2021**

Adopted by the Dallas City Council

November 15, 2021

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## INTRODUCTION & BACKGROUND

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The Dallas Economic Development Commission, as stated in Ordinance No. 1835, shall “Develop and recommend to the [Dallas City] Council a strategic economic development plan and a marketing plan for the Dallas area.” This plan is guided by the Dallas 2030 Vision. Specifically, Section II “Our Economy and Jobs” section, provides the framework around from which this Strategy attempts to build and create action items. The Strategy also references in part the section of the Dallas 2030 Vision Section I, “Our Community & Identity.”

### **DALLAS 2030 VISION**

#### **OUR ECONOMY AND JOBS**

***OUR DALLAS IN 2030 has an active business climate and investment environment with strong partnerships. The Dallas identity builds on our strong schools and quality of life, attracting and retaining workers of all incomes and their families. We offer an exceptionally well-trained workforce with high-quality job skills. We support small- and medium-sized businesses, as well as resource efficient and environmentally stable industries. We employ creative solutions for available building sites to promote new commercial development. Dallas embraces the wine and craft brewing industry as an important part of our agriculture and tourism economies.***

The Strategy further relies upon the specific action items set forth in the “Dallas Strategic Plan Fiscal Years 2022-2026” and the “City of Dallas Economic Opportunities Analysis” of April 2021.

# OVERALL PURPOSE of an ECONOMIC DEVELOPMENT STRATEGY for DALLAS, OREGON; STRATEGY PRIORITIES

The purpose of this Economic Development Strategy is to:

## **Increase the Commercial and Industrial property tax base in Dallas.**

This purpose will be accomplished through the following two long-range activities:

**PRIORITY #1.** Address the Commercial Lands deficit in Dallas.

**PRIORITY #2.** Prepare the Dallas Mill Site for development.

This purpose will be supported by the following short-term activity:

**PRIORITY #3.** Continue Urban Renewal and downtown revitalization efforts.

This purpose will be supported by the following Primary Objective to guide day-to-day activities:

**Daily Primary Objective:** Engage with the Dallas business community and regional partners to facilitate a healthy, growing and diverse local economy

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## PLANNING HORIZON FOR CITY OF DALLAS ECONOMIC DEVELOPMENT STRATEGY

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This Strategy as adopted will cover the time period of January 1, 2022 through June 30, 2026. Elements of the Strategy and/or the accompanying Marketing Plan may be amended in part or whole at any time by the City Council, with recommendations by the Economic Development Commission. Staff recommends the Strategy be a “living document” and reviewed and updated as needed by Staff and the Economic Development Commission at least annually.

Since many of the tasks are “front-loaded” in the early years of the Strategy, it is also recommended that the entire Strategy be revisited in early 2024 to determine 1) the status of those tasks which are scheduled to be completed in the initial years; 2) consider adding new or expanded tasks related to completed or substantially completed tasks; 3) evaluate the feasibility of completion of all tasks; 4) monitor the effectiveness of those ongoing tasks.

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### PROCESS TIMELINE

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The Dallas Economic Development Commission established the following project timeline:

June 24, 2021 -	EDC and City staff meet to discuss and review draft Strategy
July 27, 2021 -	Regular EDC meeting. EDC and City staff continue discussions and feedback generation
Aug. 26, 2021 -	EDC and City staff fine tune document and agree on draft Strategy
Late Aug. -	City staff coordinate tourism partner integration to the process
Sept. 23, 2021 -	EDC conducts a joint meeting with Dallas tourism partners to discuss and draft Strategy Marketing Plan
Nov. 18, 2021 -	EDC and City staff finalize the Strategy and Marketing Plan, recommend adoption to the City Council
Dec. 6, 2021 -	Regular City Council meeting. Council considers adoption of the Strategy and Marketing Plan

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## BACKGROUND ON INDIVIDUAL STRATEGIES

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### STRATEGY TOP PRIORITIES

1. **PRIORITY #1. Address the deficiency of Commercially-zoned land within the City of Dallas.** This item is referenced in the April 2021 City of Dallas Economic Opportunities Analysis and in the Dallas 2022-26 Strategic Plan. This item was identified as a top Priority by the Economic Development Commission in May 2021 and again in July 2021.
  - a. The BLI [Buildable Lands Inventory] shows that Dallas has 45 acres of buildable commercial land in the UGB. Almost half (24 acres) are in the La Creole Master Plan area, which does not have the necessary infrastructure to build out for commercial uses.
  - b. The EOA demonstrates that there is **a deficit of 94 acres of Commercial land.**
  - c. The Dallas EDC believes **the need to act is much more immediate** than suggested in the EOA.

*Dallas does not have enough commercial land to accommodate employment growth, but it can accommodate the deficit within the existing UGB through the following actions:*

- *Re-zone industrial and residential land*
- *Accommodate complementary commercial employment in industrial areas*
- *Redevelop existing commercial land to allow more employment*

**The failure to address the commercial land issue will ultimately result in the exacerbation of the current trend of Dallas residents meeting their commercial needs in neighboring communities, notably Salem, and/or conducting more business online. Likewise, the jobs potentially employed by those commercial businesses will also shift away from Dallas, adding to transportation system stresses not only through consumer traffic but by employees as well.**

- d. The EOA recommends to rezone land in the La Creole Node for consistency with the Comprehensive Plan Map designations.
- e. Explore expanding the Commercial Neighborhood zone surrounding West Valley Hospital, allowing potential expansion of medical services in the area.
- f. Evaluate need for code amendments to allow for hospital expansion.
- g. Explore potential for a new Commercial Neighborhood zone in the southwest portion of the City.
- h. Create and maintain a balanced approach between downtown redevelopment and new/expanded commercial development.
- i. Explore options for expanding our General Commercial lands.

- 2. PRIORITY #2. Prepare the former mill site for redevelopment.** (As referenced in the Dallas Strategic Plan Fiscal Years 2022-2026.) This item is referenced in Section II – OUR ECONOMY & JOBS, Vision 2: The Downtown Development Commission and the Economic Development Commission respond to the changing needs of the economy and are active in development and redevelopment activities. This item is Goal 16 of the Strategic Plan and was identified by the City Council in April 2021 to be one of five overall priorities for the City as a whole in the near-term fiscal years.
- a. Apply for a TGM grant to conduct a feasibility study and analysis regarding the extension of Monmouth Cutoff Road through the mill site property to Main Street, as well as determining appropriate land uses if an extension were to occur.
  - b. Consider the creation of an urban renewal district to include the mill site property.
  - c. Study flood plain and environmental barriers to redevelopment.

**3. PRIORITY #3. Continue Urban Renewal and downtown revitalization efforts.**

- a. Support development and business activity in the Central Business District.
- b. Continue to implement urban renewal grants for building improvements and redevelopment.
- c. Develop a downtown parking plan (explore the use of and LID or EID to support new parking development).
- d. Identify opportunities for infill and other development.
- e. Work with property owners to reduce vacancies; encourage businesses to locate downtown.
- f. Sponsor events that occur in the downtown.
- g. Revise the building height requirement in the CBD from a minimum of two stories to one story.
- h. Evaluate unmet need for retail and services through a market analysis that includes a retail leakage analysis.
- i. Explore the creation of a National downtown historic district and complete historic district interest survey.
- j. Create new agribusiness ties in the downtown, such as wine-related businesses, microbreweries and/or a farmers' market

**OTHER STRATEGIES to Engage with the Dallas business community and regional partners to facilitate a healthy, growing and diverse local economy.**

- 1. Provide assistance to existing businesses; nurture a pro-business environment.**
- 2. Attract diverse new businesses, expansions and investment to Dallas (including tourism), with partner support.**
- 3. Support and enhance small businesses, entrepreneurs and start-ups.**
- 4. Help to build community organizational capacity.**
- 5. Assess future development capacity and identify and address constraints.**

## DETAIL ON OTHER STRATEGIES

### 1. Provide assistance to existing businesses; nurture a pro-business environment.

- Convene and support discussions about workforce training needs.
- Utilize the Enterprise Zone for existing business expansions.
- Develop and maintain a comprehensive city-wide business registry. Consider development of Economic Recovery Plan.
- Launch a proactive Business Retention & Expansion (BR&E) visitation program.

### 2. Attract diverse new businesses, expansions and investment to Dallas (including tourism), with partner support.

- Promote and support diversification of Dallas's economic base
- Evaluate the potential use of incentives to attract businesses to Dallas, including the Enterprise Zone.
- Participate in the Polk County Tourism Alliance; ongoing. Staff recommends a somewhat more aggressive approach beyond participation. This will include a metric-based MOU and continued funding support at a minimum. Staff intends to provide leadership resources to seek out new opportunities for collaboration and partnerships to increase the economic impact of the tourism industry and the enhanced utilization of tourism to further short and long-term investments in the community. Work with partners to create an effective regional marketing strategy that will benefit Dallas and all of Polk County.
- Regularly interface with commercial brokers and work with SEDCOR and Business Oregon to effectively market commercial and industrial sites and buildings
- Review and regularly update and disseminate digital marketing materials.

### 3. Support and enhance small businesses, entrepreneurs and start-ups.

- Work with regional and local partners to support small businesses and entrepreneurship to grow and retain businesses in Dallas. This may include coworker office space or a business incubator.
- Conduct small business/ entrepreneur trainings and networking opportunities in Dallas.

### 4. Help to build community organizational capacity.

- Leverage City leadership to build, enhance and strengthen community organizational collaborations and effectiveness.


### 5. Assess future development capacity and identify and address constraints.

- Develop a code audit to identify opportunities for changes to development standards that could increase industrial or commercial development in Dallas.
- Evaluate opportunities to mitigate wetland constraints.





## CITY OF DALLAS CITY COUNCIL STAFF REPORT

**MEETING DATE:** November 15, 2021  
**AGENDA ITEM NO.** 7b  
**TOPIC:** Ellendale Ave. and Fir Villa Rd Intersection Traffic Study  
**PREPARED BY:** Tom Gilson, Engineering Supervisor  
**APPROVED BY:**  City Manager  
**ATTACHMENTS:** A – Scope of Work from DKS Associates

### **RECOMMENDED ACTION:**

Recommend hiring an engineering firm to complete a traffic study and signal warrant analysis for the Ellendale Avenue and Fir Villa Intersection.

### **BACKGROUND:**

Per the direction of the Public Works Committee, city staff reviewed the existing signal warrant analysis and previous traffic studies for the intersection of Ellendale Avenue and Fir Villa Road. Staff determined a new traffic study would need to be performed to adequately determine if warrants exist to trigger a signal at the intersection of Ellendale and Fir Villa. This study would need to include other key intersections due to the fact that there are street connections that now exist that did not at the time of the data was collected for the last study in 2014.

Staff contacted DKS, the firm which performed the original traffic study, to get a scope of work for updating the traffic numbers and reevaluating the intersection for MUTCD signal warrants. DKS estimated the services for this work will be \$14,700 and should be able to be completed in about 2 months after the traffic count data is collected.

The scope of work was presented to the Public Works Committee on November 1, 2021. The committee recommended the Council approve the project and direct staff to procure an engineering firm to complete the traffic analysis.

### **SUMMARY TIMELINE:**

Public Works Committee, June 28, 2021  
Public Works Committee, November 1, 2021  
City Council Meeting, November 15, 2021

### **FISCAL IMPACT:**

\$14,700 (estimate) from the Professional Services line of Street Fund.

**RECOMMENDED MOTION:**

I move to authorize city staff to contract with a consultant to perform a traffic study and signal warrant analysis for the intersection of Ellendale Avenue and Fir Villa Road.

**ATTACHMENTS:**

A- Scope of work from DKS Associates



**OCTOBER 7, 2021**

Tom Gilson  
Engineering Supervisor  
City of Dallas  
187 SE Court Street  
Dallas, OR 97338

SUBJECT: SCOPE OF SERVICES – DALLAS BARBERRY NODE TRANSPORTATION STUDY

A#21X06-012

## SCOPE OF SERVICES

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DKS Associates is pleased to present to you this scope of services to provide a transportation evaluation of the current traffic volume levels and intersection operations in the vicinity of the Barberrry Node development in Dallas, Oregon. The Barberrry Node development is a multi-phase residential subdivision that was first studied in 2014<sup>1</sup>, with updated analysis completed in 2018<sup>2</sup>. As part of the original 2014 TIA, a future traffic signal was recommended at the intersection of SE Fir Villa Road and E Ellendalle Avenue (OR 223). The intention of this transportation study is to evaluate current traffic volumes, revise short-term future traffic volume estimates, and determine the appropriate traffic control at key intersections, including SE Fir Villa Road / E Ellendalle Avenue (OR 223) and SE Lacreole Drive / SE Miller Avenue.

The following tasks are included in this scope of work.

- **Task 1:** Data Collection
- **Task 2:** Revised Traffic Forecasts for Barberrry Node Build-Out
- **Task 3:** Traffic Control Evaluation
- **Task 4:** Documentation

Any additional work beyond the tasks outlined in this scope, attendance at any additional meetings, or further effort in responding to comments would require a subsequent mutual agreement between DKS and the project sponsor.

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<sup>1</sup> Barberrry Node TIA, Project Delivery Group, 2014

<sup>2</sup> Barberrry Node Signal Warrant Update, DKS Associates, 2018

**TASK 1: DATA COLLECTION**

DKS will collect AM, PM, and Daily (24-hour tube-counts) at the following locations on a typical weekday.

INTERSECTION	AM TURNING MOVEMENT COUNTS	PM TURNING MOVEMENT COUNTS	24-HOUR SEGMENT COUNTS ON APPROACHES
SE LACREOLE DR/E ELLENDALE AVE	X	X	
SE LACREOLE DR/SE ACADEMY DR	X	X	
SE LACREOLE DR/SE MILLER AVE	X	X	X
SE FIR VILLA RD/E ELLENDALE AVE	X	X	X
SE FIR VILLA RD/E ACADEMY AVE	X	X	
SE FIR VILLA RD/SE MILLER AVE	X	X	

**TASK 2: REVISED TRAFFIC FORECASTS**

Using information provided by the City on the current level of build-out of the Barberry Node development and number of remaining approved units, DKS will estimate the number of additional vehicle trips that will be generated by the remaining phases of the project. DKS will utilize the traffic count data collected in Task 1 to estimate the distribution of those trips based on current travel patterns and any future proposed street connections. Using those trip generation and distribution estimates, DKS will prepare revised future traffic volume forecasts at build-out of Barberry Node for all six intersections.

**TASK 3: TRAFFIC CONTROL EVALUATION**

Using the traffic volumes developed in Task 2, DKS will evaluate appropriate traffic control at two intersections of interest.

**SE Fir Villa Road/E Ellendale Avenue**

DKS will conduct signal warrant analyses following current ODOT and MUTCD methodologies for this intersection under current (2021) traffic volumes. Because E. Ellendale Avenue is a state highway at this intersection, DKS will coordinate with ODOT Region 2 staff as part of the signal warrant evaluation. If MUTCD signal warrants are not met under current volumes, DKS will conduct a sensitivity analysis to estimate the number of additional housing units that could be constructed before a traffic signal is warranted.

## SE Lacreole Drive/Miller Avenue

DKS will evaluate current and future forecasted traffic volumes at this intersection to determine whether two-way stop or all-way stop control is appropriate.

### TASK 4: DOCUMENTATION

DKS will summarize the methodologies and findings of Tasks 1-3 in a draft and final transportation study. A nominal budget (4 hours of staff effort) has been allocated for addressing City comments on the draft report.

### BUDGET AND SCHEDULE

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TASK	BUDGET
TASK 1: DATA COLLECTION	<b>\$3,500</b>
TASK 2: REVISED TRAFFIC FORECASTS	<b>\$3,500</b>
TASK 3: TRAFFIC CONTROL EVALUATION	<b>\$2,000</b>
TASK 4: DOCUMENTATION	<b>\$5,700</b>
<b>TOTAL</b>	<b>\$14,700</b>

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**SCHEDULE:** Draft report will be submitted to the City within 6 weeks of receiving traffic count data. A final report will be submitted within two (2) weeks of receiving City comments on the draft report.

### CONTRACT TERMS

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DKS will invoice monthly based upon our estimate of progress (percent complete). Payments are due on a net 30-day basis. A service charge of 1¼ percent per month compounded will be assessed on billings not paid when due. If payment of our invoices is not made within 45 days of the due date, DKS reserves the right to cease work on this project until payment is received. In the event of any litigation between the parties arising from this agreement, the prevailing party shall be reimbursed for its reasonable attorney's fees and costs.

Should the services not be authorized in thirty (30) days; or should changes occur in the scope or level of effort; or should the completion date extend beyond December 31, 2021, due to circumstances beyond DKS's control; we reserve the right to revise the scope, budget, and

schedule to reflect then current conditions. Such revisions will be affected through amendments to this agreement.

If this agreement is acceptable to you, please have a duly authorized official of your company sign below and return one original for our files. Your signature will constitute formal authorization to proceed with the work outlined above.

Please call Lacy Brown or Scott Mansur at (503) 391-8773 if you have any questions.

Sincerely,

DKS Associates

Approved by: City of Dallas Public Works



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Scott Mansur, P.E., PTOE, Principal

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By: Tom Gilsan

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Date



# CITY OF DALLAS CITY COUNCIL STAFF REPORT

**MEETING DATE:** November 15, 2021  
**AGENDA ITEM NO.** 7c  
**TOPIC:** House Bill 3071 – Mandatory Reporter Status Changes  
**PREPARED BY:** Brian Latta  
**APPROVED BY:**  City Manager  
**ATTACHMENTS:** A – Enrolled HB 3071

## **RECOMMENDED ACTION:**

Staff recommends the City Council view a 30 minute training video released by the Oregon Department of Human Services on the topic of mandatory reporting during its December 6, workshop meeting.

## **BACKGROUND:**

The Oregon legislature during the 2021 regular session, passed House Bill 3071 (**Attachment A**). This bill adds local elected officials to the state list of mandatory reporters of abuse. To better inform the City Council what this means for you, staff recommend the City Council view a training video produced by the Oregon Department of Human Services. This training video is a half an hour long and can be put on to the December 6<sup>th</sup> Council Workshop agenda.

## **SUMMARY TIMELINE:**

November 15, 2021 – Council informed about changes in mandatory reporters list.  
December 6, 2021 – Council to view training on topic of mandatory reporting.

## **FISCAL IMPACT:**

None

## **RECOMMENDED MOTION:**

N/A – Information sharing only.

# Enrolled House Bill 3071

Sponsored by Representative LEWIS; Representatives LEIF, MOORE-GREEN, MORGAN, NERON,  
Senator RILEY

CHAPTER .....

AN ACT

Relating to mandatory abuse reporters; amending ORS 124.050, 419B.005, 430.735 and 441.630.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 124.050 is amended to read:

124.050. As used in ORS 124.050 to 124.095:

(1) "Abuse" means one or more of the following:

(a) Any physical injury to an elderly person caused by other than accidental means, or which appears to be at variance with the explanation given of the injury.

(b) Neglect.

(c) Abandonment, including desertion or willful forsaking of an elderly person or the withdrawal or neglect of duties and obligations owed an elderly person by a caretaker or other person.

(d) Willful infliction of physical pain or injury upon an elderly person.

(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.

(f) Verbal abuse.

(g) Financial exploitation.

(h) Sexual abuse.

(i) Involuntary seclusion of an elderly person for the convenience of a caregiver or to discipline the person.

(j) A wrongful use of a physical or chemical restraint of an elderly person, excluding an act of restraint prescribed by a physician licensed under ORS chapter 677 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.

(2) "Elderly person" means any person 65 years of age or older who is not subject to the provisions of ORS 441.640 to 441.665.

(3) "Facility" means:

(a) A long term care facility as that term is defined in ORS 442.015.

(b) A residential facility as that term is defined in ORS 443.400, including but not limited to an assisted living facility.

(c) An adult foster home as that term is defined in ORS 443.705.

(4) "Financial exploitation" means:

(a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an elderly person or a person with a disability.



(b) Alarming an elderly person or a person with a disability by conveying a threat to wrongfully take or appropriate money or property of the person if the person would reasonably believe that the threat conveyed would be carried out.

(c) Misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by an elderly person or a person with a disability.

(d) Failing to use the income or assets of an elderly person or a person with a disability effectively for the support and maintenance of the person.

(5) "Intimidation" means compelling or deterring conduct by threat.

(6) "Law enforcement agency" means:

(a) Any city or municipal police department.

(b) Any county sheriff's office.

(c) The Oregon State Police.

(d) Any district attorney.

(e) A police department established by a university under ORS 352.121 or 353.125.

(7) "Neglect" means failure to provide basic care or services that are necessary to maintain the health or safety of an elderly person.

(8) "Person with a disability" means a person described in:

(a) ORS 410.040 (7); or

(b) ORS 410.715.

(9) "Public or private official" means:

(a) Physician or physician assistant licensed under ORS chapter 677, naturopathic physician or chiropractor, including any intern or resident.

(b) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.

(c) Employee of the Department of Human Services or community developmental disabilities program.

(d) Employee of the Oregon Health Authority, local health department or community mental health program.

(e) Peace officer.

(f) Member of the clergy.

(g) Regulated social worker.

(h) Physical, speech or occupational therapist.

(i) Senior center employee.

(j) Information and referral or outreach worker.

(k) Licensed professional counselor or licensed marriage and family therapist.

(L) [*Member of the Legislative Assembly.*] **Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.**

(m) Firefighter or emergency medical services provider.

(n) Psychologist.

(o) Provider of adult foster care or an employee of the provider.

(p) Audiologist.

(q) Speech-language pathologist.

(r) Attorney.

(s) Dentist.

(t) Optometrist.

(u) Chiropractor.

(v) Personal support worker, as defined in ORS 410.600.

(w) Home care worker, as defined in ORS 410.600.

(x) Referral agent, as defined in ORS 443.370.

(10) "Services" includes but is not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene or any other service essential to the well-being of an elderly person.

(11)(a) "Sexual abuse" means:

(A) Sexual contact with an elderly person who does not consent or is considered incapable of consenting to a sexual act under ORS 163.315;

(B) Verbal or physical harassment of a sexual nature, including but not limited to severe or pervasive exposure to sexually explicit material or language;

(C) Sexual exploitation;

(D) Any sexual contact between an employee of a facility or paid caregiver and an elderly person served by the facility or caregiver; or

(E) Any sexual contact that is achieved through force, trickery, threat or coercion.

(b) "Sexual abuse" does not mean consensual sexual contact between an elderly person and:

(A) An employee of a facility who is also the spouse of the elderly person; or

(B) A paid caregiver.

(12) "Sexual contact" has the meaning given that term in ORS 163.305.

(13) "Verbal abuse" means to threaten significant physical or emotional harm to an elderly person or a person with a disability through the use of:

(a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

(b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.

**SECTION 2.** ORS 419B.005 is amended to read:

419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "Abuse" means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful manufacturing of a cannabinoid extract, as defined in ORS 475B.015, that subjects a child to a substantial risk of harm to the child's health or safety.

(b) "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) "Child" means an unmarried person who:

(a) Is under 18 years of age; or

(b) Is under 21 years of age and residing in or receiving care or services at a child-caring agency as that term is defined in ORS 418.205.

(3) "Higher education institution" means:

(a) A community college as defined in ORS 341.005;

(b) A public university listed in ORS 352.002;

(c) The Oregon Health and Science University; and

(d) A private institution of higher education located in Oregon.

(4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged to have experienced abuse.

(b) "Investigation" does not include screening activities conducted upon the receipt of a report.

(5) "Law enforcement agency" means:

(a) A city or municipal police department.

(b) A county sheriff's office.

(c) The Oregon State Police.

(d) A police department established by a university under ORS 352.121 or 353.125.

(e) A county juvenile department.

(6) "Public or private official" means:

(a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician, including any intern or resident.

(b) Dentist.

(c) School employee, including an employee of a higher education institution.

(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.

(e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning Division, Department of Education, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a child-caring agency as that term is defined in ORS 418.205 or an alcohol and drug treatment program.

(f) Peace officer.

(g) Psychologist.

(h) Member of the clergy.

(i) Regulated social worker.

(j) Optometrist.

(k) Chiropractor.

(L) Certified provider of foster care, or an employee thereof.

(m) Attorney.

(n) Licensed professional counselor.

(o) Licensed marriage and family therapist.

(p) Firefighter or emergency medical services provider.

(q) A court appointed special advocate, as defined in ORS 419A.004.

(r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.

(s) *[Member of the Legislative Assembly.] An elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.*

(t) Physical, speech or occupational therapist.

(u) Audiologist.

(v) Speech-language pathologist.

(w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.

(x) Pharmacist.

(y) An operator of a preschool recorded program under ORS 329A.255.

(z) An operator of a school-age recorded program under ORS 329A.257.

(aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.

(bb) Employee of a public or private organization providing child-related services or activities:

(A) Including but not limited to youth groups or centers, scout groups or camps, summer or day camps, survival camps or groups, centers or camps that are operated under the guidance, supervision or auspices of religious, public or private educational systems or community service organizations; and

(B) Excluding community-based, nonprofit organizations whose primary purpose is to provide confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.

(cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.

(dd) Personal support worker, as defined in ORS 410.600.

(ee) Home care worker, as defined in ORS 410.600.

(ff) Animal control officer, as defined in ORS 609.500.

(gg) Member of a school district board or public charter school governing body.

(hh) An individual who is paid by a public body, in accordance with ORS 430.215, to provide a service identified in an individualized written service plan of a child with a developmental disability.

**SECTION 3.** ORS 430.735 is amended to read:

430.735. As used in ORS 430.735 to 430.765:

(1) "Abuse" means one or more of the following:

(a) Abandonment, including desertion or willful forsaking of an adult or the withdrawal or neglect of duties and obligations owed an adult by a caregiver or other person.

(b) Any physical injury to an adult caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.

(c) Willful infliction of physical pain or injury upon an adult.

(d) Sexual abuse.

(e) Neglect.

(f) Verbal abuse of an adult.

(g) Financial exploitation of an adult.

(h) Involuntary seclusion of an adult for the convenience of the caregiver or to discipline the adult.

(i) A wrongful use of a physical or chemical restraint upon an adult, excluding an act of restraint prescribed by a physician licensed under ORS chapter 677, physician assistant licensed under ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse practitioner licensed under ORS 678.375 to 678.390 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.

(j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465 or 163.467.

(k) Any death of an adult caused by other than accidental or natural means.

- (2) "Adult" means a person 18 years of age or older:
- (a) With a developmental disability who is currently receiving services from a community program or facility or who was previously determined eligible for services as an adult by a community program or facility;
  - (b) With a severe and persistent mental illness who is receiving mental health treatment from a community program; or
  - (c) Who is receiving services for a substance use disorder or a mental illness in a facility or a state hospital.
- (3) "Adult protective services" means the necessary actions taken to prevent abuse or exploitation of an adult, to prevent self-destructive acts and to safeguard the adult's person, property and funds, including petitioning for a protective order as defined in ORS 125.005. Any actions taken to protect an adult shall be undertaken in a manner that is least intrusive to the adult and provides for the greatest degree of independence.
- (4) "Caregiver" means an individual, whether paid or unpaid, or a facility that has assumed responsibility for all or a portion of the care of an adult as a result of a contract or agreement.
- (5) "Community program" includes:
- (a) A community mental health program or a community developmental disabilities program as established in ORS 430.610 to 430.695; or
  - (b) A provider that is paid directly or indirectly by the Oregon Health Authority to provide mental health treatment in the community.
- (6) "Facility" means a residential treatment home or facility, residential care facility, adult foster home, residential training home or facility or crisis respite facility.
- (7) "Financial exploitation" means:
- (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an adult.
  - (b) Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out.
  - (c) Misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by an adult.
  - (d) Failing to use the income or assets of an adult effectively for the support and maintenance of the adult.
- (8) "Intimidation" means compelling or deterring conduct by threat.
- (9) "Law enforcement agency" means:
- (a) Any city or municipal police department;
  - (b) A police department established by a university under ORS 352.121 or 353.125;
  - (c) Any county sheriff's office;
  - (d) The Oregon State Police; or
  - (e) Any district attorney.
- (10) "Neglect" means:
- (a) Failure to provide the care, supervision or services necessary to maintain the physical and mental health of an adult that may result in physical harm or significant emotional harm to the adult;
  - (b) Failure of a caregiver to make a reasonable effort to protect an adult from abuse; or
  - (c) Withholding of services necessary to maintain the health and well-being of an adult that leads to physical harm of the adult.
- (11) "Public or private official" means:
- (a) Physician licensed under ORS chapter 677, physician assistant licensed under ORS 677.505 to 677.525, naturopathic physician, psychologist or chiropractor, including any intern or resident;
  - (b) Licensed practical nurse, registered nurse, nurse's aide, home health aide or employee of an in-home health service;

(c) Employee of the Department of Human Services or Oregon Health Authority, local health department, community mental health program or community developmental disabilities program or private agency contracting with a public body to provide any community mental health service;

(d) Peace officer;

(e) Member of the clergy;

(f) Regulated social worker;

(g) Physical, speech or occupational therapist;

(h) Information and referral, outreach or crisis worker;

(i) Attorney;

(j) Licensed professional counselor or licensed marriage and family therapist;

(k) Any public official;

(L) Firefighter or emergency medical services provider;

(m) [*Member of the Legislative Assembly*;] **Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state;**

(n) Personal support worker, as defined in ORS 410.600;

(o) Home care worker, as defined in ORS 410.600; or

(p) An individual paid by the Department of Human Services to provide a service identified in an individualized written service plan of an adult with a developmental disability.

(12) "Services" includes but is not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene or any other service essential to the well-being of an adult.

(13)(a) "Sexual abuse" means:

(A) Sexual contact with a nonconsenting adult or with an adult considered incapable of consenting to a sexual act under ORS 163.315;

(B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material or language;

(C) Any sexual contact between an employee of a facility or paid caregiver and an adult served by the facility or caregiver;

(D) Any sexual contact between an adult and a relative of the adult other than a spouse;

(E) Any sexual contact that is achieved through force, trickery, threat or coercion; or

(F) Any sexual contact between an individual receiving mental health or substance abuse treatment and the individual providing the mental health or substance abuse treatment.

(b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid caregiver who is the spouse of the adult.

(14) "Sexual contact" has the meaning given that term in ORS 163.305.

(15) "Verbal abuse" means to threaten significant physical or emotional harm to an adult through the use of:

(a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

(b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.

**SECTION 4.** ORS 441.630 is amended to read:

441.630. As used in ORS 441.630 to 441.680:

(1) "Abuse" means:

(a) Any physical injury to a resident of a long term care facility which has been caused by other than accidental means.

(b) Failure to provide basic care or services, which failure results in physical harm or unreasonable discomfort or serious loss of human dignity.

(c) Sexual contact with a resident caused by an employee, agent or other resident of a long term care facility by force, threat, duress or coercion.

(d) Illegal or improper use of a resident's resources for the personal profit or gain of another person.

- (e) Verbal or mental abuse as prohibited by federal law.
  - (f) Corporal punishment.
  - (g) Involuntary seclusion for convenience or discipline.
  - (2) "Abuse complaint" means any oral or written communication to the department, one of its agents or a law enforcement agency alleging abuse.
  - (3) "Department" means the Department of Human Services or a designee of the department.
  - (4) "Facility" means a long term care facility, as defined in ORS 442.015.
  - (5) "Law enforcement agency" means:
    - (a) Any city or municipal police department.
    - (b) A police department established by a university under ORS 352.121 or 353.125.
    - (c) Any county sheriff's office.
    - (d) The Oregon State Police.
    - (e) Any district attorney.
  - (6) "Public or private official" means:
    - (a) Physician, including any intern or resident.
    - (b) Licensed practical nurse or registered nurse.
    - (c) Employee of the Department of Human Services, a community developmental disabilities program or a long term care facility or person who contracts to provide services to a long term care facility.
    - (d) Employee of the Oregon Health Authority, local health department or community mental health program.
    - (e) Peace officer.
    - (f) Member of the clergy.
    - (g) Regulated social worker.
    - (h) Physical, speech and occupational therapists.
    - (i) Legal counsel for a resident or guardian or family member of the resident.
    - (j) *[Member of the Legislative Assembly.] Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.*
    - (k) Personal support worker, as defined in ORS 410.600.
    - (L) Home care worker, as defined in ORS 410.600.
-

**Passed by House April 10, 2021**

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Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate May 28, 2021**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**


.....M.,....., 2021

.....  
Shemia Fagan, Secretary of State





# CITY OF DALLAS CITY COUNCIL STAFF REPORT

**MEETING DATE:** November 15, 2021  
**AGENDA ITEM NO.** 8a  
**TOPIC:** Proposed Shopping Cart Ordinance  
**PREPARED BY:** Chief Tom Simpson  
**APPROVED BY:**  City Manager  
**ATTACHMENTS:** A – Dallas Shopping Cart Ordinance  
B – Proposed Shopping Cart Code Amended by PS Committee

## **RECOMMENDED ACTION**

Passage of first reading of proposed Dallas Shopping Cart Ordinance (**Attachment A**)

## **BACKGROUND:**

Over the past few years there has been an increase in the frequency of retail shopping carts being unlawfully removed from the respective store properties by persons who chose to take them to use as conveyances for personal items. Examples includes carts which have been discovered parked at various locations around town, full of what appears to be someone's assortment of personal effects, or an empty cart is found in the public right-of-way along one of our city streets or in the creek.

When empty carts have been located, the owning retail establishment has been contacted and asked to retrieve their property. On few occasions this has occurred without delay. Unfortunately, there have also been occasions where the store representatives—for whatever reason—have not been able to retrieve the carts in a timely manner. This results in abandoned shopping carts littering our community.

State law allows a local government to enact a Shopping Cart Code which declares abandoned shopping carts a public nuisance and places certain requirements on the owners of the shopping carts, including retrieval in a timely manner once notified of one or more abandoned shopping carts. The Public Safety Committee reviewed the Salem ordinance on which our proposed ordinance is based.

Staff has initiated contact with the management—or management representative—of the six retail stores which have a significant number of shopping carts. This includes:

- Grocery Outlet
- Safeway
- Rite Aid
- Dollar Tree

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- Goodwill Industries
- Walmart

The discussion included that City staff (Police Department and Code Services) are motivated to assist with minimizing the number of abandoned shopping carts in the city of Dallas. Staff also discussed that in addition to proactively making the retail establishments aware of abandoned shopping carts, PD officers may contact persons in possession of shopping carts from the respective stores, recover the stolen carts on their behalf and charge the individual with the crime of Theft for taking the shopping carts off of their property without their permission. The discussion included the understanding that if an officer recovers a stolen cart, staff would request a representative of their store respond and recover the cart; negating the need for the officer to retain custody and store the recovered property (shopping cart). In cases where this is not practicable, the carts could be transported to the city shops for temporary storage pending the owner's retrieval.

To date, staff has contacted representatives from each of these retail establishments, either in person, phone or email. Most have responded and are motivated to reduce the loss or damage to their respective shopping carts and are generally supportive of the concept to come before the city council. Four of them—Grocery Outlet, Walmart, Dollar Tree and Goodwill Industries—expressed that a requirement to retrieve their carts within 72 hours of notification was not overly problematic for them. Comments back from both Rite Aid and Safeway are still pending. The owner of Grocery Outlet expressed concern that the cost of the required additional signage and establishment of an “800” number would have a negative financial impact on his locally owned business. The owner was supportive of the concept to help safeguard his carts, however expressed concern at the state requirements for municipalities who enact such ordinances.

Staff has sent an emailed summary to each of the six establishments and asked that they seek guidance from their upper management regarding support or concerns relative to this proposal; and, feedback regarding whether or not the business would support criminal charges for stolen carts if the situation warrants. Four of the six are supportive of the concept; Safeway and Rite Aid have yet to respond.

At staff's request and based on discussion at the November Public Safety Committee meeting, the city attorney has edited the language regarding an automatic imposition of a civil penalty and provided additional options. **(Attachment B)**

**SUMMARY TIMELINE:**

- November 1, 2021 – Discussion with Public Safety Committee.
- November 15, 2021 – Council considers ordinance at its first reading.

**FISCAL IMPACT:**

- City Attorney and Staff time for developing ordinance and associated protocol.

**DALLAS 2030 VISION IMPACT:**

- **Our Community and Identity**
  - Dallas is an attractive, friendly community in a beautiful setting, including a vibrant downtown, revitalized historic core, and an outstanding quality of life.

*City's Motto: Come Thrive with Us, We Invest in People and Business*

- Dallas neighborhoods are clean, safe, friendly and livable places.

**DALLAS STRATEGIC PLAN 2022-2026**

- Goal 2: On an ongoing basis, we will identify and resolve municipal, building, and fire code violations that negatively impact property values, affect public safety, or diminish the quality of life of our residents.

**RECOMMENDED MOTION:**

None. Recommend passage of first reading.

**ATTACHMENTS:**

- A – Dallas Shopping Cart Ordinance
- B – Proposed Shopping Cart Code (with edits)

ORDINANCE NO. 1861

An Ordinance adopting new provisions of the Dallas City Code relating to shopping carts.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are added to and made a part of Dallas City Code chapter 4:

**Section 4.462. - Purpose; nuisance declared.**

The presence of abandoned carts within the City is hereby declared to be a public nuisance, and the purpose of sections 4.462 through 4.478 is to provide a means to allow for the voluntary abatement of the nuisance by the owners of shopping carts through a notification and retrieval process. Notwithstanding any other provision of this chapter, the abatement of abandoned carts shall be made pursuant to sections 4.462 through 4.478.

**Section 4.464. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned cart* means any shopping cart that has been removed from the owner's premises without written consent of the owner and which is located on either public or private property.

*Code Compliance Officer* means the department director charged with the enforcement of SRC sections 4.462 through 4.478 by the City Manager, or that department director's designee.

*Owner* means a person that, in connection with the operation of a business, makes a shopping cart available to a customer.

*Person* means a natural person, corporation, partnership, limited liability company, limited liability partnership, co-operative, trust, or other entity in law or fact.

*Premises* means the entire area of the real property owned, occupied or utilized by an owner, including any parking lot or other property provided by or on behalf of an owner for customer parking or use.

*Shopping cart* means a basket that is mounted on wheels and used for the transportation of goods, or any other similar device, that is provided by an owner for use by a customer.

**Section 4.466. - Cart identification required.**

Every shopping cart must have a permanently affixed sign that contains all of the following information:

1. The identity of the owner of the shopping cart;
2. A toll-free telephone number of the owner for shopping cart return; and
3. A statement that the unauthorized removal of the shopping cart from the premises is a crime under ORS 164.015.

**Section 4.468. - Posted notice.**

An owner shall conspicuously post a sufficient number of signs on the owner's business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015 and to provide the toll free telephone number that members of the public may use to report abandoned shopping carts.

**Section 4.470. - Toll-free telephone line required.**

1. A toll-free telephone line shall be established, maintained and made available to the public, at the owner's expense, for the purpose of reporting abandoned carts.
2. The agreement between the owner and the toll-free telephone provider shall provide that operator of the toll-free telephone line forward a report of each call concerning an abandoned cart to the owner and to the Code Compliance Office, within one business day of receipt of the call, and that such report be provided through electronic mail or by fax.
3. More than one owner may use the same toll-free telephone number to share expenses. Any agreement by two or more owners to share a toll-free telephone number shall comply with the requirements of this section.

**Section 4.472. - Notification and retrieval of abandoned carts.**

1. The Code Compliance Officer or any member of the public may report the location of an abandoned cart by calling the toll-free telephone number provided by the owner.
2. If the City has notice of the location of an abandoned cart, the Code Compliance Officer shall use the toll-free telephone number provided by the owner to report the location of the abandoned cart.
3. If an abandoned cart does not have a sign with the information required by section 4.466 the City may take custody of the abandoned cart. If the owner can be identified and, after reasonable effort, the Code Compliance Officer is unable to contact the owner of the abandoned cart and 72 hours has passed, or if the owner cannot be identified, the Code Compliance Officer may dispose of the abandoned cart as provided in section 4.476.2.

**Section 4.474. - Duty to retrieve cart.**

An owner, or an owner's contractor, shall retrieve an abandoned cart within 72 hours from the date the report is made to the owner under section 4.472.

**Section 4.476. - Custody and disposition.**

1. The Code Compliance Officer may take custody of an abandoned cart. If the owner of the abandoned cart does not retrieve the abandoned cart within 72 hours after the owner receives a report of an abandoned cart under section 4.472 the Code Compliance Officer may:
  - a. Deliver the abandoned cart to the owner, in which event the owner shall pay the City a delivery fee of \$50; or
  - b. Retain possession of the abandoned cart and impose a civil penalty of \$50 payable by the owner. The Code Compliance Officer shall release the shopping cart to the owner after the civil penalty is paid.
2. Disposition after 30 days. Title to any abandoned cart not reclaimed by the owner within 30 days after notification from the Code Compliance Officer, or to any abandoned cart where the City has been unable to identify the owner after reasonable efforts and which has been in the City's custody for 30 days, shall be forfeited to the City and the shopping cart may be sold or otherwise disposed of by the City.

**Section 4.478. - Violation.**

Failure by an owner to comply with sections 4.462 through 4.478 or to retrieve an abandoned cart under section 4.474 is an infraction, punishable by a fine not to exceed \$500.00.

Read for the first time: November 15, 2021  
Read for the second time: December 6, 2021  
Passed by the City Council: December 6, 2021  
Approved by the Mayor: December 6, 2021

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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BRIAN LATTA,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

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*Owner* means a person that, in connection with the operation of a business, makes a shopping cart available to a customer.

*Person* means a natural person, corporation, partnership, limited liability company, limited liability partnership, co-operative, trust, or other entity in law or fact.

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**Section 4.468. - Posted notice.**

An owner shall conspicuously post a sufficient number of signs on the owner's business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015 and to provide the toll free telephone number that members of the public may use to report abandoned shopping carts.

**Section 4.470. - Toll-free telephone line required.**

1. A toll-free telephone line shall be established, maintained and made available to the public, at the owner's expense, for the purpose of reporting abandoned carts.
2. The agreement between the owner and the toll-free telephone provider shall provide that operator of the toll-free telephone line forward a report of each call concerning an abandoned cart to the owner and to the Code Compliance Office, within one business day of receipt of the call, and that such report be provided through electronic mail or by fax.
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be identified and, after reasonable effort, the Code Compliance Officer is unable to contact the owner of the abandoned cart and 72 hours has passed, or if the owner cannot be identified, the Code Compliance Officer may dispose of the abandoned cart as provided in section 4.476.2.

**Section 4.474. - Duty to retrieve cart.**

An owner, or an owner's contractor, shall retrieve an abandoned cart within 72 hours from the date the report is made to the owner under section 4.472.

**Section 4.476. - Custody and disposition.**

1. The Code Compliance Officer may take custody of an abandoned cart. If the owner of the abandoned cart does not retrieve the abandoned cart within 72 hours after the owner receives a report of an abandoned cart under section 4.472 the Code Compliance Officer may:

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a. Deliver the abandoned cart to the owner. In which event the owner shall pay the City a delivery fee of \$50; or

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b. Retain possession of the abandoned cart and impose a civil penalty of \$50 payable by the owner. The Code Compliance Officer shall release the shopping cart to the owner after the civil penalty is paid.

2. Disposition after 30 days. Title to any abandoned cart not reclaimed by the owner within 30 days after notification from the Code Compliance Officer, or to any abandoned cart where the City has been unable to identify the owner after reasonable efforts and which has been in the City's custody for 30 days, shall be forfeited to the City and the shopping cart may be sold or otherwise disposed of by the City.

**Section 4.478. - Violation.**

Failure by an owner to comply with sections 4.462 through 4.478 or to retrieve an abandoned cart under section 4.474 is an infraction, punishable by a fine not to exceed \$500.00.

# CITY OF DALLAS CITY COUNCIL STAFF REPORT

**MEETING DATE:** November 15, 2021  
**AGENDA ITEM NO.** 8b  
**TOPIC:** Revision to Dallas City Code 6.600-6.615  
**PREPARED BY:** Brian Latta  
**APPROVED BY:**  City Manager  
**ATTACHMENTS:** A – Proposed Code Revisions, Amended by Public Works Committee  
B – Draft Ordinance 1862

## **RECOMMENDED ACTION:**

The Public Works Committee and staff recommend the Council pass the first reading of Ordinance 1862 (**Attachment B**).

## **BACKGROUND:**

The City has been actively enforcing our ordinance relating to parking occupied campers, motorhomes and trailers on city property for the past few years. There are different rules for self-contained versus non-self-contained units. For example, occupied non-self-contained units can only be parked on city properties for no more than three (3) hours, while self-contained units may be parked for up to 72 hours. The variety in rules has proven to be somewhat more time consuming for city staff than necessary. In some instances staff have been faced with making multiple contacts with the same unit in the same day to enforce this ordinance. Staff recommend making some changes to help streamline the enforcement of this ordinance.

The primary changes include:

- Any occupied camper, motorhome or trailer can be parked on public property for up to 24 hours.
- Any occupied camper, motorhome or trailer that is self-contained may park on private property with the consent of the property owner for up to 14 days.
- The ordinance prohibits an occupied camper, motorhome or trailer to be parked in a city park or public property that is closed.
- A permit may be obtained to park an occupied camper, motorhome or trailer on private property for up to 30 days during a consecutive 3 month period.
- The ordinance places limits on the number of occupied vehicles per property in residentially zoned properties to 1 for a property used for residential purposes, and 3 for properties used for nonresidential purposes.
- The ordinance prohibits occupied vehicles from being permitted to park on commercial or industrially zoned properties.

The Public Works Committee reviewed the draft code amendments, and recommended revisions which have been incorporated into the draft revisions (**Attachment A**). The committee forwarded a recommendation for the City Council to approve the proposed revisions.

**SUMMARY TIMELINE:**

November 1, 2021 – Public Works Committee considered revisions to Dallas City Code 6.600-6.615.

November 15, 2021 – City Council will be presented ordinance for first reading.

December 6, 2021 – City Council will be presented ordinance for second reading and adoption.

**FISCAL IMPACT:**

None

**RECOMMENDED MOTION:**

N/A – Ordinance presented for first reading.

**ATTACHMENTS:**

A – Proposed Code Revisions, Amended by Public Works Committee

B – Draft Ordinance 1862

**6.600 Definitions**

As used in sections 6.600 to 6.610 the following mean:

Camper. A structure containing a floor and that:

1. Is designed to be mounted upon a motor vehicle and is not permanently attached to it;
2. Is designed to provide facilities for human habitation or for camping; and
3. Has no more than one axle designed to support a portion of its weight.

Motor home. A motor vehicle that:

1. Is originally designed, reconstructed, or permanently altered to provide facilities for human habitation; or
2. Has a camper permanently attached to it.

Travel trailer (including a tent trailer). A trailer that:

1. Is of a type designed to be used on the highways;
2. Is capable of being used for human habitation;
3. Is not more than eight feet wide and is six feet or more in height from floor to ceiling. If a trailer telescopes for travel, or has expansion sides or "tip outs," for the purpose of determining the height, the size shall apply to the trailer as fully extended. For the purposes of determining the width, the size shall apply to the trailer in the usual travel position; and
4. Except in the case of tent trailer, has four permanent walls when it is in the usual travel position.

Self-contained. Possessing or containing built-in or internal systems or facilities for the supply of electrical power and sanitary water, and the sanitary collection or disposal of garbage, human waste, and waste water.

**6.605 Parking Regulations**

1. Except as otherwise provided by this code and subsections (2) and (3) of this section, no person shall park or place any presently occupied camper, motor home, or travel trailer at any place within the city for a period exceeding 24 hours.
2. If the presently occupied camper, motor home, or travel trailer is self-contained or the occupant or occupants have access to suitable facilities for the supply of sanitary water and the sanitary collection or disposal of garbage, human waste, and waste water, the camper, motor home, or travel trailer may be parked or placed on private property, with consent of the property owner, for a period not exceeding 14 days, unless a permit for a greater period is obtained from the city manager.
3. Subsection (1) does not authorize a camper, motor home or travel trailer to be parked in a city park or on public property during hours that the park or public property are closed.

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**6.610 Parking Permit**

1. A permit may be obtained by filing an application at the office of the city manager, accompanied by a fee in an amount set by the council by resolution. The application shall include the location and description of the camper, motor home, or travel trailer, the character and duration of occupancy, the character of water and sanitary facilities available, and any other information which the city manager considers necessary to carry out the purpose of sections 6.600 to 6.615.
2. If the city manager determines that the issuance of a permit will not contravene the purpose of sections 6.600 to 6.615 or of any applicable code provision, the manager may issue a permit

authorizing the applicant to park or place and occupy the described camper, motor home, or travel trailer, and may attach conditions necessary to carry out the purpose of sections 6.600 to 6.615.

3. The period of occupancy granted under the permit shall not exceed 30 days during any consecutive three-month period.
4. No permit may be issued for more than one camper, motor home, or travel trailer on a lot or parcel zoned residential and used for residential purposes, nor for more than three campers, motor homes, or travel trailers on a lot or parcel zoned residential and used for non-residential purposes. No permit may be issued under this section for any lot or parcel zoned commercial or industrial.

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**Deleted:** In addition, if a single period of occupancy extends more than ten consecutive days, the camper, motor home or travel trailer may not be occupied again until at least 30 days from the end of the period of occupancy.

[Section 6.610 amended by Ordinance No. 1720, passed June 7, 2010.]

**6.615 Penalties**

Violation of a provision of sections 6.600 to 6.610 is a civil infraction.

ORDINANCE NO. 1862

An Ordinance amending sections 6.605 and 6.610 of the Dallas City Code relating to the parking of recreational vehicles.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code section 6.605 is hereby amended and restated in its entirety as follows:

**6.605 Parking Regulations**

1. Except as otherwise provided by this code and subsections (2) and (3) of this section, no person shall park or place any presently occupied camper, motor home, or travel trailer at any place within the city for a period exceeding 24 hours.
2. If the presently occupied camper, motor home, or travel trailer is self-contained or the occupant or occupants have access to suitable facilities for the supply of sanitary water and the sanitary collection or disposal of garbage, human waste, and waste water, the camper, motor home, or travel trailer may be parked or placed on private property, with consent of the property owner, for a period not exceeding 14 days, unless a permit for a greater period is obtained from the city manager.
3. Subsection (1) does not authorize a camper, motor home or travel trailer to be parked in a city park or on public property during hours that the park or public property are closed.

Section 2. Dallas City Code section 6.610 is hereby amended and restated in its entirety as follows:

**6.610 Parking Permit**

1. A permit may be obtained by filing an application at the office of the city manager, accompanied by a fee in an amount set by the council by resolution. The application shall include the location and description of the camper, motor home, or travel trailer, the character and duration of occupancy, the character of water and sanitary facilities available, and any other information which the city manager considers necessary to carry out the purpose of sections 6.600 to 6.615.
2. If the city manager determines that the issuance of a permit will not contravene the purpose of sections 6.600 to 6.615 or of any applicable code provision, the manager may issue a permit authorizing the applicant to park or place and occupy the described camper, motor home, or travel trailer, and may attach conditions necessary to carry out the purpose of sections 6.600 to 6.615.

3. The period of occupancy granted under the permit shall not exceed 30 days during any consecutive three-month period.
4. No permit may be issued for more than one camper, motor home, or travel trailer on a lot or parcel zoned residential and used for residential purposes, nor for more than three campers, motor homes, or travel trailers on a lot or parcel zoned residential and used for non-residential purposes. No permit may be issued under this section for any lot or parcel zoned commercial or industrial.

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BRIAN W. DALTON

ATTEST:

APPROVED AS TO FORM:

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CITY MANAGER

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