



# Dallas City Council Agenda

Monday, January 4, 2010, 7:00 p.m.  
 Mayor Jim Fairchild, Presiding  
 Dallas City Hall  
 187 SE Court Street  
 Dallas, Oregon 97338

## City Council

Mayor  
 Jim Fairchild

Council President  
 Brian Dalton

Councilor  
 Warren Lamb

Councilor  
 Jackie Lawson

Councilor  
 Kevin Marshall

Councilor  
 Wes Scroggin

Councilor  
 David Shein

Councilor  
 David Voves

Councilor  
 LaVonne Wilson

Councilor  
 Ken Woods, Jr.

## Staff

City Manager  
 Jerry Wyatt

Asst. City Manager  
 Kim Marr

City Attorney  
 Lane Shetterly

Community Development  
 Director  
 Jason Locke

Finance Director  
 Cecilia Ward

Fire Chief  
 Bill Hahn

Police Chief  
 John Teague

Public Works Director  
 Fred Braun

*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 raise your hand to be recognized after the Mayor calls the item, or sign in on the provided card.*

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE TO THE FLAG	
3. APPROVAL OF MINUTES Approval of minutes of the Dec 21, 2009, Council meeting p. 3	Approval
4. QUESTIONS OR COMMENTS FROM THE AUDIENCE <i>This time is provided for citizens to address the Council or introduce items for Council consideration on any matters other than those on the agenda.</i>	
5. PUBLIC HEARINGS <i>(Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)</i>	
6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
a. Mayor's appointment of Council Standing Committees p. 7	Information
b. Council appointments/reappointments to Budget Committee, Park Board, Planning Commission p. 9	Motion
c. Council ratification of City Manager's agreement	Motion
7. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS City Manager's Reports	
a. Consent Agenda Format p. 10	Information
8. COMMUNICATIONS AND PETITIONS	

# Dallas City Council Agenda

## Page 2

### Our Vision

*Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.*

### Our Mission

*The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.*

### Our Motto

*Commitment to the Community.  
People Serving People.*

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

- a. Mid Willamette Valley Council Of Governments Annual Award Dinner [p. 14](#) Information

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9. RESOLUTIONS NO. 3194

A Resolution setting the fee for appeal of an administrative action of the Building Official for violation of the State Building Codes under Dallas City Code Sections 8.110 to 8.125. [p. 15](#)

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10. FIRST READING OF ORDINANCE

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11. SECOND READING OF ORDINANCE

- a. Ordinance No. 1715: An Ordinance establishing Street Maintenance Fee. [p. 16](#) Second Reading

- b. Ordinance No. 1716: An Ordinance amending provisions of the Dallas City Code Section 8.110; and adding new provisions, relating to State Building Code violations. [p. 20](#) Second Reading

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12. OTHER BUSINESS

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13. ADJOURNMENT

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**DALLAS CITY COUNCIL**  
**Monday, December 21, 2009**  
**Council Chambers**

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The Dallas City Council met in regular session on Monday, December 21, 2009, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

**ROLL CALL**

Council members present: Council President Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Ken Woods, Jr., Councilor LaVonne Wilson was present via telephone and excused were Councilor Warren Lamb and Councilor Dave Voves.

Also present were: Mayor Jim Fairchild, City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City Manager Kim Marr, Community Development Director Jason Locke, Fire Chief Bill Hahn, Police Chief John Teague, Recording Secretary Patti Senger.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Fairchild led the Pledge of Allegiance to the Flag.

**APPROVAL OF MINUTES**

Mayor Fairchild declared the minutes of the December 7, 2009, Council meeting approved as presented.

**QUESTIONS OR COMMENTS FROM THE AUDIENCE**

There were none.

**PUBLIC HEARINGS**

There were none.

**REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

**RESOLUTIONS**

Mayor Fairchild announced that Senator Wyden scheduled a town hall meeting at the Dallas Civic Center on Friday, January 8, 2010, from 2:30 p.m. to 3:30 p.m. He added that it is a community wide event and will be advertised in the paper. He informed the council that a letter would be coming from Representative Schrader's office for public officials and that he would be the moderator during the question and answer period.

Mayor Fairchild invited the Council to participate in the distribution of gifts and food for Christmas Cheer on Thursday, December 24, 2009, at LaCreole Middle School, which would serve 240 families in Dallas. He reported that Christmas Cheer serves 800 families in Polk County. He thanked City staff on the Community Dinner last Thursday (December 17) and stated that almost 200 people were served entirely by staff, who donated their time and money to make this happen.

Councilor Ken Woods reported that the Administrative Committee met on December 14, 2009, and that all members were present. They discussed the audit, budget preparation, mid-year report, and the revenues and deficit that would be reported in January. Mr. Wyatt added that preparation of the mid-year budget has begun and the action items include reduction of hours at the aquatic center including closing on Sundays, Department Heads are dedicated to match revenue shortfall with reduction in expenditures, and staff impact changes such as shared positions, reassignment of duties or layoffs. It was asked if the City would receive money for building jobs and Mr. Wyatt responded that we would not be receiving funds.

**COMMITTEE REPORTS**

**HOLIDAY COMMUNITY DINNER**

1 Mr. Wyatt reported that work on the Community Dinner was distributed by departments with  
2 minimal impact on staff time and that no City funds were used for this or for the Adopt-A-  
3 Family program where the staff provided gifts and food for a family in need. The United  
4 Methodist Church was chosen because it is the established location of the James II Soup Kitchen,  
5 it has a kitchen and serving area, and the sanctuary was used for musical entertainment. He  
6 added that the staff fundraised, donated all of the food and decorations (a local company donated  
7 the ham), prepared the food, and organized with P.J. Johnson of the Dallas Resource Center to  
8 get the word out. He stated that it is a rare opportunity for all departments to work together as a  
9 whole for a great cause. Mayor Fairchild added that staff put in a large number of hours in  
10 addition to their own time and Kim Marr thanked Councilor Jackie Lawson and Council  
11 President Brian Dalton for attending and handing out gift bags.

## 12 PLANNING COMMISSION MEETING

13 Mr. Wyatt stated that the planning commission would have sign code updates coming through  
14 code revision and land use applications. He added that although things have been slow they are  
15 preparing for busier times in the future.

## 16 SENATE BILL 915

17 Mr. Wyatt discussed Senate Bill 915 and explained that it would have greater impact on other  
18 jurisdictions and that the main focus is how code compliance would be processed. Councilor  
19 Shein asked if this comes into play when building permits are issued and City Attorney Lane  
20 Shetterly explained it is when a violation is found during a building inspection, where the City  
21 enforces the state building code and violations are sited. Currently they are processed as civil  
22 infractions in municipal court and this would change that to an administrative penalty with an  
23 appeal process. In answer to a question, Mr. Shetterly added that Chapter 8 of City Code has an  
24 extensive section on dangerous buildings and it is a different scope of building code violations  
25 than what Senate Bill 915 addresses.

## 26 DEPARTMENT REPORTS IN THE CITY COUNCIL PACKET

27 Mayor Fairchild asked for questions; there were none.

## 28 FIRST READING OF ORDINANCE

29 **Ordinance No. 1715:** An Ordinance Establishing a Street Maintenance Fee.

30 Councilor Lawson stated that she would like to move Ordinance No. 1715 to the City of Dallas  
31 Voters. The Motion died due to lack of second.

32 Mayor Fairchild declared the first reading of ordinance 1715 to have passed.

33 **Ordinance No. 1716:** An Ordinance amending provisions of the Dallas City Code Section  
34 8.110; and adding new provisions, relating to State Building Code violations.

35 Councilor Scroggin asked about the electrical inspections that are handled through Polk County  
36 and Mr. Wyatt responded that it would be their jurisdiction, not the City's. Councilor Lawson  
37 stated that the language is subjective (on page 2 of the ordinance to page 3) and Mr. Shetterly  
38 explained that the language was out of the model ordinance from the state. Councilor Lawson  
39 asked if there were a situation where it was unavoidable due to an accident and suggested a  
40 violation should not occur. Mr. Shetterly responded that a violation of the building code is a  
41 strict liability offense and this ordinance suggests that you can adjust the amount of penalty by  
42 taking this into consideration and allowing the building inspector to use his discretion.  
43 Councilor Lawson asked about fees to appeal the process and Mr. Wyatt said there were none  
44 recommended. Councilor Scroggin asked if there are appeals to penalties or findings and Mr.  
45 Shetterly clarified that they are for both. Brian Dalton asked about the appeal process and Mr.  
46 Shetterly responded that it goes up to the City Manager for the final decision. Councilor Dalton  
47 stated that City Manager will be required to be knowledgeable of the building code violations.  
48 There was discussion about requirement of a resolution to establish no fee for appeals and it was  
49 suggested to add that in the second reading. Councilor Shein moved that there should be a

1 resolution for no fee for appeals and Councilor Dalton seconded. There was discussion of  
2 adding an appeal process fee and Councilor Woods added he would vote yes if we can add a fee  
3 that is refundable if we are wrong.

4 Mayor Fairchild declared the first reading of ordinance 1716 to have passed.

5 The above referenced ordinances will be scheduled on the agenda at the next Council Meeting  
6 for the second reading and final passage.

7 **SECOND READING OF ORDINANCES**

8 **Ordinance No. 1709:** An Ordinance amending Dallas City Code Section 2.995, relating to  
9 Dallas Development Commission, Urban Renewal Agency.

10 Mayor Fairchild declared the second reading of ordinance 1710 to have PASSED BY A  
11 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie Lawson,  
12 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Lavonne  
13 Wilson, and Councilor Ken Woods, Jr. voting YES.

14 **Ordinance No. 1710:** An Ordinance adopting the amended and restated Dallas Development  
15 Code; amending Dallas City Code Section 9.700; repealing the January 5, 2000 Dallas  
16 Development Code, as amended and updated January 22, 2002 and May 7, 2007; and repealing  
17 conflicting ordinances and Dallas City Code provisions.

18 Mayor Fairchild declared the second reading of ordinance 1710 to have PASSED BY A  
19 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie Lawson,  
20 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Lavonne  
21 Wilson, and Councilor Ken Woods, Jr. voting YES.

22 **Ordinance No. 1711:** An Ordinance amending the Dallas Zoning Map; and repealing the  
23 current Dallas Zoning Map.

24 Mayor Fairchild declared the second reading of ordinance 1711 to have PASSED BY A  
25 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie Lawson,  
26 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Lavonne  
27 Wilson, and Councilor Ken Woods, Jr. voting YES.

28 **Ordinance No. 1712:** An Ordinance amending the Dallas Comprehensive Plan Map; and  
29 repealing the current Dallas Comprehensive Plan Map.

30 Mayor Fairchild declared the second reading of ordinance 1712 to have PASSED BY A  
31 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie Lawson,  
32 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Lavonne  
33 Wilson, and Councilor Ken Woods, Jr. voting YES.

34 **Ordinance No. 1713:** An Ordinance amending the Dallas Comprehensive Plan; and  
35 amending Dallas City Code Section 9.600; and repealing prior conflicting ordinances.

36 Mayor Fairchild declared the second reading of ordinance 1713 to have PASSED BY A  
37 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie Lawson,  
38 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Lavonne  
39 Wilson, and Councilor Ken Woods, Jr. voting YES.

40 **Ordinance No. 1714:** An Ordinance amending provisions of the Dallas City Code Sections  
41 3.804, 3.806, 3.808 and 3.814, relating to street trees; and repealing prior conflicting ordinances.

42 Mayor Fairchild declared the second reading of ordinance 1714 to have PASSED BY A  
43 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Jackie Lawson,  
44 Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Lavonne  
45 Wilson, and Councilor Ken Woods, Jr. voting YES.

46 All the above referenced ordinances were presented for the second reading and final passage.

1 **OTHER BUSINESS**

2 Mayor Fairchild explained that the Council would hold an executive session to discuss personnel  
3 and to review and evaluate the City Manager as authorized in ORS 192.660(2)(h). The meeting  
4 was recessed at 7:50 p.m.

5 Mayor Fairchild reconvened the Council meeting at 8:54 p.m.

6 Mayor Fairchild stated that the council found that Mr. Wyatt did a very good job over this past  
7 year and asked for a motion that he receive the same compensation as the rest of the staff.

8 Councilor Marshall made a motion for a merit increase of 4% on the current base salary as stated  
9 by City Attorney Lane Shetterly. The motion was duly seconded and CARRIED  
10 UNANIMOUSLY with Council President Brian Dalton, Councilor Jackie Lawson, Councilor  
11 Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor Lavonne Wilson,  
12 and Councilor Ken Woods, Jr. voting YES.

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

14 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

15 \_\_\_\_\_

16 Mayor

17 ATTEST:

18 \_\_\_\_\_

19 City Manager

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 6 a</b>	<b>Topic:</b> Council Standing Committee Appointments
<b>Prepared By:</b> Mayor Fairchild	<b>Meeting Date:</b> January 4, 2010	<b>Attachments:</b> <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED ACTION: Due to the nature of the similar subject matter of the standing committee tasks assignments, I am recommending that the Public Works Committee and the Public Safety Committee meet on the same day (even months) and the Administration Committee and the Building and Grounds Committee meet on the same day (odd months).

Appointments of Council members to standing committees.

- (a) Committee on Public Works.  
*4<sup>th</sup> Monday, even months, 4:00 p.m.*
  - i. Wes Scroggin, Chairperson
  - ii. LaVonne Wilson
  - iii. Warren Lamb
  - iv. Jackie Lawson
  - v. Brian Dalton
  
- (b) Committee on Public Safety.  
*4<sup>th</sup> Monday, even months, 4:00 p.m.*
  - i. Warren Lamb, Chairperson
  - ii. Wes Scroggin
  - iii. Brian Dalton
  - iv. LaVonne Wilson
  - v. Jackie Lawson
  
- (c) Committee on Public Buildings and Grounds.  
*4<sup>th</sup> Monday, odd months, 4:00 p.m.*
  - i. David Shein, Chairperson
  - ii. Dave Voves
  - iii. Kevin Marshall
  - iv. Ken Woods Jr.
  
- (d) Committee on Public Administration.  
*4<sup>th</sup> Monday, odd months, 4:00 p.m.*
  - i. Ken Woods Jr., Chairperson
  - ii. Dave Voves
  - iii. Kevin Marshall
  - iv. David Shein

BACKGROUND:

DCC 2.050 Standing Committees.

(1) At the first regular meeting of the council in January of each year, or as soon thereafter as convenient, the Mayor shall appoint the following standing committees of the council:

- (a) Committee on public works.
- (b) Committee on public safety.
- (c) Committee on public buildings and grounds.
- (d) Committee on public administration.

(2) The membership of each committee shall be at the discretion of the mayor, except that each council member shall serve on not less than two committees. Each member of a committee shall hold office for one year and until a successor is appointed. If a vacancy occurs in a committee, the mayor, at the next succeeding regular meeting of the council, shall appoint a member of the council to fill the vacancy. A member so appointed shall hold office until the first regular meeting of the council in January of the year following the appointment and until a successor is duly appointed.

(3) At the regular meeting of the council following a committee meeting, the committees shall make a report of their activities.

(4) The proceedings of the committees shall be conducted as provided by Roberts Rules of Order.

(5) A majority of a quorum of a committee is sufficient to conduct committee business.

FISCAL IMPACT:

None

ATTACHMENTS:

None

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 6 b</b>	<b>Topic:</b> Council Appointments / Reappointments
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> January 4, 2010	<b>Attachments:</b> <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED ACTION:

Motion to appoint members to the Planning Commission, Park Board and Budget Committee as listed below.

BACKGROUND:

*Dallas City Code 2.405 Planning Commission - Membership*

The commission shall consist of seven members appointed by the council, not more than two of whom may be city officers serving as ex officio, nonvoting members. The commission members shall be residents of the city. The commission members shall receive no compensation, but shall be reimbursed for expenses authorized by the council.

Interested in reappointment: Carrie Mendall and Carol Kowash

*Dallas City Code 2.550 Park Board*

The board shall consist of eleven persons appointed by the city council who shall serve at the pleasure of the city council. Not less than one member of the board shall be a member of the city council and not more than three members may be non-residents of the city. The term of office for each member is three years except that the term of office for the initial board members shall be one year for three members, two years for four members, and three years for four members.

Interested in reappointment: Judy Boustead, Barbara Chaney, Dick Hoffman, Mellisa Spivey  
New Appointment: Todd Nelson and Tim Larson

*Budget Committee*

Interested in reappointment: Lynn Hurt and Rich Wolcott

FISCAL IMPACT:

None

ATTACHMENTS:

None

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No. 7 a	Topic: Consent Agenda Review
Prepared By: Emily Gagner	Meeting Date: January 4, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

## RECOMMENDED MOTION:

Review a consent agenda format for future use.

## BACKGROUND:

A consent agenda is a bundle of items that is voted on, without discussion, as a package. It differentiates between routine matters not needing explanation and more complex issues needing examination.

A consent agenda can only work if the reports and other matters for the meeting agenda are known in advance and distributed with the agenda package in sufficient time to be read by all members prior to the meeting.

A typical procedure is as follows:

- The list and supporting documents are included in the Council's agenda package in sufficient time to be read by all members prior to the meeting.
- At the beginning of the meeting, the Mayor asks members if there are any items they wish to be removed from the consent agenda and discussed individually.
- If any member requests that an item be removed from the consent agenda, it must be removed. Members may request that an item be removed for any reason. They may wish, for example, to discuss the item, to query the item, or to register a vote against the item.
- Once it has been removed, the Mayor can decide whether to take up the matter immediately or place it on the regular meeting agenda.
- When there are no more items to be removed, the Mayor will ask for a motion and second to accept the consent agenda for adoption. Upon receiving the motion the Mayor will call for a vote.

- When preparing the minutes, the Secretary includes the title of resolutions, reports or recommendations that were adopted as part of the consent agenda.

### **COMMONLY FOUND ITEMS**

Items commonly found on consent agendas include:

Minutes of the previous meeting. There is no need to read the text of the minutes of a previous Council meeting at a current one.

Confirmation of a decision that has been discussed previously. Some decisions may need a final administrative touch before the Council can vote on them. After such details are resolved, the Council may vote on the item via consent agenda at the next meeting.

City Manager's report / Department report. To the extent that the City Manager does not have items other than those provided in a written memorandum to the Council.

Committee reports. While Committee reports contain important information and sometimes recommendations for Council approval, many times the information has been thoroughly discussed or reviewed. To the extent that such matters do not need further discussion or explanation the materials provided may be better assigned to the consent agenda.

Informational materials. To educate members about the organization, staff provides the Council with reports and documents that do not require any action. These might include human resource policies, statistics on operations, financial reports, or items to be filed. However, if these materials relate to discussion items, they should be included as a part of that agenda item rather than placed on the consent agenda.

### **FISCAL IMPACT:**

None

### **ATTACHMENTS:**

Yes



# Mock Agenda For Review Dallas City Council Agenda

**City Council**

Mayor  
Jim Fairchild

Council President  
Brian Dalton

Councilor  
Warren Lamb

Councilor  
Jackie Lawson

Councilor  
Kevin Marshall

Councilor  
Wes Scroggin

Councilor  
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**ITEM**

**RECOMMENDED ACTION**

1. ROLL CALL

---

2. PLEDGE OF ALLEGIANCE TO THE FLAG

---

3. QUESTIONS OR COMMENTS FROM THE AUDIENCE

*This time is provided for citizens to address the Council or introduce items for Council consideration on any matters other than those on the agenda.*

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4. COMMUNICATIONS AND PETITIONS

a. Mid Willamette Valley Council Of Governments Annual Award Dinner

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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.)*

a. Annexation Request.....

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6. CONSENT AGENDA – Any item may be removed from the Consent Agenda upon the request of a council member.

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6.01 APPROVAL OF MINUTES

Approval of minutes of the Dec XX, 20XX, Council meeting

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6.02 REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS

a. Mayor’s appointment of Council Standing Committees

b. Council appointments/reappointments to XXXXXXXX Commission

# Dallas City Council Agenda

## Page 2

### Our Vision

*Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.*

### Our Mission

*The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.*

### Our Motto

*Commitment to the Community.  
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c. Council ratification of XXXXXXXXXX agreement

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## 6.03 REPORTS

City Manager's Reports

- a. Park Board Recommendations
- b. Parking Enforcement Review

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## 7. RESOLUTIONS NO. XXXX

A Resolution setting.....

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## 8. FIRST READING OF ORDINANCE

- a. Ordinance No. XXX: Vacating Right of Way. First Reading

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## 9. SECOND READING OF ORDINANCE

- a. Ordinance No. XXXX: An Ordinance ..... Second Reading
- b. Ordinance No. XXXX: An Ordinance amending provisions of the..... Second Reading

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## 10. OTHER BUSINESS

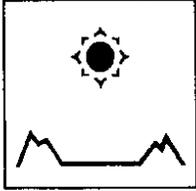
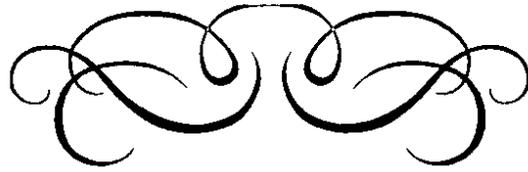
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## 11. EXECUTIVE SESSION

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## 12. ADJOURNMENT

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*You are cordially invited to the  
Mid-Willamette Valley  
Council of Governments  
Annual Meeting and Dinner*

**Wednesday, January 20, 2010**

Blanc/Oro Room  
Keizer Renaissance Inn  
5188 Wittenberg Lane NE, Keizer OR

6:00 p.m. Registration and Social Hour  
6:30 p.m. Dinner  
7:00 p.m. Speakers and Awards

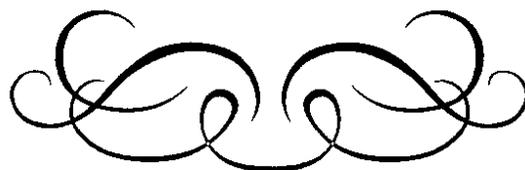
The agenda for the evening includes a celebration of the region, of our members who have reached important milestones, and the presentation of our annual awards for an elected official, staff/volunteer, and regional project demonstrating the successful application of principles of intergovernmental cooperation.

The Annual Meeting is for everyone — spouses and friends are encouraged to attend. We look forward to celebrating with you on January 20th at the Keizer Renaissance Inn.

Please complete the registration form and return it, with payment, to the MWVCOG office by Friday, January 8, 2010.

***Questions?***

Contact Denise VanDyke at 503-540-1602 or [dvandyke@mwvcog.org](mailto:dvandyke@mwvcog.org)



RESOLUTION NO. 3194

A Resolution setting the fee for appeal of an administrative action of the Building Official for violation of the State Building Codes under Dallas City Code Sections 8.110 to 8.125.

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

Section 1. That the fee for an appeal of an administrative action of the Building Official taken or imposed upon violation of the State Building Codes under Dallas City Code Sections 8.110 to 8.125, as provided in Section 8.120, shall be zero.

Section 2. This Resolution shall be effective on the effective date of Ordinance No. 1716.

Adopted: January 4, 2010  
Approved: January 4, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1715

An Ordinance Establishing a Street Maintenance Fee.

WHEREAS, the Dallas City Council finds that the City Street system is a substantial capital investment of public resources and a significant capital asset that requires an ongoing program of maintenance and repair to maintain it in good and safe condition, fit for the purposes that it was established; and

WHEREAS, failure to maintain and repair streets results in the accelerated deterioration of their condition, resulting in increased costs of repair and reconstruction; and

WHEREAS, funding sources that have historically provided for the maintenance and repair of City Streets are declining in real and relative terms and are inadequate to maintain the street system in good condition; and

WHEREAS, a well maintained City Street system is important to the quality of life and economic well-being of the City, and to the health, safety and welfare of its residents;

WHEREAS, it is the intention of the Dallas City Council by the adoption of this ordinance to provide a funding mechanism to help pay for the benefits conferred on city residents and businesses by the provision of a well-maintained City Street system; NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS AS FOLLOWS:

Section 1. The following sections are adopted and added to Chapter 3 of the Dallas City Code:

**3.900. Definitions.**

For the purpose of Sections 3.900 through 3.910, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) City Street. A public residential, collector or arterial street within the city limits of the City of Dallas that is not a state highway or county road.

(2) Person. A natural person; unincorporated association; tenancy in common; partnership; corporation; limited liability company; cooperative; trust, any

governmental agency, including the State of Oregon but excluding the City of Dallas; and other entity in law or in fact.

(3) Responsible Party. The person owing the Street Maintenance Fee established under Sections 3.900 through 3.910.

(4) Non-Residential Unit. A structure or use of property that is primarily not for personal, domestic accommodation, such as a business or commercial enterprise. A non-residential structure which provides facilities for one or more businesses including, but not limited to, permanent provisions for access to the public, shall have each distinct business facility considered as a separate non-residential unit.

(5) Residential Unit. A residential structure which provides complete living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, and sanitation. A home business in a residential zone will be regarded only as a residential unit, not as a nonresidential unit. An Ancillary Unit on a single-family parcel shall be considered as a separate residential unit. Multi-family residential property consisting of two or more dwelling units, condominium units or individual mobile home units have each unit considered as a separate residential unit. Transient Lodging subject to the provisions of Sections 7.870 through 7.924 shall not be considered as a Residential Unit.

### **3.902 Imposition of Street Maintenance Fee.**

(1) There is hereby created a Street Maintenance Fee.

(2) The Street Maintenance Fee shall be assessed in equal amount to each residential unit and to each non-residential unit as set forth in subsection (6), below. Billing for the Street Maintenance Fee shall be as a line item on the city's regular water and sewer bill.

(3) Except as otherwise provided in subsection (5), below, the obligation to pay a Street Maintenance Fee arises when a responsible party uses or otherwise benefits from Street Maintenance services. It is presumed that Street Maintenance services are used, and that a benefit arises, whenever the subject real property receives and is billed for city water and sewer service..

(4) All Residential and Non-Residential Units within the city limits that receive and are billed for city water and sewer service shall be charged the Street

Maintenance Fee.

(5) Properties not receiving billing statements for city water and sewer services shall not be charged a Street Maintenance Fee.

(6) The Street Maintenance Fee established in subsection (2), above, shall be assessed monthly as follows:

July 1, 2010 to June 30, 2011 -- \$2.50 per residential and nonresidential unit

July 1, 2011 to June 30, 2012 -- \$3.50 per residential and nonresidential unit

July 1, 2012 to June 30, 2013 -- \$4.50 per residential and nonresidential unit

July 1, 2013 to June 30, 2020 -- \$5.50 per residential and nonresidential unit

#### **3.904. Dedication of Street Maintenance Fee Revenues.**

All Street Maintenance Fee revenues derived shall be distinctly and clearly noted in both the revenue and expenditure sections of the city budget and shall be used for the maintenance and repair of City Streets and direct costs incidental thereto, and for no other purpose, in order to help provide for a safe, well-maintained City Street system. The Fees paid and collected by virtue of this ordinance shall not be used for general or other governmental or proprietary purposes of the City.

#### **3.906. Collection.**

(1) Street Maintenance Fees shall be collected monthly. Statements for the Fee shall be included as an additional item on the city monthly water and sewer utility billing.

(2) Unless another Responsible Person has agreed in writing to pay, and a copy of that writing is filed with the city, the persons responsible for paying the city's water and sewer utility charges are responsible for paying the Street Maintenance Fee, if the property is located within the city limits.

(3) A request for water or sewer service will automatically initiate appropriate billing for the Street Maintenance Fee.

(4) The imposition of the Street Maintenance Fee shall be calculated on the basis of the number of residential or non-residential units supported, without regard to the number of water meters serving a particular property.

**3.908. Program Administration; Review.**

(1) Except as provided below, the City Manager shall be responsible for the administration of the Street Maintenance Fee program.

(2) The City Council will review the Street Maintenance Fee at least annually, as part of the budget development process of the City. Such review shall include, but is not limited to, a review of the amounts collected by the Street Maintenance Fee, the amounts spent on City Street maintenance and repair and the maintenance and repairs accomplished during the preceding year, the current and projected maintenance and repair needs of the City Street system, and the appropriateness of any scheduled increase in the Street Maintenance Fee under Section 3.902(6).

**3.910. Enforcement.**

(1) In addition to other lawful enforcement procedures, the city may enforce the collection of charges required by this chapter by withholding delivery of water to any premises where Street Maintenance Fees are delinquent or unpaid, and such other remedies as are provided for nonpayment of water and sewer fees.

(2) Notwithstanding any provision herein to the contrary, the city may institute any necessary legal proceedings to enforce the provisions of this chapter, including but not limited to injunctive relief and collection of charges owing. The city's enforcement rights shall be cumulative.

Section 2. This ordinance is repealed June 30, 2020.

Read for the first time:

Read for the second time:

Passed by the City Council:

Approved by the Mayor:

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

Ordinance - Page 4

ORDINANCE NO. 1716

An Ordinance amending provisions of the Dallas City Code Section 8.110; and adding new provisions, relating to State Building Code violations.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 8.110 is amended to read as follows:

“8.110. Violations; Penalties; Remedies.

“(1) No person, firm, corporation or other entity however organized shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the City, or cause the same to be done, contrary to or in violation of this code.

“(2) Violation of a provision of the State Building Codes shall be subject to an administrative civil penalty not to exceed \$1000 for each offense and shall be processed in accordance with the procedures set forth in Sections 8.115 to 8.125.

“(3) Each day that a violation of a provision of this ordinance exists constitutes a separate violation.

“(4) In addition to the above penalties, a condition caused or permitted to exist in violation of the State Building Codes is a public nuisance and may be abated by any of the procedures set forth under Sections 5.500 through 5.642 of the Dallas City Code.

“(5) The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under any ordinance, statute or law.

Section 2. The following provisions are added to and made a part of Dallas City Code Chapter 8:

“8.115. Building Official: Authority to Impose Administrative Civil Penalty.

“(1) Upon a determination by the building official that any person,

firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted thereunder, the building official may issue a notice of civil violation and impose upon the violator and any other responsible person an administrative civil penalty as provided by subsections (1) to (11) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

“(2) Prior to issuing an order to correct a violation under this section, the building official may pursue reasonable attempts to secure voluntary correction.

“(3) Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the building official shall issue an order to correct a violation to one or more of the responsible persons. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be not less than five calendar days.

“(4) After the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the building official may issue a notice of civil violation and impose an administrative civil penalty to each responsible persons to whom an order to correct was issued.

“(5) Notwithstanding subsections (2) and (3), the building official may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.

“(6) In imposing an administrative civil penalty authorized by this section, the building official shall consider:

“(a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

“(b) Any prior violations of statutes, rules, orders, and permits;

“(c) The gravity and magnitude of the violation;

“(d) Whether the violation was repeated or continuous;

“(e) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

“(f) The violator's cooperativeness and efforts to correct the violation; and

“(g) Any relevant rule of the building official.

“(7) Any notice of a civil violation that imposes an administrative civil penalty under this section shall either be served by personal service, or sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall include:

“(a) Reference to the particular code provision, ordinance number, or rule involved;

“(b) A short and plain statement of the matters asserted or charged;

“(c) A statement of the amount of the penalty or penalties imposed;

“(d) The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (5), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and

“(e) A statement of the party's right to appeal the civil penalty to the City Manager or the City Manager's designee, a

description of the process the party may use to appeal the civil penalty, and the deadline by which such an appeal must be filed.

“(8) Any person, firm, corporation or other entity however organized who is issued a notice of civil penalty may appeal the penalty to the City Manager or the City Manager’s designee, who shall not be the building official or building inspector. The provisions of Section 80.305 shall govern any requested appeal.

“(9) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Manager or the City Manager’s designee pursuant to, and within the time limits established by, Section 80.305.

“(11) Each day the violator fails to remedy the code violation shall constitute a separate violation.

“(12) The civil administrative penalty authorized by this section shall be in addition to:

“(a) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement; and

“(b) Any other actions authorized by law, provided that the City shall not issue a citation to Municipal Court for a violation of the State Building Codes.

“8.120. Appeal Procedures.

“(1) A person, firm, corporation or other entity however organized aggrieved by an administrative action of the building official taken pursuant to any section of this code that authorizes an appeal under this section may, within 10 days after the date of notice of the action, appeal in writing to the building official. The written appeal shall be accompanied by a nonrefundable appeal fee in an amount established by resolution of the council and shall include:

“(a) The name and address of the appellant;

“(b) The nature of the determination being appealed;

“(c) The reason the determination is incorrect; and

“(d) What the correct determination of the appeal should be.

“If a person, firm, corporation or other entity however organized appeals a civil penalty to the City Manager or the City Manager’s designee, the penalty shall become final, if at all, upon issuance of the City Manager’s or the City Manager’s designee’s decision affirming the imposition of the administrative civil penalty.

“(2) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

“(3) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Manager or the City Manager’s designee within 30 days of the receipt of the notice of intent to appeal. At least 10 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

“(4) The City Manager shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Manager or the City Manager’s designee deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The burden of proof shall be on the building official. The rules of evidence as used by courts of law do not apply.

“(5) The City Manager or the City Manager’s designee shall issue a written decision within 10 days of the hearing date. The written decision is final.

“(6) Failure to pay a penalty imposed hereunder within 10 days after the penalty becomes final as provided in subsections (1) or (5) shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by section 80.310, other provisions of this code, or state statutes.

“8.125 . Unpaid Penalties.

“(1) Failure to pay an administrative penalty imposed pursuant to this code within 10 days after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (2) below, other provisions of this code, or state statutes.

“(2) If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty become final, the building official shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the docket of City liens. At the time such an assessment is made, the building official shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the docket of City liens. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

“(3) In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.”

Section 3. All prior and conflicting ordinance provisions are hereby repealed.

Read for the first time: December 21, 2009  
Read for the second time: January 4, 2010  
Passed by the City Council: January 4, 2010  
Approved by the Mayor: January 4, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER