



# Dallas City Council Agenda

TUESDAY, September 7, 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

City Recorder  
Emily Gagner

*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.*

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. 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>	
4. 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>	
5. CONSENT AGENDA <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>	
a. Approve August 16, 2010 City Council Minutes <b>p. 3</b>	
b. Approve OLCC Application for New Outlet <b>p. 7</b>	
c. Acknowledge report of August 30 Public Safety Committee Meeting (no action items) <b>p. 13</b>	
d. Acknowledge report of August 30 Public Works Committee Meeting (no action items) <b>p. 16</b>	
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
8. REPORTS FROM CITY MANAGER AND STAFF	
a. Update on Little Caesar's Shakerboard Activity <b>p. 22</b>	Motion
b. Chamber of Commerce and Visitors Center Summerfest appreciation	Presentation

# 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.

c. Other

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## 9. RESOLUTIONS

- a. Resolution No. 3209: A Resolution Supporting Participation in a Working Group to Explore the Coordination and Sharing of Resources Between Fire and Rescue Agencies. [p. 23](#) Roll Call Vote

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## 10. FIRST READING OF ORDINANCE

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## 11. SECOND READING OF ORDINANCE

- a. Ordinance No. 1727: An Ordinance amending Dallas City Code Section 2.200 relating to Department Heads. [p. 24](#) Roll Call Vote
- b. Ordinance No. 1728: An Ordinance repealing Dallas City Code Section 6.115, relating to roller skates. [p. 25](#) Roll Call Vote
- c. Ordinance No. 1729: An Ordinance amending provisions of the Dallas City Code Sections 5.384 and 5.387, relating to dogs. [p. 26](#) Roll Call Vote

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## 12. OTHER BUSINESS

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## 13. ADJOURNMENT

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**DALLAS CITY COUNCIL**  
**Monday, August 16, 2010**  
**Council Chambers**

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4 The Dallas City Council met in regular session on Monday, August 16, 2010, at 7:00 p.m. in the  
5 Council Chambers of City Hall with Mayor Jim Fairchild presiding.

6 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

7 Council members present: Council President Brian Dalton, Councilor Warren Lamb, Councilor  
8 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,  
9 Councilor David Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.

10 Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City  
11 Manager Kim Marr, Finance Director Cecilia Ward, Fire Chief Bill Hahn, Public Works Director  
12 Fred Braun, Community Development Director Jason Locke, Police Chief John Teague, and  
13 Recording Secretary Emily Gagner.

14 Mayor Fairchild led the Pledge of Allegiance.

15 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

16 Mayor Fairchild asked for questions or comments from the audience on items other than those on  
17 the agenda.

18 Chelsea Pope, Executive Director of the Dallas Area Chamber of Commerce and Visitors Center,  
19 on behalf of both Boards thanked the Council and City staff for their support of Summerfest.  
20 She reported that Summerfest was a great success with more people on the lawn staying longer  
21 than ever this year than they had ever seen. She indicated staff was extremely helpful when  
22 needed and the Police were fantastic, with more officers engaging with the public and vendors  
23 than ever before. Mayor Fairchild, on behalf of the Council, told Ms. Pope she did a heck of a  
24 job and he heard nothing but positive comments throughout the event.

25 Ms. Pope announced that Outdoor Movie Night would start the following day, noting the movies  
26 would be staying with the pirate theme of Summerfest. She reported that August 26 would be  
27 family fun day for the Bounty Market and added she was hoping to extend the season through  
28 September.

29 **PUBLIC HEARINGS**

30 **CONSENT AGENDA**

31 It was moved by Councilor Wilson and seconded by Councilor Marshall to approve the Consent  
32 Agenda as presented. The motion carried unanimously.

33 Items approved by the Consent Agenda were: a) approve July 19, 2010 City Council minutes; b)  
34 approve IGA with SW Polk County Rural Fire Protection District for FY 10-11; c) acknowledge  
35 report of July 26 Administrative Committee meeting; d) acknowledge report of July 26 Building  
36 and Grounds Committee meeting; and e) acknowledge July monthly reports.

37 **ITEMS REMOVED FROM CONSENT AGENDA**

38 There were no items removed from the Consent Agenda.

39 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

40 Councilor Lamb reported that the Watershed Committee met recently and everyone is excited to  
41 move forward.

42 **REPORTS FROM CITY MANAGER AND STAFF**

43 **EMPLOYEE AND VOLUNTEER OF THE QUARTER**

44 Mr. Wyatt presented the volunteer of the quarter award to Linda Holmbo, who volunteers in the  
45 Library and helps out the Children's Librarian. Mr. Wyatt stated that the Library couldn't  
46 function as well as it does if it wasn't for the large number of great volunteers there. Ms.

1 Holmbo thanked Mr. Wyatt and the Council, noting she didn't expect recognition when she  
2 volunteered, so it was very special to receive that recognition.

3 Mr. Wyatt explained that Tina Paul was the employee of the quarter for the second quarter of  
4 2010. He indicated Ms. Paul runs the Aquatic Center and is a very loyal and dedicated  
5 employee.

#### 6 COMMUNITY ENTRANCE SIGNAGE

7 Mr. Wyatt explained staff had to remove the entrance sign on Monmouth Cutoff because of rot  
8 and other damage, noting the sign on Ellendale is in poor condition as well. He indicated staff  
9 felt it was time to look at replacing the entry signs to Dallas, noting there were several entry  
10 points the Council should look at. Mr. Wyatt asked for what parameters the Council wanted for  
11 staff to work within, and then staff would come back to the Council with proposals. He noted  
12 the entrance sign could be similar to the fountain at the entrance to downtown in appearance,  
13 although without the fountain element. He asked if the sign should be wood, stone, or brick.  
14 Councilor Scroggin stated Miller Avenue was becoming more of an entry way into Dallas and  
15 should have a sign. Councilor Marshall indicated the City should stay away from materials that  
16 could rot. Councilor Lamb asked if the item should be referred to the Building and Grounds  
17 Committee. Mr. Wyatt stated the conceptual designs could run through Committee before  
18 coming to the full Council. Councilor Scroggin reported that Rotary painted those signs about  
19 15 years ago and recommended the City talk to Rotary about upgrading the signs. Mayor  
20 Fairchild suggested opening up the process from the first to get design ideas from the  
21 community. He stated citizens could sketch out their idea and then the Committee could review  
22 the submissions, adding that would get more community involvement. Councilor Wilson  
23 advised that could get confusing, noting the City would have to come up with parameters about  
24 the size and what could or could not be done. Councilor Voves questioned whether the City  
25 even needed an entry sign, given the potential cost. Councilor Lamb commented that he didn't  
26 think the City should have an unmarked door to the community, adding the signs show respect  
27 for the community. Councilor Scroggin stated he liked the idea of a sign because it does define  
28 us as a City, but noted he would like to be cost-conscious too. Councilor Woods stated Dallas  
29 has always had a sign coming into town, adding he would just as soon have staff bring proposals  
30 to the Committee. He added there are several entries into town and the Council needs to look at  
31 labeling all of them. Councilor Lawson indicated she was not opposed to opening the design  
32 phase to the community, noting the City wouldn't have to use those ideas. Mayor Fairchild  
33 summarized that it was the consensus of the Council to move forward to explore entrance signs  
34 for Dallas and have staff move the proposals through Committee.

#### 35 KINGSBOROUGH PARK DESIGN MEETING

36 Mr. Wyatt stated that as staff has looked at park improvements, Kingsborough needed more  
37 improvements than just playground equipment, including items such as a stormwater detention  
38 pond. He indicated he would like to schedule a neighborhood meeting to get the park neighbors  
39 involved, noting staff would have a preliminary design and layout, but would welcome  
40 neighborhood input. He explained he would like to hold the meeting on-site. Councilor Lawson  
41 recommended having a set wish-list for residents to vote on instead of leaving it wide open. Mr.  
42 Wyatt indicated he could list those items that would fit in the budget, adding he could encourage  
43 citizens to donate to the park.

#### 44 OTHER

45 Mr. Wyatt introduced David Brautigam, the new Sports Coordination Specialist for the City,  
46 who has been on-board for two weeks.

47 Mr. Brautigam thanked the Council for the opportunity to work with the community, noting there  
48 is a lot of work to do, but that's why he's excited to get going. He indicated his primary  
49 objective is to get everyone involved with youth sports in the community on the same page and  
50 working toward the same goal. He stated there are a lot of great programs in Dallas, but they  
51 need to get communicating with each other and promoting each other.

52 Mayor Fairchild commented that he thought it was super to get the coordination between the  
53 groups. Councilor Lawson welcomed Mr. Brautigam.

1 Mayor Fairchild reviewed a proposed change to the Community Development Block Grant  
2 (CDBG) program that concerned him. He indicated the proposed changes would do away with  
3 the use of CDBG funding, except for infrastructure or microenterprise grants, which would mean  
4 things like fire stations and senior centers would no longer be allowed through the program.  
5 Mayor Fairchild indicated that if there were no objections from the Council, he would bring up  
6 his objection at the next LOC Board of Directors meeting and ask the League to oppose the  
7 proposed changes.

## 8 RESOLUTIONS

9 **Resolution No. 3207:** A Resolution establishing fees for reservation of Dallas City Park areas.

10 Mr. Wyatt explained this came from the Admin committee, adding it would not go into effect  
11 until January 2011. Councilor Lawson asked if this would address people reserving a shelter for  
12 the whole day and only using it for a few hours. Mr. Wyatt stated that was the intention.

13 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3207 to have PASSED  
14 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb,  
15 Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, Councilor David  
16 Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

17 **Resolution No. 3208:** A Resolution adopting the Dallas Emergency Operations Plan.

18 Mr. Wyatt stated this was reviewed in a recent work session.

19 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3208 to have PASSED  
20 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb,  
21 Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, Councilor David  
22 Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

## 23 FIRST READING OF ORDINANCE

24 **Ordinance No. 1727:** An Ordinance amending Dallas City Code Section 2.200 relating to  
25 Department Heads.

26 Mayor Fairchild explained this was a housekeeping item.

27 Mayor Fairchild declared Ordinance No. 1727 to have passed its first reading.

28 **Ordinance No. 1728:** An Ordinance repealing Dallas City Code Section 6.115, relating to roller  
29 skates.

30 Mayor Fairchild indicated this had been reviewed in committee.

31 Mayor Fairchild declared Ordinance No. 1728 to have passed its first reading.

32 **Ordinance No. 1729:** An Ordinance amending provisions of the Dallas City Code Sections  
33 5.384 and 5.387, relating to dogs.

34 Mayor Fairchild explained this was just to clean up the language in the code so it matched what  
35 staff actually did.

36 Mayor Fairchild declared Ordinance No. 1729 to have passed its first reading.

## 37 SECOND READING OF ORDINANCE

## 38 OTHER BUSINESS

39 Councilor Lamb asked for an update on the Blue Garden building. Mr. Wyatt stated the owner  
40 of the first floor now owns all three floors and is remodeling the top two floors right now. He  
41 added the owner had an idea for a business to go in there. Mr. Wyatt explained South Town  
42 Glass was willing to put blue glass tiles back on the building at cost and indicated he has  
43 reminded the owner that she qualifies for façade improvement grants and loans.

1 Councilor Scroggin asked about the house being torn down next to Wright's gas station. Mr.  
2 Wyatt stated the owner does have a demolition permit and is making slow progress. He  
3 recommended the Council encourage Mr. Wright to move forward quickly.

4 Councilor Wilson reported she had someone contact her about there being no handicap parking  
5 spaces at Chen's Restaurant. Mr. Shetterly indicated that was a state law. Mayor Fairchild  
6 stated he would have staff look into it.

7 There being no further business, the meeting adjourned at 7:57 p.m.

8 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

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ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Manager

DRAFT

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 5 b</b>	<b>Topic:</b> OLCC Liquor License Application for New Outlet
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> September 7, 2010	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

With approval of the Consent Agenda, the Council would recommend to the OLCC that the license be granted.

BACKGROUND:

The City received an OLCC application for a new outlet at 210 W Ellendale Avenue, Suite 103 for US Market #225, LLC.

The Police Chief has reviewed the application and found no items of concern.

FISCAL IMPACT:

None

ATTACHMENTS:

OLCC License Application for US Market #225, LLC

# Memo

TO: Jerry Wyatt

FROM: Chief John Teague 

RE: OLCC Application: *US Market @ 210 W Ellendale, #103*  
*Owner: - Din Mehar*

DATE: August 25, 2010

An OLCC application was received by our department on August 24, 2010, requesting an Off-Premises Sales License for the above location. A routine incident check was performed and we have found no items of concern.

ENT'D AUG 09 2010



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

COPY

AUG 24 2010

Application is being made for:

LICENSE TYPES

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

ACTIONS

- Change Ownership
New Outlet
Greater Privilege
Additional Privilege
Other

CITY AND COUNTY USE ONLY

Date application received:

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
Denied

By: (signature) (date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by: LVB

Date: 8/10

90-day authority: Yes No

90-DAY AUTHORITY

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

APPLYING AS:

- Limited Partnership
Corporation
Limited Liability Company
Individuals

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

1 US Market #225, LLC

2

2. Trade Name (dba): US Market #225

3. Business Location: 210 W. Ellendale Ave. Ste. 103 Dallas Polk, OR 97338

4. Business Mailing Address: 1038 Broadway NE Salem OR 97301

5. Business Numbers: 503-391-8889 503-362-2519

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

7. If yes to whom: N/A Type of License: N/A

8. Former Business Name: N/A

9. Will you have a manager? Yes No Name: Mehar Din

10. What is the local governing body where your business is located? Polk County

11. Contact person for this application: Mehar Din 503-302-4866

1038 Broadway 503-362-2519 USMKT@comcast.net

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

Applicant(s) Signature(s) and Date:

1 [Signature] Date 7/28/10

2 [Signature] Date

AUG 06 2010

SALEM REGIONAL OFFICE



OREGON LIQUOR CONTROL COMMISSION  
INDIVIDUAL HISTORY

Name Scan   
Incident Scan   
DL   
CCH   
Date 8/24/10 by SW

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): US Marker #225 City: DALLAS

1. Name: DiD Mehar  
(last) (first) (middle)

2. Other names used (maiden, other): [REDACTED]

3. Residence Address: [REDACTED]  
(number and street) (city) (state) (ZIP code)

4. Home Phone: [REDACTED] Business Phone: (503) 391-8889

5. \*SSN: [REDACTED] Place of Birth: [REDACTED] DOB: [REDACTED] Sex: M  F   
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: [REDACTED] State: OREGON Spouse's name: N/A

7. List all states, other than Oregon, where you have lived during the past ten years:  
NONE

8. Do you currently hold, or have you ever held a liquor license in this or any other state?  Yes  No  
If yes, when, where and name of premises? US MKT #185 in Corvallis, US #165 in Portland

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? toledo food fair in toledo Yes  No   
If yes, what, when and where?

10. Have you ever entered into a diversion agreement? Yes  No   
If yes, when and where?

11. Do you have any arrests or citations that have not been resolved? Yes  No   
If yes, arrested/cited for: Date: County/City/State/

12. If you are applying for a retail liquor license:  
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol?  Yes  No If yes, what and where:  
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes  No  If yes, who?

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes  No  If yes, when: where:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [Signature] Date: 7/28/10

**\*SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.  
Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:  
Applicant Signature: [Signature] Date: 7/28/10

OSP/DMV  
Search Completed

(rev. 12/07)

AUG 10 2010



1-800-452-OLCC (6522)  
www.oregon.gov/olcc

INITIALS: [Signature] Page 10 of 34



OREGON LIQUOR CONTROL COMMISSION  
**LIMITED LIABILITY COMPANY QUESTIONNAIRE**

● See section 2 of Guide for help with this form

Please Print or Type

LLC Name: US Market #225, LLC Year Filed: 2010  
 Trade Name (dba): US Market #225  
 Business Location Address: 210 W. Ellendale Ave. Ste 103  
 City: DALLAS ZIP Code: 97338

**List Members of LLC:**

**Percentage of Membership Interest:**

1. Mehar Din  
(managing member)
2. \_\_\_\_\_  
(members)
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

100%  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)*

Server Education Designee: \_\_\_\_\_ DOB: \_\_\_\_\_

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

Signature:  Date: 7/28/10  
 (name) (title)

**1-800-452-OLCC (6522)**

[www.oregon.gov/olcc](http://www.oregon.gov/olcc)

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION  
BUSINESS INFORMATION

Please Print or Type

Applicant Name: US Market # 225 LLC Phone: 503-391-8889 <sup>Temporary #</sup>  
Trade Name (dba): US Market # 225  
Business Location Address: 210 W. Ellendale Ave STE 103  
City: DALLAS ZIP Code: 97338

**DAYS AND HOURS OF OPERATION**

Business Hours:	Outdoor Area Hours: <sup>N/A</sup>	The outdoor area is used for: <sup>N/A</sup>
Sunday <u>7a</u> to <u>12a</u>	Sunday _____ to _____	<input type="checkbox"/> Food service Hours: _____ to _____
Monday <u>6a</u> to <u>12a</u>	Monday _____ to _____	<input type="checkbox"/> Alcohol service Hours: _____ to _____
Tuesday <u>6a</u> to <u>12a</u>	Tuesday _____ to _____	<input type="checkbox"/> Enclosed, how _____
Wednesday <u>6a</u> to <u>12a</u>	Wednesday _____ to _____	The exterior area is adequately viewed and/or supervised by Service Permittees.
Thursday <u>6a</u> to <u>12a</u>	Thursday _____ to _____	_____ (Investigator's Initials)
Friday <u>6a</u> to <u>12a</u>	Friday _____ to _____	
Saturday <u>7a</u> to <u>12a</u>	Saturday _____ to _____	

Seasonal Variations:  Yes  No If yes, explain: \_\_\_\_\_

**ENTERTAINMENT**

Check all that apply: <sup>N/A</sup>

- Live Music
- Recorded Music
- DJ Music
- Dancing
- Nude Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: \_\_\_\_\_

**DAYS & HOURS OF LIVE OR DJ MUSIC**

<sup>N/A</sup>

Sunday \_\_\_\_\_ to \_\_\_\_\_  
Monday \_\_\_\_\_ to \_\_\_\_\_  
Tuesday \_\_\_\_\_ to \_\_\_\_\_  
Wednesday \_\_\_\_\_ to \_\_\_\_\_  
Thursday \_\_\_\_\_ to \_\_\_\_\_  
Friday \_\_\_\_\_ to \_\_\_\_\_  
Saturday \_\_\_\_\_ to \_\_\_\_\_

**SEATING COUNT**

<sup>N/A</sup>

Restaurant: \_\_\_\_\_ Outdoor: \_\_\_\_\_  
Lounge: \_\_\_\_\_ Other (explain): \_\_\_\_\_  
Banquet: \_\_\_\_\_ Total Seating: \_\_\_\_\_

**OLCC USE ONLY**

Investigator Verified Seating: \_\_\_\_\_(Y) \_\_\_\_\_(N)  
Investigator Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

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

Applicant Signature: [Signature] Date: 7/28/10

1-800-452-OLCC (6522)  
www.oregon.gov/olcc

(rev. 12/07)

Members Present: Chair Warren Lamb, Brian Dalton, Jackie Lawson, Wes Scroggin, and LaVonne Wilson.

Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim Marr, City Attorney Lane Shetterly, Police Chief John Teague, Fire Chief Bill Hahn, Public Works Director Fred Braun, and Recording Secretary Emily Gagner.

Chair Lamb called the meeting to order at 4:00 p.m.

### **Fire Chief's Report**

Chief Hahn indicated that at the budget hearings the past spring, it was recommended staff look at different funding options for the Fire and EMS Departments. He reported that he has met with the Special Districts Representative who works with Southwest Polk County Rural Fire Protection District (SWPCRFDP) and they have a program where the City could enter into a work group to explore three funding options with them. The first option would be to evaluate funding within the Southwest Polk County Rural Fire Protection District to see if the City's joining the district would be fiscally feasible. The second option would be to develop a district separate from what there currently is. The third option would be to maintain the current system. Chief Hahn asked the Public Safety Committee to recommend to the Council to approve a resolution allowing the City staff to join in the work group to evaluate the three options. Chief Hahn noted this is not something that would automatically be completed adding it would take some time.

Councilor Wilson moved to recommend to the Council to approve the resolution allowing the City to join the work group to explore the coordination of fire and rescue services. The motion was seconded and carried unanimously.

Chief Hahn showed the Committee an informational brochure about a product that would include a monitor in the truck bay. When a call came in for fire or ambulance response, those responding could push a button on their cell phone that would indicate they were available and responding to the station, and that information would display on the monitor. This would allow the duty officer to better coordinate when trucks could leave the station and to know if a second fire siren was needed to get better response. Chief Hahn indicated staff is evaluating the system to see if it would work for us, adding with a proposal to split the cost between the City and Rural it would only cost the City about \$1,200. In response to a question, Chief Hahn stated that would fall within their discretionary budget.

Chief Hahn stated FireMed open enrollment would be starting in September, adding renewal forms had been mailed to current members. He noted staff would be pursuing the open enrollment more heavily this year than in the past.

### **Police Chief's Report**

Chief Teague discussed the difference in crime between Dallas and Marion County, adding residents have it good in Dallas. He stated the reason for that is a combination of policing and what the Community Development department does to keep Dallas livable. Chief Teague noted once crime comes in to a City, it is very difficult for the police to catch up. In response to a question, Chief Teague stated the Council needs to make sure the streets are kept nice and nuisance enforcement remains a priority. He commented that currently, Dallas doesn't have any terrible neighborhoods in town. Councilor Lawson asked if he was seeing a rise in tagging incidents. Chief Teague reported there is no common theme in Dallas with the

1 tagging, so it does not seem to be the problem it is in Salem, for instance, where there is a rise in Russian  
2 tagging.

3 Chief Teague reported that with regard to marijuana dispensaries, which are not currently in Dallas, there  
4 is an initiative on the ballot to allow regulated marijuana dispensaries. He stated the city of Ukiah in Cali-  
5 fornia has gotten around having that type of business by passing a City regulation that all businesses in  
6 city limits must comply with all federal and state laws. He indicated the Council may want to look at that  
7 in the future if there ever becomes a problem.

8 **Other**

9 There was no other business and the meeting was adjourned at 4:35.

## **MEETING AGENDA**

### **PUBLIC SAFETY COMMITTEE**

Monday, August 30, 2010

4:00 p.m.

Warren Lamb, Chair  
Brian Dalton  
Jackie Lawson  
Wes Scroggin  
LaVonne Wilson

1. Police Chief's report
2. Fire Chief's report
3. Other
4. Adjourn

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Members Present: Chair Wes Scroggin, Brian Dalton, Warren Lamb, Jackie Lawson and LaVonne Wilson.

Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim Marr, City Attorney Lane Shetterly, Public Works Director Fred Braun, and Recording Secretary Emily Gagner.

Chair Scroggin called the meeting to order at 4:35 p.m.

**Request for Veterans Memorial Bridge**

Mr. Wyatt indicated a veteran recently came in and asked staff to present to the Council a request to name one of our bridges a “Veterans Memorial Bridge,” noting Levens Street bridge would make the most sense. Councilor Lawson stated she loved the idea and the City needs to honor our vets as much as we can. There was some discussion about working with the local VFW or American Legion Post to work together to get signage on the bridge. City Attorney Shetterly noted the Council could dedicate it on November 11, adding it would just require a resolution designating it as a Veterans Memorial Bridge. The consensus of the committee was to have the City Attorney draft a resolution.

**Public Works Services Survey**

Mr. Braun reported that he was working on a Public Works Services survey. He indicated after the street fee election defeat, he felt it was important to see how the community feels, noting they could have been telling us not to worry about our streets right now, or they could have been telling us to cut other areas in order to maintain the streets. He stated the survey will also ask if residents would be willing to support a bond measure or other revenue generating ideas. Mr. Braun mentioned the survey would go out with the utility bills and he noted the possibility of offering a \$5 credit on the utility bill for completing the survey. He noted the survey even with a credit would save the City money because a phone survey would cost between \$25 and 30 thousand. Councilor Scroggin commented that the City always says money is tight, so he knows people will ask where the money for the \$5 credit will come from. There was further discussion and the consensus was to eliminate the \$5 utility bill credit. Councilor Lamb and Council President Dalton were in favor of a \$1 utility bill credit and Councilors Wilson, Scroggin, and Lamb felt no credit should be offered.

**Water Supply Update**

Mr. Braun indicated that Mercer Reservoir is two feet below overflow, adding if there was no rain between now and February, we’d still have plenty of water.

**Lead Testing**

Mr. Braun reported that staff got 55 of the 60 samples they needed last week, noting preliminary tests look promising. He stated we should have the final results in a couple weeks and they should be well below the action level.

1 **ASR Update**

2 Mr. Braun indicated everything is working well with the ASR, noting each injection is conditioning  
3 the aquifer allowing staff to get more out each year.

4 Council President Dalton asked if staff had to treat the water more extensively that we thought. Mr.  
5 Braun stated as planned the only requirement is rechlorination. He noted as the aquifer gets condi-  
6 tioned, we are able to withdraw more water, adding eventually we will be able to recover all 50 mil-  
7 lion gallons each year.

8 Councilor Scroggin asked if most residents were aware of the ASR. Mr. Braun acknowledged most  
9 do not. Councilor Scroggin asked if staff could add something to the water bill about what a savings  
10 the ASR is for our residents. Mr. Braun indicated he could put together a flyer for inclusion in the  
11 utility bill.

12 **Leaf Harvest**

13 Mr. Braun reported that due to a reduced budget, staff would have to cut back on the normal leave  
14 harvest, which used to start in October and continue through December. He indicated the budget  
15 would allow for two one-week pick-up times throughout the fall, adding staff would also set up three  
16 drop-off points for residents to bring their leaves. He added we can also remind residents they can  
17 use their yard debris bins from the garbage company. Council President Dalton asked if the City  
18 would be cutting back on snow removal as well. Mr. Braun stated there is no overtime budget in the  
19 Streets fund, noting staff would respond, but without any overtime.

20 There was some discussion about the need to get the word out to residents so they didn't put leaves  
21 out anyway. Mayor Fairchild stated it is important to point out to residents that this would be a  
22 compacted season. He added the City needs to explain we are still trying to give our citizens this  
23 service, but it needed to be reduced because of the street fee.

24 **Water Pressure/Flow Information**

25 Mr. Braun indicated there is new information on the website regarding water pressure and flow is-  
26 sues. He noted our water pressure is always above state minimums.

27 **Watershed Management Group Update**

28 Mr. Wyatt reported the group met recently and they are working on some questions about the direc-  
29 tion of the group and the study itself before coming back to the Council. In response to a question,  
30 he stated there were about 15 members in the group including people from Polk Soil and Water,  
31 Rickreall Watershed Council, forest practitioners, and loggers. He noted they would come to the  
32 Council with strategies for maintaining the watershed.

33 **Water Operations/Maintenance Study**

1 Mr. Braun stated staff was looking at having a peer review of operations at the Water Plant to make  
2 sure the City is doing things the best we can. He noted we would probably contract with CH2M Hill  
3 or OMI and the cost of the study is in the current budget.

#### 4 **Public Works Director's Report**

5 Mr. Braun reported that he met with ODOT and we have a commitment from them to jointly repave  
6 Jefferson Street next June. He indicated it would be a partnership similar to what we had with Fair-  
7 view and would add about 7 years of life to the street for a cost of about \$50,000 to the City and  
8 another \$50,000 to ODOT.

9 Mr. Braun stated crews would be working in September to replace a very old sewer line on Court  
10 Street from Main to Church Street.

#### 11 **Other**

12 City Attorney Shetterly asked when the plates on Ellendale would be removed. Mr. Wyatt stated the  
13 street was scheduled to be repaired in September.

14 Councilor Lamb stated he was impressed with the work crews were doing on Clay Street to make it  
15 as drivable as possible.

16 Mr. Braun reported that the AMR update is continuing and staff is working the bugs out with the  
17 new finance software. He indicated each billing cycle is better and they are about 98% there.

18 There was no other business and the meeting was adjourned at 5:17 p.m.

## **MEETING AGENDA**

### **PUBLIC WORKS COMMITTEE**

Monday, August 30, 2010

4:00 p.m.

Wes Scroggin, Chair  
Brian Dalton  
Warren Lamb  
Jackie Lawson  
LaVonne Wilson

1. Request for Veterans' Memorial Bridge
2. Public Works Services Survey
3. Water supply update
4. Lead testing
5. ASR update
6. Leaf harvest
7. Water pressure/flow information
8. Watershed management group update
9. Water operations/maintenance study
10. Public Works Director's Report
11. Other
12. Adjourn



**City of Dallas Department of Public Works  
2010 Community Survey**

City leaders would like your input to set community priorities for the Department of Public Works. Over the last several years, the department has reduced staffing by over 25%. We continue to strive to provide all of the same services with a reduced staff and budget. In order to continue to provide quality service, we must focus on service priorities.

**1) Public Works Services – Indicate whether you are very satisfied, satisfied, or unsatisfied with the following Public Works and utility maintenance services provided by the City of Dallas.**

		Very Satisfied	Satisfied	Unsatisfied	Don't Know
A	Street repair & maintenance				
B	Street sweeping				
C	Leaf collection				
D	Snow removal				
E	Street lighting				
F	Tree trimming, roadside grass mowing & weed abatement				
G	Sewer maintenance & cleaning				
H	Storm drainage maintenance & flood control				
I	Quality of drinking water				
J	Reliability of the supply of drinking water				

If you indicated that you are unsatisfied with any of the above services, please let us know why: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**2) Which three (3) of the above Public Works services are the least important for the City to provide:** (Please circle your responses)    A   B   C   D   E   F   G   H   I   J

**3) Which three (3) of the above Public Works services are the most important for the City to provide:** (Please circle your responses)    A   B   C   D   E   F   G   H   I   J

In May 2010, Dallas voters overwhelmingly rejected a proposed fee to fund street maintenance. The City is now faced with the dilemma of either not maintaining many streets or cutting other services in order to maintain the streets.

**4) Please indicate your preference for street maintenance:**

- A) Street maintenance should not be a priority at this time.
- B) Street maintenance is too important to neglect and other service areas should be cut in order to fund adequate street maintenance.

If your preference in #4 was B, please indicate which of the following service cuts should be made:

Potential Street Service Cuts:  Please check the activities that should be considered for service cuts in order to fund street maintenance.		Eliminate this service	Make severe cuts (50-75%)	Make significant cuts (20-50%)	Make only minor cuts (< 10%)	Do not cut this service
		1	2	3	4	5
A	Street sweeping (\$65,000 budget)					
B	Leaf collection (\$15,000 budget)					
C	Snow removal (\$10,000 budget)					
D	Street lighting (\$100,000 budget)					
E	Tree trimming, roadside grass mowing & weed abatement (\$30,000 budget)					
F	Roadside safety – signals, signs & striping (\$50,000 budget)					
G	Other – please list:					

**5) Should the City consider cuts to the General Fund (e.g. Police, Fire, Ambulance, Library, Parks) in order to fund street maintenance?**

YES  NO  DON'T KNOW

**6) Should the City consider other potential revenue sources in order to fund street maintenance?**

YES  NO  DON'T KNOW

**7) If your response to #6 was "Yes," please indicate which of the following revenue sources for street maintenance you would be likely to support:**

- Local Bond Measure** (to be decided by registered voters)
- Neighborhood Assessment Districts** (to be decided by and paid for by property owners in a neighborhood)
- Other suggestions, please list** (use additional paper if necessary): \_\_\_\_\_

Name and Address (optional): \_\_\_\_\_

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 8a</b>	<b>Topic:</b> Update on Little Caesar's Shakerboard Activity
<b>Prepared By:</b> Jason Locke, Com Dev Director	<b>Meeting Date:</b> September 7, 2010	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED ACTION:**

Move to approve the continued use of the shakerboard by Little Caesar's Pizza in the manner and location specified in the previous approval (limited the number of shakerboarders to one and that they be limited from the intersection of Jasper Street westward to the driveway access at Jasper Crossing).

**BACKGROUND:**

On May 17, 2010, the City Council granted Little Caesar's Pizza permission to use shakerboarders with the conditions that limited the number of shakerboarders to one (1) at any given time and that they are limited from the intersection of Jasper Street westward to the driveway access at Jasper Crossing. In addition, the Council considered this a trial (to run until September 1) and asked that staff report back at that time. At this time, there have been no issues or complaints associated with the shakerboard activity that staff is aware of. On the issue of economic impact, a representative of Little Caesar's will be at the Council meeting to give an oral report.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

None

RESOLUTION NO. 3209

A Resolution Supporting Participation in a Working Group to Explore the Coordination and Sharing of Resources Between Fire and Rescue Agencies.

WHEREAS, fire and rescue agencies provide essential life safety services that benefit the health and welfare of our citizens; and

WHEREAS, the Southwest Polk Rural Fire Protection District and the Falls City Fire Department and Ambulance Department provide fire and rescue services within the immediate vicinity of the area served by the City of Dallas Fire and Ambulance Departments; and

WHEREAS, efficiencies in providing fire and rescue services may be achievable through the coordination and sharing of resources between certain proximate fire and rescue agencies; and

WHEREAS, the Southwest Polk Rural Fire Protection District and the Falls City Fire Department and Ambulance Department have expressed interest in exploring with the City of Dallas means of improving efficiencies through coordination and sharing of resources;

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

Section 1. The City Council of the City of Dallas, determines that it is in the best interest of the City to participate in a working group with the Southwest Polk Rural Fire Protection District and the Falls City Fire Department and Ambulance Department to explore the coordination of fire and rescue services and the sharing of resources between them.

Section 2. The City Manager and a member of the City Council, to be appointed by the Council, shall serve as representatives of the City of Dallas on a working group to explore the coordination and sharing of resources between the agencies.

Section 3. The City Manager is authorized to appoint a member or members from the City of Dallas Fire and Ambulance staff and volunteers to a technical group that may report to the working group on matters relating to the coordination and sharing of resources between the agencies.

Adopted: September 7, 2010  
Approved: September 7, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1727

An Ordinance amending Dallas City Code Section 2.200 relating to Department Heads.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 2.200 is hereby amended to read as follows:

2.200 Department Heads.

Titles of city department heads are as follows:

- (1) The head of the police department shall be known as the "chief of police."
- (2) The head of the public works department shall be known as the "director of public works."
- (3) The head of the community development department shall be known as the "director of community development."
- (4) The head of the finance department shall be known as the "finance director."

Read for the first time: August 16, 2010  
Read for the second time: September 7, 2010  
Passed by the City Council: September 7, 2010  
Approved by the Mayor: September 7, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1728

An Ordinance repealing Dallas City Code Section 6.115, relating to roller skates.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 6.115, "Use of Roller Skates Prohibited," is hereby repealed.

Read for the first time: August 16, 2010  
Read for the second time: September 7, 2010  
Passed by the City Council: September 7, 2010  
Approved by the Mayor: September 7, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1729

An Ordinance amending provisions of the Dallas City Code Sections 5.384 and 5.387, relating to dogs.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.384 is hereby amended to read as follows:

5.384 Impoundment.

(1) When a dog is impounded under authority of section [5.380](#), the dog control officer shall give written notice to the owner or custodian of the dog, either by personal service or by posting notice on the front door to the owner or custodian's residence, if the dog has, on a tag or otherwise on the dog, information sufficient to enable the dog control officer to serve the owner or if the dog control officer has actual knowledge sufficient to enable the dog control officer to serve the owner.

(a) Such notice shall state the name of the dog, if known, a general description of the dog, the date it was impounded, the amount of the daily boarding fee and the redemption fee, that a license for the dog must be obtained before redemption, and the date after which the dog may be humanely killed or adopted if the dog has not been redeemed.

(2) The owner or custodian of the dog may reclaim the animal by paying a daily boarding fee and a redemption fee in the amounts set by resolution of the Council.

(3) No dog required to be licensed under section [5.382](#), that does not have a current license when impounded, shall be released from impoundment until the owner or custodian has obtained a license for the dog as provided by section [5.382](#). In addition, if the dog is (a) unlicensed or (b) licensed but not displaying the license tag required to be displayed under section [5.382](#)(3), the owner or custodian shall implant the dog with microchip identification and registration with an approved national database, and provide proof of such registration within seven days after release from impoundment.

(4) If, at the expiration of five days after notice was given, the owner or custodian has failed to reclaim the dog and pay the fees, the dog may be

humanely killed or ownership thereof may be transferred to a new owner (adoption) provided the prospective new owner prepays the actual cost of spaying or neutering (which funds shall be transferred to the veterinarian performing the procedure) and thereafter actually has the dog spayed or neutered. The fee for adoption shall be set by resolution. The Chief of Police, or his or her designee, may waive the requirement that the dog be spayed or neutered if, in his or her opinion, it would be unlikely that the dog would deliver or cause unwanted puppies. A prospective new owner may appeal the decision on the waiver to the City Manager by paying an appeal fee set by resolution. The fee for the adoption of a dog shall be set by resolution provided that fee shall be equal to the cost of neutering or spaying the dog if that requirement is imposed.

(5) If a written notice as described in subsection (1) above cannot be given within five days of impoundment, the dog may thereafter be humanely killed or adopted under the provisions of subsection (4).

Section 2. Dallas City Code Section 5.380 is hereby amended to read as follows:

5.387 Dangerous Dogs.

(1) Definitions: For purposes of this section, the following mean:

Business day. A day the Dallas City Hall is open for business.

Chief. The Chief of the Dallas Police Department, or the Chief's designee.

City. City of Dallas, Oregon.

Keeper. The person in actual or constructive charge of a dog at the time an alleged dangerous act occurs.

Menaces or menacing. Lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person's safety.

Notice. A dangerous dog notice.

Officer. A police officer, the City of Dallas Dog Control Officer, and the Polk County Dog Control Officer.

Order. A dangerous dog order.

Owner. The person(s) named on the dog's license as the owner, and if a dog is not licensed, the person(s) who claim ownership of the dog.

Provoking. Acting in a manner which a reasonable person would believe would cause the dog to act as a dangerous dog.

(2) A dog is a dangerous dog if it:

(a) Attacks, bites or otherwise injures any person or other domestic animal; or

(b) Menaces any person.

(3) Exception to dog as a dangerous dog. A dog is not a dangerous dog if it commits an act described in subsection (2) herein against a person:

(a) Wrongfully assaulting the dog, the dog's owner, or another person;

(b) Provoking the dog;

(c) Trespassing upon premises occupied by the dog's owner, or upon other premises where the dog is present with the consent of the person(s) in charge of that premises; and

(i) Provoking the dog;

(ii) Intending to commit an additional crime; or

(iii) After climbing over a fence or other enclosure with knowledge that the dog is enclosed.

(4) Reasonable restrictions. Upon a finding that a dog is a dangerous dog, the owner of the dog can be ordered to impose reasonable restrictions on the dog, including, but not limited to the following:

(a) Posting signs with "Beware!! Dangerous Dog!!" in letters not less than three inches high, which clearly contrast with the background color of the sign, on each portion of a fence or other enclosure that faces a sidewalk, street, or alley and encloses the dog, and one sign in any unenclosed area accessible to the dog when not under the direct control of the owner;

(b) Confining the dog in an outdoor kennel constructed of not less than nine gauge chain link with each side panel and roof panel reinforced on all four sides with a tension bar. The kennel shall be kept locked at all times the dog is in the kennel;

(c) Requiring the dog to be restrained by an adequate leash and muzzle and be under the direct control of the owner at all times when off the owner's property;

(d) Requiring any area to which the dog has access when not under the direct control of the owner to be enclosed by fencing not less than six feet high or such other height as is allowed by the Dallas Development Code, and constructed of materials and in a manner adequate to prevent escape;

(e) Impounding the dog, at the owner's expense, until other imposed reasonable restrictions are in place;

(f) Prohibiting the dog from remaining in and/ or returning to the city;

(g) Implantation of an identifying microchip in accordance with the rules of the State Department of Agriculture. Implantation shall be made prior to any adoption or relocation of the dog. The microchip information and the record of the dog shall be forwarded to the Department of Agriculture. City and the Department of Agriculture may charge reasonable fees to the dog owner to cover the cost of conducting and administering the microchip implantation program;

(h) Requiring the dog to be euthanized in a humane manner. In determining whether a dangerous dog should be euthanized, the Chief shall consider the following factors:

(i) The circumstances of the bite, including whether the dog was provoked by the person bitten or any other person;

(ii) Whether the owner has a history of owning or keeping dangerous dogs, or a history of allowing dog(s) to run at large, within the city or at any other location;

(iii) The impact of owner's actions on the behavior of the dog;

(iv) The severity of the bite;

(v) The ability and inclination of the owner to prevent the dog from behaving as a dangerous dog;

(vi) Whether the dog can be relocated to a secure facility;

(vii) The effect that a transfer of ownership would have on ensuring public safety;

(viii) Whether the dog acted as a dangerous dog prior to or after the notice and/or order; and

(ix) Any other factors the decision maker may deem relevant.

(i) Any other restrictions which, under the circumstances presented, are reasonably necessary to prevent the dog from committing further dangerous acts as defined herein.

(5) Bite of persons. In addition to the provisions of this chapter, a dog which bites a person shall be dealt with under rules of the Oregon Health Division Acute and Communicable Diseases Program.

(6) Dangerous dog notice. Any officer with reasonable grounds to believe a dog is a dangerous dog may issue the dog's owner written notice which includes the following:

(a) That the dog is considered dangerous;

(b) A description of the alleged dangerous act, including the date, time, and approximate location where the dangerous act occurred;

(c) Temporary restrictions which are immediately effective;

(d) The penalties for failures to institute and/or maintain temporary and/or permanent restrictions;

(e) The name, address, and telephone number of the owner;

(f) That the owner may request a hearing on the notice by submitting a request to the Chief within ten business days of the date the notice was issued and if a hearing is not requested, that the notice shall, without further action, constitute a dangerous dog order.

(g) Owner to be served. If not initially served, the person named as the dog's owner on the dog's license shall be served the notice. If the dog is not licensed, or the owner cannot be determined or found, the dog

may be impounded and notice of the impoundment shall be served personally or by mail upon the owner at the owner's last know address. The dog shall remain impounded until the owner redeems the dog, complies with all regulations for the redemption of impounded dogs, and the owner is served the notice, if not previously served. If the owner fails to redeem the dog within 15 business days from the date of impoundment or within 15 business days of the date the final dangerous dog order was issued, the dog may be euthanized in a humane manner or adopted if the Chief is of the opinion that public safety will not be jeopardized by the adoption. Failure to serve the owner shall not preclude a dangerous dog proceeding.

(7) Emergency temporary restrictions. If an officer issuing a notice has reasonable grounds to believe the dog alleged to be dangerous will, before an order can be entered, commit another act described in subsection (2) herein, the officer, at any time prior to the entry of an order, may, in the original notice or in an amended notice, impose temporary reasonable restrictions, except euthanasia, to keep the dog from committing another such act. The temporary restrictions shall be effective upon service of such notice.

(8) Conduct of hearing. The hearing before the Chief shall be held within ten business days of the date the notice was issued, and shall be informal, with such rules of evidence and procedure as the Chief believes are necessary for the reliability and expediency of the hearing, subject to the following:

(a) Proof of payment required. Before a hearing is scheduled, the owner must present written proof that all kennel, licensing, and veterinary costs of the dog have been paid in full. Additionally, if the dog will be impounded until the hearing takes place, kennel costs must be pre-paid for a period of time which ends 14 calendar days after the date of the hearing;

(b) The officer who issued the notice may appear by report only. The person requesting the hearing, and any witnesses, may appear personally, by telephone, or by written statement;

(c) The Chief shall cause notice of the date of the hearing to be mailed to the owner on the same day the Chief sets the hearing. The owner shall be entitled to one rescheduling by submitting a written request to the Chief which includes acknowledgment that any temporary restrictions will continue until the Chief's decision is issued;

(d) The Chief shall issue a written decision which affirms, modifies, or dismisses the notice and, unless dismissed, which sets forth any modifications to the reasonable restrictions set forth in the notice, within five business days of the hearing. The notice and the Chief's decision shall constitute an order;

(e) The Chief may only recommend euthanasia as a reasonable restriction. There shall be automatic review by the Municipal Court pursuant to subsection (10) herein, without a filing fee, of each case where the Chief recommends euthanasia.

(f) The order shall be mailed to the owner within five business days after the hearing. The decision shall include a statement that the recipient of the Chief's decision is entitled to appeal the Chief's decision to the Municipal Court by filing a notice of appeal and a \$150 non-refundable filing fee with the Municipal Court within ten business days after the date the decision and dangerous dog order is mailed; and

(g) Failure to serve the owner shall not preclude the availability of a hearing nor the effectiveness of the order.

(9) Proof of compliance. The owner shall provide acceptable proof of compliance with the emergency temporary restrictions, and/or the terms of an order to the Chief on or before the tenth business day after service of the notice or order.

(a) If proof of compliance is not provided within said ten days, there is a rebuttable presumption of a failure to comply. If the Chief finds the proof which was submitted is unacceptable, the Chief shall send notice of that finding to the owner within five business days after the proof was submitted and the owner shall have ten business days from the date the finding was mailed to provide acceptable proof of compliance and upon a failure to do so, there is a rebuttable presumption of a failure to comply and the owner may then be cited into the Dallas Municipal Court under subsection (11)(a) herein.

(b) A dog which is subject to emergency temporary restrictions and/ or an order may be seized and impounded by an officer until proof of compliance under subparagraph (a) above is received.

(10) Appeal. The owner may appeal the Chief's decision to the

Municipal Court by filing a written request, with the owner's name, address, telephone number, and the address where the dog is kept, if different, and except when euthanasia is recommended, a \$150 fee with the court within ten business days after the Chief's order was mailed. The appeal to the Municipal Court shall be de novo. The filing of an appeal does not stay the order.

(a) The Municipal Court shall schedule the hearing on the appeal for a date which is not more than ten business days after the Municipal Court receives the record, if the dog is impounded, or otherwise within 30 calendar days, and shall immediately provide written notice to the appellant, the Chief, and to the officer who issued the notice, of the hearing date.

(b) The Municipal Court's decision shall be issued and mailed to owner and the Chief within five business days of the date of the hearing, if the dog is impounded, or otherwise within 30 calendar days, and shall be effective when personally served upon the owner, or three business days after it is mailed to the owner at the address in the appeal request, whichever first occurs.

(11) Violations.

(a) An owner who is served a notice and/or order, or who otherwise is aware of the restrictions in the notice and/or order, and fails to immediately institute and maintain such restrictions shall be guilty of a violation punishable by a fine of not to exceed \$1,000 and an additional fine of not to exceed \$250 for each day the failure to institute continues.

(b) The owner of a dog subject to reasonable restrictions who has knowledge of the restrictions and transfers possession and/or ownership of that dog to a keeper and/or new owner without notifying the new owner/keeper of the restrictions shall be guilty of a violation, punishable by a fine of not to exceed \$1,000.

(c) Any owner and/or keeper knowingly hiding or harboring a dog with the intent to hinder an investigation into whether the dog is a dangerous dog or into whether reasonable restrictions have been implemented and/or maintained shall be guilty of a violation, punishable by a fine of not to exceed \$1,000 and an additional fine of not to exceed \$250 per day for each day the dog is hid or harbored.

(d) An order of the Polk County Dog Board regarding a dangerous dog shall be considered an order subject to the provisions of this subsection (11) if the dog is within the city regardless of whether the restrictions in that order are set forth in subsection (4) herein. Such violations are enforceable and punishable in the Dallas Municipal Court in the same manner as if the order had been issued by the city, including the enhanced penalty under subsection (11)(e) herein.

(e) If a dog subject to a notice and/or order bites a person while the owner is in violation of the provisions of subsection (11)(a), (b), or (c) herein, the owner shall be guilty of a Class C misdemeanor.

(f) If a dog subject to a notice and/or order bites a person while a keeper of the dog is aware of non-compliance with the restrictions and exposes the dog to the person who was bitten, that keeper shall be guilty of a Class C misdemeanor.

(12) Nothing herein shall prevent or prohibit an officer from referring an alleged dangerous dog to Polk County.

(13) Concurrent jurisdiction to enforce the terms of this section is granted to Polk County.

Read for the first time: August 16, 2010  
Read for the second time: September 7, 2010  
Passed by the City Council: September 7, 2010  
Approved by the Mayor: September 7, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER