



Dallas City Council Agenda

Monday, May 2, 2011, 7:00 p.m.
 Mayor Brian Dalton, Presiding
 Dallas City Hall
 187 SE Court Street
 Dallas, Oregon 97338

City Council

Mayor
 Brian Dalton

Council President
 Wes Scroggin

Councilor
 Jim Fairchild

Councilor
 Beth Jones

Councilor
 Jackie Lawson

Councilor
 Mark McDonald

Councilor
 Kevin Marshall

Councilor
 LaVonne Wilson

Councilor
 Ken Woods, Jr.

Councilor
 Vacant Seat

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. SELECTION PROCESS TO FILL COUNCIL VACANCY	
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.</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> There are no public hearings scheduled.	
6. 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. Approval of April 18, 2011 City Council Minutes page 3	
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
9. REPORTS FROM CITY MANAGER AND STAFF a. Employee length of service award – Sean Condon Presentation b. Development Code amendment – chickens in rear yard only Motion page 6 c. Other	

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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.

10. RESOLUTIONS

- a. Resolution No. 3225: A Resolution designating the week of May 15 – 23, 2011, as Emergency Medical Services Week. Roll call vote
p. 7

11. FIRST READING OF ORDINANCE

12. SECOND READING OF ORDINANCE

- a. Ordinance No. 1737: An Ordinance amending provisions of the Dallas City Code Section 5.210 relating to smoking. p. 8 Roll Call Vote
- b. Ordinance No. 1738: An Ordinance amending Dallas City Code Section 5.102 relating to discharge of weapons; and declaring an emergency. p. 10 Roll Call Vote

13. OTHER BUSINESS

14. ADJOURNMENT

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The Dallas City Council met in regular session on Monday, April 18, 2011, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Council members present: Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, and Councilor Ken Woods, Jr. Excused: Councilor Kevin Marshall and Councilor LaVonne Wilson.

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

Mayor Brian Dalton led the Pledge of Allegiance.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

There were no questions or comments from the audience.

PUBLIC HEARINGS

There were no public hearings.

CONSENT AGENDA

It was moved by Councilor Woods and seconded by Council President Scroggin to approve the Consent Agenda as presented. The motion carried unanimously.

Items approved by the Consent Agenda were: a) April 4, 2011, City Council minutes; and b) report of April 12, 2011, Planning Commission Meeting.

ITEMS REMOVED FROM CONSENT AGENDA

There were none.

REPORTS OR COMMENTS FROM COUNCIL

Councilor Fairchild commented that the Rotary Club would be holding a combined Monmouth, Independence, and Dallas meeting for a group study exchange.

Councilor McDonald joined the meeting at 7:03 p.m.

Councilor Jones thanked the staff for putting together the Arbor Day celebration. She stated she took her kids and they got to plant a tree and had so much fun. Mayor Dalton commented that the State Forester who was at the celebration said it was the best event he'd seen for a Tree City, USA ceremony.

Councilor McDonald read a memorandum, a copy of which is included with the official minutes, regarding his interpretation on the legality of resolutions to raise fees. Councilor McDonald moved to refer the matter of the conflicting ordinance 4.460 to the Public Works Committee. The motion died due to lack of a second.

REPORTS FROM CITY MANAGER AND STAFF

ADOPT PROCEDURE TO FILL COUNCIL VACANCY

Mayor Dalton reviewed the staff report. Councilor Woods asked what would happen if some Councilors did not write their own name on the ballots. Mr. Shetterly stated if a Councilor submitted a ballot unmarked, it would invalidate that vote and the Council would have to go to an

1 oral vote. Councilor Woods added the recent Commissioner selection process had a procedure
2 that those who received zero votes, or the bottom third of the vote-getters were eliminated each
3 round. Mayor Dalton advised that if the Council reached a stalemate, the Council could modify
4 the rules at that time. Councilor Lawson stated she would like to see anyone who received zero
5 votes, or the person with the lowest number of votes automatically removed for subsequent
6 rounds of voting. Mayor Dalton advised that Councilor Wilson would not be at the May 2
7 meeting, so she would be calling in and would verbally say her vote once the written ballots had
8 been completed so as not to influence anyone's vote.

9 It was moved by Councilor Lawson and seconded by Councilor Fairchild to adopt the proposed
10 procedure with the addition that the names of anyone with zero votes or one vote would be
11 dropped from subsequent votes. There was further discussion about the procedure to be used.
12 Councilor Woods stated he was not opposed to dropping off the names that received zero votes,
13 but wasn't sure if it was good to drop off the names of those receiving one vote. The motion
14 carried by a majority with Councilor Woods voting NO.

15 COMMUNITY ECONOMIC READINESS ASSESSMENT PROCESS

16 Mr. Locke reviewed the staff report. He advised there would not be any cost to the City for this.
17 Mr. Locke stated he was looking for one Council representative, adding there would not be a big
18 time commitment, just one meeting for a couple hours. He stated he would bring the results back
19 to the Council.

20 It was moved by Councilor Lawson and seconded by Council President Scroggin to direct staff to
21 proceed with the Community Economic Readiness Assessment process. The motion carried
22 unanimously.

23 Councilor Jones volunteered to serve on the stakeholder group.

24 WATERSHED COUNCIL REPORT

25 Mr. Wyatt advised that Mr. Warren Lamb was still the Council representative to the Watershed
26 Council and asked him to give a report.

27 Mr. Lamb stated he would provide an update to the Council on a quarterly basis. He thanked the
28 Council on behalf of the Watershed Council for their continued support. Mr. Lamb reported that
29 they were looking to form a Youth Watershed Council and were looking for an intern from a
30 nearby college to set that program up. He indicated the watershed council and City were working
31 with the Polk Soil and Water Conservation District to apply for a grant to redirect the channel and
32 provide riparian restoration of Forestry Creek. Mr. Lamb stated they are proceeding with
33 construction of traps for the Fish Trap and Haul Program at Mercer Dam. He added the initial
34 design for a spillway pillow at the dam has been submitted to ODF&W for approval. He reported
35 that the Watershed Council was working with the County and the City on a drug take-back
36 program which would help keep drugs out of Rickreall Creek. Mr. Lamb concluded by saying the
37 Rickreall Watershed Council should have its own website up and running by the next month.

38 OTHER

39 Christy Perry, Dallas School District Superintendent, handed out a paper with frequently asked
40 questions related to a local option levy and a list of the history of reductions in the district over
41 three years. She reviewed the School Board's decision to put a measure on the May ballot for the
42 local option levy. Ms. Perry stated if passed, the \$1 per thousand would go directly to education
43 funding.

44 RESOLUTIONS

45 **Resolution No. 3224** – A Resolution approving the 2011-12 Intergovernmental Agreement
46 between the City of Dallas and Southwest Polk County Rural Fire Protection District for mutual
47 assistance in providing fire protection within the boundaries of the respective parties.

48 A roll call vote was taken and Mayor Dalton declared Resolution No. 3224 to have PASSED BY
49 A MAJORITY VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor

1 Beth Jones, Councilor Jackie Lawson, and Councilor Ken Woods, Jr. voting YES and Councilor
2 Mark McDonald voting NO.

3 **FIRST READING OF ORDINANCE**

4 **Ordinance No. 1737:** An Ordinance amending provisions of the Dallas City Code Section 5.210
5 relating to smoking.

6 Councilor McDonald stated he still felt like everyone in Dallas paid taxes and should be free to
7 enjoy the parks. He indicated to exclude smokers entirely from the parks was not correct, adding
8 some people could only go outside to smoke and this took away quite a bit of their freedom.
9 Councilor Lawson stated that just because the parks were no-smoking, that didn't mean smokers
10 couldn't participate in activities at the park. Councilor Fairchild noted smokers could walk into
11 the street or outside the park to smoke.

12 Mayor Dalton declared Ordinance No. 1737 to have passed its first reading.

13 **Ordinance No. 1738:** An Ordinance amending Dallas City Code Section 5.102 relating to
14 discharge of weapons; and declaring an emergency.

15 Mr. Wyatt explained that the emergency clause on the ordinance allowed it to go into effect
16 immediately upon passage, which was necessary due to the turkey harvest that would happen on
17 Douglas Street. Mr. Shetterly added that there was a time limit on the permit for the turkey
18 harvest, so there would still be a second reading of the ordinance at the next meeting, but it would
19 go into effect immediately.

20 Mayor Dalton declared Ordinance No. 1738 to have passed its first reading.

21 **SECOND READING OF ORDINANCE**

22 **Ordinance No. 1736:** An Ordinance amending Dallas City Code Section 9.850 relating to
23 Development Fee Waivers.

24 Mayor Dalton declared Ordinance No. 1736 to have passed its second reading. A roll call vote
25 was taken and Mayor Dalton declared Ordinance No. 1736 to have PASSED BY A
26 UNANIMOUS VOTE with Council President Wes Scroggin, Councilor Jim Fairchild, Councilor
27 Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, and Councilor Ken Woods, Jr.
28 voting YES.

29 **OTHER BUSINESS**

30 There being no further business, the meeting adjourned at 7:44 p.m.

31 Read and approved this _____ day of _____ 2011.

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Mayor

ATTEST:

City Manager

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9 b	Topic: Development Code Amendment – Chickens in rear yards only
Prepared By: Jason Locke, Community Development Director	Meeting Date: May 2, 2011	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION:

Direct staff to prepare an Ordinance clarifying that chickens are allowed to be kept only in rear yards.

BACKGROUND:

When the Council adopted the new Development Code in 2010, it included a provision allowing the raising of not more than 5 chickens, subject to certain provisions. One issue that has come up was the failure to include the explicit requirement that the chickens be kept in the rear yard only, which the changes below address.

2.2.120 Special Use Standards

L. Agricultural Uses in RL District

1. The following agricultural uses are permitted in the RL District:

- a. Gardens, accessory to residential use
- b. Community Gardens
- c. Raising of not more than five (5) chickens – hens only – for personal, family or household use only, provided the area is **a fenced rear yard** and **the** chicken coop is setback at least ten (10) feet from **any** property line; no roosters allowed.

The proposed changes are in **bold**.

FISCAL IMPACT:

None

ATTACHMENTS:

None

RESOLUTION NO. 3225

A Resolution designating the week of May 15 - 21, 2011, as
Emergency Medical Services Week.

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready
to provide lifesaving care to those in need 24 hours a day, seven days a week;
and

WHEREAS, access to quality emergency care dramatically improves the
survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency
physicians, emergency nurses, emergency medical technicians, paramedics,
firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether
career or volunteer, engage in thousands of hours of specialized training and
continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the
accomplishments of emergency medical services providers by designating
Emergency Medical Services Week;

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

Section 1. That the week of May 15 - 23, 2011, be, and it hereby is,
designated Emergency Medical Services Week.

Section 2. That the citizens of Dallas, who are the beneficiaries of the
community's system of emergency medical services, are encouraged to express
their appreciation to those members of the emergency medical services team and
observe the week with appropriate programs, ceremonies and activities.

Adopted: May 2, 2011
Approved: May 2, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

Resolution

ORDINANCE NO. 1737

An Ordinance amending provisions of the Dallas City Code Section 5.210, relating to smoking.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.210 is hereby amended to read as follows:

5.210 No Smoking.

Smoking is prohibited and no person shall smoke:

- (1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.
- (2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.
- (3) On or within 25 feet of the external boundaries of the following:
 - (a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including, but not limited to, spectator areas and bleachers.
 - (b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.
 - (c) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.
 - (d) Any bus shelter structure.
- (4) In all city parks, including the Rickreall Creek Trail, and all parking lots adjacent to such parks and trail.
- (5) The restrictions of subsections (1), (2) and (3) of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment

under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(6) Smoking shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other smoke equipment used for tobacco or any other weed or plant.

(7) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section.

(8) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section [5.428](#).

Section 2. All prior and conflicting ordinances are hereby repealed.

Read for the first time: April 18, 2011
Read for the second time: May 2, 2011
Adopted by the City Council: May 2, 2011
Approved by the Mayor: May 2, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1738

An Ordinance amending Dallas City Code Section 5.102 relating to discharge of weapons; and declaring an emergency.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code section 5.102 is hereby amended as follows:

5.102 Discharge of Weapons.

(1) Except at firing ranges approved by the chief of police, no person other than an authorized peace officer shall fire or discharge a gun or other weapon, including spring or air-actuated pellet guns, air guns, BB guns, bow and arrow, or any weapon which propels a projectile by use of gunpowder or other explosive, jet, or rocket propulsion.

(2) The provisions of this section shall not be construed to prohibit firing or discharging a weapon by a person in the lawful defense or protection of his or her person, family, or property.

(3) The city manager, or the city manager's designee, may, upon application and subject to such conditions and limitations as the city manager or the city manager's designee may deem necessary and appropriate under the circumstances, grant a variance for a limited duration from the prohibitions in subsection (1) to:

(a) The National Guard of the United States and the Oregon National Guard, and members thereof, for the purpose of and while engaged in official training or other official activities.

(b) Peace officers, for the purpose of and while engaged in official training or other official activities.

(c) Persons named as agents and authorized to shoot wildlife under a kill permit issued by the Oregon Department of Fish and Wildlife upon application of the city, subject to and in accordance with the terms of such permit.

(4) Violation of this section is a Class C misdemeanor.

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

Read for the first time: April 18, 2011

Read for the second time: May 2, 2011

Passed by the City Council: May 2, 2011

Approved by the Mayor: May 2, 2011

BRIAN W. DALTON, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER