

# Notice of Public Meeting City Council Meeting

## AGENDA

### CITY OF FALLS CITY, OREGON

Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Thursday February 14, 2019 6:00 p.m.

Posted February 8, 2019

**1. Call to Order**

**2. Roll Call**

- a. Jeremy Gordon, Mayor \_\_\_\_ Dennis Sickles \_\_\_\_ Lori Jean Sickles \_\_\_\_  
Jennifer Drill \_\_\_\_ Tony Meier \_\_\_\_ Charlie Flynn \_\_\_\_ Clifford Lauder \_\_\_\_

**3. Pledge of Allegiance**

**4. Motion to Adopt the Entire Agenda**

**5. Announcements & Appointments**

Announcements

- a. Certificate of Appreciation- Jason Kistler, Independence IT Manager .....pg. 1  
b. Announce Photo Contest Winners & Issue Prizes.

**6. Community & Government Organizations**

- a. Presentation by Sheriff and District Attorney re: Polk Law Enforcement Levy (20 Min)  
b. Polk County Sheriff's Report .....pg. 2  
c. Falls City Public Works Report.....pg. 3  
d. Falls City Fire Report .....pg. 4

**7. Communications**

- a. Letter of appreciation to Falls City Public Works Employees:  
Jay Epperson and Jon Creekmore .....pg. 5

**8. Consent Agenda**

- a. Approval of the Bills .....pg. 6-10  
b. Approval of January 10, 2019 Council Meeting Minutes .....pg. 11-16  
c. Approval of January 31, 2019 Special Meeting Minutes.....pg. 17-18  
d. Notice of Application for Second RV Permit  
i. Staff Report.....pg. 19-20

**9. Public Comments:** This is the time set for Citizens to address the Council regarding items not already on the agenda.

- a. Please limit your commentary to five (5) minutes or less.  
b. Please state your name and city of residence for the record.

The City of Falls City does not discriminate in providing access to its programs, services, and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 503.787.3631 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

**10. New Business:** Members of the public wishing to comment on items of new business must sign up at the podium near the entry prior to commencing this portion of the agenda. Comment time may be limited by Mayoral prerogative.

- a. Appoint Budget Officer
  - i. Staff Report..... pg. 21
- b. Garden Club Disbanding
  - i. Memorandum ..... pg. 22
- c. Resolution 03-2019 CLG Grant Application
  - i. Staff Report..... pg. 23-24
  - ii. Resolution 03-2019 ..... pg. 25
  - iii. CLG Grant Info Sheet ..... pg. 26-38
- d. Resolution 04-2019 Falls City Events
  - i. Staff Report..... pg. 39-40
  - ii. Resolution 04-2019 ..... pg. 41-42

**11. Old Business**

- a. Ordinance 556-2019 Noise Ordinance (second reading & adoption)
  - i. Staff Report..... pg. 43-44
  - ii. Ordinance 556-2019 ..... pg. 45-56

**12. Late Additions**

- a. NEW BUSINESS- 1<sup>st</sup> Business License for Jay’s Property Cleaning & Maintenance
  - i. Staff Report..... pg. 59-62
- b. NEW BUSINESS- Resolution 05-2019 Extending IGA with Polk County for Dutch Creek/Mitchell St project and grants
  - i. Staff Report..... pg. 63-64
  - ii. Original IGA..... pg. 65-68
  - iii. Resolution 05-2019 ..... pg. 69
  - iv. IGA Amendment ..... pg. 70

**13. City Manager’s Report**

- a. City Clerk’s Informational Report on Historical Landmark Commission ..... pg. 57-58

**14. Mayor and Council Reports**

**15. Adjourn**



CITY OF FALLS CITY  
CERTIFICATE OF APPRECIATION

AWARDED TO

**Jason Kistler, IT Manager**  
CITY OF INDEPENDENCE, OR

The City of Falls City would like to formally thank Jason and Independence for consistent and generous IT support. Jason's willingness to help out is a reflection of the class organization and great neighbor that Independence truly is.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Jeremy Gordon, Mayor of Falls City

# January 2019 Falls City Stats

Falls City Calls for Service							
Assault	2	Harassment	1	Misc Crime	1	Susp Activity	1
Area Chk	1	driving	1	Miss Person	1	Susp Person	1
Animal	2	Domestic Dist	4	Noise	1	Susp Vehicle	1
911 Hangup		Drug		EDP	3	Theft	
Burglary	2	FIR		Ordin Vio		Trauma	1
Assist Other Agency	13	Fire/EMS	3	Overdose		traffic assist	
ATL (attempt to locate)	1	Follow up	4	proowler		Traffic Stops	
City Ordinance		Illegal Park		runaway		Trespass	1
Citizen Contact	2	Hit and Run		sex offense		Warrant	
Civil Paper Service	9	Gen Disturb		Shots Fired		Welfare Check	
Criminal Misch	1	alarm	1	Stolen Veh		Unclass	

Falls City Calls for Service	58	Of the FC Calls for Service	8	involved crimes	
Total Calls for Service (county wide)	1918	FC Cases Cleared by Arrest	6	75.0% clearance	
Falls City % of Total Calls	3.0%	Total Arrests in Falls City	6	6.4% of total arrests	

Total Service Calls (Polk County)	1918	Crimes Occ		Juvenile Arrests	2	(county wide)
Cases Cleared by arrest	15	9.4%		Juvenile Arrests	1	(Falls City)
Total Arrests (county wide)	94			(only true crimes reported here)		

Public Works staff Report for January, 2019

Tuesday, 1 Holiday, routine water and sewer.

Wednesday, 2 Graded and rock First Ave. Central Boulevard, Estelle.

Thursday, 3 Graded Hopkins, Montgomery.

Friday, 4 Graded East Ave.

Saturday, 5 & Sunday, 6 Routine water and sewer.

Monday, 7 While grading Mitchell Street City grader blow a hydraulic pump.

Tuesday, 8 Rock Mitchell Street, work on UV system Waste Water Plant.

Wednesday, 9 Pulled pump off grader.

Thursday, 10 Working on grader.

Friday, 11 Filled pot holes around town.

Saturday, 12 & Sunday, 13 Routine water and sewer.

Monday, 14 Pressure wash at City Hall, road, concrete.

Tuesday, 15 Cut tree down WWTP, clean up.

Wednesday, 16 Hach company calibrated all instruments WTP.

Thursday, 17 Fixed storm drain, Dayton and Mill.

Friday, 18 Routine water & sewer, short day over on hours.

Saturday, 19 & Sunday, 20 Routine water and sewer.

Monday, 21 Holiday, routine water and sewer.

Tuesday, 22 Service, City vehicles.

Wednesday, 23 Meter reading, 197 replace pump, in septic tank.

Thursday, 24 & Friday, 25 Meter reading, took longer programing problems.

Saturday, 26 & 27 Sunday, Routine water and sewer.

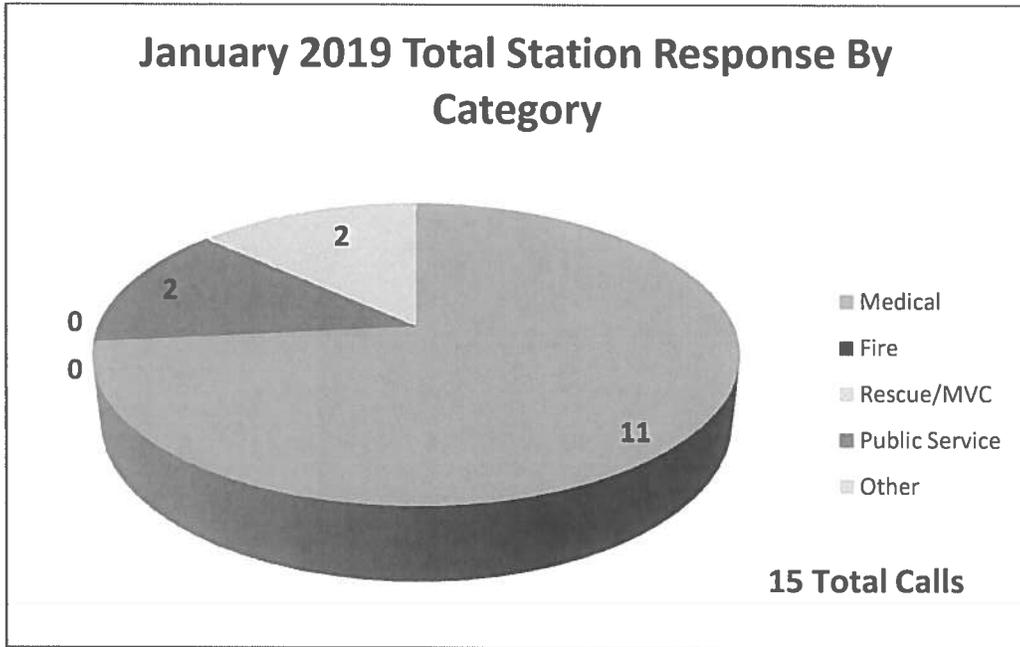
Monday, 28 Working on grader.

Tuesday, 29 Took samples to Corvallis, preparation for leak on Parry.

Wednesday, 30 Fixed leak on Parry, grader broke down, anther pump.

Thursday, 31 Went to town fuel, fueled up generator WTP, Filled pot holes.

Month	Medical	Fire	Rescue/MVC	Public Service	Other	Total	YTD Totals
January	11	0	0	2	2	15	15



**\*All raw response data is from our Active911 dispatch system software.\***

**Total December Membership:** 27 volunteers

**January Fundraising Activities:**

-2018-01-06 Polk County Flea Market Parking: 4.5 hours, 2 volunteers.



## FALLS CITY SCHOOL DISTRICT #57

111 N Main Street  
Falls City, OR 97344  
Phone: 503-787-3521

Business Office Fax: 503-787-5805  
High School Fax: 503-787-1507  
Elem. School Fax: 503-787-3239

*"Falls City School District provides well-rounded opportunities for students to become productive, positive citizens and life-long learners"*

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**Art Houghtaling**  
Superintendent  
K-12 Principal

**Micke Kidd**  
Head Teacher

**Debbie Diener**  
Business Manager  
Deputy Clerk

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January 30, 2019

To: City of Falls City  
Jeremy Gordon, Mayor

From: Falls City School District

To Mayor Gordon:

The Falls City School Board and Staff, students and families (from both teams) wish to thank the Public Works Department for going above and beyond the scope of their duties.

It was brought to our attention that the septic system was clogged and backing up into the locker rooms. John Gilbert contacted Public Works and asked for assistance. Jay Epperson and Jon Creekmore brought equipment to unclog the drain. Without the quick response, we wouldn't have been able to host our home basketball game that evening.

After scoping the septic lines, it was discovered the tank has, over time, settled. Repairs have been scheduled for February 7th.

Thanks again!

John Gilbert  
Facilities Manager

CC: City Council  
Mac Corthell, City Manager

Date	Memo	Account	Class	Amount
<b>Dallas Auto Parts</b>				
01/07/2019	Acct #3020 December Statement	Accounts Payable		-204.39
01/07/2019	Grader Parts- 402308, 403031, 402769,	Equipment Maintenance/Repair	11 STREET FUND	204.39
				0.00
<b>Total Dallas Auto Parts</b>				
<b>Edge Analytical</b>				
01/07/2019	18-44446, 45206, 46306	Accounts Payable		-338.00
01/07/2019	Lab Fees Sewer	Lab Analysis Services	13 SEWER FUND	318.00
01/07/2019	Lab Fees Water	Lab Analysis Services	20 WATER OPERATING FUND	20.00
				0.00
<b>Total Edge Analytical</b>				
<b>Home Comfort, Inc</b>				
01/07/2019	Inv #26867, 27063	Accounts Payable		-248.00
01/07/2019	Heater Service Fire Hall	Fire Station Maint/Repairs	01 GENERAL FUND:01.07 Fire Departm	75.00
01/07/2019	Heater Service Comm Ctr	Community Center Maint/Repairs	01 GENERAL FUND:01.01 Administrativ	98.00
01/07/2019	Heater Service City Hall	City Hall Maint/Repairs	01 GENERAL FUND:01.01 Administrativ	75.00
				0.00
<b>Total Home Comfort, Inc</b>				
<b>Mountain Valley Monitoring</b>				
01/07/2019	INV#2432	Accounts Payable		-90.00
01/07/2019	Security Monitoring Jan-Mar 2019	Professional Services	01 GENERAL FUND:01.01 Administrativ	45.00
01/07/2019	Security Monitoring	Professional Services	01 GENERAL FUND:01.07 Fire Departm	45.00
				0.00
<b>Total Mountain Valley Monitoring</b>				
<b>Net Assets Corporation</b>				
01/07/2019	66-201812 December 18	Accounts Payable		-50.00
01/07/2019	Liens and Lien Searches	Professional Services	01 GENERAL FUND:01.01 Administrativ	50.00
				0.00
<b>Total Net Assets Corporation</b>				
<b>polk County Family &amp; Community Outreach</b>				
01/07/2019	10219	Accounts Payable		-1,000.00
01/07/2019	Direct Connect	Contractual Services	01 GENERAL FUND:01.01 Administrativ	1,000.00
				0.00
<b>Total polk County Family &amp; Community Outreach</b>				
<b>Westech Engineering</b>				
01/07/2019	244662, 244661	Accounts Payable		-3,010.00
01/07/2019	CDBG Wastewater Project	Grant Project	13 SEWER FUND	2,426.00
01/07/2019	SCAG 18 & 19 Project	SCA Grant	11 STREET FUND	584.00
				0.00
<b>Total Westech Engineering</b>				
<b>CenturyLink</b>				
01/14/2019	Accts: 5037874719562B; 503787376796	Accounts Payable		-477.38
01/14/2019	Phone + 1/2 Security	Telephone	01 GENERAL FUND:01.01 Administrativ	260.40
01/14/2019	Phone + 1/2 Security	Telephone	01 GENERAL FUND:01.07 Fire Departm	216.98
				0.00
<b>Total CenturyLink</b>				
<b>Forbes Plumbing</b>				
01/14/2019	W/O: 76092	Accounts Payable		-712.50
01/14/2019	Scope Sewer lines to locate old system t	Professional Services	13 SEWER FUND	712.50
				0.00
<b>Total Forbes Plumbing</b>				
<b>Frink's General Store</b>				
01/14/2019	0102019B	Accounts Payable		-34.48









City of Falls City  
City Council Regular Meeting Minutes  
January 10, 2019 6:00 PM  
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

**Council Present:** Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

**Staff Present:** Mac Corthell, City Manager; Rachel Inman, Assistant City Clerk

**1. Call to Order**

Mayor Gordon called the meeting to order at 6:02 pm.

**2. Roll Call**

Clerk Inman took roll call.

**3. Pledge of Allegiance**

Mayor Gordon led the pledge.

**4. Motion to adopt the entire Agenda**

A motion was made by Councilor D. Sickles and seconded by Councilor Flynn to adopt the entire agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

**A. Consent Agenda**

A motion was made by Councilor D. Sickles and seconded by Councilor L. Sickles to adopt the consent agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

**5. Announcements**

a. Falls City will soon take credit cards for utility payments. The fee for this service will be the greater amount per transaction of either a flat \$2.50, or 3% of the total transaction. Customers would have the option to log into the current utility billing vendor's portal to make payments. They could view a short summary of charges, arrange recurring payments and use other useful tools.

b. The next regular Council meeting will be on February 14, 2019 at 6:00 pm at the Community Center.

c. Falls City Photo Contest entries are due to City Hall no later than January 15, 2019.

d. Thank You to the Old Guard Riders Co. "F" of Dallas, for placing wreaths on the graves of all Veterans in Falls City Cemeteries for Christmas. Mayor Gordon presented Vice President "Bean" a Certificate of Appreciation for volunteering his time and the generous donation of wreaths to honor our Veterans. The City of Falls City expressed gratitude for their service and dedication to the Veterans in our Community. The Old Guard Riders approached the City in early December for this

purpose. President Bean said this is done annually and Falls City Cemeteries will be part of the "Wreaths Across America" program.

**Swearing-In(s)**

City Manager Corthell swore in the following to their new terms:

- a. Municipal Court Judge- Honorable Judge, Stan Butterfield
- b. Mayor- Jeremy Gordon
- c. Councilor-Tony Meier
- d. Councilor- Lori Jean Sickles
- e. Councilor- Jennifer Drill

**Committee Appointments by Council**

- f. Parks and Recreation Committee- Sarah "Rosie" Brownell
- g. Public Works Committee- Mike McConnell
- h. Historical Landmarks Commission- Mike McConnell
- i. Historical Landmarks Commission- Guy Mack

Two additional applications were place before Council. (Exhibit A)

- a. Historical Landmarks Commission- Amy Houghtaling
- b. Budget Review Committee - Amy Houghtaling
- c. Historical Landmarks Commission- Bruce Garrett

Motion made by Councilor Flynn to accept all appointments and seconded by Councilor Meier. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

**6. Community & Government Organizations**

- a. Falls City Public Works Report  
Don Poe Public Works Supervisor sent his regrets he did not make the meeting. Public Works dealt with a sinkhole issue most of the day.
- b. Falls City Fire Report  
No Comments
- c. Polk County Sheriff's Office Report  
Sheriff Garton was thanked for his presence and continued support.

**7. Communications**

None

**8. Consent Agenda**

A motion made by Councilor Drill and Seconded by Councilor Lauder to adopt the consent agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

**9. Public Comments**

Tracy Young of Falls City spoke to Council regarding her water bill. She feels she was overpaying. City Staff will look into and will get back to her. Staff researched and found no errors. She thanked Code Services Officer, Steve Birr for the work he has done with complaints of a barking dog and construction. Mayor Gordon thanked her for her feedback regarding City services. He stated that City Manager Corthell is head of all City employees. Any questions or concerns with staff performance should be addressed to him and not to Council.

## **10. New Business**

### **a. OLCC Liquor License Renewals**

The City has three businesses that hold state liquor licenses: Frink's General Store, The Boondocks and The Bread Board. City Staff could find no reason why Council would table or make an unfavorable recommendation for the businesses and recommend Council directs staff to write a renewal recommendation for all three Falls City businesses as they bring revenue to the City and convenience to customers.

A motion made by Councilor Meier and Seconded by Councilor Lauder to direct staff to write a liquor license renewal recommendation to OLCC for Frink's General Store, The Boondocks, and The Bread Board. Motion carried 4-0-2. Ayes: Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn. Nays: 0 Abstain: Lori Jean Sickles, Jennifer Drill

Councilor L. Sickles is co-owner of the Boondocks and therefore abstained. Councilor Drill did not offer a reason for her abstention. In the future, staff will request the reason is clarified for the record.

### **b. Election of Council President**

The City Charter requires the election of Council president during the first meeting of each year. Council President presides over Council meetings in absence of Mayor and acts as the Mayor when the Mayor is unable to perform duties. Councilor Meier was elected to his first term as Council President in January 2018. Mayor Gordon requested nominations.

A motion made by Councilor D. Sickles and Seconded by Councilor Flynn to nominate Councilor Meier as council President. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

### **c. Resolution 01-2019 Surplus Property**

This resolution would allow the City staff to dispose of surplus equipment by sale or donation. There are three vehicles the City would like to dispose of; a 1992 Ford Ranger, a 1986 Ford L-9000 Fire Pumper, which has served as the 4x4 response rig and a 1963 Western States Fire Engine. The City continues to pay for insurance on these rarely used rigs. David Moellenberndt, President of the Historical Society would like to see the 1963 Fire Pumper donated to the Polk County Historical Museum in Rickreall. The Pumper will have the Falls City logo remain on it. It is planned to be used in parades, summertime family day. Mr. Moellenberndt would like to have a Saturday with the Fire Department to learn about the history of the truck. The fire engine would be part of a larger exhibit for Falls City. Councilor Lauder appreciates the unique pieces to Falls City. Councilor Drill thanked Mr. Moellenbrendt.

A motion made by Councilor Flynn and Seconded by Councilor D. Sickles that the City Council of the City of Falls City adopt Resolution 01-2019, A RESOLUTION DECLARING CERTAIN CITY VEHICLES SURPLUS PROPERTY AND

AUTHORIZING THE SALE FOR DISPOSITION THEREOF. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

**d. Ordinance 555-2019 Granting Administrative Addressing Authority to City Manager (1<sup>st</sup> Reading by Title Only)**

This ordinance would provide administrative authority to the City Manager to assign property addresses. This must be done according to the review of Fire Chief Bob Young and the US Postal Office Post Master. Addressing is standard and sequential with odd and even number on certain sides of streets and roads. Council approval is an unnecessary formality. Traditionally, individual ordinances have been utilized to assign and or modify street numbers. Ordinance 555-2019 would streamline the process and staff time by approximately 2 (two) hours per address and equate to \$100.00 in cash value. A single reading with unanimous vote may adopt this ordinance and will become effective after 30 days.

A motion was made by Councilor L. Sickles and seconded by Councilor Meier the City Council of Falls City to read Ordinance 555-2019 by Title Only. ORDINANCE GRANTING ADDRESSING AUTHORITY WITHIN THE FALLS CITY LIMITS TO THE CITY MANAGER; AND REPEALING ALL PRIOR CONFLICTING ORDINANCES Motion carried. 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

A motion was made by Councilor L. Sickles and seconded by Councilor Flynn the City Council of Falls City adopt ordinance 559-2019, AN ORDINANCE GRANTING ADDRESSING AUTHORITY WITHIN THE FALLS CITY LIMITS TO THE CITY MANAGER; AND REPEALING ALL PRIOR CONFLICTING ORDINANCES. Motion carried. 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

**e. Ordinance 556-2019 Amending the unnecessary noise section of Ordinance 512-06; and Repealing all conflicting Ordinances (1<sup>st</sup> Reading by Title Only)**

Falls City Municipal Code Chapter 90: Nuisances is being reviewed by Falls City Code Services Officer, Steve Birr and City Manager Corthell. Many portions are antiquated or difficult to address as written. These portions have been in review and steadily revised. Mr. Birr's vast experience in law enforcement has been extremely helpful in this process. Removing some specific wording will allow the Code to be more easily enforced and clear to the layperson researching it. Mr. Corthell explained it has provisions for permitted uses, school activities, construction, events etc. Councilor Drill inquired if AKHA Farms would be exempt because there have been issues in the past with loud noises at odd hours. Council agreed the sounds coming from AKHA are unnecessary late at night and early in the morning. Councilor Flynn suggested stating the provisions for exceptions should not include the running of equipment. Mr. Corthell agreed it was a legitimate concern. Sheriff Garton stated that our current PCSO IGA could be discussed and renegotiated. Currently, the City is doing all possible to resolve issues before it raises to Law Enforcement level if the IGA or state law allow for intervention. For example, there is no County noise ordinance. A single reading with unanimous vote may adopt this ordinance and will become effective after 30 days.

A motion was made by Councilor L. Sickles and seconded by Councilor Meier the City Council of Falls City to read Ordinance 556-2019 by Title Only. ORDINANCE 556-2019 AMENDING THE UNNECESSARY NOISE SECTION OF ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES. Motion carried. 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

**11. Next Meeting Items**

- a. Polk CDC Revolving Fund Allocation for CDFI
- b. Telecom Master Franchise Ordinance
- c. Event Noise Permit Ordinance

## 12. City Manager's Report

It was decided to touch briefly on the above items. Information on the Historic Landmark Commission has been resolved by new application submitted and approved.

### a. Polk CDC Revolving Fund Allocation for CDFI

With limited staffing, this decision could be put off until next year giving Falls City more time to research and decide whether to pool funding or keep as is in the Revolving Loan Fund.

### b. Telecom Master Franchise Ordinance

Century Link is our sole provider for internet and phone services. Falls City is paid a franchise fee of approximately \$12,000.00 per year as opposed to Pacific Power who pays the City \$53,000.00 per year. Republic Services provided \$7,000- \$8,000.00 per year. Franchise payments are based on gross receipts and this is true with most of the City franchise agreements across the board. Currently our 1994 contract agreement is for 5% expired in 2014. The statutory maximum is 7%. However they have been adhering to the 5% that was required however they are only paying on the telephone. All of the cable related items they are not paying. During the last 19 years, larger Telecom companies have been in litigation with cities. Small cities often band together to have sufficient financial resources to combat these large companies. Franchises use ROWs to install their equipment, dig up roads, at the cost of the city and making profit at citizen expense. The State and Federal entities said pay a fee or give up your franchise. This ordinance would provide for all franchises using ROW's in Falls City to pay franchise fees. This would apply not only to our current franchise agreements but also to those whose lines run through the city to get to the coast such as AT&T. Fortunately, the City Attorney has one of the state's premier franchise attorneys working with him.

A Supplemental Environment Plan for the Old Mill Lot cleanup has been completed ahead of schedule. The numerous blackberry briars have been removed along the riverbank. Jeremy Winn, owner of Jay's Property Cleaning and Maintenance pulled the old care out. The school will replant the area as a project. Mr. Corthell and Jill Anzalone are working on a grant to build ADA accessible restrooms in the Michael Harding Memorial Park. This would involve 20% matching funds. The total monies available for the grant are \$130,000.00.

## 13. Mayor and Council Reports

West Valley Housing has decided not to fund the Direct Connect transportation project in the future due to a cost of \$35,000.00. The route included the tri cities of Dallas, Monmouth and Falls City. Mayor Gordon is working with Craig Pope and Brent DeMoe of Polk County Community Outreach to get the service operating again. Mayor Gordon has approached Chariots, a non-profit that administers grants for transportation. The County is applying for two grants to keep the Direct Connect service going. It is hoped the service will be offered on Saturdays for the Free Clinic, which would give residents a healthcare option. Mayor Gordon, Mr. Corthell have been working on events, how to organize, promote and budget, this is important for economic and community development. Mayor Gordon has been working with Polk County Tourism Alliance and Travel Salem to organize a Pride Celebration. The City would sponsor Pride Celebration 5K race organized by the City, The Boondocks and The Breadboard business owners. WOU offers a Planning/Special Topic

course. It is hoped the students will help with the organization, logo and other special needs we may have. Mrs. Mayor has approached the class's Professor and should have a response soon. Business of Oregon offers a grant that would help fund the Community Development Visionary Project. Notification of the award should be announced shortly. Mr. Corthell and Mike Kidd have been Conducting interviews with students for the Intern Program with the City performing different tasks and acquiring valuable vocational experience.

Councilor Lauder has tried to install the original Fire Hall's Civil Defense siren in various places. He would like to see it donated to the Polk County Historical Museum.

Councilor Meier disagrees with the current absentee policy regarding Council seats. The Falls City Charter, adopted in 2014 states:

*Falls City Charter Section 31: Vacancies: The mayor or a council office becomes vacant:*

*(a) Upon the incumbent's:*

- (1) Death,*
- (2) Adjudicated incompetence, or*
- (3) Recall from the office.*

*(b) Upon declaration by the council after the incumbent's:*

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,*
- (2) Absence from the city for 30 days without council consent*
- (3) Absence from all council meetings within a 90-day period,*
- (4) Absence from 5 council meetings in a calendar year,*
- (5) Ceasing to reside in the city,*
- (6) Ceasing to be a qualified elector under state law,*
- (7) Conviction of a public offense punishable by loss of liberty,*
- (8) Resignation from the office, or*
- (9) Removal under Section 33(i).\**

[\*Scrivener's error found 1/31/2019- Section 33(i) does not exist.]

Mr. Corthell will review and request additional review by City Attorney Ross Williamson.

Councilor Drill inquired if Green Haven RV Park was adhering to their CUP agreement. Mr. Corthell will conduct the annual review. Green Haven has hired a new manager and is slowly cleaning up the grounds.

#### **14. Adjourn**

The meeting adjourned at 7:45 pm.

\_\_\_\_\_ Mayor, Jeremy Gordon  
Attested: \_\_\_\_\_ City Clerk, JoHanna Birr

City of Falls City  
City Council Special Meeting Minutes  
January 30, 2019 6:00 PM  
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

**Council Present:** Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

**Staff Present:** Mac Corthell, City Manager, JoHanna Birr, City Clerk

Mayor Gordon called the meeting to order at 6:04 pm.

**1) Roll Call**

Clerk Birr took roll call. Lori Jean Sickles was excused.

**2) Pledge of Allegiance**

Mayor Gordon led the pledge.

**3) Motion to adopt the entire Agenda**

A motion was made by Councilor Drill and seconded by Councilor Flynn to adopt the entire agenda. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

**4) Public Comments**

None

**5) New Business**

**A. Resolution 02-2019 LEOF Grant Application**

The City has engaged with Business Oregon (BIZ) and RDI (Rural Development Initiatives) to undertake a project that will use community engagement to form a cohesive community vision with the ultimate goal of community and economic development and economic resiliency. RDI has already secured \$35,000.00 in in grant funds, but to use the remaining LEOF grant funds from BIZ as needed for the project, the City must be the grant applicant. There is a \$3,500.00 match the City may be responsible to pay. RDI will assist in seeking other options for funding the match. Additionally, if this application is approved RDI will assist in securing funding for a RARE candidate to help implement processes that achieve the vision developed during the initial project outlined. This project aims to get citizens involved and motivated to invest themselves in the City.

A motion was made by Councilor Drill and seconded by Councilor Flynn that the City Council of Falls City adopt Resolution 02-2019, A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE 2018-2019 LEOF GRANT AND CONTRACT WITH RDI TO PERFORM SERVICES RELATED TO THE GRANT. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

**B. CDBG Wastewater Project Update- Land Acquisition**

The Environmental study is being handled by Renata Wakely of COG and going well and is. Engineering submitted the Max Load Report into DEQ three (3) months early. The land acquisition has proven difficult. The owners seemed amiable to sell, however changed their minds after the appraisal. Their reason was that they have decided to put in a tree farm. The City was required to offer at least FMV, however will pursue the purchase option using federal funds. This of course would be up to Council to make that decision. Mr. Corthell feels it is slowly moving forward.

**6) Council Announcements**

Councilor Flynn announced an award of \$1,500.00 to purchase fuel for the Food Bank food transport from Marion Polk Food Share.

Mayor Gordon mentioned the Direct Connect will be funded for the driver and a new bus running four (4) days per week incl

**7) Adjourn**

The meeting adjourned at 6:41 pm.

\_\_\_\_\_ Mayor, Jeremy Gordon

Attested: \_\_\_\_\_ City Clerk, JoHanna Birr

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## AGENDA REPORT

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**TO:** MAYOR AND COUNCIL  
**FROM:** STEVE BIRR, CODE SERVICES OFFICER *SB*  
**SUBJECT:** APPLICATION FOR RECREATIONAL VEHICLE PERMIT  
**DATE:** 01/31/19

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### SUMMARY

Falls City Zoning and Development Code provides for a permitting process for temporary use of a Recreation Vehicle as a guest quarters with a 30-day permit. City Council reviewed this code section in 2014 and by motion allowed staff to administratively issue up to two extensions for an RV permit for a total of 90 days stay. The code required that City Council be notified prior to the issuance of the second 30-day temporary permit.

Brad Tharp submitted two applications for a Recreational Vehicle Permit on 01/30/19 for 379 Alder St. The first application date range was 01/03/19 to 02/01/19. Staff has issued a permit with a date range of 02/01/19 to 03/02/19. Because this is the second month of occupancy, the permit is considered the second permit with notice to Council.

Should Mr. Tharp request a third permit for the date range of 03/02/19 to 03/31/19, staff will issue the permit accompanied by a letter stating that the temporary RV guest quarters must be moved off the property by 03/31/19.

### BACKGROUND

#### *FALLS CITY ZONING AND DEVELOPMENT CODE*

#### *2.200.05 USE OF RECREATIONAL VEHICLES AS GUEST QUARTERS*

Usage of a Recreational Vehicle as temporary guest quarters in conjunction with a dwelling on the same lot shall be permitted providing such Recreational Vehicle remains dependent upon the primary dwelling for either, or both, kitchen and bathroom facilities and is not used for residential purposes. There shall be a time limit of 30 days for such usage, after which a temporary permit must be obtained for each succeeding 30-day period. A permit for the succeeding 30-day period(s) must be obtained by the 31<sup>st</sup> day. The City Council shall be notified prior to the issuance of the second temporary permit.

### PREVIOUS COUNCIL ACTION

September 17, 2014 City Council Motion:

A motion was made by Councilor Ungricht and seconded by Councilor L. Sickles that staff could administratively issue up to two extensions for an RV permit for a total of 90 days stay. Motion carried 5-1-0. Ayes: Lori Jean Sickles, Terry Ungricht, John Volkmann, Dennis Sickles, Julee Bishop. Nay: Barbara Spencer

**ALTERNATIVES/FINANCIAL IMPLICATIONS**

N/A

**STAFF RECOMMENDATION**

N/A

**EXHIBIT**

N/A

**PROPOSED MOTION**

N/A

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**STAFF REPORT**

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** MAC CORTHELL, CITY MANAGER  
**SUBJECT:** APPOINT BUDGET OFFICER FOR FY 2019-2020  
**DATE:** 2/4/2019

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**SUMMARY**

State law requires the appointment of a Budget Officer to prepare or supervise the preparation of the budget document.

**BACKGROUND**

ORS 294.331 provides as follows:

*The governing body of each municipal corporation shall, unless otherwise provided by county or city charter, designate one person to serve as budget officer. The budget officer, or the person or department designated by charter and acting as budget officer, shall prepare or supervise the preparation of the budget document. The budget officer shall act under the direction of the executive officer of the municipal corporation, or where no executive officer exists, under the direction of the governing body.*

Additionally, Falls City Municipal Ordinance 31.01(D)(4) states:

*The Duties of the City Manager shall be as follows...*

*...To prepare the annual budget for consideration by the Council and Budget Committee...*

**PREVIOUS COUNCIL ACTION**

Council has traditionally appointed the City Manager as Budget Officer.

**ALTERNATIVES/FINANCIAL IMPLICATIONS**

None.

**STAFF RECCOMENDATION**

Appoint City Manager Mac Corthell as Budget Officer for FY 2019-2020.

**EXHIBIT**

None.

**PROPOSED MOTION**

I move the City Council of the City of Falls City appoint City Manager, Mac Corthell, as Budget Officer for FY 2019-2020.



City of Falls City  
299 Mill Street  
Falls City, OR 97344  
Phone: 503.787.3631  
www.fallscityoregon.gov

**Memorandum**

**To: Honorable Mayor and City Council**

**From: Falls City Garden Club through City Manager Mac Corthell**

**Date: 2/14/2019**

**Re: Garden Club Disbanding**

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The Falls City Garden Club has chosen to disband and is left with \$600 to utilize as it sees fit. The club has narrowed the options to three, and has asked that the City Council cast votes to determine which they will pursue.

Once the club determines which option to pursue the proposal will come again before City Council to vote it up or down.

The garden club has asked that each councilor place a 1, 2, and 3 next to each option with 1 being the most favored by that Councilor and 3 being the least. The options are as follows:

- A. Construct a large planter with a tree or shrub planted in it and a small sign attached to it stating it was the FCGC that planted it and the dates the club was in existence.
- B. A cast iron bench somewhere on Main St with a sign on it saying the same thing as above.
- C. A display case in City Hall with various City mementos and a sign on it saying the same as option A.
- D. Any other ideas for the \$600 please list here:

Name of Councilor: \_\_\_\_\_

Once this is complete please turn-in to City Hall so it can be sent on to the FCGC. Thank you!

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## STAFF REPORT

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** CITY MANAGER, MAC CORTHELL  
**SUBJECT:** CLG GRANT APPLICATION  
**DATE:** FEBRUARY 14, 2019

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### **SUMMARY**

The Historic Landmarks Commission would like to apply for a Certified Local Government Grant to fund creation of a phone application showcasing Falls City Historic Properties. The phone application will be created by Falls City High School Students under the direction and supervision of Falls City High teachers.

### **BACKGROUND**

The Falls City Historic Landmarks Commission has identified a grant opportunity that they wish to pursue.

The Historic Commission boasts several individuals with grant writing and administration experience including Amy Houghtaling. Amy has stated that she will perform the actual administrative work on the grant such as writing the application and periodic reporting which she will submit to the City Manager for final review and submittal.

If this grant is awarded it will continue to enhance the burgeoning partnership between the City and the School District as well as invigorating action by our community groups (in the case Historic Landmarks).

### **PREVIOUS COUNCIL ACTION**

None.

### **FINANCIAL IMPLICATIONS**

The maximum grant award is \$12,000 and there is no match requirement for cities under 5000 persons like Falls City.

The grant funds are paid on a reimbursable basis, so the City must foot expenses which would be reimbursed by the grant agency upon periodic report submittal.

The City can afford to front the money so long as it is reimbursed.

### **STAFF RECOMMENDATION**

Adopt.

### **EXHIBIT**

A-Resolution 03-2019

B-CLG Grant Information Sheet

**PROPOSED MOTION**

I move the City Council of the City of Falls City adopt Resolution 03-2019, A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE 2019 CLG GRANT.

RESOLUTION 03-2019

A RESOLUTION AUTHORIZING THE CITY MANAGER TO  
APPLY FOR THE 2019 CLG GRANT.

Whereas:

1. The Oregon Parks and Recreation Department, Oregon Heritage branch is accepting applications for the 2019 Certified Local Government Grant; and
2. The City of Falls City desires to participate in this grant program to the greatest extent possible as a means to provide educational opportunities to our high school students and enhance our Historic Preservation efforts; and
3. The City of Falls City Historic Landmarks Commission has identified a project that enhances educational opportunities and Historic Preservation efforts; and
4. The project would result in the creation of a historic landmarks telephone application developed by Falls City students with guidance and support from teachers and the Historic Landmarks Commission; and
5. The City of Falls City has available local funds to front for the project, subject to reimbursement, if the grant is awarded; and
6. The City of Falls City will provide adequate funding for on-going operations and maintenance of this application should the grant funds be awarded.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. The City Council of Falls City demonstrates its support for the submittal of a grant application to the Oregon Parks and Recreation Department for creation of a Historic Landmarks telephone application.

Section 2. This resolution is effective on the date it is adopted by the City Council of Falls City.

ADOPTED BY THE FALLS CITY COUNCIL ON THIS 14th day of February, 2019.

Vote: AYE\_\_\_\_\_ NAY\_\_\_\_\_ ABSTAIN\_\_\_\_\_ ABSENT\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeremy Gordon, Mayor

Attest:

\_\_\_\_\_  
Date

\_\_\_\_\_  
JoHanna Birr, City Clerk

# CERTIFIED LOCAL GOVERNMENT GRANT 2019 GUIDELINES

STATE HISTORIC PRESERVATION OFFICE, OREGON HERITAGE

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The Certified Local Government (CLG) grant program is funded by a Federal apportionment to Oregon through the National Park Service, Department of the Interior (CFDA 15-904). Communities must be a Certified Local Government, meeting all requirements, to apply for this non-competitive grant program. The funds may be use for projects promoting historic preservation including documentation, designation, and rehabilitation of historic properties, planning, review and compliance, and public education.

The grant cycle is 17 months if the grant agreement is signed promptly.

**FINANCIAL INFORMATION:** You may request up to \$12,000.

**MATCH:** We encourage you to seek local funding and donations in addition to your grant request. Local support allows the program to assist more CLGs and shows community value of the project. Match can be in the form of cash, in-kind donations and volunteer time.

- A 1:1 match for funds requested is required for cities with population of 5000 or more and counties with population of 10,000 or more.
- No specific match amount is required for cities with population 4,999 or under and counties with population 9,999 or under.
- Tracking match is required for all grant awardees.

**BUDGET INFORMATION:** Bids and estimates strengthen the grant request when applicable.

**PROFESSIONAL REQUIREMENTS:** The application must convey that all work will be completed following the Secretary of the Interior's Standards for Rehabilitation and by professionals who meet the requirements described in the Historic Preservation Fund Grant Manual.

**GRANT REPORTING AND PAYMENT:** Awarded projects will be the subjects of binding agreements between the State and the applicants that also follow the Historic Preservation Fund Grant requirements. Grant funds are dispersed on a reimbursable basis when progress reports are submitted documenting completed work.



**GRANT TIMELINE:**

Deadline – February 22, 2019 (11:59pm)

Notification – April 1, 2019

Interim reporting deadline – July 10, 2019 and July 10, 2020

Project completion deadline – August 31, 2020

Final report deadline – September 15, 2020

NO EXTENSIONS ARE AVAILABLE

**ELIGIBILITY:**

**CERTIFIED LOCAL GOVERNMENTS:** Local governments that have established a historic commission and implemented a preservation program approved by the State Historic Preservation Office and certified by the National Park Service may apply. CLGs must currently meet all certification requirements to apply. CLGs may apply up to once every two years.

**PROJECTS:** These grants support projects that support the preservation of historic properties and archaeological sites.

- Survey – the documentation of historic properties and archaeological sites
- Designation – Designating a historic property or archaeological site to the local list or National Register of Historic Places.
- Pre-Development – Building preservation plans, structural reports, designs, etc. for historic properties listed on the National Register of Historic Places.
- Development – Rehabilitation of properties listed on the National Register of Historic Places.
- Planning – Community preservation plans, archaeology studies, etc.
- Review and compliance – Management of the CLG's preservation program, processing design review applications, design guidelines, etc.
- Public Education – Preservation month activities, speakers and trainings, historic property walking tours, mobile device tours, scanning of historic property photos, maps, etc.
- Other activities – Trainings and conferences for staff and commissioners, membership in preservation organizations to access resources, training materials, etc.

**STANDARDS:**

- All projects must meet the Secretary of the Interior's Standards for Rehabilitation, meet the requirements of the Historic Preservation Fund Grant Manual, follow the State Historic Preservation Office Guidelines for Historic Resources Surveys, and State Historic Preservation Office Guidelines for Conducting Field Archaeology in Oregon.



*Handwritten signature*

## APPLICATION PROCESS

**GRANT ANNOUNCEMENT:** The grant application will be announced directly to the contact for eligible CLGs. Grant application information and online system instructions can be found at [http://www.oregon.gov/oprd/HCD/SHPO/pages/clg\\_tools.aspx](http://www.oregon.gov/oprd/HCD/SHPO/pages/clg_tools.aspx).

**REGISTRATION FOR THE ONLINE APPLICATION SYSTEM:** To access the application, register at [oprgrants.org](http://oprgrants.org). If you already have an account, then request through [Kuri.Gill@oregon.gov](mailto:Kuri.Gill@oregon.gov) or 503-986-0685 to add this grant option to your account. See online registration and application instructions for detailed directions to use the online grant system.  
[http://www.oregon.gov/oprd/HCD/SHPO/pages/clg\\_tools.aspx](http://www.oregon.gov/oprd/HCD/SHPO/pages/clg_tools.aspx)

The application must be complete and submitted online by the grant application deadline.

**APPLICATION QUESTIONS:** The following items will be required on the online application. Be sure to use the OPRD GrantsOnline instructions as you enter the information.

- Contact Information
  - Applicant – Enter the organization
  - Project Contact – This is the person we contact to discuss details of the project. If you are submitting the application, but you will not be the project contact, the project contact must have an account in the system to be entered. Please request an account or use the online registration to create one.
  - Address
  - Reimbursement Contact – This is the person who we contact to handle the financial side, may organization have a person managing the books who is not the project contact. The reimbursement contact must have an account in the system to be entered. Please request an account or use the online registration to create one.
- Project Information
  - Project title – Please use “[name of city or county] CLG Project”
  - Brief Project Description – please keep this brief and specific. Only state what the project is, not why it is important. List the key projects.
  - Project start date
  - Project end date
  - Site name – if the building has a name, or enter NA
  - Site city/town/area
  - Site county
  - Site description – Name the town
  - Site acreage – enter 1
  - Latitude & Longitude – use the Lat/Long button to fill these fields.
- Financial Information
  - Requested amount
  - Match amount
  - Total amount
  - Budget grouped by project type (Survey, Development, etc.) and category. See appendix E for example.
    - Contractor/Consultant

- Staff time (include rate for each person in the description)
  - Volunteer time
  - Materials & equipment
  - Printing, publication & design
  - Travel
  - Other (specify)
- Show source of funding using categories like, volunteer time, in-kind donations, staff time, organizational cash, donations, grants.
- Budget must include both expenses and income sources of funding.
- Supplemental
  - Grant Administration – Costs related specifically to the management of the grant – tracking volunteer hours, submitting reports, etc. Costs related to projects (RFP process, contracting) should be included in that project category. Total for this section must not exceed 15% of the total project amount. Generally this category should only be used for match to the grant funds. Provide scope of work, include staff and tasks involved.
  - Reconnaissance Level Survey – Systematic architectural survey conducted by qualified consultants or archaeological survey conducted by qualified archaeologists. Architectural survey products must meet the standards required in “Guidelines for Conducting Historic Resources Surveys in Oregon” (current version). The survey time per building is approximately 10-20 minutes, the consultant rate is usually \$50-\$120 per hour. A public presentation of survey results is recommended. Archaeological surveys must generate a survey report and appropriate site and isolate forms required by SHPO. The documentation must meet state standards. Provide scope of work including reason for survey, reason for property selection, number of properties included, and geographic area.
  - Intensive Level Survey – Historical Documentation of building identified in the Reconnaissance Level Survey or other process, or, archaeological survey involving comprehensive survey of all areas within survey boundaries. Architectural survey products must meet the standards required in “Guidelines for Conducting Historic Resources Surveys in Oregon” (current version). Archaeology survey must meet state standards and requirements. Consultants must meet professional requirements in the Historic Preservation Fund Grant Manual. Provide timelines, properties to be documented and reason for the selection of those properties.
  - National Register Nominations – Completion of forms and supporting documentation for National Register designation of significant resources. It takes approximately 100-150 hours to complete all of the details for a single property nomination and up to a year to complete the process. Check with SHPO about the eligibility of properties prior to the application. Provide timelines, property to be nominated, reason for property selection.
  - Public Education – Historic Preservation month activities, tours, mobile device tours, lectures, brochures, public events, websites, workshops, newsletters, preservation awards, etc.; must be related to preservation of historical or archaeological sites. Provide timeline, quantity and type of product, outreach and promotion information, intended audience, goals.
  - Planning – Community preservation plans and planning tools. Provide timeline, public engagement plan, purpose for plan, goals, etc.
  - Review and Compliance – General preservation program management, local review of proposals for alteration, new construction and demolition, design assistance and

- guidelines, etc. General program management and design review should primarily be used as match for the grant funds. Provide the product information, people involved, approximate number of meetings, goals, etc.
- Pre-Development – Preparation of feasibility studies, working drawings, structural reports, preservation plans for the maintenance and/or rehabilitation, preservation and/or stabilization of properties eligible for or listed in the National Register of Historic Places. Projects must meet the Secretary of the Interior's Standards for Rehabilitation and must be performed by professionals the meet Historic Preservation Fund Grant standards. Provide timeline, scope of work, reason for the work, reason for the property selection, information on estimates.
  - Development - Labor and materials costs for rehabilitating National Register properties (must be on the Register or contributing to a district prior to the work). Provide scope of work including timeline, materials, methods, property location, condition, etc. For known development projects, attach complete development project packet including current photo, historic photo if available, map, work plan drawings, and cover page.
  - Other Activities – Attendance at approved in-state and out-of-state historic preservation conferences and trainings, other projects that do not readily fit a category above. Provide timeline, work plan, conference name, number of participants. Provide details for each different type of project in this category.
  - Back-up activity – Provide information on a back-up activity in case one of your projects falls through.
  - Budget Detail – Provide details on estimates, committed in-kind participation, etc. Attach a detailed budget.
  - Project Timeline – Provide target start and completion dates for all projects. Include benchmarks like: release RFP, hire consultant, initial public participation, complete project.
  - Risk Assessment – Describe your accounting system.
  - Attachments: Submit budget detail (this can be whatever format you chose, but should show expense detail), complete development project packet, photos, estimates, resumes, letter of commitment, technical information.
  - Submission
    - Be sure to click submit, you will receive confirmation of the submission

## GRANT REVIEW AND AWARD PROCESS

**GRANT REVIEW AND SELECTION:** This is a non-competitive grant program. Following the grant deadline the application will be reviewed by staff to make sure it is complete. You will be contacted if the application needs additional information or if the projects do not meet the following criteria.

**CRITERIA:**

- The capability of the applicant to carry out the proposed project - reasonable budget, scope of work, timeline.
- Eligibility for funding under the Historic Preservation Fund.

**GRANT AWARD:** The grant award will be made by the Deputy State Historic Preservation Officer. If applications do not meet the above criteria we will work with you to adjust the projects to be altered or changed. If it does, then you will be sent the grant agreements for signature.

**GRANT AGREEMENT:** By signing the Grant Agreement, you attest acceptance of a federal grant for the purposes outlined in your grant application and those outlined in the Agreement. This manual is considered to be part of your Grant Agreement. Some of the items in the Agreement include:

1. An approved Project Budget with line items specifying project expenses covered by grant funds and specific project expenses covered by the applicant match.
2. Grant starting date and grant completion & final report date.
3. Special conditions for the project.
4. Specific language for the acknowledgement of public funds provided by the State Historic Preservation Office and the National Park Service.
5. Requirements for submitting reports and reimbursement requests.
6. Requirements for inspections and audits.

**AMENDMENTS TO THE AGREEMENT:**

You may not, without prior written approval from us, make changes that would substantively alter the scope of work stipulated in the Agreement, or make any changes that authorized the award of the grant. The contract was with the assumption that the work would be completed as agreed. If an issue arises that you think may require an amendment, contact us immediately. Any unspent CLG Grant funds must be reobligated to other projects; otherwise, they are lost to the people of Oregon, and returned to the federal government.

## GRANT MANAGEMENT AND REPORTING

### GRANT MANAGEMENT:

#### Consultation with SHPO

SHPO staff has expertise in all types of typical CLG projects. While ongoing communication with the CLG Coordinator is required, you will be working closely with other staff assigned by SHPO in the program areas related to your project.

For example:

- Jason Allen ([Jason.Allen@oregon.gov](mailto:Jason.Allen@oregon.gov)) - Survey
- Kuri Gill ([Kuri.Gill@oregon.gov](mailto:Kuri.Gill@oregon.gov)) - Education, Review & Compliance, Planning, etc.  
– Development (Restoration & Rehabilitation)
- Ian Johnson ([Ian.Johnson@oregon.gov](mailto:Ian.Johnson@oregon.gov)) - Ordinance, Education, Planning
- Robert Olquin ([Robert.Olquin@oregon.gov](mailto:Robert.Olquin@oregon.gov)) - National Register
- Joy Sears – ([Joy.Sears@oregon.gov](mailto:Joy.Sears@oregon.gov)) - Development (Restoration & Rehabilitation)
- Sheri Stuart – ([Sheri.Stuart@oregon.gov](mailto:Sheri.Stuart@oregon.gov)) - Education

Because the Grant Agreement involves the use of public funds from the State of Oregon and the federal government, you are expected to follow certain requirements for their use. These requirements will affect consultant or contractor selection, public notices, work plans, progress reports and billings, project photographs, final reports and billings, and recordkeeping.

#### Consultants/Contractors

A consultant or contractor is any individual or firm who is not a staff member on the permanent payroll of the grantee's organization. If you plan to use a consultant or contractor to carry out any tasks in your project, the selection must be consistent with Oregon State policies and the Secretary of Interior's Historic Preservation Professional Qualification Standards ([http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)).

These provisions apply to the hiring of consultants or contractors when the funds to pay their fees are either CLG Grant Funds, or are part of the non-federal matching share of a CLG grant. Depending on their involvement in the project, your staff may be required to meet the Secretary of Interior's standards for historic preservation professionals also.

Evidence of competition for direct negotiated professional services of under \$10,000 is not mandatory.

Services and materials that cost \$10,000 to \$75,000 must show evidence of competition, including soliciting proposals from at least three potential contractors.

Grantees shall maintain documentation on file to support all hiring and contracting procurements involving Federal and matching funds, including evidence that the services of the consultant are needed and cannot be met by current staff whose salaries are paid in part under the grant. Documentation must include:

- How contractor was solicited and selected;
- Why contractor was selected (references, quality, previous work, time frame, cost, etc).

SHPO may request that the Grantee check the Consultant's references, if evidence of this is not submitted with the approval request. This is good hiring practice.

The Grantee has the responsibility for project completion, as they are under contract with the SHPO. Management of the consultant contract is included in this responsibility. The Grantee needs to maintain regular contact with the consultant to receive progress reports and assure that the agreed upon timeline is being met, and that the products meet their contracted obligations.

All work carried out by the contractor or consultant must be submitted first to the grantee, not to SHPO. When the Grantee approves the work, the Grantee will submit the report, any documents that are products, photos, and the payment request to SHPO. In no case does the contractor or consultant submit work or reports directly to SHPO without the Grantee included; drafts for SHPO review must also come from the Grantee or the Grantee must be included in the notification or submission to SHPO.

### Work Plans

Work plans must be approved by the State Historic Preservation Office before work begins. For approval submit the following to the Grants Coordinator:

If no changes have been made to the plan...

- An email indicating that the plan remains as proposed in the application

If the plan is different than the one proposed in the application...

- Before photographs
- Plan drawings
- Work description including materials, tools and processes to be used
- Timeline

SHPO staff **must** approve drafts of publications and interpretive panels prior to production. If required language does not appear on the documents, the work cannot be reimbursed or included as match.

### Public Notice Requirement

It is in your best interest to spread the news about the grant award and the project progress. Upon grant award, at key project points and upon completion you should do the following.

- Send a news release to local media
- Inform your members and interested parties
- Post on social media
- Inform your public officials (local, state and federal)
- Have celebratory and/or informational events (construction tour, ribbon cutting, etc.)

All grant or match-funded publications, literature, and videos must be reviewed, revised if needed, and approved in draft form by SHPO **prior** to final publication. This includes context statements, pamphlets, brochures, booklets, interpretive panels, exhibits, preservation plans, structural plans, etc.

### Acknowledgment of Support

An acknowledgment of State Historic Preservation Office and NPS support must be made in connection with the publication or dissemination of any printed, audio-visual, or electronic material based on, or developed under, any activity supported by HPF grant funds. Projects that must include this are newsletters, brochures, plans, reports, etc. This acknowledgment shall be in the form of the following statement:

“The activity that is the subject of this [type of publication] has been financed [in part/entirely] with Federal funds from the National Park Service, U.S. Department of the Interior. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior. “

**Nondiscrimination Statement**

Publications (brochures, preservation plans, etc.) and audio-visual materials must also include the following nondiscrimination statement:

“This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office for Equal Opportunity, National Park Service, 1849 C Street NW, Washington, D.C. 20240.”

**Public information**

Press releases, publications, and any other public dissemination of information (including electronic materials such as internet pages) by a grantee made possible by grant assistance shall acknowledge Department of the Interior, National Park Service grant support by use of the above statements.

Grantee must provide a digital copy of any public information releases concerning this award that refer to the Department of the Interior, National Park Service, or Historic Preservation Fund. Specific text, layout photographs, etc. of the proposed release may be submitted for prior approval.

**We cannot reimburse for projects that don't include the above statements.**

You may be asked to contribute to the Oregon Heritage Exchange blog following project completion.

**Copies of publications**

Upon publication, a minimum of one electronic copy and two hard copies must be submitted to SHPO. One copy of the publication will be furnished by SHPO to NPS, which will furnish one copy to the Department of the Interior's Natural Resource Library for deposit. Of the copy retained by SHPO will be placed in the resource library. Publications covered by this section include any formal, bound publication produced as a result of research or any other work funded in whole or in part by CLG grants, except National Register Nominations and Inventories, which conform to their own submission requirements.

**Development Project Requirements**

**Eligible Projects**

Rehabilitation and preservation of properties listed on the National Register of Historic Places individually or contributing to a district.

- Painting alone is ineligible for funding.
- Projects eligible for funding.
  - Roofing, window repair
  - Foundation repair

Siding repair  
Replacement of missing architectural features , etc.

#### Preservation Agreement Requirement

All development or rehabilitation projects require a Preservation Agreement between the SHPO and the property owner. An example Preservation Agreement is available as a fillable form on Oregon Heritage website: [http://www.oregon.gov/OPRD/HCD/SHPO/pages/clg\\_Tools.shtml](http://www.oregon.gov/OPRD/HCD/SHPO/pages/clg_Tools.shtml) . You may submit this with the application or as a progress report in OPRD Grants Online. This is **required before work** can begin on the project. If the Federal funds use on a property accumulate to over \$25,000 then a covenant is required. Contact your grant coordinator in this case.

#### Section 106 and NEPA Compliance

Completion of Section 106 and NEPA documentation is required for all development projects. Both processes must be completed before work begins. Submit the CLG Development Project packet with your application or as a progress report in OPRD Grants Online. SHPO will begin the Section 106 review and the NEPA process upon receipt of the complete packet.

- If the project is eligible for funding and the work meets the Secretary of the Interior's Standards, the signed packet will be uploaded to OPRD Grants Online, and the grantee will be notified.
- SHPO will begin the NEPA process.
- The 30 day tribal and public comment period will be completed.
- The NEPA documentation including the approved CLG Development Project Packet will be sent to NPS.
- The grantee will be notified of the project start date.

The packet coversheet and CLG development project checklist are in Appendix D.

#### Photographs

Before, during and after photographs are required for the interim and final report reports that request reimbursement. Photos are required in a digital format (300dpi or higher, jpeg or tiff). Do not submit photographs in a PDF format.

#### GRANT REPORTING:

**Interim reports:** Interim grant reports are required **July 10, 2019** and **July 10, 2020**.

You will be sent reminders to submit reports. Reports are submitted through OPRD Grants Online. Reports must include the current status of the project and summary of work completed, a timeline for completion, and any issues or challenges. Submit supporting attachments like photographs, professional review, inspection results, etc. Oregon Heritage staff will review and approve reports. A site visit may be required for approval. You will be notified if a site visit must be scheduled.

**Final report:** A final report is required within 45 days of completing the project or by **September 15, 2019**, whichever is first. Reports are submitted through OPRD Grants Online. Reports must include a summary of work completed and any changes to the original plan. Submit additional documentation including:

- Photographs before, during and after the project is complete (300 dpi or higher),
- Contractor specifications and invoice, inspection report, and other evidence of work completed.

- Grant Evaluation and Project Impact Form (Appendix A) – This information is used to improve our grant processes and services and to measure the value of our grant programs.

#### **Descriptions and supporting document requirements for typical project types:**

##### **Reconnaissance Level Survey**

**Summary:** Describe the location, the number of properties, the general results of the survey, the number of people attending the public presentation of the survey.

**Attachments:** Submit the final survey report. The database and list of properties will be submitted directly to the survey program, so do not upload those.

##### **Intensive Level Survey**

**Summary:** Provide the address and property name, if there is one, and describe the property and a few sentences of the results of the survey.

**Attachments:** Submit the final report.

##### **National Register Nomination**

**Summary:** Provide the address and property name, if there is one, and describe how far the nomination is through the listing process.

**Attachments:** None. These are submitted through the National Register program.

##### **Pre-Development**

**Summary:** Provide the address and property name, if there is one. Describe the purpose the pre-development work.

**Attachments:** The report, drawings, plans, etc. Be sure the required credit statements appear on the documents.

##### **Development**

**Summary:** Provide the address and property name, if there is one. Describe the work completed, the materials used, the original materials retained or lost.

**Attachments:** Prior to work beginning the signed Preservation Agreement and complete CLG Development Project Packet must be submitted. For the final report, attach photos of people doing the work and before and after photos (jpg or tiff, 300 dpi or higher).

##### **Review and compliance**

**Summary:** Describe the number of meetings, the numbers of projects reviewed (by commission and/or staff).

**Attachments:** Packet of meeting agendas or minutes (agenda only, not meeting packets).

##### **Planning**

**Summary:** Describe the planning work completed, and a few sentences about the public participation and the results.

**Attachments:** Electronic copies of products (design guidelines, preservation plans, etc.) Be sure the required credit statements appear on the documents.

##### **Public Education**

**Summary:** For events, list each event, who and how many attended and the results. For brochures, describe what they are, how many were printed and how they were distributed. For formal publications,

describe what they are, how many were printed and how they were distributed. For web based projects describe what they are and many have accessed them.

**Attachments:** For events, submit flyers, articles, photos of the event, programs, etc. For brochures, submit the brochure. For formal publications, submit hard copies outside of OPRD Grants Online. For web based projects submit the url and screen shots that convey the work completed. Be sure the required credit statements appear on the documents.

Oregon Heritage staff will review and approve reports. A site visit may be required for approval. You will be notified if a site visit must be scheduled.

See OPRD Grants Online Reporting & Reimbursement Instructions

[http://www.oregon.gov/oprd/HCD/FINASST/Pages/grants.aspx#Grant Planning, Application & Administration](http://www.oregon.gov/oprd/HCD/FINASST/Pages/grants.aspx#Grant%20Planning,%20Application%20&%20Administration) for a detailed guided to completing your report online.

**GRANT REIMBURSEMENT:** Grant funds are dispersed on a reimbursable basis. A project report and a reimbursement request are required to receive a reimbursement.

The reimbursement request must include expense information for the period the request covers. Submit the following attachments.

- Copies of invoices or receipts for expenses over \$500
- Itemized list of expenses under \$500
- Volunteer time tracking – including the people, hours, rate, task
- Staff time tracking – including the people, hours, rate, task
- Evidence of in-kind donation value
- See OPRD Grants Online Reporting & Reimbursement Instructions  
[http://www.oregon.gov/oprd/HCD/FINASST/Pages/grants.aspx#Grant Planning, Application & Administration](http://www.oregon.gov/oprd/HCD/FINASST/Pages/grants.aspx#Grant%20Planning,%20Application%20&%20Administration) for a detailed guided to completing your report online.
- **DO NOT** submit canceled checks as proof of payment. Only proof of expense is required.

The entire final payment will be withheld until all products are received, and approved by SHPO. No more than 50% of the expenditures to date will be paid in any payment, to assure the required 50/50 minimum match. 10% of funds are withheld until all projects are complete.

Separate reimbursement requests are required for each fiscal year. Submit a reimbursement report for work in each of the following periods.

- April 1, 2019 – June 30, 2019, deadline July 15, 2019
- July 1, 2019 – June 30, 2020, deadline July 15, 2020
- July 1, 2020 – August 31, 2020, deadline September 15, 2020

**FINAL PRODUCTS:** Federal Guidelines make it very clear that the product is the measurable result of CLG projects. Products must meet the Secretary of Interior's Standards for the applicable project objectives. It is very important that you complete each element agreed upon in the Agreement. If goals are not met, it is SHPO's responsibility to withhold final reimbursement, or request re-payment of funds. Your ability to secure future grants from SHPO may also be affected.

**AUDITS:** A field or desk audit may be made after completion of the project to verify your expenditures. The auditor will contact you several days in advance to arrange a convenient time if a field audit is necessary. To expedite this audit, all supporting documents should be readily available.

**IN FIELD MONITORING:** You may receive one or more site inspections involving both the project coordinator and/or persons conducting the work. Typically, the meeting might consist of a visit to the project area; a review of the boundaries, concentrations or types of resources, discussion of the progress of the project, or attendance at a public hearing or meeting. Record keeping and financial systems may be examined. In-field monitoring will be scheduled in advance of the meeting.

**RECORD KEEPING:** Keep records of your grant management for five years. For details about accounting procedures see Appendix B.

**ASSISTANCE:**

Grant questions and OPRD: Grants Online: Kuri Gill, [kuri.gill@oregon.gov](mailto:kuri.gill@oregon.gov), 503-986-0685.

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## STAFF REPORT

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** CITY MANAGER, MAC CORTHELL  
**SUBJECT:** RESOLUTION 04-2019, FALLS CITY EVENTS  
**DATE:** FEBRUARY 14, 2019

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### SUMMARY

This resolution would authorize the City Manager to support city events with city resources such as money, manpower, and facilities. It further mandates that the City Manager only support city events as the budget and other resources allows.

### BACKGROUND

All cities host and support various community events, and the benefits of doing so are innumerable. Our city has a history of putting on events that, like so many other things in this small community, are the best kept secrets in the valley. Unfortunately, as those secrets got out some of the more notable events became unmanageable or unaffordable.

As part of our larger community development effort City Staff has been establishing a structured recreation and event management program. The overall aim is to revive our most notable events and support our current ones.

In preparation, City Staff has attended regular Polk County Tourism Alliance meetings and the City of Falls City has become honorary members (the other cities and the county paid for a staff member stationed at Travel Salem). We have also met multiple times and consulted with several City Events Managers and Chambers of Commerce.

Our current budget lacks a specific appropriation for an events program and council has not otherwise approved expenditure of city resources such as manpower, and city facilities, on all of the events we have been and continue to support. For example the Spring Clean, Thanksgiving Dinner, National Night Out, and Christmas Tree Lighting.

It is my intent to create and fund an event line in next year's proposed budget, but that won't help until July 1st. Planning and preparation cost some city resources and must occur continuously to put on successful events.

Finally, the benefits of putting on events are numerous, below are just a few:

1. They showcase our city, thus increasing visibility and patronage.
2. They strengthen our community by connecting and uniting our citizens under positive circumstances.
3. They help build trust in the City Government by providing citizens a well-organized, community oriented, recreational opportunity or service.
4. They can save our citizens money in some cases and provide a needed community or personal service in others.

5. They can generate revenue and they're fun!

**PREVIOUS COUNCIL ACTION**

Approved SOLV River Cleanup last Summer.

**FINANCIAL IMPLICATIONS**

The Resolution authorizes the City Manager to support events only as the budget and manpower allows.

**STAFF RECOMMENDATION**

Adopt.

**EXHIBIT**

A-Resolution 04-2019

**PROPOSED MOTION**

I move the City Council of the City of Falls City adopt Resolution 04-2019, A RESOLUTION AUTHORIZING THE CITY MANAGER DISCRETION TO UTILIZE CITY RESOURCES IN SUPPORT OF CITY EVENTS.

RESOLUTION 04-2019

A RESOLUTION AUTHORIZING THE CITY MANAGER DISCRETION TO UTILIZE CITY RESOURCES IN SUPPORT OF CITY EVENTS.

Whereas:

1. Hosting events carries multiple benefits for a City including: raising the City's profile, boosting community enthusiasm, economic benefits of visitors to the community, showcasing the City, making personal connections, strengthen relationships between community members, and generating revenue to name just a few; and
2. Event planning, management, funding, and coordination require expenditure of City resources; and
3. There is no budget line item for City events in the current budget; and
4. The City must expend resources now for future events; and
5. To expend City resources, the City Manager must have a budget appropriation, resolution, or ordinance authorizing such expenditures; and
6. The City Manager must exercise discretion for all expenditures, but especially those with no specific budget line.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. The City Manager may expend City resources to support the list of City events in Section 3 below.

Section 2. The City Manager will use discretion in expending City resources to support events such that any expenditure must be supportable by the adopted budget at the time of expenditure.

Section 3. The City may host and/or support the following events subject to budget and manpower restraints:

- |   |                       |
|---|-----------------------|
| a. Spring Clean                                 | i. National Night Out |
| b. SOLV River Cleanup & Arbor Day               | j. Thanksgiving Meal  |
| c. SOLV Cemetery Cleanup                        | k. Mushroom Festival  |
| d. Annual Photo Contest                         |                       |
| e. 3 <sup>rd</sup> of July (Summer Celebration) |                       |
| f. Citywide Garage Sale                         |                       |
| g. Sip'n Sashay Fun Run                         |                       |
| h. Tree Lighting                                |                       |

Continued next page...

Section 4. Additional events may be added to the list in Section 3 by resolution of the City Council.

ADOPTED BY THE FALLS CITY COUNCIL ON THIS 14th day of February, 2019.

Vote: AYE\_\_\_\_\_ NAY\_\_\_\_\_ ABSTAIN\_\_\_\_\_ ABSENT\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeremy Gordon, Mayor

Attest:

\_\_\_\_\_  
Date

\_\_\_\_\_  
JoHanna Birr, City Clerk

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## STAFF REPORT

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** CITY MANAGER, MAC CORTHELL  
**SUBJECT:** ORDINANCE NO. 556-2019 AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES  
**DATE:** FEBRUARY 14, 2019

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### SUMMARY

Amending the noise ordinance in an effort to simplify it and make it enforceable.

### PROCESS FOR ADOPTION

1. An ordinance may be adopted at a single meeting with unanimous approval by all Councilors present (at least a quorum). This ordinance was NOT available in writing to the public more than one week prior to the January 10, 2019 City Council Meeting.
  - a. **COMPLETE** 01/10/19:
    - i. Read ordinance by title only (unless a Council member requests a full reading)
  - b. 02/14/19:
    - i. Read ordinance by title only (unless a Council member requests a full reading)
    - ii. Motion to Adopt Ordinance 556-2019.
  - c. Effective Date:
    - i. Ordinance becomes effective 30 days after adoption.

### BACKGROUND

In 2006 the City Council passed Ordinance 512-06 which effectively reinstated the text of ordinance 323 (originally passed in 1969) with some amendments, as the nuisance code for Falls City. Section 25 of those ordinances deals with unnecessary noise.

Unfortunately, the noise ordinance in place fails in at least 2 ways. First, it pins one variety of noise complaint to a decibel reading which requires DEQ certification and testing equipment to prove. This creates a significant resource gap for our small code services program and budget. Additionally, by placing the decibel limitations in the same section as unnecessary noise, it provides a viable argument that any noise violation not exceeding the decibel level should not be punished.

The amended ordinance at issue here removes the decibel section entirely and instead pins noise violations to whether or not a particular noise can be heard from inside another residence, or from more than 150 feet away.

The decibel level concerns will return in a later ordinance to be tied to whether or not a noisy event requires a permit. Measurement and proof of the decibel levels emanating from an event will be the responsibility of the event host, not the city.

Second, the list of definitions and violations in the noise ordinance is far too long to be user friendly. An effective nuisance ordinance should carry with it the ability to put the public on notice of what is expected of them. Creating so many definitions for such a small section of the code creates confusion which is compounded when one attempts to apply those definitions to one of the many nuanced specific violations listed.

Finally, the section on responsibility and authority is entirely unnecessary and just creates more confusion. Section 31.01(D)(10) already provides the City Manager with the necessary authority to ensure the City Codes are enforced. Another issue with this section is the “right to inspect.” With consent, there is always a right to inspect, so the language is extraneous and could lead an ill informed code enforcement officer to believe they have a right to inspect that is not there. Thus, excising this portion really mitigates risk, and simplifies the statutory command for the citizenry.

**PREVIOUS COUNCIL ACTION**

First reading completed 1/10/2019.

**ALTERNATIVES/FINANCIAL IMPLICATIONS**

Keeping the current language means the noise ordinance remains unenforceable, or the City must purchase noise measuring equipment and provide noise measurement training.

**STAFF RECOMMENDATION**

Adopt.

**EXHIBIT**

ORDINANCE NO. 556-2019.

**PROPOSED MOTIONS**

1. I move the City Council of the City of Falls City read ORDINANCE NO. 556-2019, FOR THE SECOND TIME BY TITLE ONLY, AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES.
2. I move the City Council of the City of Falls City adopt ORDINANCE NO. 556-2019 AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES

ORDINANCE NO. 556-2019

**AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF  
ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES**

Whereas, loud noise exposure to humans carries with it the potential for harmful physiological and psychological effects; and

Whereas, loud noise exposure to property carries with it the potential for decreased property value, and interference with the quiet enjoyment of dwelling and business units; and

Whereas, the City Council has the responsibility and authority to protect the health and welfare of the Citizens of Falls City; and

Whereas, the reasonable regulation of noise is a necessity to ensuring health, safety, and the quiet enjoyment of property; and

Whereas, the complex and lengthy nature of the Falls City noise ordinance fails to provide notice of expectations to Citizens; and

Whereas, the Falls City noise ordinance has been rendered unenforceable by lack of resources and changes in the regulatory environment.

**The City of Falls City ordains as follows:**

*\*Note: subtractions are shown with a strikethrough line, additions are in bold print, and unchanged sections remain in standard print.*

Section 1. Section 25 of Ordinance 512-06 is amended to read:

Section 25. UNNECESSARY NOISE.

~~Standards and definitions.~~

~~—A. Terminology and Standards. All terminology used in this chapter that is not defined below shall be in accordance with the Department of Environmental Quality (DEQ) Noise Control Regulations and noise emission standards outlined by Oregon Revised Statute (ORS) 467.030, and Oregon Administrative Rule (OAR) Chapter 340 Division 35.~~

~~—B. Measurement of Sound Level.~~

~~—1. Measurements shall be made with a calibrated sound level meter in good operating condition.~~

~~—2. Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from the~~

ORDINANCE NO. 556-2019

EFFECTIVE DATE (30 days after passage):

**ORDINANCE NO. 556-2019**

**AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF  
ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES**

~~Department of Environmental Quality or other competent body prior to engaging in any enforcement activity.~~

~~3. Procedures and tests required by this chapter and not specified herein shall be placed on file with the city recorder.~~

**1. Declaration of Purpose.**

**It is the intent of the Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the intent of the Council to control the level of noise in a manner that promotes the use, value and enjoyment of property, the conduct of business, and sleep and repose and that reduces unnecessary and excessive sound in the environment.**

~~C. 2. Definitions. As used in this chapter:~~

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

~~"Amplifying equipment" means public address systems, musical instruments, and other similar devices that are electronically amplified.~~

~~"City" means the city of Falls City, Oregon or the area within the territorial city limits of the city of Falls City, Oregon and such territory outside of this city over that the city has jurisdiction or control by virtue of ownership or any Constitutional or Charter provision, or any law.~~

~~"Commercial land use" includes land uses zoned commercial (C), historic commercial (HC) or any use of an office, service establishment, retail store, park, amusement or recreation facility, or other use of the same general type, whether publicly or privately owned.~~

~~"Construction" means any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways and utilities. It shall include land clearing, grading, excavating and filling before, during or following such activity.~~

~~"Continuous sound" means any steady sound with a deviation no greater than plus or minus two dBA of its mean, or total fluctuation of four dBA, during the period of observation when measured with a sound level meter set on fast response.~~

~~"Day time period" means seven a.m. until ten p.m. of the same day, local time.~~

ORDINANCE NO. 556-2019

EFFECTIVE DATE (30 days after passage):

**ORDINANCE NO. 556-2019**

**AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF  
ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES**

**"Domestic power tools ~~equipment~~"** means ~~any mechanically or electrically powered saw, drill, sander, grinder, lawn or garden tool, or similar device generally used out of doors in residential areas.~~ **power tools or equipment, including, but not limited to, power tools, power hand tools, lawn mowers, power blowers, garden equipment and snow removal equipment.**

**"Dwelling Unit"** means a single-family dwelling, duplex, triplex, multifamily dwelling, apartment, condominium or mobile home.

**"Dynamic braking device"** means a braking device used primarily on trucks and busses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.

~~"Emergency work" means work made necessary to restore property to a safe condition following severe inclement weather and natural disasters, work required to restore public utilities or work required to protect persons or property from imminent exposure to danger.~~

~~"Industrial land use" includes land use zoned light industrial (LI), industrial (I), or any use of a warehouse, factory, mine, wholesale trade establishment or other use of the same general type, whether publicly or privately owned.~~

**"Motor Vehicle"** means a vehicle that is self-propelled or designed for self-propulsion.

~~"Night time period" means ten p.m. of one day until seven a.m. the following day, local time.~~

**"Noise Disturbance"** means any sound that:

- (a) Injures or endangers the health or safety of a human;**
- (b) Annoys or disturbs a reasonable person of normal sensitivities; or**
- (c) Injures or endangers personal or real property.**

~~"Noise sensitive areas" or "noise sensitive uses" includes property on that residential housing, apartment buildings, schools, churches, hospitals, and nursing homes are located.~~

~~"Off road recreational vehicle" means any self-propelled land-use vehicle designed for, or capable of traversing over natural terrain, including, but not limited to, racing vehicles, mini-bikes, motorcycles, go karts, and dune buggies, when operated off the public right-of-way for noncommercial purposes.~~

~~"Persons" means a person, persons, firm, association, co partnership, joint venture, corporation or any entity public or private in nature.~~

ORDINANCE NO. 556-2019  
EFFECTIVE DATE (30 days after passage):

**ORDINANCE NO. 556-2019**

**AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES**

"Plainly audible" means ~~unambiguously communicated sounds that disturb the comfort, repose or health of the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words, and vocal sounds other than speech that are distinguishable as raised or normal.~~ **The listener can clearly hear the sound produced by a sound source with unaided hearing faculties. Sounds which may be plainly audible include, but are not limited to, musical rhythms, engine noises, spoken words or phrases even though not clearly discernable, and other vocal sounds.**

~~"Powered model vehicle" means any self-propelled airborne, waterborne, or land-borne plane, vessel or vehicle, that is not designed to carry persons, including but not limited to any model airplane, boat, car, or rocket.~~

~~"Recreational park" means a facility open to the public for the operation of off-road recreational vehicles.~~

~~"Warning devices" means electronic devices used to protect persons or property from imminent danger including, but not limited to, fire alarms, civil defense warning systems, and safety alarms required by law. (Ord. 424 § 4 (part), 2002; Ord. 397 § 2, 1999)~~

**3. Noise Disturbance Prohibited.**

**It shall be unlawful for any person to intentionally, knowingly, or recklessly to create, to permit, to continue, or to assist in the creation or continuance of any noise disturbance.**

**4. Specific Noise Disturbances.**

**Except as provided in subsection 5 of this section, the following are declared to be noise disturbances per se. This section shall not be deemed to limit noise disturbances for the purposes of subsection 3, to those enumerated herein.**

- a. Sound producing, amplifying or reproducing equipment. It shall be unlawful to operate or use, or to permit the operation or use of, any device that produces or amplifies sound, including, but not limited to, musical instruments, radios, televisions, stereos, compact disc players, tape recorders, amplifiers and loudspeakers, in such a manner that the sound produced thereby is plainly audible:**

**(1) Within any dwelling unit, church, temple, synagogue, business, day care center or school, other than the source of the sound; or**

**ORDINANCE NO. 556-2019**

**AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF  
ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES**

(2) On public property or a public right-of-way 150 feet or more from such device, except as specifically authorized in writing by the city, county, state or federal government that owns or controls such property.

b. Dogs. It shall be unlawful to keep, or to permit the keeping of, any dog or dogs that create any bark, cry, or other sound on a frequent, repetitive or continuous basis for ten minutes or longer.

c. Domestic power equipment. It shall be unlawful to operate, or to permit the operation of, any domestic power equipment between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

d. Construction or repair of buildings, streets, sidewalks, etc. It shall be unlawful to construct, demolish, alter, excavate, rehabilitate or repair any building, street, sidewalk, driveway, sewer, or utility line between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

e. Dynamic braking devices. It shall be unlawful to use any dynamic braking device on any motor vehicle, except to avoid imminent danger to persons or property.

f. Idling engines on motor vehicles. It shall be unlawful to operate any idling engine for more than ten consecutive minutes in a manner that is plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

g. Motor vehicle repair and testing. It shall be unlawful to repair or test any motor vehicle in a manner that is plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

h. Steam whistles. It shall be unlawful to blow a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work.

i. Sirens or other aural warning devices. It shall be unlawful to sound a stationary siren or other aural warning device, except where necessary to warn of fire or imminent danger to persons or property.

j. Pile drivers, steam shovels, pneumatic hammers, etc. It shall be unlawful to operate, or permit the operation of, any pile driver, steam shovel, pneumatic hammer, derrick, hoist, or any other similar equipment between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

**5. Exemptions**

ORDINANCE NO. 556-2019

EFFECTIVE DATE (30 days after passage):

**ORDINANCE NO. 556-2019**

**AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF  
ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES**

Notwithstanding subsections 3 and 4 of this section, the following sounds shall not be deemed noise disturbances:

- a. Sounds made by work necessary to restore property to a safe condition following a natural or other disaster, or to protect persons or property from exposure to imminent danger.**
- b. Sounds made by burglar or fire alarms operating repetitively or continuously for not more than ten minutes.**
- c. Sounds made by an emergency vehicle, as defined in ORS 801.260, when responding to or from an emergency or when pursuing an actual or suspected violator of the law.**
- d. Sounds made by the use of land and buildings as a farm for profit through the raising, harvesting, and selling of crops; through the feeding, breeding, management, and selling of livestock, poultry, fur-bearing animals or honeybees or the products thereof; through dairying and the selling of dairy products; or through engaging in any other agricultural or horticultural activity.**
- e. Sounds produced by the City, Polk County, the State or their employees, agents, contractors or their subcontractors in the maintenance, construction or repair of public improvements.**
- f. Sounds produced pursuant to a variance granted by the Oregon Environmental Quality Commission.**
- g. Sounds produced pursuant to and in conformance with a valid permit issued by the City of Falls City.**
- h. Sounds produced by sound amplifying equipment at athletic events sponsored by Falls City School District, an educational institution registered with the Oregon Department of Education, an educational institution accredited by an accrediting agency recognized by the United States Secretary of Education, or the City.**
- i. Sounds made by motor vehicle exhaust systems that comply with the provisions of ORS 815.250, unless the sounds otherwise violates subsection 4(f), (g) of this section.**
- j. Sounds produced by a public utility, a current franchisee of the City or their employees, contractors or subcontractors in the construction, maintenance or repair of their respective facilities.**

ORDINANCE NO. 556-2019  
EFFECTIVE DATE (30 days after passage):

ORDINANCE NO. 556-2019

AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES

~~Responsibility and authority.~~

~~A Responsibility. The responsibility for enforcement of this chapter shall reside with the City council or their designee.~~

~~B Authority. In order to implement this chapter and for the general purpose of sound abatement and control, the city council or their designee shall have in addition to any other authority vested with them, the following powers:~~

~~1 Planning: implement a noise control strategy in agreement with the city's zoning ordinance and comprehensive plan to:~~

~~— A. Assure public and private enterprises do not adversely impact existing noise sensitive properties and properties designated for noise sensitive use;~~

~~— b. Prevent the encroachment of noise sensitive uses into high impact areas such as industrial zones and those immediately adjacent to major highways or arterials that is incompatible for such uses by virtue of existing or projected noise impacts;~~

~~— 2. Inspections: upon presentation of proper credentials, enter and inspect any private property or place, and inspect any report or record at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act for the owner. Such inspection may include administration of any necessary tests;~~

~~— 3. Issue summons: direct the authorized representative of the City to issue summons, notices of violation or other legal orders to any person who allegedly violates any provision of this chapter;~~

~~— 4. Investigate violations: in accordance with all other provisions of this chapter, investigate and document violations and take necessary actions preparatory to enforcement. (Ord. 397 § 3, 1999)~~

~~8.04.040 Prohibited acts.~~

~~— A. No person shall knowingly continue, cause or permit to be made or continued any excessive or unnecessary sounds that are listed in this section or Section 8.04.050.~~

~~— B. The following acts are declared to create excessive and unnecessary sounds in violation of this chapter without regard to the maximum sound levels of Section 8.04.050:~~

ORDINANCE NO. 556-2019  
EFFECTIVE DATE (30 days after passage):

**ORDINANCE NO. 556-2019**

**AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF  
ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES**

~~—1. Radios, Stereos, Boom boxes, Tape Players, Television Sets. The playing, using or operating of any radio, tape player, television set or stereo system including those installed in a vehicle in such a manner so as to be plainly audible at any time between ten p.m. and seven a.m. the following day, local time:~~

~~—a. Within a noise sensitive area of noise sensitive use that is not the source of the sound; or~~

~~—b. At a distance of one hundred (100) feet or more from the source of the sound.~~

~~—2. Revving Engines. Operating any motor vehicle engine above idling speed off the public right of way so as to create excessive or unnecessary sounds within a noise sensitive area.~~

~~—3. Compression Braking Devices. Using compression brakes, commonly referred to as "jake brakes," on any motor vehicle except to avoid imminent danger or persons or property.~~

~~—4. Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine, or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.~~

~~—5. Idling Engines on Motor Vehicles. Idling more than fifteen (15) consecutive minutes between the hours of ten p.m. and seven a.m. the following day, local time, any motor vehicle with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater that exceeds fifty (50) dBA measured at the nearest occupied noise sensitive property.~~

~~—6. Vehicle Tires. Squealing tires by excessive speed or acceleration on or off public right of way except when necessary to avoid imminent danger to person or property.~~

~~—7. Motorcycles, Go Karts, Dune Buggies. Operating motorcycles, go karts, dune buggies and other off road recreational vehicles off the public right of way on property not designated as a recreational park.~~

~~—8. Motorboats. Operating or permitting the operation of any motorboat within the city's jurisdictional boundaries in such manner as to exceed eighty four (84) dBA at a distance of fifty (50) feet or more.~~

~~—9. Explosives. The discharge of fireworks and other explosive devices except as authorized by the City Council.~~

~~—10. Tampering. The removal or rendering inoperative of any noise control device for purposes other than maintenance, repair, or replacement.~~

ORDINANCE NO. 556-2019

EFFECTIVE DATE (30 days after passage):

ORDINANCE NO. 556-2019

**AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF  
ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES**

~~—11. Animals. Owning, possessing or harboring any bird or other animal that barks, bays, eries, howls, or makes any other noise continuously for a period of ten minutes or more, other than for reasons of being provoked by a person trespassing or threatening to trespass.~~

~~—12. Steam Whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.~~

~~—13. Horns and Alarms. The sounding of a horn or signaling device on a vehicle on a street or public or private place, except as a necessary warning of danger.~~

~~—14. Compressed Air Devices. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise created is effectively muffled.~~

~~—C. No person shall operate a motor vehicle on a public right of way unless it meets the noise emission standards promulgated by Oregon Revised Statute (ORS) 467.030 and Oregon Administrative Rule (OAR) Chapter 340, Division 35 that are adopted and incorporated by this reference. Copies of ORS 467.030 and OAR Chapter 340, Division 35 are on file in the office of the city recorder. (Ord. 424 § 4 (part), 2002; Ord. 397 § 4, 1999)~~

~~Maximum permissible sound levels.~~

~~—A. No person shall cause or permit sound(s) to intrude onto the property of another person that exceed(s) the maximum permissible sound levels set forth below in this section.~~

~~—B. The sound limitations established herein, as measured at or within the property boundary of the receiving land use, are as set forth in Table I and apply after any applicable adjustment, also provided for herein, are applied. When the sound limitations are exceeded, it shall constitute excessive and unnecessary sounds and shall be violations in their own right as well as being prima facie evidence of noise.~~

~~—C. This section is violated if any of the following occur:~~

~~—1. Any continuous sound that exceeds Table I for a cumulative total of greater than five minutes in any ten (10) minute period;~~

~~—2. Any sound that exceeds Table I by five dBA for a cumulative total of greater than one minute, but less than five minutes in any ten (10) minute period;~~

~~—3. Any sound that exceeds Table I by ten (10) dBA at any point in time.~~

ORDINANCE NO. 556-2019  
EFFECTIVE DATE (30 days after passage):

ORDINANCE NO. 556-2019

AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES

Table I

Table of Maximum Allowable Sound Levels (in DBA) in any Ten (10) Minute Period

Type of Received by Use

Type of Source by Use	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise sensitive	55	45	70	65	75	70
Commercial	55	50	70	65	75	70
Industrial	55	50	70	65	75	70

Exceptions

A. Exceptions. The following sounds are exempted from provisions of this chapter:

1. Sounds caused by the performance of emergency work, vehicles and/or equipment;

2. Aircraft operations in compliance with applicable federal laws or regulations;

3. Railroad activities as defined in Subpart A, Part 201 of Title 40, DFR of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;

4. Sounds produced by sound amplifying equipment at activities permitted by the city;

5. Sounds created by the tires or motor to propel or retard any vehicle on the public right of way in compliance with ORS 815.025 and OAR Chapter 340 Division 35, incorporated herein by reference;

ORDINANCE NO. 556-2019

EFFECTIVE DATE (30 days after passage):

54

ORDINANCE NO. 556-2019

AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES

- ~~—6. Notwithstanding Section 8.04.050(C), sounds created by refuse pickup operations during the operations during the period of four a.m. to ten p.m. local time;~~
- ~~—7. Sounds created by domestic power tools during the period of seven a.m. to ten p.m., local time, provided sound dissipation devices on tools are maintained in good repair;~~
- ~~—8. Sounds made by warning devices operating continuously for three minutes or less;~~
- ~~—9. Idling motor vehicles with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater between the hours of seven a.m. to ten p.m., local time provided they are equipped with an exhaust system that is in good working order and in constant operation;~~
- ~~—10. Construction activities during the period of seven a.m. to six p.m. local time (seven a.m. to eight p.m. during summer months of June through August), provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order.~~

6. Chapter additional to other law.

The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; nor unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance, or regulation relating to noise or sound. The provision of this chapter shall be deemed additional to existing legislation and common law on such subject.

7. Penalties Violation.

A violation of any provision of this chapter is a Class A infraction, punishable upon conviction by a fine of not more than five hundred dollars (\$500.00). Each and every day during that any provision of this chapter is violated shall constitute a separate offense.

**All subsequent violations of this chapter within thirty (30) days after any conviction for a violation of this chapter is a Class A infraction, punishable upon conviction by a fine of not more than one thousand dollars (\$1000.00). Each and every day during that any provision of this chapter is violated shall constitute a separate offense.**

The city council, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter.

FIRST READ by the City Council of the City of Falls City this 10<sup>th</sup> day of January, 2019.

ORDINANCE NO. 556-2019  
EFFECTIVE DATE (30 days after passage):



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## MANAGER'S REPORT

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** CITY MANAGER, MAC CORTHELL  
**SUBJECT:** MANAGER'S REPORT  
**DATE:** FEBRUARY 14, 2019

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**Public Works Committee:**

Two members had back to back unexcused absences in November and December. Under City Code the Council may remove these members and declare vacancies at its discretion. The two members in question are Mayor Gordon and Councilor Drill. If any councilor wishes to make a motion to remove, the council may address it. If not, the minutes will reflect Council's desire to excuse the absences through abstaining from pursuing the removal option.

**IT Upgrade:**

In his notes to the next City Manager, former Manager and Mayor Ungricht identified a slew of IT issues that needed to be addressed. In an effort to address them I had County IT, City of Independence IT, and two private IT professionals look at our IT system as a whole and make recommendations.

Each of the IT experts listed several needed upgrades to our system. The County and City of Indy recommended massive updates in the neighborhood of \$15k-\$20k. While the outside IT professionals recommended upgrades in the neighborhood of \$10k. In an effort to parse out what was necessary versus what was desirable, I utilized the system assessment done by Brian Smith in 2016 as a baseline to negotiate appropriate and cost effective updates suited to our system.

1. In 2016 Brian recommended that our server be upgraded in 2019 due to the end of extended support for the 2008 Windows Server platform.
2. In 2016 Brian recommended our workstations be upgraded in 2019 due to the end of extended support for Windows 7.
3. In 2016 Brian recommended upgrading our backup capability to a cloud based solution, and noted that we had no apparent security device or software which needed to be remedied.
4. In 2016 Brian recommended upgrading our nearly nonexistent network security.

Each of the outside consultants concurred with Brian's recommendations. Additionally, one of our towers recently quit working without explanation adding to the acute need for system upgrades.

I was able to negotiate an upgrade plan with Tech Genius out of Dallas to provide the following for around \$7k. The upgrades will prepare our IT system for at least the next 10 years.

5. Upgraded workstations- this does not replace, but instead upgrades our workstations to Windows 10, 8gb RAM, and i3 processors. The cost is approximately \$300 per machine instead of the \$800 for new workstations.
6. Windows Server 2016- Most servers of this magnitude cost approximately \$4500-\$6000, we will get one custom built by Tech Genius for approximately \$2500.
7. Network Upgrades- Our network is currently at high risk for compromise. The costs associated with a security breach could be catastrophic to our city. The upgrades to our network will provide us with an appropriate level of network security and full network functionality to offer the products and services to our citizens that only come with a modern network.

In today's operating environment IT capability is an absolute necessity. However, if the equipment and/or software are substandard the risks associated with IT are more than the City could endure. These include data breach, data loss, and lack of capability to perform basic functions. I was able to negotiate a cost effective upgrade solution that will come at less than half the cost proposed by some government IT professionals while still performing at the level their recommendations would have achieved.

**CDBG Wastewater:**

We will likely need to hold a special meeting work session to decide whether the City wishes to continue pursuit of the identified lagoon site property in light of recent events. This will likely need to occur in the next couple of weeks.

(verbal update on recent CDBG events).

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## AGENDA REPORT

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**TO:** CITY COUNCIL  
**FROM:** JOHANNA BIRR, CITY CLERK  
**SUBJECT:** NEW BUSINESS LICENSE – JAY’S PROPERTY CLEANING & MAINTENANCE  
**DATE:** 02/08/2019

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### SUMMARY

Falls City Municipal Code requires Council approval of all new business licenses.

### BACKGROUND

Jeremy Winn, of Falls City, Oregon has submitted an application for a business license in Falls City. This business would be operated at 660 Harrington St., which is zoned Residential.

Mr. Winn removes brush, junk, vehicles, scrap metal etc. He has also been very helpful to the City with various projects.

This type of business is allowed by Falls City Zoning and Development Code standards in Residential zoning.

### **2.209.04 HOME OCCUPATIONS**

*A. Intent: The intent of the home occupation provisions of this Ordinance is to recognize the needs of people who are engaged in small-scale businesses or professional operations from their place of residence. The residential character is maintained and the home occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for which purpose the Residential Zone was created and primarily intended.*

*B. Process: Home Occupations are allowed as an accessory use to any residential use in the City of Falls City. The standards of this Section shall govern all home occupations. There are two types of home occupations, Type A and Type B.*

- 1. Type A. The Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, craftspeople, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address without requiring a commercial workplace.*
- 2. Type B. The Type B home occupation is one where either one employee or sequential customers come to the site. Examples are counseling, tutoring, and*

hair cutting and styling. Type B home occupations are subject to the Type I approval process listed in Section 3.102.

C. Standards: A home occupation may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

1. Participation: No more than one person shall be employed who is not a resident of the home in which the home occupation is to be established.
2. Character: No Structural alterations shall be made which affect the residential character of the building. The character and primary use function of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.
3. Location: The business or activity shall be conducted wholly within the home or within a small accessory building which is residential in character and not larger than ½ the floor area of the house.
4. Noise: A home occupation shall not create noise of a type, duration or intensity which exceeds 60 decibels, measured at the property line, between the hours of 7:00 a.m. and 6:00 p.m. No noises shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception off the premises of the home occupation.
5. Equipment and Process Restrictions: No home occupation shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.
6. Traffic: A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than 20 vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. 20 trips is equivalent to 10 round trips.
7. Hazards: No equipment or process shall be used which will change the fire rating or structure separation, fire wall, or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the Zoning District.
8. Signs: Signing shall be as provided in Section 2.204.
9. On-Premise Client Contact: Customer and client contact shall be primarily by telephone or mail, and not on the premises of the home occupation, except those

home occupations, such as tutoring, counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.

10. Deliveries and Large Vehicle Storage: Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one 1 ton capacity and used in conjunction with a home occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right-of-way shall be prohibited.

11. Parking: Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within the side or rear yard setbacks of the district. No more than 2 home occupation-related vehicles shall be located on the property at one time.

12. Storage and Use of Yard Areas: Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations which involve the care of children by a baby sitter may use rear yard areas for playground equipment.

13. Day care facilities with 12 or fewer children or group care homes shall not be subject to the provisions of this Section.

D. Process. Home occupations are allowed as an accessory use to any residential use in the City of Falls City. Type B home occupations are subject to the Type I approval process listed in Section 3.102. The standards of this Section shall govern all home occupations.

E. Non-Compliance. Any home occupation which does not comply with the requirement of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the penalties and remedies of Chapter One – General Ordinance Provisions.

**PREVIOUS COUNCIL ACTION**

None

**ALTERNATIVES/FINANCIAL IMPLICATIONS**

No financial impact to the City.

**STAFF RECOMMENDATION**

Staff recommends approval of this business license.

**EXHIBIT**

Exhibit A – Business License Application

**PROPOSED MOTIONS**

I move the City Council of the City of Falls City approve the business license application for Jay's Property Cleaning and Maintenance.

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## STAFF REPORT

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**To:** Honorable Mayor, and City Council  
**From:** City Manager, Mac Corthell  
**Subject:** Extension- IGA with Polk County on FEMA project  
**Date:** February 14, 2019

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### **Summary**

Extending the IGA with Polk County to Manager the Dutch Creek FEMA/IFA culvert replacement project/grant to August 31, 2021.

### **BACKGROUND**

On December 7, 2015 Falls City was awarded an Emergency declaration from FEMA due to a storm that washed out the culverts on Dutch Creek on Mitchell Street.

Staff met with the County Manger and Public Works Director which resulted in an agreement for Polk County to manage the complete project. Polk County has been managing the project since 2016.

Multiple extensions have been awarded and construction on the project is expected to start this summer (2019). Additionally, an amendment on the project is forthcoming that grants an additional \$7,500 in IFA grant funding.

Due to the amendments in project timeline and now project funding, there is a need to extend the original IGA with Polk County to cover the remaining project management.

### **Previous Council Action**

Passed an agreement for disbursal of funds through Oregon Emergency Preparedness.  
Passed an IGA with Polk County to Manage the entire project/grants (Res 16-2016).

### **ALTERNATIVES/FINANCIAL IMPLICATIONS**

Alternatively the City will have to take over project/grant management and coordinate with all interested parties to complete the work. We lose the expertise and resources of Polk County Public Works as well.

### **STAFF RECOMMENDATION**

Pass Resolution extending the IGA.

### **EXHIBITS**

Resolution 05-2019.  
Amendment to IGA between the City and Polk County.  
Original IGA between the City and Polk County.

**PROPOSED MOTIONS**

I move that the City Council of the City of Falls City adopt resolution 05-2019, A RESOLUTION ADOPTING AN AMENDMENT EXTENDING THE IGA BETWEEN THE CITY OF FALLS CITY AND POLK COUNTY FOR THE MANAGEMENT AND WORK ON MITCHELL STREET DUTCH CREEK CULVERT REPLACEMENT PROJECT.

## INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into between Polk County, Oregon, hereinafter referred to as COUNTY, and City of Falls City, hereinafter referred to as CITY.

### RECITALS

WHEREAS CITY and COUNTY desire to work cooperatively to replace the Dutch Creek crossing on Mitchell Street (CITY jurisdiction) that provides access to Black Rock Road (COUNTY jurisdiction); and

WHEREAS the replacement of the Dutch Creek crossing (PROJECT) shall repair damage to the existing culvert and road bed;

Therefore, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

### ARTICLE I - SCOPE OF WORK

COUNTY agrees to perform for CITY the following services:

#### Project Management

This task consists of providing engineering and construction management services for the PROJECT. COUNTY will provide CITY with a monthly progress report that includes project status, updated schedule for completion, estimated amount spent-to-date and estimated final cost.

#### Funding Management

The COUNTY shall act as representative to FEMA and IFA for the CITY, filling out forms and submitting backup documentation for funding procurement.

#### Contracting

The COUNTY shall act as the contracting agency for the entire PROJECT including but not limited to preliminary design, permitting, right-of-way acquisition, plan preparation, construction management, inspection, and construction. This task includes the preparation of solicitation documents for bids and/or proposals.

#### Survey/Design Services

The COUNTY shall select and manage a consultant to perform topographical and feature survey, design alternative analysis and preparation of design drawings and specifications for construction. COUNTY shall provide draft and final design drawings to CITY for review and comment. Design standards for the roadway will conform to Polk County design standards.

#### Permitting

The COUNTY shall ensure that necessary permits are obtained for the PROJECT.

#### Right-of-Way Acquisition

The COUNTY shall obtain all right-of-way, access permits, construction easements and property owner agreements necessary to complete for PROJECT on behalf of the CITY.

#### Construction

This task includes site preparation, replacement of existing stream crossing, disposal of existing structures, road widening, raising road grade (if required), and environmental mitigation (if required).

Project Financing

The COUNTY shall provide project financing until the CITY receives reimbursements from funding agencies.

CITY agrees to perform the following services:

Project Coordination

The CITY shall coordinate with the COUNTY in a timely manner for the execution of COUNTY responsibilities under this agreement.

Services Coordination

The CITY shall coordinate agreements with and notification to service providers such as postal, school and emergency services.

Payment

The CITY shall make prompt payments to COUNTY within 14 days of receipt of reimbursement from funding agencies or receipt of invoice from COUNTY, whichever occurs later.

ARTICLE II - AGREEMENT PERIOD

This Agreement shall become effective on the date of last signature and shall remain in effect for one year from the date of PROJECT completion. Performance may be extended for additional periods by written mutual consent between the parties. Any extension after termination shall be retroactive to the date of termination.

ARTICLE III – CONSIDERATION

CITY agrees to pay COUNTY for costs incurred by COUNTY under this Agreement.

ARTICLE IV - NOTICE

Any notice provided for under this Agreement shall be sufficient if in writing and delivered to the following addressee:

COUNTY:

Todd Whitaker, Public Works Director  
Polk County Public Works  
820 SW Ash Street  
Dallas, Oregon 97338  
Phone: (503) 623-9287

CITY:

Terry Ungricht, Mayor  
City of Falls City  
299 Mill Street  
Falls City, OR 97344  
Phone: (503) 787-3631

ARTICLE V - INDEMNIFICATION

To the extent permitted by Oregon Law (ORS 30.260 through 30.300) and the Oregon Constitution, Article XI, Section 7, CITY shall indemnify COUNTY against any liability for damage to life or property

arising from CITY'S actions under this Agreement provided, however, CITY shall not be required to indemnify COUNTY for any such liability arising out of the wrongful or negligent acts of employees or agents of COUNTY.

To the extent permitted by Oregon Law (ORS 30.260 through 30.300) and the Oregon Constitution, Article XI, Section 7, COUNTY agrees to be responsible, assume liability and indemnify CITY for COUNTY'S own wrongful or negligent acts or omissions, or those of its officers, agents, employees or representatives.

#### ARTICLE VI - COMPLIANCE WITH LAWS

This Agreement shall be governed and construed in accordance with the laws of the State of Oregon. Any suit for enforcement shall occur, if in the state courts, in the Polk County Court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the District of Oregon.

#### ARTICLE VII - ASSIGNMENT

Neither party shall assign or transfer any interest in this Agreement, nor assign any claims for money due or to become due during this Agreement, without the prior written approval of the other party.

#### ARTICLE VIII - DISPUTE RESOLUTION

Any disputes under this agreement shall be elevated to the governing body of each jurisdiction by the designated official of each agency if the dispute cannot be resolved at the lowest level. The parties to this agreement agree to utilize mediation services prior to any litigation that may arise from unresolved conflicts or disagreements. Mediation costs shall be shared equally between the parties.

#### ARTICLE IX - TERMINATION

This agreement may be terminated in the following manner:

##### Insufficient Funding

Either party has the right to terminate this agreement if the estimated PROJECT cost exceeds available funding. A 30-day Notice shall be given to each party's designated official to exercise this option. Costs incurred by the COUNTY that are ineligible for funding shall not be reimbursed by the CITY.

##### Mutual Consent

This agreement may be terminated by the mutual consent of the COUNTY and CITY at any time. A 15-day Notice shall be given to each party's designated official to exercise this option. Costs incurred by the COUNTY that are ineligible for funding shall not be reimbursed by the CITY.

##### For Cause

This agreement may be terminated for cause by either party.

THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. NO AMENDMENT, CONSENT, OR WAIVER OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY ALL PARTIES. ANY SUCH AMENDMENT, CONSENT, OR WAIVER SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. SPONSOR, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, ACKNOWLEDGES HAVING READ AND UNDERSTOOD THE AGREEMENT AND SPONSOR AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date set forth herein by their duly authorized representatives.

CITY OF FALLS CITY, OREGON

POLK COUNTY, OREGON

Name: TERRY L. UNGRICHT

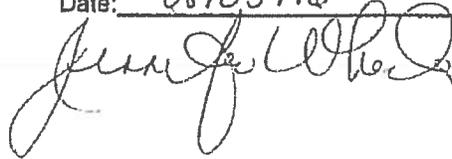
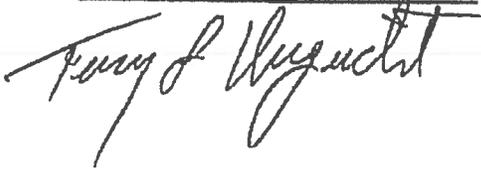
Name: Jennifer Wheeler

Title: MAYOR / MANAGER

Title: Chair. Board of Commissioners

Date: 7-15-2016

Date: 08/03/16



**RESOLUTION 05-2019**

A RESOLUTION ADOPTING AN AMENDMENT EXTENDING THE IGA BETWEEN THE CITY OF FALLS CITY AND POLK COUNTY FOR THE MANAGEMENT AND WORK ON MITCHELL STREET DUTCH CREEK CULVERT REPLACEMENT PROJECT.

Whereas:

1. The City of Falls City and Polk County agreed that the Dutch Creek culvert system on Mitchell Street is in need of replacement for the benefit of the County and City; and
2. The City has been awarded funding through the Federal Emergency Management Administration, FEMA, and Oregon Infrastructure Finance Authority to cover the costs of the project; and
3. Polk County has the experience to complete a project of this size and regulatory requirements; and
4. The City of Falls City entered an IGA with Polk County naming them manager of the overall Dutch Creek Culver replacement project and grants in 2016; and
5. Due to multiple extensions and additional grant funding, the IGA between Falls City and Polk County must be extended in order for Polk County to continue managing the project and grants.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. The contract amendment, which is attached hereto and incorporated herein by this reference is hereby approved and adopted by this Resolution.

Section 2. This Resolution was duly PASSED and ADOPTED by the Falls City Council this Fourteenth day of February, 2019, and takes affect immediately upon signing by the Mayor.

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeremy Gordon, Mayor

Attest:

\_\_\_\_\_  
Date

\_\_\_\_\_  
JoHanna Birr, City Clerk



# POLK COUNTY

820 S.W. ASH STREET \* DALLAS, OREGON 97338-2112  
(503) 623-9287 \* FAX (503) 623-0897

PUBLIC WORKS

## Contract Amendment

This Amendment to Polk County Contract No. 16-137 dated 08/03/2016 between Polk County and the City of Falls City, shall extend the existing contract for an additional two (2) years.

This shall be effective from the date last signed and shall remain in effect until 08/31/21, unless otherwise terminated in accordance with the provisions of the contract.

Approved For CITY OF FALLS CITY

By \_\_\_\_\_

Print \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Approved for POLK COUNTY

By \_\_\_\_\_

Print \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_