

Notice of Public Meeting City Council Meeting

AGENDA

CITY OF FALLS CITY, OREGON

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

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

Posted March 11, 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. Next Falls City Visioning April 6, 2019, 1-3pm at the Community Center
- b. Next Parks Meeting March 20, 2019, 11am at the Community Center
- c. Next Public Works Meeting March 21, 2019, 6:30pm at the Community Center
- d. Next Regular Council Meeting April 11, 2019, 6pm at the Community Center

Appointments

- a. None.

6. Community & Government Organizations

- a. Presentation by Eric Berry, Polk County Surveyor, RE: legalization of Mitchell St. (15 Min)
- b. Falls City Public Works Report.....pg. 1
- c. Falls City Fire Report.....pg. 2-3

7. Communications

- a. None.

8. Consent Agenda

- a. Approval of the Billspg. 4-8
- b. Approval of February 14, 2019 Council Meeting Minutes.....pg. 9-23

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. Resolution 06-2019 CDBG Wastewater Lagoon Site Property Acquisition
 - i. Staff Report..... pg. 24-27
 - ii. Resolution 06-2019 pg. 28-30
 - iii. Memo from City Attorney pg. 31-32
 - iv. Letter from Project Engineer pg. 33-34
- b. Resolution 07-2019 Falls City Events Policy & Procedure
 - i. Staff Report..... pg. 35-37
 - ii. Resolution 07-2019 pg. 38-43
- c. Resolution 08-2019 Surplus Property
 - i. Staff Report..... pg. 44
 - ii. Resolution 08-2019 pg. 45-48
- d. Resolution 09-2019 Weyerhaeuser Grant
 - i. Staff Report..... pg. 49
 - ii. Resolution 09-2019 pg. 50-60

11. Old Business

- a. None.

12. City Manager’s Report..... pg. 61

13. Mayor and Council Reports

14. Adjourn

Public Works Staff Report for February

Friday, 1 Preparation for possible snow, pump septic tank 419 North Main.

Saturday, 2 & Sunday, 3 Routine water and sewer.

Monday, 4 Equipment maintenance.

Tuesday, 5 City received around half inch snow, finish equipment maintenance, took water sample

Wednesday, 6 Cut brush on Boundary.

Thursday, 7 Calling for more snow over the week end, made a set of chains for the Ford.

Friday, 8 Filled pot holes around town,

Saturday, 9 Routine water and sewer, plow snow from City streets.

Sunday, 10 Routine water and sewer.

Monday, 11 Rocking City streets.

Tuesday, 12 Fixed broken stop sign, Fair Oaks, work on Ford plug flowed, took snow plow off.

Wednesday, 13 Finish up most of graveling City roads.

Thursday, 14 Picking up leafs Parry Rd, sewer samples down to Corvallis.

Friday, 15 Put flags out for holiday, leaf pick up

Saturday, 16, Routine water and sewer, Sunday, 17 put snow plow back on, routine water & sewer.

Monday, 17 Routine water and sewer, holiday.

Tuesday, 18 Took flags down, did physical shut offs.

Wednesday, 19 Work at WWTP, clean UV system, gravel filter.

Thursday, 20 Meter reading. Problem with equipment, had to read manually, Friday, 22 meters.

Saturday, 23 Routine water and sewer.

Sunday, 24 Routine water and sewer, put snow back on the Ford.

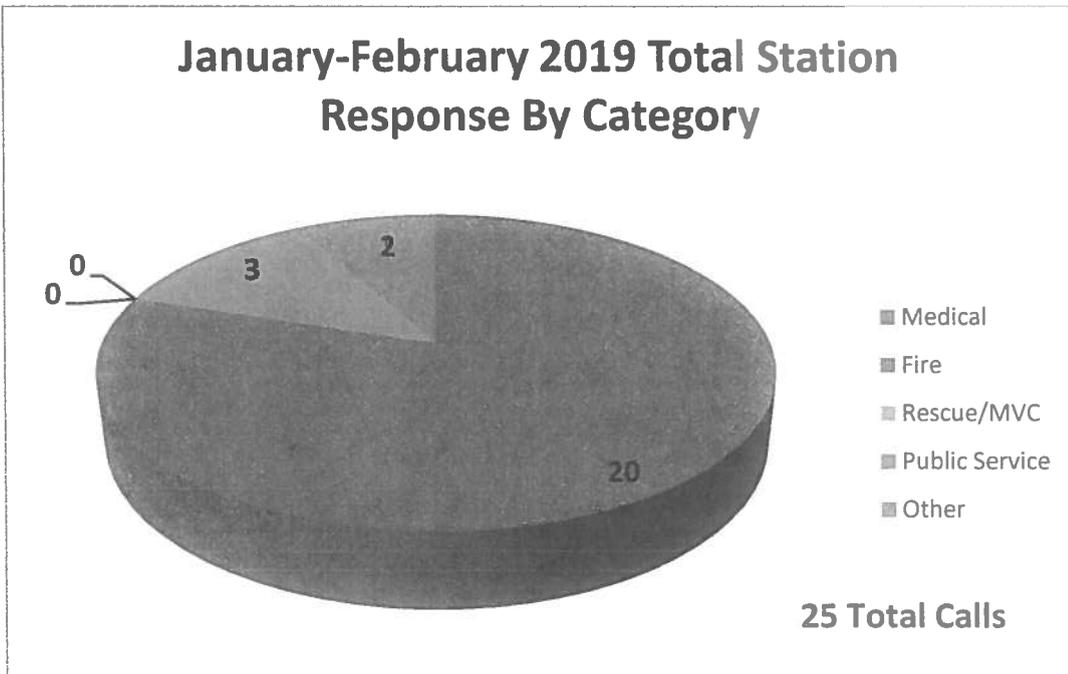
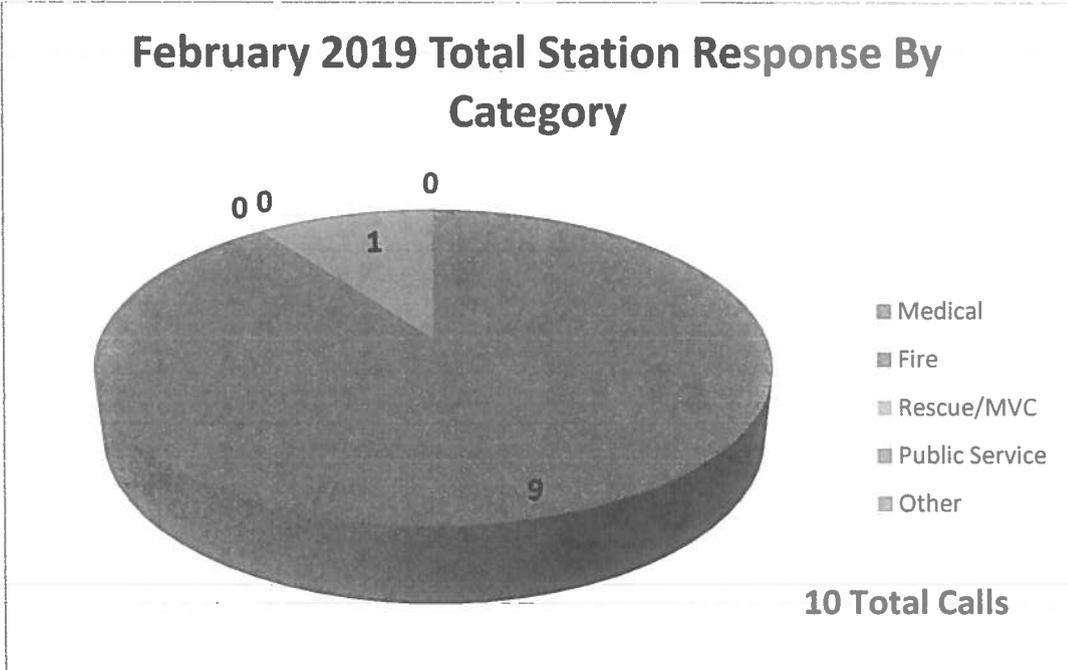
Monday, 25 Town for fuel, clean intake, clean UV system, deliver water notices.

Tuesday, 26 Water leak on Fairview

Wednesday, 27 Snow plowing.

Thursday, 28 Sewer samples down to Corvallis, tree went across fence at reservoir, remove tree

Month	Medical	Fire	Rescue/MVC	Public Service	Other	Total
January	11	0	0	2	2	15
February	9	0	0	1	0	10
Totals	20	0	0	3	2	25



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

Total February Membership: 24 volunteers

February Fundraising Activities:

-2019-02-03 Polk County Flea Market Parking: 4.5 hours, 2 volunteers.

	Date	Memo	Account	Class	Amount
City of Salem					
	02/11/2019	inv# 2304369	Accounts Payable		-2,100.81
	02/11/2019	70% 3rd Qtr 911	911 Fee - Fire Department	01 GENERAL FUND:01.07 Fire Department	1,470.57
	02/11/2019	30%	911 Fee - Law Enforcement	01 GENERAL FUND:01.01 Administrative	630.24
					0.00
Total City of Salem					
Dallas Auto Parts					
	02/11/2019	Acct #3020 Jan '19 Statement	Accounts Payable		-221.38
	02/11/2019	Grader 406461	Equipment Maintenance/Repair	11 STREET FUND	99.82
	02/11/2019	Backhoe 405524	Equipment Maintenance/Repair	20 WATER OPERATING FUND	16.60
	02/11/2019	Air Compressor 406564	Equipment Maintenance/Repair	13 SEWER FUND	2.40
	02/11/2019	Grader 405874	Equipment Maintenance/Repair	11 STREET FUND	1.26
	02/11/2019	Grader 403258	Equipment Maintenance/Repair	11 STREET FUND	101.30
					0.00
Total Dallas Auto Parts					
Edge Analytical					
	02/11/2019	Jan Statement	Accounts Payable		-696.40
	02/11/2019	Lab Fees Sewer	Lab Analysis Services	13 SEWER FUND	676.40
	02/11/2019	Lab Fees Water	Lab Analysis Services	20 WATER OPERATING FUND	20.00
					0.00
Total Edge Analytical					
Falls City Fire Association					
	02/11/2019	Jan & Feb 2019	Accounts Payable		-961.06
	02/11/2019	Jan & Feb Point Money	Point System	01 GENERAL FUND:01.07 Fire Department	961.06
					0.00
Total Falls City Fire Association					
Ferguson Waterworks					
	02/11/2019	Account: 50936 Invoice: 0737843	Accounts Payable		-124.75
	02/11/2019	Street Patch	System Maintenance/Repair	11 STREET FUND	124.75
					0.00
Total Ferguson Waterworks					
Jeremy W Wynn LLC					
	02/11/2019	111751	Accounts Payable		-125.00
	02/11/2019	Vehicle Removal & Recycle	DEQ SEPP 2018-2019	13 SEWER FUND	125.00
					0.00
Total Jeremy W Wynn LLC					
King's Pumping Service					
	02/11/2019	Inv 15- 594	Accounts Payable		-375.25
	02/11/2019	Tank Pumping (407 & 409 N. Main, & 11	Accounts Payable	13 SEWER FUND	375.25
					0.00
Total King's Pumping Service					
Mid Willamette Valley COG					
	02/11/2019	Inv 1819242	Accounts Payable		-182.25
	02/11/2019	Jan '19 Planning	Council of Governments Planning	01 GENERAL FUND:01.01 Administrative	182.25
					0.00
Total Mid Willamette Valley COG					
MNOP					
	02/11/2019	A340831-IN	Accounts Payable		-245.13
	02/11/2019	Heating Oil	City Hall Maint/Repairs	01 GENERAL FUND:01.01 Administrative	245.13
					0.00
Total MNOP					
OAWU					

						20 WATER OPERATING FUND	251.19
							0.00
Total MNOP							
Pacific Power							
	02/19/2019	A341363-IN	Vehicle Operation				
	02/19/2019	multiple accounts, 21091561-006 2; Jan '19 Power	Accounts Payable				-2,936.91
	02/19/2019	Jan '19 Power	Power/Heat				300.13
	02/19/2019	multiple accounts, 21091561-006 2; Jan '19 Power/Heat	Vehicle Operation				194.77
	02/19/2019	multiple accounts, 21091561-006 2; Jan '19 Power/Heat	Vehicle Operation				507.03
	02/19/2019	multiple accounts, 21091561-006 2; Jan '19 Power/Heat	Vehicle Operation				1,214.86
	02/19/2019	multiple accounts, 21091561-006 2; Jan '19 Power/Heat	Vehicle Operation				635.15
	02/19/2019	multiple accounts, 21091561-006 2; Jan '19 Power/Heat	Vehicle Operation				84.97
Total Pacific Power							0.00
Petro Card							
	02/19/2019	Inv: C409695	Accounts Payable				-236.17
	02/19/2019	40% Pub Wks Gas	Vehicle Operation				94.40
	02/19/2019	40%	Vehicle Operation				94.40
	02/19/2019	15%	Vehicle Operation				35.57
	02/19/2019	5%	Vehicle Operation				11.80
Total Petro Card							0.00
State of Oregon Surplus							
	02/19/2019	ARG63356	Accounts Payable				-50.00
	02/19/2019	Server Cabinets	Contingency				50.00
Total State of Oregon Surplus							0.00
Technical Genius Solutions LLC							
	02/19/2019	Payment 3 on Invoice 1876	Accounts Payable				-1,909.98
	02/19/2019	Third Installment IT Upgrade	Contingency				1,909.98
Total Technical Genius Solutions LLC							0.00
US Bank Visa							
	02/19/2019	Acct: 4798531214981146; Feb '19 Stater	Accounts Payable				-2,618.12
	02/19/2019	Grader Manual	Equipment Maintenance/Repair				39.00
	02/19/2019	OR Assn Muni Recorders Dues	Education/Training/Dues				60.00
	02/19/2019	Grader Hyd Pump	Equipment Maintenance/Repair				1,365.25
	02/19/2019	Certified Mail for Code Svc x 3	Legal/Public Notices				17.75
	02/19/2019	Office Supplies	Office Supplies				182.28
	02/19/2019	Office Supplies	Office Supplies				34.14
	02/19/2019	Office Supplies	Office Supplies				274.83
	02/19/2019	Office Supplies	Office Supplies				51.89
	02/19/2019	Checks	Office Supplies				287.98
	02/19/2019	Polk IO Subscription	Legal/Public Notices				35.00
	02/19/2019	Tony Land Use/Governance Training	Education/Training/Dues				20.00
	02/19/2019	Stamps	Postage & Freight				90.00
	02/19/2019	Stamps	Postage & Freight				80.00
	02/19/2019	Stamps	Postage & Freight				80.00
Total US Bank Visa							0.00
CenturyLink							

Total CenturyLink City of Dallas		03/05/2019	Inv: 1462558879	Accounts Payable	01 GENERAL FUND:01.01 Administrative	-5.51
		03/05/2019	Long Distance	Telephone		5.51
						<u>0.00</u>
Total City of Dallas Dallas Auto Parts		03/05/2019	Inv: 02704; 02705	Accounts Payable	11 STREET FUND	-600.00
		03/05/2019	Dec 18, Jan 19 Street Sweeper	Professional Services		600.00
						<u>0.00</u>
Total Dallas Auto Parts Falls City Fire Association		03/05/2019	Acct #3020 Feb '19 Statement	Accounts Payable	11 STREET FUND	-196.74
		03/05/2019	Shop Supplies	Small Tools & Supplies	20 WATER OPERATING FUND	37.35
		03/05/2019	Plug & Coil	Vehicle Maintenance/Repair	13 SEWER FUND	80.00
		03/05/2019	Plug & Coil	Vehicle Maintenance/Repair		79.39
						<u>0.00</u>
Total Falls City Fire Association Frink's General Store		03/05/2019	March 2019	Accounts Payable	01 GENERAL FUND:01.07 Fire Departm	-480.53
		03/05/2019	March point \$	Point System		480.53
						<u>0.00</u>
Total Frink's General Store Mid Willamette Valley COG		03/05/2019	02282019C	Accounts Payable	20 WATER OPERATING FUND	-169.45
		03/05/2019	Supplies	Small Tools & Supplies	13 SEWER FUND	81.93
		03/05/2019	02282019C	Small Tools & Supplies	01 GENERAL FUND:01.01 Administrative	81.93
		03/05/2019	02282019C	Office Supplies		5.59
						<u>0.00</u>
Total Frink's General Store Mid Willamette Valley COG		03/05/2019	Inv 1819280	Accounts Payable	01 GENERAL FUND:01.02 City Council	-35.00
		03/05/2019	Councilor Drill MWVCOG Dinner	Travel/Meeting Expense		35.00
						<u>0.00</u>
Total Mid Willamette Valley COG Net Assets Corporation		03/05/2019	66-201902	Accounts Payable	01 GENERAL FUND:01.01 Administrative	-13.00
		03/05/2019	Liens and Lien Searches	Professional Services		13.00
						<u>0.00</u>
Total Net Assets Corporation Office Craft		03/05/2019	Inv: AR11090	Accounts Payable	01 GENERAL FUND:01.01 Administrative	-11.33
		03/05/2019	Prints	Copier Lease/Maintenance		11.33
						<u>0.00</u>
Total Office Craft Petro Card		03/05/2019	Inv: C415583	Accounts Payable	20 WATER OPERATING FUND	-216.16
		03/05/2019	40% Pub Wks Gas	Vehicle Operation	13 SEWER FUND	86.46
		03/05/2019	40%	Vehicle Operation	11 STREET FUND	86.46
		03/05/2019	15%	Vehicle Operation	01 GENERAL FUND:01.03 Parks	32.43
		03/05/2019	5%	Vehicle Operation		10.81
						<u>0.00</u>
Total Petro Card Polk County Sheriff's Office		03/05/2019	Inv: 73893	Accounts Payable		-258.79

	03/05/2019	3rd Quarter 18-19 Radio Comm	Intergovernmental Services	01 GENERAL FUND:01.07 Fire Departm	258.79
Total Polk County Sheriff's Office Valley Electric Company, LLC					0.00
	03/05/2019	I-190061; I-190075	Accounts Payable		-279.06
	03/05/2019	WWTP Time Meters, Pump Amps, Alarm	Equipment Maintenance/Repair	13 SEWER FUND	180.06
	03/05/2019	WTP Auto-Dialer, Generator Test	Equipment Maintenance/Repair	20 WATER OPERATING FUND	99.00
					0.00
Total Valley Electric Company, LLC Van Well Building Supply					-114.67
	03/05/2019	Inv 25684, 27283, 27113(125293)	Accounts Payable	11 STREET FUND	17.96
	03/05/2019	Redi Mix	System Maintenance/Repair	20 WATER OPERATING FUND	96.71
	03/05/2019	WTP Lights & Fence	Building Maintenance & Repair		0.00
Total Van Well Building Supply Verizon Wireless					-64.10
	03/05/2019	Inv 9824838001	Accounts Payable		32.05
	03/05/2019	Utility Duty Phone	Telephone	13 SEWER FUND	32.05
	03/05/2019	Inv 9824838001	Telephone	20 WATER OPERATING FUND	0.00
Total Verizon Wireless Westech Engineering					-14,630.00
	03/05/2019	244755	Accounts Payable		14,630.00
	03/05/2019	CDBG Wastewater Project	Grant Project	13 SEWER FUND	0.00
Total Westech Engineering Xerox Financial Services					-180.75
	03/05/2019	inv 1517934	Accounts Payable		63.26
	03/05/2019	35% Feb '19 Copier Lease	Copier Lease/Maintenance	20 WATER OPERATING FUND	63.26
	03/05/2019	35%	Copier Lease/Maintenance	13 SEWER FUND	45.20
	03/05/2019	25%	Copier Lease/Maintenance	01 GENERAL FUND:01.01 Administrativ	9.03
	03/05/2019	5%	Copier Lease/Maintenance	01 GENERAL FUND:01.07 Fire Departm	
CenturyLink					

City of Falls City
City Council Regular Meeting Minutes
February 14, 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; JoHanna Birr, City Clerk

1. Call to Order

Mayor Gordon called the meeting to order at 6:01 pm. Lori Jean Sickles arrived at 6:39 pm and left at 7:18 pm. Jennifer Drill left at 7:26 pm.

2. Roll Call

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

5. Announcements

a. A certificate of appreciation was given to Jason Kissler of Independence for his IT assistance on at least 5 occasions. Mr. Kissler was unable to attend the Council meeting. The certificate will be mailed to him.

b. Photo Contest winners were announced. 1st place went to Glenda Sylsberry and 2nd place went to Lilli Boettcher. Mrs. Boettcher donated her prize money to Donna Creekmore for community projects.

6. Community & Government Organizations

a. Sheriff Garton and DA Felton presented information on the Polk Co. Law Enforcement Levy. More information may be found on their website keeppolksafe.com.

b. Polk County Sheriff's Office Report
No comments

c. Falls City Public Works Report
No comments.

d. Falls City Fire Report
No comments.

7. Communications

A letter of appreciation was sent to Mayor Gordon regarding the outstanding service Public works employees provided for the school. Due to their quick response, the school was able to host the basketball game as scheduled.

8. Consent Agenda

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

9. Public Comments

None

10. New Business

a. Appoint Budget Officer

A motion made by Councilor Drill and Seconded by Councilor D. Sickles that the City Council of the City of Falls City appoint City Manager, Mac Corthell as the Budget Officer for FY 2019-2020. Motion carried 5-0-0. Ayes: Jennifer, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

b. Falls City Garden Club

The Falls City Garden Club has \$600.00 and has requested Council's input as to its utilization. When it is decided, they will come before Council for approval.

c. Resolution 03-2019 CLG Grant Application

A motion made by Councilor Drill and Seconded by Councilor Meier that 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. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

d. Resolution 04-2019 Falls City Events

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 allow. This by no means changes what has been happening over the last ten (10) years, but simply formalizes the process. There was some confusion on Councilor Drill's part on who supports National Night Out and the July Celebration. Councilor Flynn called the question.

A motion was made by Councilor Flynn and seconded by Councilor L. Sickles the City Council of Falls City to adopt Resolution 04-2019, A Resolution authorizing the City Manager discretion to utilize City resources in support of City events. Motion carried. 6-0-1-. Ayes: Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn
Nays: Jennifer Drill

11. Old Business

a. Ordinance 556-2019 Amending the unnecessary noise section of Ordinance 512-06; and Repealing all conflicting Ordinances (2nd Reading by Title Only)

A motion was made by Councilor D. Sickles and seconded by Councilor Flynn 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.

A motion was made by Councilor D. Sickles and seconded by Councilor Flynn the City Council of Falls City to adopt Ordinance 556-2019, AN 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

12. Late Additions

a. Jay's Property Cleaning and Maintenance business license was approved. Jeremy Winn has been very helpful to the City.

A motion was made by Councilor Drill and seconded by Councilor Meier the City Council of Falls City approve the business license application for Jay's Property Cleaning and Maintenance. Motion carried. 6-0-1-. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

a. Resolution 05-2019, Extending IGA with Polk County for Dutch Creek/Mitchell St. project and grants

A motion was made by Councilor Drill and seconded by Councilor Meier the City Council of Falls City approve the business license application for Jay's Property Cleaning and Maintenance. Motion carried. 6-0-0-. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

13. Manager's Report

Government SEI Reporting handouts were given to Councilors. (Exhibit A)
Public Meetings Law informational packets were distributed to Councilors. (Exhibit B)

14. Mayor and Council Reports

15. Adjourn

The meeting adjourned at 7:50 pm.

_____ Mayor, Jeremy Gordon
Attested: _____ City Clerk, JoHanna Birr

FILING A REPORT

Reports are filed yearly. If there is a reporting requirement, you should receive an email notice from the system when the filing window is open. If you did not hold the office on April 15th of the current year, you will not have a requirement to file.

You may be precluded from filing based on the appointment date entered when the registration was created. The system will determine if there is a filing requirement and make the option available. If there is no filing requirement, the option to file will not be available.

1. Log into the Oregon Government Ethics Commission- Electronic Filing System <https://apps.oregon.gov/OGEC/EFS>
2. Select SEI role
3. From Reports view of Dashboard, select **File a New Report**

Welcome Sue Lewis (SEI) Log Out

Oregon Government Ethics Commission - Electronic Filing System

Dashboard

Your role is currently set as *SEI Filer*.

Your report status is NONE

Current Positions Held

- CITY MANAGER, EUGENE - Appointed 3/16/2014

You currently have no candidate positions

Reports Documents Communications

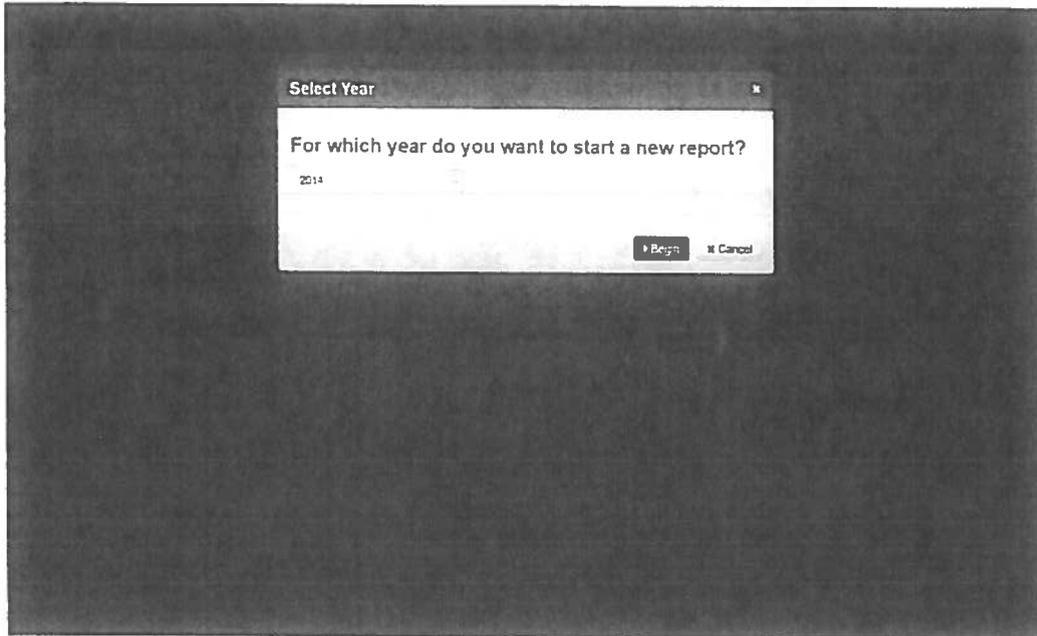
File a New Report

Search: [] 10 5

Year	Confirmation Nu...	Filing Date	Documents	Status	Commands
No results found!					

Showing 0 to 0 of 0 entries

4. Select the year you are filing for, then select **Begin**



5. Complete all sections of the form. If you have nothing to report for a section, select the **Check here for none** checkbox. Note that for each section where you do have information, click the **Add an Item** button. You may enter as many items as necessary. Each new row is added independently.

02 Welcome Super User | Logout

Oregon Government Ethics Commission - Electronic Filing System

SEI Report for 2014

SEI Report for 2014

Current Positions Held

- CITY MANAGER, EUGENE - Appointed 3/16/2014

You currently have no candidate positions

Business Office or Directorship

Check here for none

A. If you or a member of your household were an officer or director of a business during 2014, please indicate that information below

Business Name	Address Line	City	State	ZIP	Description of Business	Title of Office	Held by Whom	Edit	Delete
<input type="button" value="Add an item"/>									

Check here for none

B. List the names under which you or members of your household did business during 2014

Business Name	Address Line	City	State	ZIP	Description of Business	Held by Whom	Edit	Delete
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- For additional help on any section of the form, select the  icon and a pop-up window will open with additional information.
- If you must stop before completing the form, and would like to return to file later, select **Save and file later**.

Oregon Government Ethics Commission
321A Perigo Road SE, Room 226 Salem, OR 97302 1944
Email: OGE@ethics.oregon.gov Phone: (503) 378-5111

Disclosures Accessibility Privacy Policy

- When you save the report, you will see it display with a **Pending** status in the Reports tab of the dashboard. You may edit the saved report at any time by selecting the edit icon in the row the report is in. *It is important to note that completed reports are due by April 15th. A Pending report will not qualify as a filing.*

Oregon Government Ethics Commission - Electronic Filing System
Dashboard

The draft report was saved.

Your role is currently set as SEI Filer.

Your report status is HCNE

Current Positions Held

- CITY MANAGER, EUGENE - Appointed 3/16/2014

You currently have no candidate positions

Reports Documents Communications

Year	Confirmation No.	Filing Date	Documents	Status	Commands
2014	H2GWA*TM		No	Draft	 

Showing 1 to 1 of 1 entries

9. When the form is complete, select **Submit**. You will be prompted to sign to complete the filing. You will now see the status change from **Pending** to **Filed** in the Reports tab of the dashboard.

The report was successfully filed

Your role is currently set as *SEI Filer*.

Your report status is NONE

Current Positions Held

- CITY MANAGER, EUGENE - Appointed 3/16/2014

You currently have no candidate positions

Reports Documents Communications

File a New Report

Year	Confirmation Nu...	Filing Date	Documents	Status	Commands
2014	H2GWATM		No	Filed	+

Showing 1 to 1 of 1 entries

If you are assigned to more than one jurisdiction, you will only be required to complete one report.

During the reporting period, you will have access to complete the required disclosure information. If it is not during a reporting period, a message will display **"No new reports are due at this time."**

It is important to note that the filing period have not changed.



ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST HANDOUT

The Oregon Government Ethics Commission (Commission) has been informed that you are a public official who is required by ORS 244.050 to electronically file a Statement of Economic Interest (SEI). The governing body you serve has provided us with your name, position, and email address. You will have 30 days from the date you receive a system generated email from the Oregon Government Ethics Commission (Commission) to create a username, password and confirm your pre-filled personal profile information is correct and submit to the Commission.

During the filing period, failure to complete and electronically file by the final filing date may subject you to an automatic civil penalty of \$10.00 for each of the first 14 days the SEI is late and \$50.00 for each day thereafter, up to a maximum of \$5,000 [ORS 244.350(4)(c)].

Annual Verified Statement of Economic Interest Filing Instructions:

- ORS 244.050 specifically identifies certain public officials who are required to electronically file the SEI. Your position is one of those listed. **If you do not believe that you are required to file a SEI or if you have other questions, please call the Commission at (503) 378-5105 as soon as possible.**
- If you hold more than one position that is required to file, you will only electronically file one report.

The most common errors officials make filing are:

- (a) Failing to list all sources of household income for question 2. All sources of income exceeding 10% of the total annual household income must be listed. (*The question does not relate only to the public position you hold.*) Do not overlook the fact that a pension or social security benefit represents part of the household income. Please refer to the definition of income on page 3.
 - (b) Completing items 7 to 10 when not necessary. Please carefully read the instructions in the box on page 5. The questions need to be answered only if the conditions described in the instructions apply to your responses.
- **Please do not fail to respond to the email notification!** ORS 244.350(4)(c) prescribes assessment of a penalty of \$10 for each of the first 14 days the SEI is late and \$50 for each day thereafter that passes after the filing deadline date, up to a maximum of \$5000.
 - You are required to electronically file **no later than Friday, April 15, 2016**. Please contact the Commission at 503-378-5105 if you have questions.

STATUTORY REFERENCES

Item 4-A, ORS 244.020(7)(b)(F) – Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

Item 4-B, ORS 244.020(7)(b)(H) – Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(i) On an officially sanctioned trade-promotion or fact-finding mission; or

(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

DEFINITIONS

"Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain. This does not include income-producing not-for-profit corporations that are tax-exempt under section 501(c) of the Internal Revenue Code with which a public official or relative of a public official is associated in a non-compensated capacity. [ORS 244.020(2)]

"Income" means income of any nature derived from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, retirement income, real estate transactions, inheritance income, or anything of economic value received as income including income from government sources (i.e., social security, your public salary, etc.). [ORS 244.020(9)]

"Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event. [ORS 244.020(8)]

"Person" means, for purposes of this form, (a) the public official required to file a Statement of Economic Interest and (b) an individual, corporation, partnership, joint venture, and any other similar organization or association.

"Member of Household" means any person who resides with the public official. [ORS 244.020(11)]

Questions requiring disclosure:

1. **BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME:**

- A. If you or a member of your household were an officer or director of a business (see definition of "business") during 2015, please indicate that information below. (These would be personal business ventures, not the public position you hold. Items A and B may be the same and Item B may be subsidiary of parent company listed in Item A for example.) [ORS 244.060(1) & (2)]

You will list the **Business Name**, the **Title of Office**, **Business Address**, **Held by Whom**, and a **Description of the Business**.

- B. List the names under which you or members of your household did business (see definition of "business" above) during 2015:

You will list the **Business Name**, the **Title of Office**, **Business Address**, **Held by Whom**, and a **Description of the Business**.

2. **SOURCES OF INCOME:** Identify the sources of income (See definition of "income" on page 3) received by you or a member of your household, who is 18 years of age or over, during the 2015 calendar year that produced 10% or more of the total annual household income. (Your business would be a source, not the individual clients of your business.) [ORS 244.060(3)]

You will list the **Name of the Source**, **Address of the Source**, and a **Description of the Source**.

3. **REAL PROPERTY:** List all real property (residential, commercial, vacant land, etc.) in which, during 2015, you or a member of your household had any ownership interest, any option to purchase or sell, or any other right of any kind in real property, including a land sales contract, located within the geographical boundaries of the public entity you serve. (Boundaries for legislators, or filers from state agencies, boards, commissions or institutions would be the state borders. Boundaries for local filers would be the limits of the city, county or district you serve.) [ORS 244.060(4)(a)] **Do not list your principal residence.** [ORS 244.060(4)(b)]

You will list a **Description of the real property** and **Address**.

4. **OFFICE RELATED EVENTS:**

- A. List the amount of any expenses with an aggregate value exceeding \$50 provided to you during 2015 when participating in a convention, mission, trip, or other meeting as described in ORS 244.020(7)(b)(F), (see reference on page 2), which is an exception to gift restrictions. (Do not list expenses that were paid by the public body you represented.) [ORS 244.060(5)]

You will list the **Date**, **Organization Name**, **Address**, **Nature of Event** and **Amount**.

Any organization, unit of government, tribe or corporation that provides a public official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020(7)(b)(F) shall notify the public official in writing of the amount of the expense. The organization, unit, tribe or corporation shall provide the notice to the public official within 10 days after the date the expenses are incurred.

4. **OFFICE RELATED EVENTS continued:**

- B. List the amount of any expenses with an aggregate value exceeding \$50 provided to you during 2015 when participating in a mission, negotiations, or economic development activities described in ORS 244.020(7)(b)(H), (See reference on page 2), which is an exception to the gift restrictions. (These events are those that were officially sanctioned or designated by your

public body. Do not list expenses that were paid by the public body you represented.) [ORS 244.060(6)]

You will list the **Date, Organization Name, Address, Nature of Event and Amount.**

5. **HONORARIA:** List all honoraria (see definition) allowed in ORS 244.042, with a value exceeding \$15, received by you or a member of your household during **2015.** [ORS 244.060(7)]

You will need the **Date, Organization Name, Nature of Event and Amount.**

Under ORS 244.100(2) any person that provides a public official or candidate, or a member of the household of the public official or candidate, with an honorarium or other item allowed under ORS 244.042 with a value exceeding \$15 shall notify the public official or candidate in writing of the value of the honorarium or other item. The person shall provide the notice to the public official or candidate within 10 days after the date of the event for which the honorarium or other item was received.

6. **SHARED BUSINESS WITH LOBBYIST:** List the name of any compensated lobbyist who was associated with a business with which you or a member of your household was also associated during **2015.** (Example: The public official or household member is an employee or owner of a private company that also employs a lobbyist. Owning stock in a publicly traded company in which the lobbyist also owns stock is not a relationship that requires disclosure.) [ORS 244.090(1)]

You will need the **Name of the Lobbyist, the Name of the Business and the Type of the Business.**

PLEASE NOTE – Do NOT answer items 7, 8, 9, and 10 unless the source of the interest is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which you hold an official position or over which you exercise any authority.

"Legislative or administrative interest" means an economic interest, distinct from that of the general public in any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official.

7. **INCOME OF \$1,000 OR MORE:** Respond only if you or a member of your household received a source of income exceeding an aggregate amount of \$1,000 during **2015,** and that income was derived from an individual or business that has been doing business, does business, or could reasonably be expected to do business with, or has a legislative or administrative interest in the governmental body you serve. [ORS 244.060(8)]

You will need to report the **Income Source, Address and Description.**

8. **DEBT OF \$1,000 OR MORE:** Respond only if you or a member of your household owed a debt of \$1,000 or more to a person (see definition of "person" on page 3) during **2015,** and that debt involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. (Note: Do not list loans from state or federally regulated financial institutions (banks, etc.) or retail credit accounts and do not list the amounts owed.) [ORS 244.070(1)]

You will need to list the **Name of Creditor, Date of Loan, and Interest Rate of Loan.**

9. **BUSINESS INVESTMENT OF MORE THAN \$1,000:** Respond only if you or a member of your household had a personal, beneficial interest or investment in a business (*see definition of "business" on page 3*) of more than \$1,000 during **2014**, if the investment involved an individual or business that did business with or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. (*Note: Do not list the amount of the investment. Do not list individual items in a mutual fund or blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.*) **[ORS 244.070(2)]**

You will list the **Business Name, Address, and a Description of the Business.**

10. **SERVICE FEE OF MORE THAN \$1,000:** Respond only if **you** (*not your business*) received a fee of more than \$1,000 in **2015** from a person (*see definition of "person" on page 3*) for whom you performed a service, if the service involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. (*Do not list fees if you are prohibited from doing so by law or a professional code of ethics.*) **[ORS 244.070(3)]**

11. **VERIFICATION:** Under penalties for false swearing/false affirmation, I declare that the information submitted in this electronic filing is, to the best of my knowledge and belief, true, accurate, and complete.

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirements to complete and electronically submit the SEI by April 15.

If you have any questions regarding the Annual Verified Statement of Economic Interest or the Oregon Government Ethics Commission (Commission).

Oregon Government Ethics Commission
3218 Pringle Rd SE, STE 220
Salem, OR 97302-1544
Phone: 503-378-5105
Email: www.oregon.gov/OGEC

Exhibit B

PUBLIC RECORDS & MEETINGS

DECEMBER 2016

Beery, Elsner & Hammond, LLP
1750 SW Harbor Way, Suite 380
Portland, OR 97201
503.226.7191
www.gov-law.com

Communications between and among members of a public body on electronically linked personal computers, including email, text messaging and social media may be subject to the meetings law.

D. Serial Communications

Members of a governing body may violate the Oregon Public Meeting Law's prohibition on meeting in private even if a quorum never gather contemporaneously.

ORS 192.630(2) provides that a "quorum of a governing body may not meet in private for the purpose of deciding on or deliberating towards a decision on any matter." A decision is "any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present. ORS 192.610(1). In other words, a quorum of a governing body may violate the prohibition against private meetings by (1) communicating in private, (2) for the purpose of deciding or deliberating on (3) any topic that may require a vote.

A recent Oregon Court of Appeals case held that the prohibition against meeting in private includes both when a quorum meets contemporaneously *and* when a series of non-contemporaneous communications between members of the governing body, in the aggregate, include a quorum and the purpose of the communications is to decide or deliberate on a matter that may come before the governing body. *Handy v. Lane Cty.*, 274 Or. App. 644, 689, 362 P.3d 867, 894 (2015).²

To illustrate this point, the following communications between members of a five person governing body may violate the state's public meeting laws:

- A councilor forwards an email discussion she had with another member of the Council regarding a matter that may come before the governing body to a third member of the Council. Because the email messages, in the aggregate, include a quorum of the Council (3 Councilors), and the purposes of the communications was to discuss a matter that will require a vote before the Council, the email exchanges in the aggregate could violate state law under the Court of Appeals decision.

- A staff person individually calls members of a governing body to discuss a matter that will require a vote. When the staff person talks to each member, she shares with the member the opinions and comments of the other members. Although the members never speak directly, the staff person is acting as a conduit and allowing the members of the governing body to deliberate through her. These conversations, in the aggregate, could likewise violate state law.

² On November 25, 2106, the Oregon Supreme Court overruled the Court of Appeals decision in part, but it did not directly address the issue of whether serial communications could violate the state's public meeting laws. Thus, although the Court of Appeals decision is no longer binding, it is still persuasive to trial courts and instructive to public officials regarding the limitations on their ability to communicate with each other outside the scope of a public meeting.

- A citizen posts a comment on the city's Facebook page about an upcoming land use hearing and the comment generates a discussion. Two members of the governing body make comments and share opinion on the Facebook "thread." A third member reads the comments and also makes a comment. Because a quorum (3 members) have communicated opinions on the social media site on a matter that will require a vote before their body, the members may have violated state law.

As explained by the Court of Appeals, the prohibition against meeting in private does not include communications that are purely "information gathering." Members of a governing body should be aware, however, that the parameters of "information gathering" are not clear, and questions regarding whether and to what extent serial communications may occur should be directed to staff and/or the City Attorney's Office.

10. Legal Requirements

A. Notice

The Public Meetings Law requires public notice of the time and place of meetings. This requirement applies to regular, special and emergency meetings. ORS 192.640. The public notice requirements apply to *any* "meetings" of the governing body, and committees, subcommittees and advisory committees. Regular meeting notice must be *reasonably calculated to give actual notice of the time and place of the meeting* "to interested persons including news media that have requested notice." ORS 192.640(1). Notice must be given to persons and media that have stated in writing that they wish to be notified of every meeting.

If the meeting will consist of only an executive session, notice still must be given to members of the public body, the general public and news media that have requested notice. The notice must also state the specific legal section authorizing the executive session. ORS 192.640(2).

To help satisfy the accessibility requirements of ORS 192.630(5) and the Americans with Disabilities Act, the notice may provide the name of a person and telephone number (including TDD number) at the city to contact to request an interpreter for the hearing impaired or for other communication aids.

The notice for each meeting must "include a list of the principal subjects anticipated to be considered at the meeting." ORS 192.640(1). The list should be specific enough to permit members of the public to recognize the matters in which they are interested; ordinarily this can be met by distribution of an agenda. The agenda need not go into detail about subjects scheduled for discussion or action, but should be sufficiently descriptive so interested persons can understand agenda topics.

The meetings law does not require the description of every proposed item of business in the notice. The law requires a reasonable effort to inform the public and interested persons of the nature of the more important matters ("principal subjects") coming before the body. The public body may consider additional "principal subjects" arising too late to be included in the notice.

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: RESOLUTION 06-2019, COMMIT TO PURSUE LAGOON SITE
DATE: MARCH 14, 2019

SUMMARY

A commitment to pursue the lagoon site property in light of the counter offer of \$136,000.

BACKGROUND

The City applied for and received a CDBG infrastructure grant to identify the land needed for a wastewater system upgrade, enter a purchase option contract for the land, and conduct environmental, engineering, and design activities on the land to ensure suitability.

Using the City's wastewater master plan, City Staff and the City Engineer identified the Atherton property on Waymire Rd. as the most viable location for the new treatment facility. Upon contacting the property owner, the City was informed in no uncertain terms that the owner was not willing to sell and would litigate any attempt at eminent domain. Due to the added costs of litigation and the very limited timelines associated with the project, the City was forced to assess other suitable properties.

Next, the City attempted to pursue a piece of property adjacent to the Atherton property, owned by Bob Lamb. The property was also identified in the wastewater master plan as a desirable treatment facility placement site. Unfortunately, after very encouraging meetings with Mr. Lamb, including a site visit with the City Engineer, it was discovered that he would only offer a long-term lease of the property. This was not only unacceptable to the financing partners, but would be a foolish investment on the City's part (multimillion-dollar investment in property that you don't have maximum control over is typically a bad idea). Additionally, the property was only 8 acres in size which would not allow for any future expansion and would require immediate action to begin identifying and designing a viable expansion site.

Finally, City Staff and the City Engineer were able to utilize the wastewater master plan to identify a third viable piece of property known as Polk County Assessor Map 8.6.22, Tax Lot 901 (see attached map). This is a 35-acre parcel that the City would purchase 17 acres from. This property is advantageous in many ways:

1. It allows for placement of new piping to access the new treatment plant primarily in existing City and County right of way.
 - a. Three easements would still need to be acquired from the school district (to route the pipes away from the football field), the Todd family (to route the effluent

lines from the lagoons to the effluent site), and Mrs. Atherton (who owns a piece of railroad grade on the Todd property that we'll need to cross).

- b. Atherton and Todd have already indicated a willingness to sell or donate, the School District would be spiting themselves if they refused to provide the easements.
2. The location of the property on the north side of the river eliminates the present need to cross the river in order to reach the lagoon site. This is a MAJOR cost savings due to mitigated need for horizontal directional drilling, or a bridge.
3. The land use laws affecting other properties are not as acute a barrier here due to the location of our cemetery and the ability to perform a lot line adjustment of that property to include the new parcel.

With all of these things in mind, a preliminary offer sheet was drafted in order to determine what price would be brought to Council for approval. The appraisal indicated a fair market value of \$93,500, this offer was rejected. A counter offer for \$136,000 was received from the land owner a week later.

CDBG will only pay the Fair Market Value as determined by the appraisal. This leaves the City on the hook for the additional \$42,500. These are the Council's options:

1. **Option 1:** Reject the offer and pursue another property.
 - a. The City has pursued the 3 most viable properties, this being the third. This owner is the only one of the 3 amenable to sell at any price.
 - b. Pursuing other property would come at additional costs based on the topography of the land, and the amount of piping needed to reach it.
 - c. With the time limits on this grant it's likely pursuing another property would cause the project to fail entirely.
2. **Option 2:** Reject the offer and pursue eminent domain.
 - a. There are litigation costs involved with this somewhere in the \$16,000 ballpark per the City Attorney.
 - b. The time this would take would likely cause the project to fail at this point.
3. **Option 3:** Accept the Offer and give a commitment from the City to BIZ that the City will finance the additional costs to acquire the land.
 - a. This would allow the city to pursue a number of options to make up the \$42,500.
 - i. The City can pursue a 50/50 grant/loan from BIZ making the City's liability \$21,250.
 - ii. The City Can pay the entire \$42,500 out of the utility reserve fund.
 - b. The City receives a 10 point boost on the construction grant application if the City chooses to pay at least 1% of the total project. With a cap of approximately \$2 million (remaining), the City will meet that burden with either financing option in item (a) above.
 - c. This option also allows the City to enter the purchase option and move the project along.

- d. No money becomes due until the construction phase, and is contingent on all necessary conditions precedent to construction being met (e.g. mixing zone study, environmental, wetland, endangered species, mass load increase...)
 - i. If the property is found not suitable for the treatment plant the City could pull out of the contract at no cost.

PREVIOUS COUNCIL ACTION

Approved application and acceptance of the CDBG wastewater grant.

Set wastewater project as #1 goal during 2018 goal setting session.

FINANCIAL IMPLICATIONS

Option 1: Potential for increased engineering and construction costs due to topography and geography of potential new site. Possible higher or lower asking price for a new property. Likely renders current project a failure and requires starting the entire process over with less capital to be had.

Option 2: Litigation costs and possible finding of higher fair market value in court leading to a need for City funds to augment anyway. A loss in court would mean no land, and costs for litigation to our attorney and potentially the land owner's attorney(s).

Option 3: Pursue 50/50 grant/loan and spend \$21,250-\$42,500 out of the Utility Reserve Fund (currently at \$325,000). If the grant/loan is awarded the City spends \$21,250. If not, the City spends \$42,500. In either case there is an increased likelihood of receiving the Construction grant that will be applied for once property has been identified, tentatively acquired (purchase option), and deemed viable for the project. This increase comes from the City investing 1% of the total project cost (1%-25% of total project cost gets a 10-point bonus; 26% or < gets a 15-point bonus).

STAFF RECOMMENDATION

Adopt option 3 (Resolution 06-2019):

1. Committing the City to foot the additional cost of the subject property by either 50/50 grant or outright (we would apply for the grant, but naturally might not get it);
2. Authorizing the City Manager to apply for the 50/50 grant/loan from BIZ;
3. Authorizing the City Manager, with City Attorney review and approval, to draft and enter a purchase option contract with subject property owner for \$136,000.
 - a. Purchase option will be contingent on the property being viable for placement of the treatment facility, and all permits and environmental assessments being approved.

*Alternatively, if the Council would like to adopt option 1 or 2 a motion to that effect can be made and voted on.

Continued next page...

ATTACHMENTS

A-Resolution 06-2019

B-Map of proposed lagoon site (Exhibit A of the Resolution)

C-Letter from Attorney

D-Letter from Engineer

PROPOSED MOTION

I move the City Council of the City of Falls City adopt Resolution 06-2019, A RESOLUTION...

RESOLUTION 06-2019

A RESOLUTION COMMITTING THE CITY TO FINANCE EXCESS PROPERTY COST FOR TREATMENT FACILITY PROPERTY; AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A 50/50 LOAN/GRANT TO FINANCE THE EXCESS PROPERTY COST; AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DRAFT AND EXECUTE A PURCHASE OPTION AGREEMENT FOR THE TREATMENT FACILITY PROPERTY.

Whereas:

1. The City of Falls City was awarded a Community Development Block Grant (CDBG) to perform environmental and design of an overhaul to the City's wastewater treatment facility; and
2. Part of that grant requires the City to enter a purchase option agreement with property owners, as needed, to later construct the designed system; and
3. The CDBG will only pay for the "Fair Market Value" of property as determined by a primary and review appraisal; and
4. The appraised "Fair Market Value" of the identified treatment facility property came in at \$93,500; and
5. The property owner countered at \$136,000; and
6. In order to obtain a purchase option and continue the project, the City must commit to financing the remaining \$42,500 difference between the "Fair Market Value," and the property owner's offer of \$136,000; and
7. After committing to finance the difference, the City may use any funding source available including using its own funds, obtaining a grant, or obtaining a loan; and
8. By financing at least 1% of the project with other than CDBG funds, the City will get a 10 point bonus on its application for the CDBG construction grant following the grant for design and environmental (already received);
9. The City's liability to purchase the property will not become due until the land and permitting are determined viable for the treatment facility, and the construction grant is awarded.

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

Section 1. The City of Falls City commits to pursue the treatment facility property identified as 17 acres of Polk County Assessor Map 8.6.22, Tax Lot 901 as depicted in the map attached as Exhibit A.

Section 2. The City of Falls City commits to financing the additional \$42,500 over the appraised "Fair Market Value" of \$93,500, for a total purchase price of \$136,000.

Section 3. The City Council authorizes the City Manager to apply for a 50/50 loan/grant from Business Oregon to finance the additional \$42,500 if and when the property is determined viable and the construction grant is approved.

Section 4. The City Council authorizes the City Manager and City Attorney to draft and execute a purchase option agreement for the property identified as 17 acres of Polk County Assessor Map 8.6.22, Tax Lot 901 as depicted in the map attached as Exhibit A.

Section 5. The purchase option in Section 4 above must be contingent on approval of the construction grant, and determination by all interested parties that the identified property is viable for placement of the treatment facility from a construction, engineering, environmental, and permitting perspective.

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

Vote: AYE_____ NAY_____ ABSTAIN_____ ABSENT_____

Date

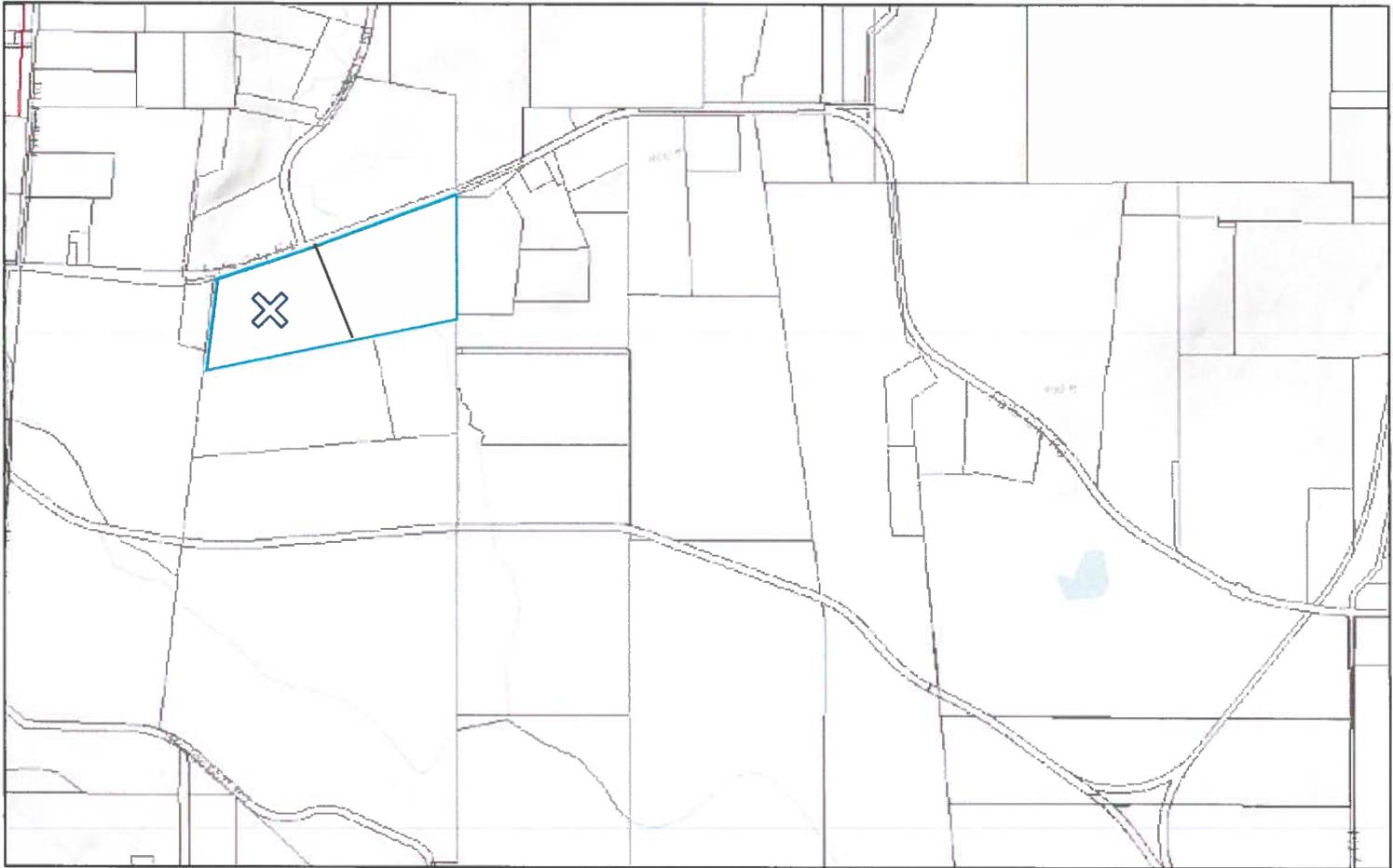
Jeremy Gordon, Mayor

Attest:

Date

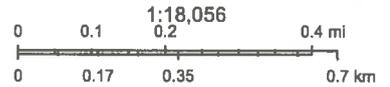
JoHanna Birr, City Clerk

ArcGIS Web Map



August 7, 2018

- Urban Growth Boundaries
- Taxlots
- City Limits



Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | NRCS, USDA, Polk County | Polk County Assesor, Polk County GIS | U.S. Fish and Wildlife Service, National Standards and Support Team, wellands_team@fws.gov | Polk County GIS

Exhibit A to Resolution 06-2019

EX A 06-2019
30

Memo

To: Mac Corthell, City Manager
From: Ross Williamson, City Attorney
Date: February 8, 2019
Re: Condemnation Litigation Cost Estimate

The purpose of this memo is to provide a cost estimate should the City need to pursue a condemnation action to obtain property related to the wastewater project. The property at issue is a 17-acre portion of a larger parcel owned by D Franco Contracting.

I will first provide a brief summary of the condemnation process and then provide my thoughts on estimating the attorney fees associated with bringing an action on behalf of the City. I discuss condemnation procedures to illustrate the many variables involved in a condemnation action so as to support the proposition that it is very difficult to estimate litigation expenses in these cases.

Condemnation Procedure

ORS 223.005(1) authorizes the City to appropriate private real property for any public or municipal use or for general public benefit. In addition, ORS 244.020 provides specific authority for the City to condemn property for sewer system facilities. The procedures for condemnation actions are set out in ORS 35.205 – 35.415.

The condemnation process starts with the City making a written offer to purchase the land. This offer must be made at least 40 days before filing any condemnation action. In our case here, the offer must be accompanied by an appraisal, and the offer must be of an amount at least as much as the City's appraisal. Please note, that once made, it is very difficult to reduce a purchase offer. Once a condemnation action is filed, the offering price can only be reduced with approval of the court. As discussed below, the initial offer is also tied to whether the owner may be awarded attorney fees after trial. For this reason, it is critical that the City make its initial offer carefully.

After pursuing negotiations, and absent an agreement or arbitration, the City may file a condemnation complaint in Polk County Circuit Court. The complaint must describe the property, allege the property's true value, and describe any damages resulting from appropriation of the property. If required, at this point the City has options to obtain

Mac Corthell, City Manager
February 8, 2019
Page 2

immediate possession of the property upon paying into the Court the estimated just compensation. After the complaint is filed, the owner then files an answer where the owner will assert any defenses and allege the true value of the property, and damages, if any.

For purposes of this memo, I assume that there is no dispute as to the City's authority to condemn the property and that the only dispute is the value of the property. To the extent issues other than the property's value are brought to the court, the litigation becomes more complex and costly.

The value of the property is a question for a jury that will be decided after a trial. In a condemnation trial, the jury is directed to base its verdict on the fair market value of the property at its highest and best use. "Fair market value" is determined by considering all factors that might fairly be brought forward and reasonably be given substantial weight in negotiations between the owner and a prospective purchaser, as of the date the condemnation is commenced. The real property includes improvements, fixtures, trees and crops. The "highest and best use" is a question of fact that relates to value, and is for the jury to decide (it may also be a use other than the current use, if it is reasonably probable that the property has actual potential for higher and better use). A trial would largely be a battle of experts, which each side presenting expert testimony as to the property's value.

It is also important to note that the law mandates that a court award the owner its attorney fees and costs if the verdict is higher than the City's initial written offer or if the court finds that the first written offer was not a good faith offer. Thus, if the City's initial offer is too low, then the costs of litigation can essentially double.

Litigation Cost Estimate

If the City is pursuing a condemnation action, then it is because the City and owner could not agree on the amount of just compensation due the owner. In a condemnation action, this dispute would be resolved by the jury after trial. A simple action to present the matter of just compensation to a jury could be resolved for somewhere in the neighborhood of \$12,500 in attorney costs. The City would also need the services of a property valuation expert, so that could easily add another \$3,000 to the cost of litigation. Court fees and costs could be another \$500. Thus, for a simple and straightforward trial on the issue of just compensation, a reasonable estimate would be \$16,000.

Please understand this is a very rough estimate and assumes no motions or other ancillary disputes between the parties during the case. In other words, this cost estimate is minimum cost floor, not an expected average. Also note that a condemnation action can get complex quickly and the costs can just as quickly escalate if the dispute is hard-fought. Add to this the possibility that the City's initial offer could be determined by the jury to be too low, thereby authorizing the property owner to seek reimbursement for attorney fees. In such a case, the cost of litigating would essentially double.



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

February 11, 2019

Mac Corthell, JD
City Administrator
City of Falls City
299 Mill Street
Falls City, Oregon 97344

RE: Wastewater System Improvement Project – Cost Impacts of Alternative Sites
JO 2969.3010.0

Dear Mac:

As you are aware, the preferred location for the new wastewater treatment plant is a portion of the property located at 18685 Falls City Road. This site is known as the "Franco Site" after the current owners. We understand the City has been negotiating the purchase cost with the owners and the price at which they are willing to sell is approximately \$42,500 higher than the appraised value. Even at this cost, we believe the Franco site still represents the best alternative for the City based on the following reasons.

The Franco site has several advantages over other nearby sites. It is close to the City, the topography is relatively flat, and it is adjacent to Falls City Road. Since the site is relatively close to the City, the total pipeline lengths required to convey wastewater and treated effluent to and from the site are lower than would be required for a site further east. The flat topography is also well suited to the construction of a lagoon treatment system. The steeper topography of other nearby sites would likely require more earthwork in order to construct similar lagoons. Finally, since the Franco Site is located along Falls City Road, vehicular access to the site is good. Other sites further east and south will likely require the construction of long access roads that are not required at the Franco Site. All of these advantage decrease the cost of the treatment plant project.

Without a formal comparison to an alternative site, it is difficult to identify specific cost impacts. However, any other site will likely require more earthwork, more piping, and longer gravel access roads. The costs for these could easily exceed \$42,500. For example, an average pipeline cost for the project is about \$90 per foot. Therefore, an additional 475 feet of piping is roughly equivalent to a cost of \$42,500. Most of the alternative sites will require more than 475 feet of additional piping, and have higher construction costs than the Franco site. Similar arguments can be made with respect to the construction of access roads (cost \$22 per foot) and earthwork (cost \$9 per cubic yard).

Finally, in order to move forward with an alternative site, some of the engineering work that has already been completed for the Franco Site will need to be modified. Examples include a new mixing zone study for any site further east and could include a modification to the Preliminary Design Report. The cost for this additional engineering work will likely be in the \$10,000 range.

33

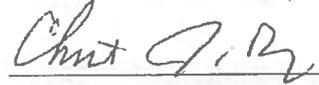
February 11, 2019
Mr. Mac Corthell
City of Falls City

Page 2

We hope this information is useful. Should you have any questions, require any further information, please contact us at (503) 585-2474.

Sincerely,

WESTECH ENGINEERING, INC.



Christopher J. Brugato, P.E.

Vice President

cjb

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: RESOLUTION 07-2019, FALLS CITY EVENTS
DATE: MARCH 14, 2019

SUMMARY

Sanctioning of events already sponsored and administered by the City; differentiating between City Events & Community Events; and providing a policy and procedure for each.

BACKGROUND

All thriving cities host, and/or support various events, and the benefits of doing so are innumerable. Last Council Meeting (2/14/19) I asked council to approve continued support of a list of events that the City had been supporting in various ways until such a time as a policy and procedure could be adopted authorizing support, and determining the level thereof, to various events that occur or have occurred around the City.

My research on the issue over the last couple of weeks has led me to the following explanation and proposal.

EXPLANATION

There are generally two types of events that occur within a city, for purposes of this report we will refer to them as “City Events” and “Community Events.”

CITY EVENTS are city-wide events sponsored, organized, administered, budgeted, and insured by the City. There are typically volunteers that work on these events, but they are supervised, tasked, and insured by the City. Additionally, outreach to local donors is typical for these events (e.g. Pizzas donated for the Spring Clean), but is done by City Staff or City Supervised Volunteers.

Typically, City Events are sanctioned by the City Council and remain sanctioned until some action to disallow them occurs (e.g. budget shortfalls). The activities related to the event are typically listed with the event and remain static unless and until the City Council approves an additional activity (or removes an existing one) through the resolution process. They are budgeted for using a “Recreation” line item (often in the Parks Fund). That line is not itemized, but instead is a lump sum that covers all of the City Events. City Staff has a good idea of the costs associated with each event based on experience in putting them on, and there is no argument over funds because they are all accounted for in the annual budget based on the prior year’s expenditures plus inflation.

New City Events can usually be added by the City Council based on recommendations from a Recreation Committee (usually Parks & Rec), and City Staff. This usually requires the Citizen

Group or Entity championing the event to present a proposal outlining the event, the activities, and the amount and type of support needed from the City to put the event on, to the Recreation Committee and later to the City Council. For example, a non-profit may approach the City to put on a Farmer's Market that would benefit their cause of defeating Childhood Hunger. The City may choose to administer and organize the event with the caveat that the first \$5,000 collected in parking, vendor, and sponsor income be given to the City to put the event on the following year. This would create a partnership between the City and the Non-Profit thus allowing the City to utilize many of the non-profit's resources in organizing and executing the event. If the non-profit ceases to exist, the city could continue the event to benefit a different non-profit chosen by the Council.

COMMUNITY EVENTS are those events put on by Citizen groups or other non-profit organizations. These events might receive support from the City in the form of non-monetary resources like use of the Community Center, waiver of street closure fees, or assistance from City Staff in setting up or breaking down. These events require the organizer to insure, organize, administer and support the event.

Typically, these events are proposed by an organizing group or non-profit entity and are reviewed by a Recreation Committee (often Parks & Rec Committee) for desirability, feasibility, and resource availability. The City Council then reviews recommendations from the Recreation Committee and City Staff to determine whether to support the event in the recommended way (which may be not to support it), to not support it, or to kick it back to City Staff and the Committee to modify the type of support.

These events may be sanctioned permanently so long as no major changes occur to the programming, or approved yearly based on Council's desire. A great example of this is the National Night Out sponsored by the Falls City Fire Association. The City provides insurance and road closure support to this event each year, but it is hosted by the Association, a non-profit entity.

PROPOSAL

Each year the City of Falls City and several citizen groups/non-profits put on various events in town for the benefit of our citizens and the greater community. Some of the events are "City Events," while others are "Community Events" receiving city support.

Heretofore, the City has approved these events in a number of ways from Franchise agreements, to Council review, to selection by City Officials. This ad hoc approach has caused confusion for Citizens, Administration, and the Council in many ways.

This proposal would:

1. Establish a list of "City Events," and "Community Events," along with their basic programming, to be permanently sanctioned until the Council takes action to disallow them. The proposed list (below) is based on those events that the City has already put on and/or supported in recent history.
2. Task the Parks Committee with reviewing and making recommendations to the Council on proposed new "City Events" and proposed new "Community Events."
3. Task the City Manager with reviewing the recommendations of the Parks Committee and the proposed new event, and making an independent recommendation or concurrence with the Parks Committee to the City Council.

4. Establish a policy and procedure for reviewing and approving/denying support for proposed new “Community Events.”
5. Establish a policy and procedure for reviewing and approving/denying proposed new “City Events.”

PREVIOUS COUNCIL ACTION

2/14/19- Approved continued preparation of events and directed City Staff to produce a policy and procedure regarding events in Falls City.

FINANCIAL IMPLICATIONS

There list of current events is already supported by the City. There would be no further budget impacts, but City Staff will create a recreation line in the next budget to account for them explicitly rather than finding lines for them to fit under.

Any new event would be assessed as to budget impacts during the proposal process.

STAFF RECOMMENDATION

Adopt.

EXHIBIT

A-Resolution 07-2019

B-List of Current Events (Exhibit A to resolution)

PROPOSED MOTION

I move the City Council of the City of Falls City adopt Resolution 07-2019, A RESOLUTION SANCTIONING CURRENT EVENTS, DIRECTING THE PARKS COMMITTEE TO REVIEW NEW EVENT PROPOSALS, AND SETTING A POLICY & PROCEDURE FOR SANCTIONING OF NEW EVENTS.

RESOLUTION 07-2019

A RESOLUTION SANCTIONING CURRENT EVENTS, DIRECTING THE PARKS COMMITTEE TO REVIEW NEW EVENT PROPOSALS, AND SETTING A POLICY & PROCEDURE FOR SANCTIONING OF NEW EVENTS.

Whereas:

1. Hosting events carries multiple benefits for a City including: providing a service or recreation to citizens, raising the City's profile, boosting community enthusiasm, economic benefits of visitors to the community, showcasing the City, making personal connections, strengthening relationships between community members, and generating revenue to name just a few; and
2. Event planning, management, funding, coordination, and execution require expenditure of City resources; and
3. The City of Falls City currently hosts or supports several events that take place in the City; and
4. There has not been a formal process and procedure in place to sanction events; and
5. Events should be formally sanctioned by the City Council prior to receiving City support; and
6. This resolution creates a list of current City and Community events to receive support from the City; and
7. The proposed process ensures citizens and groups are notified of how to propose an event for City Support; and
8. The proposed process ensures City resources are properly assessed and presented to Council before they are committed to an event; and
9. The proposed process ensures citizen involvement in determining what events the city should support.

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

Section 1. DEFINITIONS.

1. The following definitions apply to this resolution:
 - 1.1. **City Events**, are those which the City assumes all event management responsibilities for. This includes, but is not limited to, planning, organizing, financing, hosting, and insuring.

- 1.2. **Community Events**, are those to which the City provides some type of support (typically non-monetary), but is not responsible for event management duties.
- 1.3. **Social Service Events**, are those in which a non-profit or government entity provide a social service directly to the citizens of Falls City. They may be City Events, or Community Events and may or may not receive City support.
- 1.4. **Private Events**, are those to which the City provides no sanctioning or support of any kind.

Section 2. CURRENT CITY AND COMMUNITY EVENTS.

1. All City and Community Events listed in Exhibit A to this resolution are formally sanctioned along with the type and level of support they currently receive.
2. All Events Sanctioned in Accordance with Sections 3-5 of this resolution are formally sanctioned along with the type and level of support they receive.
3. Sanctioned events remain sanctioned unless and until:
 - 3.1. Council action is made to disallow the event; or
 - 3.2. In the case of one-time events: the event is completed or cancelled; or
 - 3.3. The activities that make up the event are substantially modified; or
 - 3.4. The City funds committed to the event are substantially insufficient; or
 - 3.5. The City resources committed to the event are substantially modified; or
 - 3.6. City funds or resources are not sufficient to support the event.
4. When an event that has been sanctioned under Section 2, 3, or 4 becomes un-sanctioned in accordance with Section 2(3)(3.3)-(3.5), the event planner must present the modification, or needed budget increase to the Parks Committee for review.
 - 4.1. The Parks Committee will make a recommendation to the Council via the City Manager, to permit or deny the modification.
 - 4.2. The Parks Committee will provide the recommendation to the City Manager who shall issue an independent recommendation to the Council to permit or deny the modification and place the issue on the agenda for the next regular Council Meeting.
 - 4.3. The City Council will review the recommendations of the Parks Committee and City Manager, and vote to allow or deny the modification.
5. When an event that has been sanctioned becomes un-sanctioned in accordance with Section 2(3)(3.6) above, it will be automatically re-sanctioned in its most recent state if/when resources allow.
6. When an event has become un-sanctioned by multiple sections it must meet all re-sanctioning conditions of each of the sections causing it to be un-sanctioned before it becomes sanctioned again.
7. All current and future City and Community Events are city-wide and all inclusive.

Section 3. PROPOSED NEW CITY EVENTS.

1. All new City Events must be approved by the City Council using the following process.
 - 1.1. The City Staff Member, Citizen, Group, or Entity proposing the event must make a written proposal to the Parks Committee. The written proposal must contain enough information for the Parks Committee to make an informed recommendation to the City Council, but must include at least:
 - 1.1.1. The name and logo (as applicable) of the event; and
 - 1.1.2. The nature of all activities making up the event; and
 - 1.1.3. The date, time, and location of the event; and
 - 1.1.4. A narrative outlining community support for and benefits of the event; and
 - 1.1.5. An itemized list of non-monetary City resources needed for the event; and
 - 1.1.6. An itemized proposed budget for the event; and
 - 1.1.7. A list of non-city resources and funds committed to the event; and
 - 1.1.8. A statement that the event is city-wide and all inclusive.
2. The Parks Committee shall hear the proposal and make a recommendation to the City Council, or direct the proposer to provide more information if the proposal does not sufficiently address the criteria in Section 3(1)(1.1).
 - 2.1. If more information is needed the Parks Committee will re-hear the proposal at the next meeting after the information is received and make their recommendation to the Council.
3. Once a recommendation has been made by the Parks Committee it will be forwarded to the City Manager along with the written proposal.
 - 3.1. The City Manager will review the proposal and Parks Committee recommendation and prepare an independent recommendation for the City Council.
 - 3.2. The City Manager will then present the Parks Committee Recommendation and the Manager's own recommendation to the City Council for approval, denial, or modification of the event.

Section 4. PROPOSED NEW COMMUNITY EVENTS.

1. All new Community Events must be approved by the City Council as to the extent and nature of support the City will provide.
2. The process for approving new community events is the same as that in Section 3(1)(1.1), except that the written proposal must include at least the following:
 - 2.1. The name and logo (as applicable) of the event; and
 - 2.2. The nature of all activities making up the event; and
 - 2.3. The date, time, and location of the event; and
 - 2.4. A narrative outlining community support for and benefits of the event; and
 - 2.5. An itemized list of City resources needed for the event; and

- 2.6. A list of non-city resources and funds committed to the event; and
 - 2.7. A Certificate of liability insurance showing the event and the liability limits; and
 - 2.8. A statement that the event is all inclusive.
3. A Community Event that is denied support by the City effectively becomes a Private Event to which the City has no ties.

Section 5. PROPOSED NEW SOCIAL SERVICE EVENTS.

- 1. All new social service events may be approved by a concurrence of the Mayor and the City Manager. Where a concurrence cannot be made, the event must be approved by the City Council.
 - 1.1. The Mayor will make a determination regarding the usefulness, likely community participation, and community need for the event in making his/her decision.
 - 1.2. The City Manager will make a determination regarding the availability of City resources to support the event in making his/her decision.
- 2. If the event is approved by concurrence of the Mayor and City Manager, it will be presented to the City Council as part of the “Announcements” section of the Council Meeting Agenda at the next Council Meeting after the concurrence.

Section 6. REPEAL.

- 1. Resolution 04-2019 is hereby repealed.
- 2. All prior conflicting resolutions are hereby repealed.

Section 7. EFFECTIVE DATE.

- 1. This resolution is effective immediately upon passage.

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

Vote: AYE_____ NAY_____ ABSTAIN_____ ABSENT_____

Date

Jeremy Gordon, Mayor

Attest:

Date

JoHanna Birr, City Clerk

Resolution 07-2019 Exhibit A
Current Events List

LIST OF CURRENT EVENTS

The following events would be permanently sanctioned by Council until further action is taken to disallow them, or until the programming changes significantly.

City Events:

1. Annual Spring Clean (already approved by franchise agreement).
 - a. Activities
 - i. Community trash, tire, appliance, and technology dumping at Mill lot.
2. Annual SOLVE River Cleanup
 - a. Activities
 - i. Volunteers clean up the river and riparian zones
3. Annual Citywide Garage Sale
 - a. Activities
 - i. A city-wide sale of personal property that includes a listing in the City-Wide garage sale map for those who sign-up.
4. One Time SOLVE Cemetery Cleanup
 - a. Activities
 - i. Volunteers assist in cleaning and plumbing of gravestones, and general cemetery cleanup and maintenance.
5. Arbor Day
 - a. Activities
 - i. Children's games
 - ii. Cocoa and Cookies

Community Events:

1. Thanksgiving Meal
 - a. Activities
 - i. Thanksgiving Dinner served at Community Center
 - b. City Support
 - i. Donate use of Community Center
 - ii. Insure Event (no additional cost)
2. Annual Tree Lighting
 - a. Activities
 - i. Christmas tree placement, decoration, and lighting
 - b. City Support
 - i. Staff Assistance in placing tree
3. National Night Out
 - a. Activities
 - i. First responders put on exhibitions of their duties
 - ii. Games for kids/family
 - iii. Some food and non-alcoholic beverages served
 - b. City Support
 - i. Donate use of the Community Center
 - ii. Waive street closure fees
4. Public Safety Job Fair
 - a. Activities
 - i. Youth and other interested parties meet with public safety professionals to learn about the job and how to become qualified to do it.
 - ii. Exhibitions of public safety job responsibilities

- b. City Support
 - i. Donate use of the Community Center
 - ii. Waive street closure fees as needed
- 5. Easter Egg Hunt
 - a. Activities
 - i. Easter Egg hunt for kids
 - b. City Support
 - i. City Staff assists with setup and cleanup
 - ii. City provides upper park gazebo/upper park
- 6. Produce Giveaway
 - a. Activities
 - i. Provide produce to low-income families and community members
 - b. City Support
 - i. City Staff assists with traffic control and/or cleanup

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: CITY INTERN, AMARA HOUGHTALING VIA CITY MANAGER, MAC CORTHELL
SUBJECT: SURPLUS PROPERTY
DATE: MARCH 14, 2019

SUMMARY

Staff would like permission to dispose of surplus equipment by sale and donation. There are various items City Staff would like to dispose of.

BACKGROUND

There are various items for surplus throughout City Hall, that have been determined to no longer serve a need to City employees and the community. The value of each item of surplus property decreases slightly with each passing day.

PREVIOUS COUNCIL ACTION

None

ALTERNATIVES/FINANCIAL IMPLICATIONS

The City gains the proceeds from the sales.

The resale value of each item diminishes as it ages, so the city loses resale money by allowing the items to age and not selling.

STAFF RECOMMENDATION

Adopt.

EXHIBIT

Resolution 08-2019 and Attachment "A" thereto.

PROPOSED MOTION

I move the City Council of the City of Falls City adopt Resolution 08-2019, A RESOLUTION DECLARING CERTAIN CITY ITEMS SURPLUS PROPERTY AND AUTHORIZING THE SALE OR DISPOSITION THEREOF.

RESOLUTION 08-2019

A RESOLUTION DECLARING CERTAIN CITY ITEMS SURPLUS PROPERTY AND AUTHORIZING THE SALE OR DISPOSITION THEREOF

Whereas:

1. Property is considered "surplus" when it no longer serves the needs of the city and, therefore the public; and
2. Surplus property should be disposed of when doing so is in the public interest; and
3. The City of Falls City is currently in possession of property that no longer serves the needs of the city and, therefore the public; and
4. Nothing in the City's governing documents delineates a procedure for declaration or disposition of Surplus City Property.

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

Section 1. The items listed in attachment "A" are declared surplus property. The surplus property listed in attachment "A" shall be disposed of in the manner delineated in said attachment.

Section 2. The City Manager shall determine and utilize the most advantageous method of sale for all surplus property to be disposed of by sale. The methods include, but are not limited to, State Surplus Property, Craigslist, Facebook, Community Boards, and direct contact with City Hall.

Section 3. The City Manager shall determine appropriate pricing based on comparable sales, for all surplus property delineated as "sale" in attachment "A."

Section 4. Monies received from the sale of Surplus Property will be allocated to the City's General Fund.

Section 5. Those sale items, with menial resale value, that do not garner interest within 30 days may be donated if doing so is in the best interest of the City.

Section 6. The City Manager shall cause those surplus items containing City Records (e.g. computers) to be wiped clean prior to disposition.

Section 7. This Resolution shall be effective immediately upon passage.

Continued on next page...

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

Vote: AYE____ NAY____ ABSTAIN____ ABSENT____

Date

Jeremy Gordon, Mayor

Attest:

Date

JoHanna Birr, City Clerk

Resolution 08-2019

Attachment A

Reference Number:	Item Name:	Model/Make:	Serial Number:
1	Battery Backup Surge Prot.(QTY 2)	APC	3B1121X15636
2	Power Strip	Electricord	A1191003ASSLV
3	TrendNET	Internet Router	TEW-430APB
4	AC/DC Adapters (QTY 9)	N/A	CN-05120P-25960-5BB-DZNQ
5	Speakers	Diamond Audio Tech	5375U6090731715
6	Microphone Wires (QTY 9)	N/A	
7	Printer Cartridge	Brother	5375U6090731715
8	Printer Cartridge	Brother	B12J5007098C
9	Stamp Machine	Pelouze	
10	Extension Cord (brown)	N/A	BX-3695
11	Pencil Sharpener	Boston	
12	Power Strip	N/A	PS-603
13	Mouse Cushion	Fellowes	
14	Keyboard Cushion	Fellowes	
15	AC/DC Adapter	Dell	
16	D-Link	Wireless Network Adapter	BWA1251A
17	10 YR Fire Alarm	N/A	
18	Polaroid Camera	Red Eye Reduction	
19	Carbon Monoxide alarm (QTY 2)	First Alert	
20	Landline phone	At & T	74S1
21	Landline phone	Multi Memory Speaker Phone	
22	APC	BACK UPS XS 1300	
23	LCD Monitor	Hanns	HSG1071
24	LCD Monitor	Viewsonic	VLCDS21434-1
25	Compact Disc	Emerson	MS9838
26	Metrotech	810	8.10013E+11
27	Printer	HL-32	4614447J903590
28	Keyboard	Dell	RT7D20
29	Keyboard	Dell/SK-8135	
30	Mouse	Logitec	JNZMR0020
31	Keyboard	Dell/SK-8115	
32	Keyboard	Logitec	JN7YR0015

33	Keyboard	Dell	AQ6-7D30
34	Mouse	Dell	HCD60754359
35	Mouse	M-U69	JNZ211444
36	LCD Color Display Monitor	HP	CNC41909TP
37	Monitor	M78IP	A3KMO90
38	Computer	Hetis 915	
39	Computer	Hetis 915	
40	Computer	DCTR	FR2DF91
41	Coffee Pot	Mr. Coffee	CG13
42	Stamp	X-Stamper	123000220
43	Stamp (QTY 3)	Stamp ever	123000220
44	Computer Tower (Destruction) (QTY 2)	Dimension 3100	
45	Rosewill	USB 2.0	
46	Western Digital	WB 800	WB800JD-22LSAO
47	Desktop External Drive (QTY 2)	Seagate	2GHJF4XP
48	Badmitten Rackets (2 pairs)	"R"	
49	Box of sports supplies	2 basketball, tetherball, nets, straps	

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: RESOLUTION 09-2019 WEYERHAEUSER GRANT
DATE: MARCH 14, 2019

SUMMARY

The Fire Department would like to apply for a Grant from the Weyerhaeuser Giving Fund to help pay for outfitting of the newly acquired Duty Rig/Class 6 Engine.

BACKGROUND

The Fire Levy helped the Falls City Fire Department purchase a Class 6 Engine to increase response capability, conflagration opportunities, and volunteer recruiting. It is very expensive to outfit a Fire rig and, in an effort to cut costs to the City, Officers from the Fire Department identified an opportunity to receive Grant funding from Weyerhaeuser Corporation.

PREVIOUS COUNCIL ACTION

Approved the purchase of the Duty Rig/Class 6 Engine.

FINANCIAL IMPLICATIONS

The City would receive approximately \$9,000 to be used in outfitting the Duty Rig/Class 6 Engine. There is no match requirement and very little administrative burden.

STAFF RECOMMENDATION

Adopt.

EXHIBIT

A-Resolution 09-2019

B-Draft Grant Application (Attachment A to the resolution)

PROPOSED MOTION

I move the City Council of the City of Falls City adopt Resolution 09-2019, A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE 2019 WEYERHAEUSER GIVING FUND DONATION.

RESOLUTION 09-2019

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE 2019 WEYERHAEUSER GIVING FUND DONATION.

Whereas:

1. The City of Falls City has purchased a Fire Duty Rig/Class 6 Engine; and
2. There is a need to appropriately outfit the new vehicle for Fire response; and
3. The Weyerhaeuser giving fund donation provides funds to assist with such projects; and
4. The City does not have to match any funds, and the administrative burden of managing the donation are very low.

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

Section 1. The City Manager may apply for and accept the Weyerhaeuser Giving Fund Donation on behalf of the City.

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

Vote: AYE _____ NAY _____ ABSTAIN _____ ABSENT _____

Date

Jeremy Gordon, Mayor

Attest:

Date

JoHanna Birr, City Clerk

Weyerhaeuser Giving Fund Grant > Apply



Weyerhaeuser

- Organization
- Request
- Summary

Request for \$9,776.10
 Weyerhaeuser Giving Fund Grant

ID: 142743546
 Status: Draft

Applicant Information

Sharon Volk Greve

Pookie122917@aol.com

503-871-5140

320 North Main Street Falls City OR 97344 US

Organization Information

Falls City Volunteer Fire Department

Project Overview

Project Overview

Project Title*

First line (Category 1) supply/equip our New "Multi-Purpose Truck" (Duty-Rescue-Medic-Brush Truck)

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What are you asking us to support?*

We

need help equipping our new "Multi-Purpose" "Duty-Fire Rescue-Command-Brush Truck," that is on order now and expect to receive by June/July of this year. It will respond to all emergency calls, both fire and medical. This Multi-purpose truck will support emergency medical responses, have a foam/water tank to respond to brush, grass and timber fires, carry rescue equipment and supplies to rescue patients that may be trapped, or victims who need retrieved from difficult geographical locations, such as canyons, mountains, wilderness and rural areas, and also act as a duty-command rig. It will be able to transport up to 5 personnel, with 4 wheel drive capabilities to access forest-timberlands, dirt roads, and off road situations, where our bigger fire engines are not able to go, plus give us a much faster response time in these remote logging and timber lands and difficult reaching rural areas that we cover. We received a tax bond to help purchase this truck, beginning this year, on a 5 year lease option program. We will purchase the truck at the end of the 5th year. This Bond gives us a budget of 15,000. per year, which we need to pay the yearly lease/purchase payment. However, we do not have funds to stock or supply the truck, such as a dispatch radio, siren and lights Bar, computer for mapping and GPS, fire fighting equipment and medical equipment such as an AED, and other medical supplies. We are hoping that Weyerhaeuser will be able to help us with this task. We will not be able to use the truck to it's fullest capacity until we are able to equip it with these items. These items are what is the highest priority to get the new truck "rescue and response ready".

Amount Requested*

\$9,776.10

Project Begin*

02/01/2019

Project End*

12/30/2019

Which Weyerhaeuser community would benefit from this request?

- In states where we manage forestlands (marked with *), we selectively support social and business initiatives of interest to Weyerhaeuser that have a regional or statewide impact beyond a specific operating community.

Weyerhaeuser Community List*

Oregon Timberlands

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Applicants by INVITATION ONLY

- Selected, high-priority national or international initiatives directly related to the sustainability and importance of working forests.

Under which area is your program associated?*

Civic & Community - Fire Rescue

Narrative

Narrative

Project Description*

These Giving Funds would be used to supply our new (Multi-Purpose) Duty-Medic-Brush (Fire) Rescue-Command Truck. This truck will come bare with nothing on it from the factory. With our Bond funding we will be able to put a service type bed, a water or foam tank for fire suppression, a pumper unit to pump the water or foam, and compartments for tools. With the Weyerhaeuser Giving Fund we would be able to supply the truck with A new Siren and Lights Bar with installation and wiring, A dispatch communications Radio with installation and wiring, Fire Fighter and Rescue hand tools, Medical and Trauma Supplies, Medic Kits, Rescue Supplies . Also a CB radio installed so that we can communicate with the log and dump trucks, as well as loggers and contractors in the woods, in an emergency. This will help us locate them faster, and also provide important safety communication capabilities between log and dump trucks and emergency responding units (calling out mile markers, on blind corners where they may meet).

How would our grant be used?*

Purchase

and install a new dispatch radio for the new Multi-purpose truck for communication with dispatchers, emergency personnel and units, police, and any other responding agencies. A CB to contact Contractor logging companies in the areas or others who need emergency assistance where Cell Phones will not work. Light Bars with an emergency Siren and Emergency Response Lights. Fire fighting hand-tool equipment such as shovels, pulaskis, fire hoses, nozzels. Medical kits for Trauma and Emergency Medical needs, including an AED. (Automated External Defibrillator). The Trauma Kit will have specific medical and rescue items to help us treat victims who are in logging and remote areas or severe adverse weather conditions. The truck will have capabilities for responders to "pack out" victims located in difficult terrains, such as canyons and areas where there are no roads. Weyerhaeuser owns significant lands in our rural

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response areas, as well as other timber companies and private land owners. Many of these areas are only 4 wheel drive or walk in accessible. This grant would help us stock and equip our new truck to benefit these targeted areas in an emergency situation.

Number of people served*

2000

Focus area alignment*

Human Services, Civic and Cultural Growth

Budget

Budget Information

—

Project/program budget*

\$9,776.10 *WBU*

Total funding committed*

\$9,776.10

List of sources of committed funding*

Only the Weyerhaeuser Giving Fund if we receive it.

List of other organizations applied to*

None

Description of finances (please include any additional information you may want us to know about your financials, if nothing applies use a N/A)*

The fire department was able to get a tax levy bond passed last year to purchase the new Multi-functional truck (Duty-Command, Brush Truck with Emergency Medical and Rescue capabilities). But the amount, 15,000. a year is only enough to

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lease/purchase the truck and put the utility bed and the water tank on the truck. There are no present funds to supply or equip the truck. , and very small 100% volunteer fire and ems dept that has very, very limited funds. Our two fire trucks were donated to us by other agencies, and one of the engines blew up, which cost us over \$12,000. to repair. So we have no further funding to help equip this truck. It is hard to do fund raisers in our town, due to the fact that the road dead ends in main street, unless you go up in the woods. So it is very hard to pull outside citizens to our town to support pancake feeds, etc. Our fire dept has responded to Weyerhaeuser property for medical emergencies and fires for many years. We also respond to the Mt. Bike camp up Black Rock Road, where there are major trauma injuries every season. We do search and rescue for folks who drive or walk in the wilderness in your areas, that get lost, or have medical emergencies. This multi purpose truck will allow us to get to these remote areas much faster and more efficiently than a big heavy full sized fire truck. Our new multi purpose truck will be lighter, smaller and faster. But will have first in fire fighting capabilities for small or large brush and timber fires, with 4-5 personnel as first , fast attacks. We estimate this truck will be on site 15-20 minutes earlier than our other bigger and older fire trucks. So a huge plus for the timber industry. The funds we are requesting to use to purchase this equipment will help get our truck on line faster and rescue-response ready much sooner than we had hoped! Because of these issues, your consideration is very valuable to our project! Not only would this Grant benefit our department, city and the community, but Weyerhaeuser lands and employees as well!

Audited financial statements?*

Yes

Fiscal year of most recent audited statement*

2017-18

Income Sources by Percentage (%) —

Please list all income sources based on their percentage contribution to your project. The total of all sources must be equal to 100%.

Source	Percentage (%) of Total Income	Description
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Other	100%
Total:	100%

This would be from the Weyerhaeuser Giving Fund that we are requesting in this application. We do not have any other income sources for this project.

Organization

Organization Information

Organizational mission*

The Falls City Volunteer Fire Department's Mission shall be to enhance the preservation and protection of life, property and well being of our community from and during emergency incidents and natural emergencies as they may occur in the City of Falls City and in the Rural Districts under jurisdiction of this Department and in such areas covered by Mutual Assistance agreements.

Year founded*

1912

Fiscal Year Starting*

07/01/2018

Fiscal Year Ending*

06/30/2019

Number of paid staff*

0

Number of volunteers*

56

30

Annual operating budget*

\$15,000.00

Organization background*

We

are a 100% volunteer fire/rescue and emergency medical fire dept. Many of our volunteers had Fathers and Grandfathers in the dept before them. We work very hard and are here because of our love for our community and people. We are on call and respond whenever we are in town, from work, family gatherings, off roof tops of our barns, in the middle of the night, birthday and anniversaries, Christmas, there is no time off when the pagers go off. We respond to approx. 120-130 emergency medical calls per year, about 1/3 being in the rural areas. We respond to about 90 a year for fires, burning complaints, smoke in a structure, chimney fires, or alarms sounding in homes and schools. We respond to many motor and truck accidents yearly as well as other trauma calls in the logging industry, heavy construction, farm and agriculture, schools and residences, and work closely with Dallas and Monmouth Ambulance, Life Flight, Reach Air, and the Coast Guard. We respond to emergency calls at Camp Tappawingo and Camp Tillicum, Camp Blue Spruce which is a specialized camp in Socialist Valley for over 500 kids a year who suffer from severe food and environmental allergies. Also in the Black Rock area is the very popular BMX Bike Challenge track where hundreds of bikers come from all over the North West, who often times are our most severe trauma calls. We also respond to swimming/diving accidents at the Little Luckiamute River Falls in Falls City. This will be our first owned Duty-Brush Truck-fire-rescue and medical truck that Falls City has ever owned outright. So we are really excited about getting it soon. We hope to have it by about July. If we are lucky enough to be awarded this Giving Fund, then we would be able to equip it with many of the important things that we need to equip the truck. Our department is very active in school fire safety training, the SKID program for teen drivers, and other safety programs throughout the year in our schools. We offer advanced first aid, CPR, AED and active shooter training for our schools, as well as specialized head trauma and evaluations for our coaches to keep them current with Sate and Federal requirements. We also offer at least twice per year free community CPR , AED, first aid, stroke awareness, overdose emergencies, and how to stop heavy bleeding classes for our community, and are active in the Community Night Out program. We promote a safe Halloween night for everyone at our fire hall, free of charge with pizza, games, treats and contests, parents are welcome too. We serve our community proudly and respond whenever needed performing public assists to help someone up off the floor or who has slipped out of their wheel chair. We also have a Junior Fire Fighter program that we are very proud of and becoming more and more rare these days. Students 13 years of age or older, may join our department and learn the early skills towards becoming a fire fighter and or first responder. They must maintain a C grade or better in school, and not get into trouble. Once they turn

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18 they are offered an adult position with the department. We often have kids who stay with us for 10-20+ years from this early start. It not only gives us new members, but offers a valuable program in the community that the kids can get involved in and be proud of them selves for their accomplishments and learn strong values and what it is to become a volunteer. We have had many who go on from that and become full time paid Paramedic-Fire Fighters. It would be a huge impact on our community and department if we are lucky enough to receive this Giving Fund. If possible, we would like to request a special consideration to review our application sooner than the ending date of Oct. 1st. This would mean that we could equip our truck with the much needed tools and equipment and make our truck "Rescue ready" much sooner than we had ever hoped. We sincerely thank Weyerhaeuser and the Giving Fund Committee for this unique and valuable opportunity to apply for this generous gift. Thank you!

Board involvement*

N/A

Previous WY support*

None

WY employee involvement*

None

Contact

Contact Information**Chief Executive (or equivalent)***

Assistant Chief, EMS Div

Prefix*

Mrs.

First name*

Sharon

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Last name*

Volk Greve

Title*

Assistant Chief, EMS Division and Dept. Secretary

How long has this person been in this position?*

22 years

Phone number*

(503) 871-5140

Email address*

Pookie122917@aol.com

Website*

N/A

Documentation

Documentation

A Program/Project Budget is required in order to submit successfully, please upload below. If you have a Financial Statement and/or an Operation Budget you may upload them below; however, it is not required for submission.

Program/Project Budget*

Weyerhaeuser Giving Fund Itemized list.docx

Operating Budget

No Response

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Financial Statement



No Response

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