

Notice of Public Meeting City Council Meeting

AGENDA

CITY OF FALLS CITY, OREGON

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

Thursday April 13, 2017 6:00 p.m.

Posted on April 6, 2017

1.) Call to Order

A) Roll Call: Terry Ungricht, Mayor____ Dennis Sickles ____ Lori Jean Sickles ____
Jennifer Drill ____ Tony Meier ____ Charlie Flynn ____ Clifford Lauder ____

2.) Pledge of Allegiance

3.) Motion to Adopt the Entire Agenda

4.) Consent Agenda: Motion Action Approving Consent Agenda Items

- A. Approval of the Billspages 1-5
- B. Approval of March 9, 2017 Council Meeting Minutespages 6-13
- C. Approval of Leak Adjustment at 171 Ellis Streetpage 14

6.) Public Comments Citizens may address the Council or introduce items for Council consideration on any matters. Council may not be able to provide an immediate answer or response, but may direct staff to follow up on any questions raised. Out of respect to the Council and others in attendance, please limit your comment to five (5) minutes. Please state your name and city of residence for the record.

7.) New Business:

- A. Script for Public Hearings.....pages 15-18
- B. Public Hearing – Type III Conditional Use 320 North Main.....pages 19-34
- C. Public Hearing – Type III Conditional Use 246 South Main.....pages 35-47
- D. Resolution 07-2017, A Resolution for Municipal Court Services.....pages 48-54
- E. Historic Landmark Commission Membership, Ordinance 543-2017 ... pages 55-57
- F. Business Licensepages 58-64
- G. Park Reservation with Alcohol.....pages 65-66
- H. City Manager Discussion.....pages 67-82
- I. Park Reservation for School reunion and old timers picnic.....page 83
- J. Green Haven RV Park water agreement.....pages 84-87

8.) Correspondence, Comments, and Ex-Officio Reports

- A. Mayor Report.....pages 88-89
- B. Council Reports
 - Polk County Sheriff Garton's report.....pages
 - Fire Department Monthly Report, January through May.....pages
 - Public Works Department Monthly Reportpages 90
 - Library Monthly Reportpage 91

8) Council Announcements

- A. Next regular Council Meeting, May 11, 2017 6:00 pm.

9) Adjourn

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City of Falls City
Paid Bills Report
 As of March 8, 2017

	Date	Memo	Account	Class	Amount
City of Salem					
	03/08/2017	inv#2304028	Accounts Payable		-1,709.34
	03/08/2017	70% inv#2304028, 911	911 Fee - Fire Department	01 GENERAL FUND:01.07 Fire Department	1,196.54
	03/08/2017	30% inv#2304028	911 Fee - Law Enforcement	01 GENERAL FUND:01.01 Administrative	512.80
					0.00
Total City of Salem					
Edge Analytical					
	03/08/2017	17-04472	Accounts Payable		-20.00
	03/08/2017	17-04472	Lab Analysis Services	20 WATER OPERATING FUND	20.00
					0.00
Total Edge Analytical					
F.V.M. Company					
	03/08/2017	Inv # 0143023	Accounts Payable		-66.00
	03/08/2017	dump truck	Vehicle Maintenance/Repair	11 STREET FUND	33.00
	03/08/2017	Inv # 0143023	Vehicle Maintenance/Repair	20 WATER OPERATING FUND	33.00
					0.00
Total F.V.M. Company					
Falls City Fire Association					
	03/08/2017	March	Accounts Payable		-916.66
	03/08/2017	March	Professional Services	01 GENERAL FUND:01.07 Fire Department	916.66
					0.00
Total Falls City Fire Association					
Ferguson Waterworks					
	03/08/2017	Inv. 0566833, 0567134, cm094647, 0567	Accounts Payable		-864.71
	03/08/2017	Inv. 0566833, 0567134, cm094647, 0567	Maintenance Supplies	20 WATER OPERATING FUND	864.71
					0.00
Total Ferguson Waterworks					
Home Comfort, Inc					
	03/08/2017	Inv # 16807	Accounts Payable		-72.00
	03/08/2017	Heater maintenance	City Hall Maint/Repairs	01 GENERAL FUND:01.01 Administrative	72.00
					0.00
Total Home Comfort, Inc					
MNOP					
	03/08/2017	A291464-in	Accounts Payable		-418.38
	03/08/2017	A291464-in	Power/Heat	01 GENERAL FUND:01.01 Administrative	418.38
					0.00
Total MNOP					
Net Assets Corporation					
	03/08/2017	66-201702	Accounts Payable		-11.00
	03/08/2017	50% Lien service -66-201702	Professional Services	13 SEWER FUND	5.50
	03/08/2017	50% Lien service	Professional Services	20 WATER OPERATING FUND	5.50
					0.00
Total Net Assets Corporation					
Office Craft					
	03/08/2017	M99-5332	Accounts Payable		-54.01
	03/08/2017	M99-5332	Copier Lease/Maintenance	01 GENERAL FUND:01.01 Administrative	54.01
					0.00
Total Office Craft					
Pape Machinery					
	03/08/2017	10276764	Accounts Payable		-20.77
	03/08/2017	Equipment Repairs	Equipment Maintenance/Repair	20 WATER OPERATING FUND	20.77
					0.00
Total Pape Machinery					
Petro Card					
	03/08/2017	C161869	Accounts Payable		-83.31
	03/08/2017	20% C161869	Vehicle Operation	11 STREET FUND	16.66
	03/08/2017	20%	Vehicle Operation	13 SEWER FUND	16.66
	03/08/2017	60%	Vehicle Operation	20 WATER OPERATING FUND	49.99
					0.00
Total Petro Card					
Speer Hoyt LLC					
	03/08/2017	INV: 39571	Accounts Payable		-342.00

City of Falls City
Paid Bills Report
 As of March 8, 2017

	Date	Memo	Account	Class	Amount
Total Spear Hoyt LLC Terry Ungricht	03/08/2017	INV: 39571	Attorney/Special Council	01 GENERAL FUND:01.01 Administrative	342.00 0.00
Total Terry Ungricht Valley Electric Company, LLC	03/08/2017	February Expenses	Accounts Payable	01 GENERAL FUND:01.01 Administrative	-338.66
	03/08/2017	February Expenses	Travel/Meeting Expense	01 GENERAL FUND:01.01 Administrative	338.66 0.00
Total Valley Electric Company, LLC Verizon Wireless	03/08/2017	2.23.2017	Accounts Payable	13 SEWER FUND	-136.99
	03/08/2017	Wastewater pump	Water Projects	13 SEWER FUND	136.99 0.00
Total Valley Electric Company, LLC Verizon Wireless	03/08/2017	9780920513	Accounts Payable	01 GENERAL FUND:01.01 Administrative	-37.92
	03/08/2017	March	Telephone	20 WATER OPERATING FUND	18.96
	03/08/2017	9780920513	Telephone	20 WATER OPERATING FUND	18.96 0.00
Total Verizon Wireless Williamson & Aebi, LLP	03/08/2017	February	Accounts Payable	01 GENERAL FUND:01.01 Administrative	-522.40
	03/08/2017	35% February	Professional Services	01 GENERAL FUND:01.01 Administrative	182.84
	03/08/2017	5%	Professional Services	11 STREET FUND	26.12
	03/08/2017	10%	Professional Services	13 SEWER FUND	52.24
	03/08/2017	15%	Professional Services	20 WATER OPERATING FUND	78.36
	03/08/2017	35%	Professional Services	20 WATER OPERATING FUND	182.84 0.00
Total Williamson & Aebi, LLP CenturyLink	03/14/2017	multiple phone bills March	Accounts Payable	01 GENERAL FUND:01.01 Administrative	-427.85
	03/14/2017	March	Telephone	20 WATER OPERATING FUND	183.96
	03/14/2017	multiple phone bills March	Telephone	01 GENERAL FUND:01.01 Administrative	70.71
	03/14/2017	multiple phone bills March	Telephone	01 GENERAL FUND:01.07 Fire Departm	173.18 0.00
Total CenturyLink Consumers Power Inc	03/14/2017	Account # 1155301	Accounts Payable	20 WATER OPERATING FUND	-323.82
	03/14/2017	March Power	Power/Heat	20 WATER OPERATING FUND	323.82 0.00
Total Consumers Power Inc Delsman Trucking & Excavation	03/14/2017	686195	Accounts Payable	11 STREET FUND	-1,281.13
	03/14/2017	3/4 minus	System Maintenance/Repair	20 WATER OPERATING FUND	309.00
	03/14/2017	Water line repair, 299 Mill	Operational Supplies	20 WATER OPERATING FUND	972.13 0.00
Total Delsman Trucking & Excavation Edge Analytical	03/14/2017	17-04476	Accounts Payable	13 SEWER FUND	-227.00
	03/14/2017	17-04476	Lab Analysis Services	13 SEWER FUND	227.00 0.00
Total Edge Analytical Falls City School District #57	03/14/2017	Library	Accounts Payable	01 GENERAL FUND:01.05 Library	#####
	03/14/2017	Librarian 07/01/2016 to 09/30/2017	Professional Services	01 GENERAL FUND:01.05 Library	45,646.00 0.00
Total Falls City School District #57 HBH Consulting Engineering	03/14/2017	March	Accounts Payable	20 WATER OPERATING FUND	-1,456.00
	03/14/2017	March	Professional Services	20 WATER OPERATING FUND	1,456.00 0.00
Total HBH Consulting Engineering King's Pumping Service	03/14/2017	March	Accounts Payable	20 WATER OPERATING FUND	-1,456.00
	03/14/2017	March	Professional Services	20 WATER OPERATING FUND	1,456.00 0.00

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Date	Memo	Account	Class	Amount
03/14/2017	13479, 13477, 13476, 13480, 13481	Accounts Payable		-2,058.75
03/14/2017	217 N Main 13479	Tank Pumping	13 SEWER FUND	333.00
03/14/2017	166/180 Dayton 13477	Tank Pumping	13 SEWER FUND	411.75
03/14/2017	159/163 Dayton 13476	Tank Pumping	13 SEWER FUND	411.75
03/14/2017	86/98 N Main 13480	Tank Pumping	13 SEWER FUND	411.75
03/14/2017	108/118 N Main 13481	Tank Pumping	13 SEWER FUND	490.50
				0.00
Total King's Pumping Service				
03/14/2017	Ticket 050020961	Accounts Payable		-1,525.36
03/14/2017	Generator Radiator, Ticket 050020961	Equipment Maintenance/Repair	01 GENERAL FUND:01.07 Fire Department	1,525.36
				0.00
Total Mac's Radiator				
03/14/2017	multiple accounts, 21091561-006 2	Accounts Payable		-2,583.82
03/14/2017	March	Power/Heat	01 GENERAL FUND:01.07 Fire Department	1,021.72
03/14/2017	multiple accounts, 21091561-006 2	Power/Heat	01 GENERAL FUND:01.01 Administrative	131.72
03/14/2017	multiple accounts, 21091561-006 2	Power/Heat	01 GENERAL FUND:01.03 Parks	36.60
03/14/2017	multiple accounts, 21091561-006 2	Power/Heat	13 SEWER FUND	684.13
03/14/2017	multiple accounts, 21091561-006 2	Street Lights	11 STREET FUND	640.05
03/14/2017	multiple accounts, 21091561-006 2	Power/Heat	20 WATER OPERATING FUND	69.60
				0.00
Total Pacific Power				
US Bank Visa				
03/14/2017	Account Number: 4798 5312 1498 1146	Accounts Payable		-1,274.72
03/14/2017	Till, computer, office	Office Supplies	01 GENERAL FUND:01.01 Administrative	420.09
03/14/2017	pin finder, supplies	Maintenance Supplies	01 GENERAL FUND:01.01 Administrative	823.86
03/14/2017	gloves	Maintenance Supplies	11 STREET FUND	30.77
				0.00
Total US Bank Visa				
Xerox Financial Services				
03/14/2017	753650	Accounts Payable		-180.75
03/14/2017	lease March 65%, inv 753650	Copier Lease/Maintenance	01 GENERAL FUND:01.01 Administrative	117.49
03/14/2017	lease 10%	Copier Lease/Maintenance	11 STREET FUND	18.07
03/14/2017	lease 10%	Copier Lease/Maintenance	13 SEWER FUND	18.07
03/14/2017	lease 15%	Copier Lease/Maintenance	20 WATER OPERATING FUND	27.12
				0.00
Total Xerox Financial Services				
City of Dallas				
03/22/2017	INV#02304	Accounts Payable		-1,118.00
03/22/2017	INV#02304 Fire generator repair	Equipment Maintenance/Repair	01 GENERAL FUND:01.07 Fire Department	1,118.00
				0.00
Total City of Dallas				
Department of Environmental Quality				
03/22/2017	inv#WQ17DOM-0987	Accounts Payable		-2,191.00
03/22/2017	Water Quality annual permit, inv#WQ17D Permits	Permits	20 WATER OPERATING FUND	2,191.00
				0.00
Total Department of Environmental Quality				
Falls City Fire Association				
03/22/2017	April, May, and June	Accounts Payable		-2,749.98
03/22/2017	April, May, June	Point System	01 GENERAL FUND:01.07 Fire Department	2,749.98
				0.00
Total Falls City Fire Association				
King's Pumping Service				
03/22/2017	13482	Accounts Payable		-411.75
03/22/2017	13482, 212/216 N Main	Tank Pumping	13 SEWER FUND	411.75
				0.00
Total King's Pumping Service				
Mid Willamette Valley COG				
03/22/2017	1617258	Accounts Payable		-158.00

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	<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Total Mid Wilamette Valley COG Don Poe.	03/22/2017	inv 1617258, land use	Council of Governments Planning	01 GENERAL FUND:01.01 Administrative	158.00 0.00
Total Don Poe. Edge Analytical	03/27/2017	Travel	Accounts Payable		-235.45
	03/27/2017	Water/Sewer Certification Travel	Education/Training/Dues	20 WATER OPERATING FUND	235.45 0.00
Total Edge Analytical Hach Company	03/27/2017	17-05761	Accounts Payable		-149.00
	03/27/2017	17-05761	Lab Analysis Services	13 SEWER FUND	149.00 0.00
Total Hach Company Petro Card	03/27/2017	10369143	Accounts Payable		-344.03
	03/27/2017	10369143, CL-17 solution	System Maintenance/Repair	20 WATER OPERATING FUND	344.03 0.00
Total Petro Card Sharon Volk Grene	03/27/2017	C167081	Accounts Payable		-137.43
	03/27/2017	20% C167081	Vehicle Operation	11 STREET FUND	27.48
	03/27/2017	20%	Vehicle Operation	13 SEWER FUND	27.48
	03/27/2017	60%	Vehicle Operation	20 WATER OPERATING FUND	82.47 0.00
Total Sharon Volk Grene CenturyLink Business Services	03/27/2017	reimbursement	Accounts Payable		-59.97
	03/27/2017	Reimburse expense, supplies	Medical Supplies	01 GENERAL FUND:01.07 Fire Departm	59.97 0.00
Total CenturyLink Business Services Dallas Auto Parts	04/06/2017	March 1404669526	Accounts Payable		-2.59
	04/06/2017	March 1404669526-85%	Telephone	01 GENERAL FUND:01.01 Administrative	2.20
	04/06/2017	March 1404669526-15%	Telephone	20 WATER OPERATING FUND	0.39 0.00
Total Dallas Auto Parts Edge Analytical	04/06/2017	Statement 03.31	Accounts Payable		-120.52
	04/06/2017	Statement 03.31	Equipment Maintenance/Repair	20 WATER OPERATING FUND	90.39
	04/06/2017	Statement 03.31	Equipment Maintenance/Repair	11 STREET FUND	30.13 0.00
Total Edge Analytical Ferguson Waterworks	04/06/2017	17-06808	Accounts Payable		-33.00
	04/06/2017	17-06808	Lab Analysis Services	20 WATER OPERATING FUND	33.00 0.00
Total Ferguson Waterworks General Rental Center of Dallas	04/06/2017	Inv. 0572296	Accounts Payable		-806.78
	04/06/2017	Inv. 0572296, repair Clark Street	Maintenance Supplies	20 WATER OPERATING FUND	806.78 0.00
Total General Rental Center of Dallas King's Pumping Service	04/06/2017	107406	Accounts Payable		-95.00
	04/06/2017	107406 Water Leak 299 Mill	Equipment Rental	20 WATER OPERATING FUND	95.00 0.00
Total King's Pumping Service L & L Equipment	04/06/2017	13555	Accounts Payable		-585.00
	04/06/2017	13555, 285 N Main	Tank Pumping	13 SEWER FUND	585.00 0.00

City of Falls City
Paid Bills Report
 As of March 8, 2017

Date	Memo	Account	Class	Amount
04/06/2017	03.31.2017	Accounts Payable		-81.24
04/06/2017	03.31.2017	Equipment Maintenance/Repair	01 GENERAL FUND:01.03 Parks	81.24
				0.00
04/06/2017	INV#1839	Accounts Payable		-90.00
04/06/2017	Security Monitoring April-June 1839	Professional Services	01 GENERAL FUND:01.01 Administrative	45.00
04/06/2017	Security Monitoring April-June 1839	Professional Services	01 GENERAL FUND:01.07 Fire Departm	45.00
				0.00
04/06/2017	66-201703	Accounts Payable		-11.00
04/06/2017	50% Lien service -66-201703	Professional Services	13 SEWER FUND	5.50
04/06/2017	50% Lien service	Professional Services	20 WATER OPERATING FUND	5.50
04/06/2017	66-201702	Accounts Payable		-11.00
04/06/2017	50% Lien service -66-201702	Professional Services	13 SEWER FUND	5.50
04/06/2017	50% Lien service	Professional Services	20 WATER OPERATING FUND	5.50
				0.00
04/06/2017	inv.1185243, 1189796	Accounts Payable		-111.94
04/06/2017	1185243	Community Center Supplies	01 GENERAL FUND:01.01 Administrative	89.95
04/06/2017	1189796	Equipment Maintenance/Repair	01 GENERAL FUND:01.07 Fire Departm	21.99
				0.00
04/06/2017	9782722233	Accounts Payable		-37.92
04/06/2017	April	Telephone	01 GENERAL FUND:01.01 Administrative	18.96
04/06/2017	9782722233	Telephone	20 WATER OPERATING FUND	18.96
				0.00
04/06/2017	inv 088458166	Accounts Payable		-137.77
04/06/2017	65% inv 088458166	Maintenance Supplies	01 GENERAL FUND:01.01 Administrative	89.55
04/06/2017	35%	Maintenance Supplies	20 WATER OPERATING FUND	48.22
				0.00
04/06/2017	778874	Accounts Payable		-180.75
04/06/2017	lease April 65%, inv 778874	Copier Lease/Maintenance	01 GENERAL FUND:01.01 Administrative	117.49
04/06/2017	lease 10%	Copier Lease/Maintenance	11 STREET FUND	18.07
04/06/2017	lease 10%	Copier Lease/Maintenance	13 SEWER FUND	18.07
04/06/2017	lease 15%	Copier Lease/Maintenance	20 WATER OPERATING FUND	27.12
				0.00
				<u>0.00</u>

Total L & L Equipment
Mountain Valley Monitoring

Total Mountain Valley Monitoring
Net Assets Corporation

Total Net Assets Corporation
Van Well Building Supply

Total Van Well Building Supply
Verizon Wireless

Total Verizon Wireless
Xerox Corporation

Total Xerox Corporation
Xerox Financial Services

Total Xerox Financial Services
TOTAL

City of Falls City
City Council Regular Meeting Minutes
March 9, 2017 6:30 PM
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

Staff Present: JoHanna Birr, City Clerk

Mayor Ungricht called the meeting to order at 6:32 pm.

1) Roll Call

Clerk Birr took roll call.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire Agenda

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

4) Consent Agenda

Mayor Ungricht distributed Item I, Ordinance 543-2017 containing a correction from "three in city limits members" to "four in city limits members". (Exhibit A) Also handed out were the Sheriff's Report (Exhibit B) and Library Report. (Exhibit C)

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

5) Public Comments

None

6) New Business

A. Replacement for Municipal Code

Falls City's Municipal Code was updated with current Ordinances. No discussion.

B. Elect Council President

Councilor D. Sickles nominated Councilor Meier for Council President. Councilor Flynn seconded the nomination.

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

C. Public Works Vehicle

Mayor Ungricht has researched over a year for a reliable and affordable replacement for a Public Works truck. During the last snowstorm, Mayor Ungricht would not allow Public Works to use the two-wheel drive truck and took his personal truck to the water plant daily. Public Works even used their personal vehicles due to the unreliability of City owned vehicles coupled with the inclement weather.

Mayor Ungricht has found government programs through Ford and General Motors . GM leasing is preferable and the most economical option. If entered into, the city would pay four (4) annual installments of \$6,168.99, then, buy out the lease for \$1.00. This is comparable to a \$30,000 vehicle for one- third of the cost. The new truck is four-wheel drive, which is needed for our climate and area's terrain. Total cost would be \$22, 941.00.

Public Works' current trucks are aged and developing multiple mechanical problems. A new vehicle would replace the two-wheel drive 1994 Ford Ranger that has header malfunctions. The Ranger would then be sold as surplus. The other Public Works truck would be kept as a back-up, although it is in bad shape as well. It was purchased used from surplus twelve years ago. Average annual mileage for Public Works is 10,000 miles.

Councilor Drill asked where the money would come from for the purchase of a new vehicle. Mayor Ungricht replied because of the purpose of use, as much as 90% could come from the water fund and additional funds from sewer, streets and administration could be used.

Code enforcement was brought up as a priority for the city. Councilor Drill asked what Mayor Ungricht's argument would be when citizens question Public Works employees driving through town in a new truck while the city cannot afford code enforcement.

Mayor Ungricht stated that his argument would be, "Our employees are older and I don't want them walking 15 (fifteen) miles off the mountain when they go to the intakes." That is what he worries about the most, he added.

Mayor Ungricht clarified that monies are set aside for code enforcement but that a functioning program has not been implemented yet.

Councilor Lauder was asked by Councilor Drill what his thoughts were. He replied that it would be an equipment upgrade. The city was simply replacing a worn out piece of equipment.

Councilor L. Sickles agreed that it is an equipment replacement. Either citizens will understand that or they won't.

A motion was made by Councilor Lauder and seconded by Councilor Meier that the City Council of the City of Falls City approve the Mayor to enter into a lease agreement for the purchase of a new Public Works vehicle. Motion carried 5-1-0. Ayes: Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn. Nays: Jennifer Drill

D. Committee Resignation- Rachel Burks

A motion was made by Councilor Lauder and seconded by Councilor Meier to accept the resignation of Rachel Burks from both the EDC Committee and HLC Commission. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

Councilor D. Sickles suggested acknowledging for her long history with the city. She has been on many committees including the Budget Committee and is a former employee at City Hall.

E. Street Discussion

Discussion on street conditions. Most roads and streets are gravel. These could easily be repaired in house by laying more gravel. As for paved areas, the majority are not candidates for less expensive Chip sealing due to extensive deterioration. The overlay would lift and peel away. \$50,000 could be available but only for paving and could not be used for the chip seal method. A possible levy was

discussed, however it would not benefit those on graveled roads and the city cannot afford dust control applications.

F. Resolution 05-2017 Declaring the spending of unforeseen funds

The grant for expanding the Michael Harding Memorial Park was received for the refinance of the loan. Council was asked to approve the spending of those funds for that purpose. Councilor D. Sickles will be heading up the removal of invasive species project with volunteers. Jim Partridge of the Parks and Recreation Committee has been working to remove blackberries from the George Kitchin (Upper) Park and is tracking his volunteer hours. Volunteer hours can be used in-kind toward grant money matches.

A motion was made by Councilor D. Sickles and seconded by Councilor L. Sickles that the City Council of City of Falls City adopt resolution 05-2017, a resolution of the City Council of Falls City, Oregon declaring unforeseen revenues and appropriations for the land acquisition and evasive species removal grant awarded to Falls City by the Oregon Parks and Recreation Department (ORPD) under agreement number LG16-011 and for the funds to be transferred to the City Parks fund for the purchasing of lots 11,12,13,14,15 and 16, Block R, First Addition to Falls City, Or, Polk County Oregon. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

G. Council Goals

A motion was made by Councilor Lauder and seconded by Councilor L. Sickles that the City Council of the City of Falls City approve the City Council Goals as amended. Motion carried 6-0-0. Ayes: L. Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

H. Resolution 06-2017

Councilor L. Sickles shared her knowledge of preparation for the solar eclipse. She has attended a meeting in Independence and encouraged Falls City to participate. She said Dallas was renting out spaces on the soccer field for \$300.00 per space. There is also another meeting on March 15 at the Eola Winery in Rickreall. Information on the meeting was forwarded to the EDC Chair and Secretary. The Committee plans to do a local celebration focused on children with a cookout. The Boondocks and Library have eclipse viewing glasses available to the public.

A motion was made by Councilor Lauder and seconded by Councilor Meier to extend the EDC Committee for remainder of 2017. Motion carried 6-0-0. Ayes: L. Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

I. Historic Landmark Commission Membership

The first reading was completed on the proposed changes to the HLC Commission. The change would allow for three non- resident members to serve. Clarification between commissions and committees was discussed briefly. Committee structure rules may be changed by resolution whereas commission changes must be done by ordinance. Some members of Council felt there may be drawbacks to allowing non-residents to join the HLC Commission and were curious why the committee chose to allow three non-residents and not just one, such as the P&R Committee does.

Mayor Ungricht explained the Commission would like to seek out professionals to aid in the extensive task of properly moving forward with adding properties to the National Historic Register. This project was originally going to be an educational experience for high school students, but school superintendent Jack Thompson will be resigning at the end of the school year and felt it was not appropriate during this time of staff changes. Priority properties are the High School and the Dr.'s Office located at 304 & 306 N Main St. Additional properties have been identified through out

A motion was made by Councilor D. Sickles and seconded by Councilor Lauder that the City Council of the City of Falls City read Ordinance 543-2017 for the first reading: Ordinance 543-2017 an Ordinance amending Falls City Municipal Code Chapter 2.05.020 Historic Landmark Commission Membership. Motion carried 6-0-0. Ayes: L. Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

7) Correspondence, Comments and Ex-Officio Reports

A. Mayors Report

Mayor Ungricht reported that there were more problems with the cards at the water plant. Staff suspects the actual panel is faulty and cannot process card information correctly. A different system is available that uses the Cloud and would be more reliable.

Mayor Ungricht added that the handheld for meter reads went out and it needs to be upgraded to a current model. The new model will read current meters as well as add on radio components for drive by reads instead of touch. A major benefit is recorded hourly usage reads. This would be useful on Green Haven's meter in the event of further usage disputes.

Mayor Ungricht will be meeting next week to discuss a search for a City Manager to take over some of his duties. He has started the budget and will have a draft prepared soon.

B. Polk County Sheriff Garton's Report

Sheriff's Deputy Todd Fenk addressed Council and went over the Sheriff's report for the prior month. Overall, he said crime was down. It could be due to their continuous presence in town or the cold weather keeping people indoors. Either way, it was positive. He thanked Council.

8) Council Announcements

Councilor L. Sickles announced the Annual Easter Egg Hunt would be held April 15, 2017 at 11:00 am in the George Kitchin Memorial Park (Upper Park).

Councilor Drill suggested placing large purchase items on the City's website. This would further local government transparency to citizens unable to regularly attend Goal Setting sessions and Council meetings when such items are discussed.

Councilor Meier mentioned that David Radke had opened Little Luckiamute Creekside Bed & Breakfast for business. Staff agreed Mr. Radke had not applied for a business license.

Councilor Lauder found a reader board similar to the high school's. The cost was \$1,900.00 and was two sided. Options could be single or multiple color display. He also found a supplier for the pipe at \$0.25 on the dollar. The simplest design would be a T-post mounting. He estimated high for materials, which include two-sided reader board, piping, electricity and cement for under \$6,000.00. Councilor Lauder would construct it. He said he has many designs in mind, but all include mounting the antique fire whistle on top.

Consensus of the entire Council was to move ahead with the reader board project.

Councilor D. Sickles announced he has a friend who would like to bring students with tools to help with a community project removing invasive species from the newly acquired Falls property.

Councilor Flynn stated the Community Center inventory was complete and moving to final format. The current rental agreement and regulations will be reviewed recommended for changes. He would like to rezone internal rooms to keep better control of the facility.

He inquired about the possibility of a community garden. Mayor Ungricht was sure land could be found and suggested contacting the library about seed. Councilor Drill encouraged Councilor Flynn to attend the next Garden Club meeting.

Mayor Ungricht reported that Horst Boettcher realized he had a stroke recently due to the information provided by the Falls City Fire Department in the City's newsletter. He was very grateful and has forwarded information to family members so they may be aware of signs and symptoms.

9) Adjourn

The meeting adjourned at 8:01 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk JoHanna Birr

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Ordinance No. 543-2017

AN ORDINANCE AMENDING FALLS CITY MUNICIPAL CODE CHAPTER 32.05.020 HISTORIC LANDMARK COMMISSION MEMBERSHIP.

WHEREAS, the City Council adopted Falls City Municipal Code Chapter 32 on July 10, 2014; and

WHEREAS, Falls City Municipal Code Chapter 32.05.020 describes membership requirement for the Historic Landmark Commission; and

WHEREAS, the State of Oregon Historic Preservation Office (SHPO) model Historic Preservation Ordinance recommends that preference be given to those with professional experience in the fields of preservation, architecture, archaeology, community history, building trades, real estate, or related specialties; and

WHEREAS, the Historic Landmark Commission wishes to recruit individuals with special qualifications and expertise in historic preservation that may live outside our city limits or school district; and

WHEREAS, on February 6, 2017 the Historic Landmark Commission passed motion by unanimous consent to recommend that the City Council approve changes to Municipal Code 32.05.020 Membership Qualifications to allow up to three nonresident members that have special qualifications and expertise in the subject matter of the commission, and have expressed interest in being appointed and serving and advancing the interests of the City.

NOW, THEREFORE, THE CITY OF FALLS CITY ORDAINS AS FOLLOWS:

SECTION 1: Municipal Code 32.05.020 is hereby amended in its entirety to read as follows:

32.05.020 Membership Qualifications

At least four of the members of the historic landmark commission, must reside in the city at the time of their appointment and at all times during their term in office. **Three nonresident members may be appointed and approved when the Mayor and City Council determine that such individuals have special qualifications and expertise in the subject matter of the commission, and have expressed interest in being appointed and serving and advancing the interests of the City.**

READ FIRST TIME by the Common Council of the City of Falls City this _____ day of _____, 2017.

READ SECOND TIME AND ADOPTED by the Common Council of the City of Falls City this _____ day of _____, 2017.

AYES: NAYS: ABSTAIN:

Terry Ungricht, Mayor

ATTEST _____
Domenica Protheroe, City Clerk

//

February 2017 Falls City Stats

Falls City Calls for Service			
Alarm	1	DOA	Hit and Run
Accident		dog bite	Misc Crime
Animal	5	Domestic Dist	3
Area Check	1	Drug	OD
Assault	1	FIR	Mental
Assist Other Agency	2	Fire/EMS	Noise
ATL (attempt to locate)	1	Follow up	Open Door
Burglary	1	Found Prop	prowler
Citizen Contact	3	Fraud	runaway
Civil Paper Service	6	Gen Disturb	sex offense
Criminal Mischief		Harassment	Shots Fired
			Stolen Veh
			Susp Activity
			Susp Person
			Susp Vehicle
			Theft
			Tow
			traffic assist
			Traffic Stops
			Trespass
			Uncon
			Welfare Check
			Unclass

Falls City Calls for Service	46	Of the FC Calls for Service	6	involved crimes
Total Calls for Service (county wide)	1760	FC Cases Cleared by Arrest	5	83.3% clearance
Falls City % of Total Calls	2.6%	Total Arrests in Falls City	5	6.8% of total arrests

Total Service Calls (Polk County)	1760	Crimes Occ	10	(county wide)
Of the calls for service (county wide)	130	Juvenile Arrests	1	(Falls City)
Cases Cleared by arrest	75	(only true crimes reported here)		
Total Arrests (county wide)	73			

Exhibit B

Library Director's Report

March 2017

- **Attendance** for the month of February was 122 adults and 39 children (161 total). 133 (83%) were there for research related activity.
- I hosted the monthly CCRLS director's meeting at the Salem Public Library.
- Attended February school board meeting and submitted a list of proposed questions for library interest survey.
- I will be purchasing viewing glasses for the August 21st solar eclipse. I will be offering them to Falls City residents for free, and I hope that our kids can sell them to tourists to make a few bucks.
- I have begun a seed exchange program at the library with local donations.
- I will be starting an ongoing \$0.25 book sale at the library to clear out rejected & weeded books.

Andy Rommel – Library Director

AGENDA REPORT

TO: MAYOR AND COUNCIL
FROM: DOMENICA PROTHEROE, CITY CLERK
SUBJECT: LEAK ADJUSTMENT REQUEST – NANCY HIBBS
DATE: 03/13/2017

SUMMARY

John and Nancy Hibbs, owner of 171 Ellis Street has requested a leak adjustment for the month of February 2017. She provided a letter stating the leak was fixed. The February 2017 high usage registered at 116,000 gallons amounting to a \$325.01 water charge. Staff has calculated a leak adjustment for Council, using the approved formula.

BACKGROUND

To date, we've tested two typical methods of leak adjustments. The first was where we adjusted a customer's bill to 1.5 times the average usage. The Public Works Committee thought the adjustments were too generous using this calculation. To address their concerns, the new trial adjustment calculation considers the 12-month average water charge including the month where the leak occurred.

The trial leak adjustment policy considers an adjustment to a single month water charge, in this case the February 2017 charge of \$325.01.

Average water bill amount over 12 months	\$ 83.61	
Multiply the average bill amount by 1.5 times	\$ 125.42	= Calculated base for adjustment

Actual water service charge for month of leak	\$ 325.01
Subtracted by the calculated base for adjustment	\$ 125.42

Credit Amount	\$ 199.59
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PREVIOUS COUNCIL ACTION The Council has not taken previous action on this request. Past leak requests have been evaluated on a case-by-case basis.

ALTERNATIVES/FINANCIAL IMPLICATIONS

The financial impact to the city would be a charge waiver of \$199.59.

STAFF RECOMMENDATION Staff recommends this leak request approved by Council.

EXHIBIT N/A

PROPOSED MOTION

I move that the City Council of the City of Falls City approve the leak adjustment of \$199.59 in the form of a credit to the utility account for 171 Ellis Street.

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MAYOR'S SCRIPT FOR NON CONFORMING USE PUBLIC HEARINGS

Now is the time set for public hearings to consider two conditional use permits. The first is for application # CUP 17-01 at 320 North Main Street, installation of two message boards, and the second is for application # CUP 17-02 at 246 South Main Street, operation of a bed and breakfast in a residential zone.

The Planning Commission is not able to act because of a lack of a quorum. Therefore, the Council must act as the Planning Commission for these two applications. Is there a motion for the Council to act in place of the Planning Commission?

MOTION: I move that the City Council of the City of Falls City act in place of the Planning Commission.

Now we will proceed with the hearings. Each hearing will be conducted separately, but I will introduce the procedures for each hearing only once.

We will start each application by receiving a staff report. When the staff report has been presented I will open the public hearing to public testimony. Members of the public who want to testify are asked to sign in, come up when called, and give their name and address for the record before they testify. We ask for your address so that we can notify you of the City's final decision. When public testimony has been concluded I will close the public hearing and open it up for council discussion and deliberation.

After the Council has deliberated, we will need a motion to approve or deny each application separately.

Are there any questions among the Council about the process?

Oregon land use law requires several items be read into the record at the beginning of each public hearing. I will read these provisions once, and they will be applicable to both public hearings tonight.

Conflicts of Interest/Ex-Parte Contacts/Bias

The Council is required to disclose any conflicts of interest and ex-parte contacts that we have with the proposals or applicants — this is whether we have any financial or other personal interest in either proposal and whether we have spoken with anybody about either proposal outside of this hearing. Also, Councilors may only participate if they can do so without un-due bias either for or against either application.

Do any Councilors wish to make disclosures?

Are there any challenges from the audience as to conflicts of interest, ex-parte contacts, or bias related to any member of the Council?

Required Statements

The applicable substantive criteria upon which this case will be decided are found in Section 3.201 of the Falls City Zoning and Development Ordinance.

Your testimony, arguments, and evidence must be directed toward these criteria or other criteria in the comprehensive plan or development code that you believe apply. (ORS 197.763(5)(b).)

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker or other people an opportunity to respond may preclude appeal of a decision on this application based on that issue. (ORS 197.763(5)(c).)

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court. (ORS 197.796(3)(b).)

Public Hearings

I now open the Public Hearing for application # CUP-17-01 at _____ PM.

I call on our City Planner Renata Wakeley to present the staff report for the first application.

RENATA will review Staff report.

All persons speaking before the City Council must state their name and address for the record.

I invite the Applicant to present their case.

I invite those in support of the application to speak

I invite those opposed to the application to speak

I invite those who are neither for nor against the application to speak.

I invite public agencies to comment.

I invite the Applicant to present any rebuttal to the testimony presented.

I close the Public Hearing for application # CUP-17-01 at _____ PM.

[If there is no request to keep the record open] Now it is time for Council deliberation and discussion.

MOTION: I move to approve the Conditional Use Permit to allow the installation of two message signs on the roof of the Community Center located at 320 North Main Street based upon the findings set forth in the staff report for application # CUP-17-01. The Mayor is authorized to sign a final decision approving the application and incorporating the findings from the staff report.

I Move that the request to allow the installation of two message signs at the Falls City Community Center Be Denied based on the following reasons:

(The Council member making motion to deny needs to state the reasons for denial)

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I now open the Public Hearing for application # CUP-17-02 at _____ PM.

I call on our City Planner Renata Wakeley to present the staff report for the second application.

RENATA will review Staff report.

All persons speaking before the City Council must state their name and address for the record.

I invite the Applicant to present their case.

I invite those in support of the application to speak

I invite those opposed to the application to speak

I invite those who are neither for nor against the application to speak.

I invite public agencies to comment.

I invite the Applicant to present any rebuttal to the testimony presented.

I close the Public Hearing for application # CUP-17-02 at _____ PM.

[If there is no request to keep the record open] Now it is time for Council deliberation and discussion.

MOTIONS: *I move to approve the operation of a bed and breakfast and boarding house in a residential zone based upon the findings set forth in the staff report for application # CUP-17-02. The Mayor is authorized to sign a final decision approving the application and incorporating the findings from the staff report.*

I move that the request, CUP-17-02, to allow the proposal for the operation of a bed and breakfast and boarding house as a conditional use BE DENIED for the following reasons.
(The Council member making motion to deny needs to state the reasons for denial)

See the following if you have a request to keep the record open. (Hearing will be closed, but record will be left open for the submission of additional written evidence and testimony.)

[READ THE FOLLOWING ONLY IF YOU HAVE A REQUEST TO LEAVE THE RECORD OPEN]

Rules Regarding Leaving the Record Open (ORS 197.763(6).)

Before the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The City shall then keep the record open at least seven (7) days from the date of the initial 17

evidentiary hearing (set the date and time for the closing of the open record period that is at least 7 days in the future). Persons may present and rebut new evidence, arguments or testimony by submitting materials to City Hall. Materials must be received at City Hall before the expiration of the open record period. If new written evidence is submitted, any person may request, prior to the conclusion of the open record period, that the record be left open for an additional seven (7) days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.

At the conclusion of the open record period, unless waived, the applicant has 7 days after the close of the record to provide final legal argument. (ORS 197.763(6)(e).) Once the open record period is closed, the Council will deliberate and make a decision on the application.

CITY OF FALLS CITY

299 Mill Street
Falls City, OR 97344
503-787-3631

STAFF REPORT

CONDITIONAL USE PERMIT (CUP) 17-01

STAFF REPORT: 06 APRIL 2017

City Council Hearing: 13 APRIL 2017

NATURE OF APPLICATION: Installation of two message signs at the Falls City Community Center, to be located upon the roof of the structure's breezeway. Each proposed message sign would measure approximately 15" high x 66" long (6.87 square feet each) in size.

APPLICABLE CRITERIA Falls City Zoning and Development Ordinance, Sections 2.102, 2.204, 3.105, and 3.201

PROPERTY LOCATION: 320 N. Main Street (T8S-R6W-Section 21BA, Tax Lot 5000)

APPLICANT/OWNER: **City of Falls City**

ZONE DESIGNATION: Commercial-Residential (CR)

COMP. PLAN DESIGNATION: Commercial-Residential (CR)

FILE NUMBER: CUP 17-01

EXHIBITS: A: Assessors Map
B: Site Plan
C: LU Application

I. BACKGROUND

Proposal is for a Conditional Use Permit to allow the installation of two message signs at the Falls City Community Center, to be located upon the roof of the structure's breezeway. Each proposed message sign would measure approximately 15" high x 66" long (6.87 square feet each) in size. The applicant proposes the signage will be used to inform citizens of: upcoming events, public participation opportunities, resource conservation strategies, and local emergency information.

On March 23, 2017, the city planner received from the city a narrative drafted by the applicant that pertains to this application for a CUP. The city planner deemed the application complete on that date.

II. PROCEDURE

A conditional use permit is a Type III decision made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Because the City of Falls City does not currently have a Planning Commission, this application for a conditional use permit will be heard and decided by the City Council. Type III decisions are quasi-judicial and generally use discretionary approval criteria.

Section 3.201 of the Zoning & Development Ordinance outlines the review procedure and approval criteria for a conditional use permit.

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III. COMMENTS

As of the writing of this staff report, there have been no written comments received regarding this application.

IV. APPEAL

The decision of the City Council shall be the final land use action on the application unless appealed to the Oregon State Land Use Board of Appeals (LUBA).

V. FINDINGS OF FACT

A. Land Use

Comprehensive Plan/Zoning Designations. The site is designated Commercial Residential (CR) in the Comprehensive Plan and is zoned Commercial-Residential (CR).

Existing Development. The site has an existing building and is currently used as a fire station and a community center.

Surrounding Zoning.

North:	Commercial Residential
South:	Commercial Residential
East:	Commercial Residential
West:	Commercial Residential

B. Public Facilities

The site is served by City water and sewer. Pacific Power provides electrical service.

Transportation/Access. The property has approximately 70 feet of frontage on North Main Street and approximately 100 feet of frontage on 3rd Street. The community center gains access from N. Main Street and from an alley that runs parallel to N. Main Street between 2nd Street and 3rd Street.

VI.

VII. FINDINGS APPLYING CODE CRITERIA

The City of Falls City Zoning & Development Ordinance (ZDO) implements the goals and policies of the city's Comprehensive Plan. Conditional Use Permits are quasi-judicial land use actions. The City Council may approve the applicant's request after a public hearing conducted in accordance with the quasi-judicial review procedures, provided that the applicant provides evidence substantiating the following application requirements and development standards for conditional use review.

Applicable sections of the Zoning & Development Ordinance are set forth below in **bold**.

Criteria for Approval: Approval or denial of the application shall be based upon the following criteria: [ZDO Section 3.201.C]

- 1. The use is listed as a conditional use in the underlying district. [ZDO Section 3.201.C.1]**

ZDO Section 2.204 is applicable to the permitting of signs in all zoning districts.

Section 2.204.04 SIGNS GENERALLY PERMITTED.

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(D) Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.

Section 2.204.05: PROHIBITED SIGNS

(C) Roof signs

(O) Message Signs, except by conditional use permit

Findings:

Because aspects of this proposal fall under the categories of permitted, prohibited, and permitted by a conditional use permit, the discretion of the City Council will be called upon to determine the appropriateness of the conditional use permit procedure for this request.

Staff finds that Section 2.204.04(D), which permits signs posted by or under governmental authority including legal notices and signed related to public services and safety, precedes Section 2.204.05(C) which prohibits roof signs.

Section 1.102.06 states:

The provisions of this Ordinance shall be held to be minimum requirements. Wherever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations, resolutions, or ordinances, the more restrictive, or that imposing the higher standards, shall govern. When there is doubt regarding the intent of this Ordinance as interpreted by the City Staff, the Planning Commission may issues an interpretation of the question if they have first determined that such interpretation is within their power and is not a legislative act. [ZDO Section 1.102.06]

Staff finds it is reasonable and within the power of the City Council to interpret signs permitted under governmental authority as permitted and superseding the general prohibition of roof signs. Alternatively, the City Council could determine that roof signs are prohibited and the message board signs must be moved within the property line of the subject property.

2. **The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, location of improvements and natural features. [ZDO Section 3.201.C.2]**

Applicant Response:

The sign will be mounted on the roof of the Community Center breezeway on an angle to allow visibility when driving eastbound or westbound on North Main Street.

Findings:

The subject site is approximately 7,000 square feet in area. The existing building, which houses the fire station and community center, including the driveway for emergency vehicles covers the entire site. If the Council determines roof signs are prohibited under 2.204.05(c), an alternate option for the proposed message signs at this location would be in front of the structure on the community center private property.

Staff finds this criterion is met.

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3. **The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.** [ZDO Section 3.201.C.3]

Applicant Response:

The sign responds to the Water Master Plan Water Conservation Program approved by City Council and submitted to the State of Oregon for Acceptance February 2017 and to inform citizens of strategies to limit pollutants, as listed in the approved Total Maximum Daily Load Matrix. More information on public facilities and services and information proposed for the message sign can be found in Exhibit C.

Findings:

Staff does not foresee this proposal having a negative effect on transportation systems and the provision of services to the subject site. Approval of the proposal for a message sign will have a beneficial effect on the immediate area and on the City as a whole, as it relates to public safety and the conservation of resources, as permitted under ZDO 2.204.04(D), "signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety".

Staff finds this criterion is met.

4. **The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.** [ZDO Section 3.201.C.4]

Applicant Response:

The signs will be installed in the Commercial Residential Zone on the breezeway of a public building. The Community Center is located within the main commercial area on Main Street North, an area with a decidedly commercial character. The signs will be used for official communications to inform citizens of public meetings, water conservation needs, alerts, events, and for informational messages.

Findings:

The subject site is located in the Commercial Residential zone with a decidedly commercial character. Notice of this proposal was sent to all property owners within 250 feet of the subject site on March 23, 2017. At the time of the writing of this staff report, no comment has been received from the neighboring property owners as a result of this notice. Requirements limiting the aspects of the message sign, related to brightness, message display and timing can be found in the conditions of approval. Staff does not anticipate that the approval of this proposal would have a negative or limiting effect on the uses of surrounding properties.

Staff finds this criterion is met.

5. **The proposal is compatible with applicable goals and policies of the Comprehensive Plan.** [Section 3.201.C.5]

Applicant Response:

CITIZEN INVOLVEMENT

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Goal: To develop a citizen involvement program that gives ample opportunity for the residents of Falls City to participate in the planning process.

Policies:

1. To encourage residents to attend and participate in planning commission meetings, city council meetings and all public hearings.
2. To make public notices of meetings, zoning or other land use changes, and other planning issues

Response: The message signs will be used to notify the public of public meetings.

GOAL 5 RESOURCES (NATURAL RESOURCES, SCENIC and HISTORIC AREAS, and OPEN SPACES)

GOAL: Protect natural resources and conserve scenic and historic areas, and open spaces.

Objective: To support regional efforts to improve water quality, wildlife habitat and restore fish habitat in the Luckiamute River Watershed.

2. Falls City will contribute to, or comment upon, regional water quality improvement planning and fish recovery plans undertaken by state and federal agencies by reviewing and responding to proposed policies and plans.

AIR, WATER and LAND RESOURCES QUALITY

GOAL: To maintain and improve the quality of air, water, and land resources in Falls City.

Objective: To support regional efforts to improve water quality in the Luckiamute Watershed.

Objective: To reduce the risk of natural resource contamination in Falls City.

Objective: To maintain, and when and where feasible, enhance the air quality resources of the community.

Policies:

2. Falls City will promote water conservation by periodically providing residents with information about water conservation in their utility bill and displaying pamphlets/literature at city hall.

Objective: To reduce the risk of natural resource contamination in Falls City.

Policies:

5. Falls City will educate residents about resource contamination by periodically providing information to residents in their utility bill and displaying pamphlets/literature at city hall. The importance of protecting surface and groundwater will be emphasized.

Response:

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The message signs will be used to notify citizens of such things as the end of burn season, the need for water conservation, SOLVE events and Arbor Day activities. The message signs will allow education messages for the importance of the riparian area, litter reduction campaigns and resources for failing septic systems. More information on applicable goals and policies from the applicant can be found in Exhibit C.

Findings:

Staff finds that this proposal is compatible with the goals and policies stated in the Falls City Comprehensive Plan, specifically those related to public participation and the conservation of natural resources. Staff finds the requirements for Type III applications under ZDO 3.105(G) for public comment, public notice and a public hearing have been met.

Staff finds this criterion is met.

VII. CONCLUSION AND RECOMMENDATION

Based on the facts and findings in this staff report, Staff recommends that the City Council approve Conditional Use Permit 17-01, subject to the following recommended conditions of approval:

1. The frequency with which a message or display may be changed shall be no more than once every eight seconds.
2. The message or display may not contain phasing, flashing or blending of text.
3. The message or display shall be a uniform color on a plain background of a uniform color.
4. The luminance of the sign shall be limited to no more than 280 candelas per square meter. The applicant shall submit information from the sign manufacturer indicating the luminance will be met as measured with a luminance meter aperture of 1 degree or less, 50 feet directly in front of the sign with the sign in a fully illuminated mode. If the message sign displays white or multi-colored light, the luminance shall be measured in white light.
5. The sign shall default to the off position in the case of any failure of mechanisms that control luminance or other display features.

VII. CITY COUNCIL ACTION

The following options are available to the City Council.

- A) Make a motion to adopt the staff report and approve the Conditional Use Permit 17-01, subject to the conditions of approval set forth in the staff report.
- B) Make a motion to adopt the staff report and approve the Conditional Use Permit 17-01, subject to the conditions of approval set forth in the staff report, as modified to reflect the changes made by the City Council.

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Note: The City Council member making the motion needs to state the reasons for the modifications and any revised conditions of approval.

- C) Make a motion to continue the public hearing to a date and time certain and state the additional information that is needed to allow for a future decision.
- D) Make a motion to deny the requested Conditional Use Permit 17-01.

Note: The City Council member making the motion needs to state the reasons for the denial.

VIII. SAMPLE MOTION

The following motion to **approve** the request would allow the installation of two message signs at the Falls City Community Center, to be located upon the roof of the structure's breezeway.

I MOVE that the request to allow the installation of two message signs at the Falls City Community Center BE APPROVED based on the findings in the staff report.

The following motion to **deny** the request would prohibit the installation of two message signs at the Falls City Community Center, to be located upon the roof of the structure's breezeway.

I MOVE that the request to allow the installation of two message signs at the Falls City Community Center BE DENIED based on the following reasons:

Note: The City Council member making the motion needs to state the reasons for the denial.

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Exhibit A

Notice to mortgagee, lien holder, vendor, or seller: The Falls City Development Ordinance requires that if you receive this notice it shall be promptly forwarded to the purchaser.

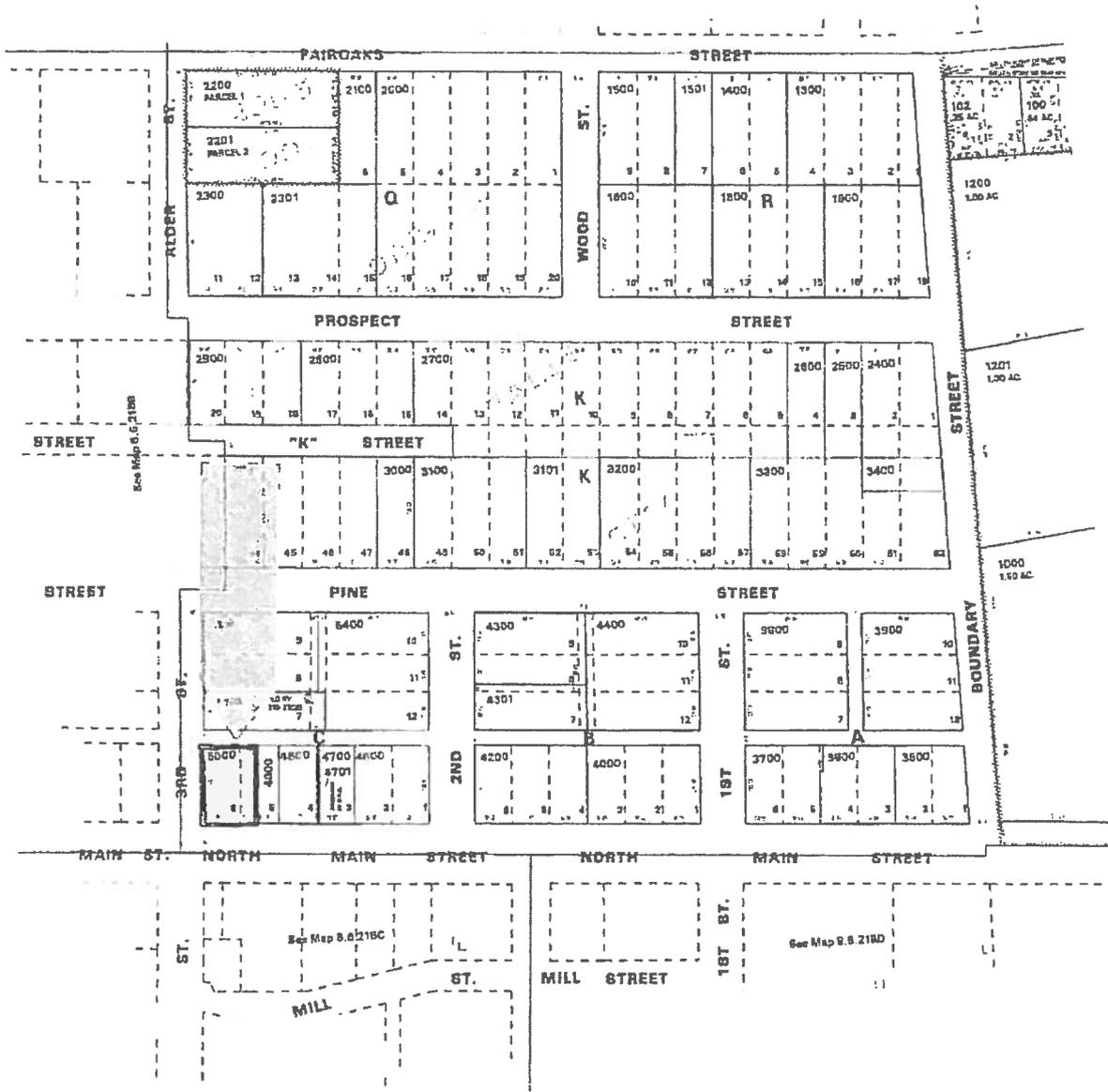
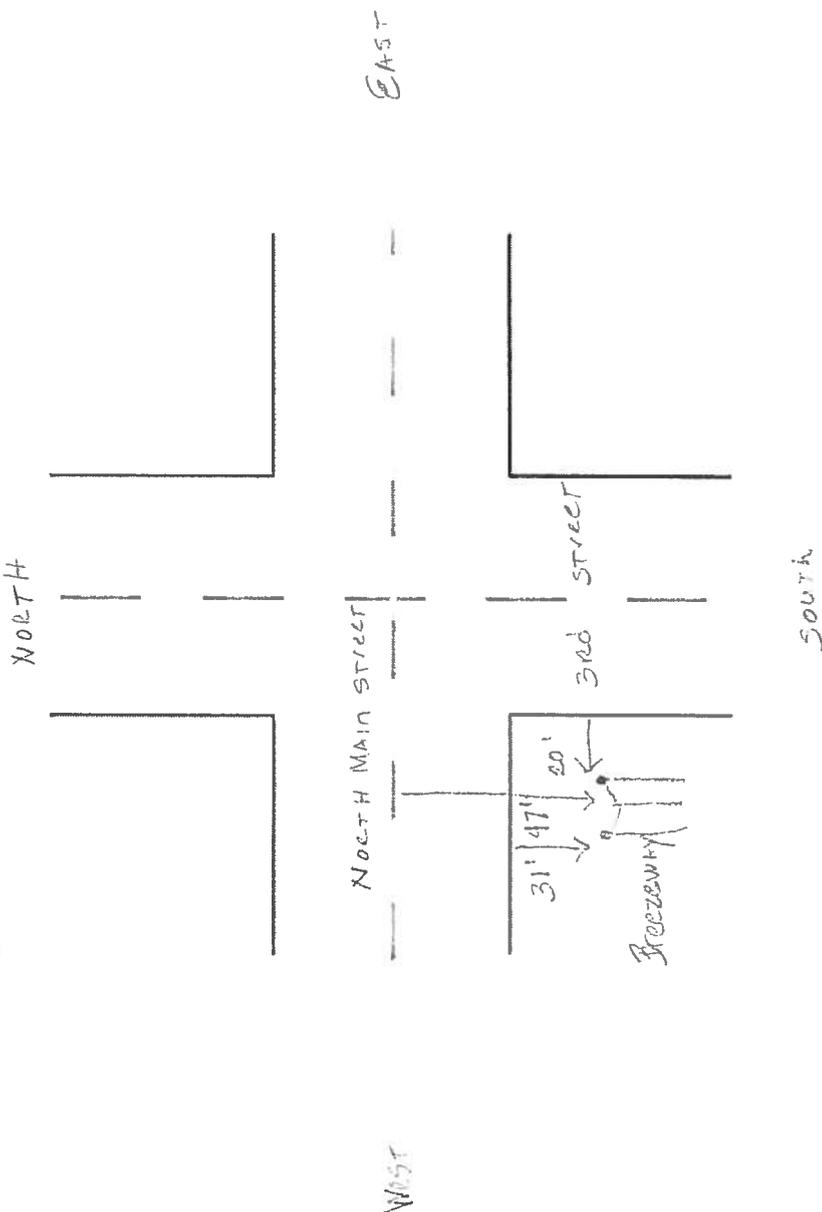


Exhibit B

FALLS CITY STREET INVENTORY 2009

Street Segment	Jurisdiction	Classification	Right-of-way Width (feet)	Street Width (feet)	Surface (e.g. asphalt, gravel, unimproved)	Pavement Condition	Curbs (yes or no)	Sidewalk (yes or no)
N. Main Street Boundary St to Mitchell St	City	collector	80	40	asphalt/concrete	very good	yes	yes
3 rd Street N. Main to river	City	local	60	20	asphalt	poor	no	no



City of Falls City
Land Use Application

EXHIBIT C

File #: **CUP 17-01**
Date Rec'd: **3/23/2017**
Fee Paid: **Request to Council to waive fee**
Receipt No.: _____
Rec'd By: **DTP**

Type 1-A Action:

- Access Permit
- Home Occupation Permit
- Lot Line Adjustment
- Manufactured Home Placement Permit
- Sign Permit

Type 1-B Action:

- Flood Plain Development Permit
- Site Design Review
- Temporary Hardship Dwelling
- Partitions

Type II Action:

- Code Interpretation
- Modification to Approval
- Partition Plat Modification

Type III Action:

- Comprehensive Plan Map Amendments involving 5 or fewer adjacent land owners
- Conditional Use Permit
- Manufactured Home Park
- Planned Unit Development
- Historic Buildings and Sites
- Subdivision
- Variance
- Non-Conforming Use

Type IV Action:

- Annexation
- Zone Change
- Comprehensive Plan Map Amendments involving more than five (5) adjacent land owners

Other

- Pre-Application Conference

Please submit completed application and fees to: City of Falls City, 299 Mill Street, Falls City OR 97344

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Applicant(s): **City of Falls City** Telephone: **503.787.3631**

Address: **299 Mill Street, Falls City, Oregon 97361**

Owner(s): Same _____ Telephone: _____

Address: _____

Engineer/Surveyor: _____ Telephone: _____

Address: _____

General Information

Map Page and Tax Lot No.: **T8S-R6W-Section 21BA, Tax Lot 5000** Zone: **Commercial-Residential (CR)**

Location: **Falls City Community Center/Fire Station 320 N. Main Street**

Legal Description: _____

Existing Zoning/Comprehensive Plan Designation: **Commercial-Residential (CR)**

Current Use/Structures: **Falls City Community Center/Fire Station**

Proposed Use: **Same. Conditional Use Permit for two message signs, except by conditional use permit.**

Topography: **Flat**

Surrounding Uses: North: **Commercial/Residential**

South: **Commercial/Residential**

East: **Commercial/Residential**

West: **Commercial/Residential**

Acreage of Site: **7,000 sq. ft.**

Number/Size of New Lots or Parcels: **No Change**
(Attach site map, if applicable)

Natural Features/Hazards of the Subject Site: **Flat parcel**

Public Utility Providers (gas, electric, water, sewer, telephone): **City water/sewer, Pacific Power**

Easements: _____

Volume and Page Number _____

(As recorded in the office of the County Clerk)

Deed Restrictions: _____

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SUBMITTAL REQUIREMENTS: Please see the Falls City Zoning and Development Code for a list of the submittal requirements for each type of land use application.

3/23/2017
City of Falls City

Conditional Use Permit: Installation of two message signs at the Falls City Community Center, to be located upon roof of the breezeway of the structure. Each proposed message sign would measure approximately 15" high x 66" long (6.87 square feet each) in size.

APPLICABLE CRITERIA: Falls City Zoning and Development Ordinance Sections 2.102, 2.204, 3.105 and 3.201
PROPERTY LOCATION: 320 N. Main Street (T8S-R6W-Section 21BA, Tax Lot 5000)
PROPERTY OWNER: City of Falls City
ZONE DESIGNATION: Commercial-Residential (CR)
COMP. PLAN DESIGNATION: Commercial-Residential (CR)
FILE NUMBER: CUP-17-01

3.201 CONDITIONAL USE PERMITS

C. Criteria for Approval: Approval or denial of the application shall be based upon the following criteria:

1. The use is listed as a conditional use in the underlying zone.

Response:

2.204.05 PROHIBITED SIGNS.

O. Message Signs, except by conditional use permit.

2. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, location of improvements and natural features.

Response: The sign will be mounted on the roof of the Community Center breezeway on an angle to allow visibility when driving eastbound or westbound on North Main Street.

3. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Response: The sign responds to the Water Master Plan Water Conservation Program approved by City Council and submitted to the State of Oregon for Acceptance February 2017.

SECTION 10 – WATER MANAGEMENT AND CONSERVATION PLAN

Alert Stage No. 1: Mild Water Emergency

This stage would be declared if a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the demands of its customers. The intent of this level is to inform the public and ask for voluntary reduction in water use practices. All water conservation at this level is on a voluntary basis with a goal of reducing consumption by 10%. The City should be prepared to provide information and support for this voluntary effort.

Measures associated with this level-of-alert include:

2. *Disseminate information brochures on conservation methods. Advertising on radio, televisions, newspaper, sandwich boards, signs on City Kiosks and other media will also be utilized to keep the public updated on the water supply situation. The City will also provide recorded information on the City's Facebook page and school reader board.*

Response: The sign will allow the City to inform citizens of strategies to limit pollutants, as listed in the approved Total Maximum Daily Load Matrix:

- Reduce Bacteria: Inform public of SOLVE events

- Reduce Bacteria: Inform public of resource for failing septic system
- Reduce Bacteria: Inform public of Litter reduction campaigns
- Water Temperature: Inform public of Arbor Day activities
- Water Temperature: Provide public information on the importance of the repairing zone

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.

Response: The signs will be installed in the Commercial Residential Zone on the breezeway of a public building. The Community Center is located within the main commercial area on Main Street North. The signs will be used for official communications to inform citizens of public meetings, water conservation needs, alerts, events, and for informational messages.

5. The proposal is compatible with applicable goals and policies of the Comprehensive Plan.

CITIZEN INVOLVEMENT

Goal: To develop a citizen involvement program that gives ample opportunity for the residents of Falls City to participate in the planning process.

Policies:

1. To encourage residents to attend and participate in planning commission meetings, city council meetings and all public hearings.
2. To make public notices of meetings, zoning or other land use changes, and other planning issues.

Response: A TYPE III land use application provides opportunities for public comment, including public notice and a public hearing.

Response: The message signs will be used to notify the public of public meetings.

GOAL 5 RESOURCES (NATURAL RESOURCES, SCENIC and HISTORIC AREAS, and OPEN SPACES)

GOAL: Protect natural resources and conserve scenic and historic areas, and open spaces.

Objective: To support regional efforts to improve water quality, wildlife habitat and restore fish habitat in the Luckiamute River Watershed.

Policies:

2. Falls City will contribute to, or comment upon, regional water quality improvement planning and fish recovery plans undertaken by state and federal agencies by reviewing and responding to proposed policies and plans.

AIR, WATER and LAND RESOURCES QUALITY

GOAL: To maintain and improve the quality of air, water, and land resources in Falls City.

Objective: To support regional efforts to improve water quality in the Luckiamute Watershed.

Objective: To reduce the risk of natural resource contamination in Falls City.

Objective: To maintain, and when and where feasible, enhance the air quality resources of the community.

Policies:

2. Falls City will promote water conservation by periodically providing residents with information about water conservation in their utility bill and displaying pamphlets/literature at city hall.

Objective: To reduce the risk of natural resource contamination in Falls City.

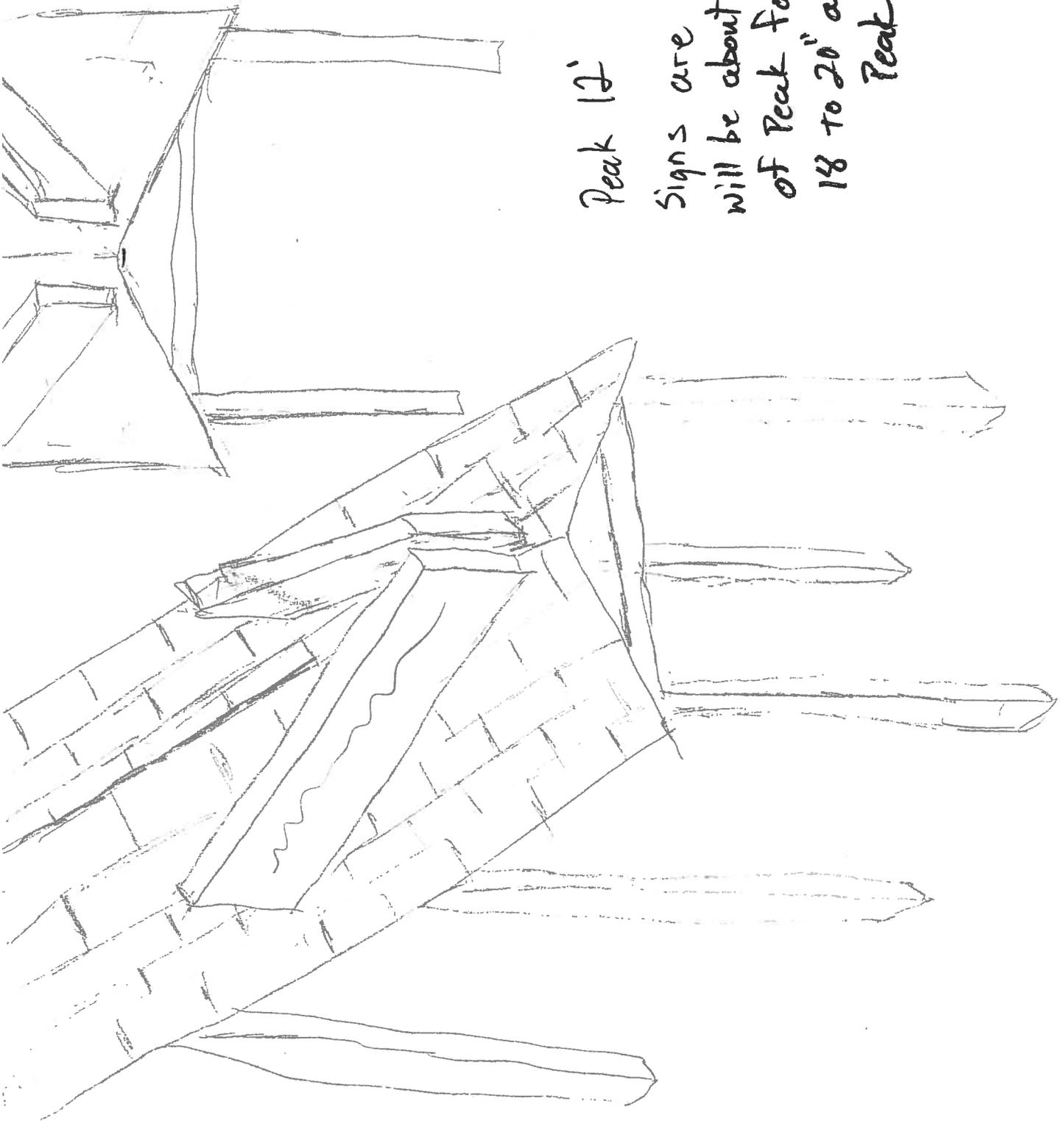
Policies:

5. Falls City will educate residents about resource contamination by periodically providing information to residents in their utility bill and displaying pamphlets/literature at city hall. The importance of protecting surface and groundwater will be emphasized.

Response: The message signs will be used to notify citizens of such things as the end of burn season, the need for water conservation, SOLVE events and Arbor Day activities. The message signs will allow education messages for the importance of the riparian area, litter reduction campaigns and resources for failing septic systems.

Peak 12'

Signs are 15" high
will be about 3"
of Peak for tot
18 to 20" above
Peak



CITY OF FALLS CITY

299 Mill Street
Falls City, OR 97344
503-787-3631

STAFF REPORT

CONDITIONAL USE PERMIT (CUP) 17-02

STAFF REPORT: 06 APRIL 2017

City Council Hearing: 13 APRIL 2017

NATURE OF APPLICATION:	Conditional Use Permit to allow the operation of a bed and breakfast and boarding house in a residential zone
APPLICABLE CRITERIA	Falls City Zoning and Development Ordinance, Sections 1.200, 2.101, 3.105, and 3.201
PROPERTY LOCATION:	246 S. Main Street (T8S-R6W-Section 21BC, Tax Lot 2803)
APPLICANT/OWNER:	City of Falls City
ZONE DESIGNATION:	Residential (R)
COMP. PLAN DESIGNATION:	Residential (R)
FILE NUMBER:	CUP 17-02
EXHIBITS:	A: Assessors Map B: Site Plan C: LU Application

I. BACKGROUND

Proposal is for a Conditional Use Permit to allow the operation of a bed and breakfast and boarding house in a residential zone. The site has an existing two-story house, approximately 4,104 square feet in size. Approximately half the square footage of the existing structure will be used for rentals.

On March 23, 2017, the city planner received from the city a narrative drafted by the applicant that pertains to this application for a CUP. The city planner deemed the application complete on that date.

II. PROCEDURE

A conditional use permit is a Type III decision made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Because the City of Falls City does not currently have a Planning Commission, this application for a conditional use permit will be heard and decided by the City Council. Type III decisions are quasi-judicial and generally use discretionary approval criteria.

Section 3.201 of the Zoning & Development Ordinance outlines the review procedure and approval criteria for a conditional use permit.

III. COMMENTS

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As of the writing of this staff report, there have been no written comments received regarding this application.

IV. APPEAL

The decision of the City Council shall be the final land use action on the application unless appealed to the Oregon State Land Use Board of Appeals (LUBA).

V. FINDINGS OF FACT

A. Land Use

Comprehensive Plan/Zoning Designations. The site is designated Residential (R) in the Comprehensive Plan and is zoned Residential (R).

Existing Development. The site has an existing two-story residential structure.

Surrounding Zoning.

North:	Residential
South:	Commercial Industrial
East:	Residential
West:	Residential

B. Public Facilities

The site is served by City water and sewer. Pacific Power provides electrical service.

Transportation/Access. The site has access from S. Main Street.

VI.

VII. FINDINGS APPLYING CODE CRITERIA

The City of Falls City Zoning & Development Ordinance (ZDO) implements the goals and policies of the city's Comprehensive Plan. Conditional Use Permits are quasi-judicial land use actions. The City Council may approve the applicant's request after a public hearing conducted in accordance with the quasi-judicial review procedures, provided that the applicant provides evidence substantiating the following application requirements and development standards for conditional use review.

Applicable sections of the Zoning & Development Ordinance are set forth below in **bold**.

Criteria for Approval: Approval or denial of the application shall be based upon the following criteria: [ZDO Section 3.201.C]

- 1. The use is listed as a conditional use in the underlying district. [ZDO Section 3.201.C.1]**
 - Section 2.101 RESIDENTIAL ZONE (R)
 - Section 2.101.05 CONDITIONAL USES
 - (F) Bed and breakfast
 - (G) Boarding house

Section 1.202.02 DEFINITIONS

Bed and Breakfast: A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid for the rental or use of the facilities. An operator of a Bed and Breakfast must be a permanent, full-time resident of the structure where the use takes place.

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Boarding, Lodging or Rooming House: A building where lodging, with or without meals, is provided for compensation for not more than 5 persons in addition to members of the family occupying such building.

Findings:

Bed and breakfast and boarding house are both listed as conditional uses in the Residential zone. The operator intends to live on the premises full time. The site plan indicates separate areas within the house for the operator's living space at the front of the building on the first and second floors. The guest area is located at the back of the building, on the second floor. The maximum number of five (5) boarding house guests is listed as a condition of approval.

Staff finds this criterion is met.

2. **The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, location of improvements and natural features.** [ZDO Section 3.201.C.2]

Applicant Response:

The characteristics of the site are suitable for the proposed use, the addition to the main house consists of approximately 2,000 sq ft of space with four (4) bedrooms, two (2) bathrooms, laundry, and kitchen/living great room.

Findings:

The subject site is located in a residential neighborhood, with residential uses to the east and west of the site, commercial-industrial zoning to the south, and the Little Luckiamute River to the north. The interior site plan indicates approximately 1,920 square feet of living space suitable for the accommodation of guests, including four (4) bedrooms, two (2) bathrooms, kitchen, and living room.

Staff finds this criterion is met.

3. **The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.** [ZDO Section 3.201.C.3]

Applicant Response:

Parking is not an issue as the property has 1,936 sq ft of concrete driveway and an additional 1,152 sq ft of gravel driveway, which is more than adequate to park guests.

Findings:

The site is connected to the City STEP/STEG Sewer System and has a 1,000 gallon septic tank located on the property. The septic tank is sized for a residential property which is scheduled to be pumped once every four years. Should the septic tank require more frequent pumping, the owner will be required to pay for the actual cost of pumping. The potential requirement of additional fees for pumping the septic tank more frequently than every four years is listed as a recommended condition of approval.

Section 2.202 requires two (2) vehicle spaces per dwelling unit, one (1) vehicle space per two (2) guest accommodations for a boarding house, and one (1) vehicle space per unit for a motel or hotel. The applicant shows four (4) guest parking spaces will be provided as indicated on the

site plan in addition to two (2) vehicle spaces for the residence, to be provided inside the garage. The provision of guest parking and the standards for the parking area are included in the conditions of approval.

Staff does not anticipate this proposal having a negative effect on transportation systems and the provision of services to the subject site. Staff finds this criterion can be met, with conditions.

- 4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district. [ZDO Section 3.201.C.4]**

Applicant Response:

The proposed use will not affect the neighbors on the east or west of the site. The property south across the street is a commercial industrial zoned grass field and the river is located on the north property location.

Findings:

The subject site is located in a residential zone with residential uses to the east and west of the site. Notice of this proposal was sent to all property owners within 250 feet of the subject site on March 24, 2017. At the time of the writing of this staff report, no comment has been received from the neighboring property owners as a result of this notice.

Section 2.202.07 requires screening between parking areas and adjacent residential uses. Staff recommends screening of the guest parking areas be required as a condition of approval.

Staff does not foresee the approval of this proposal having a negative or limiting effect on the uses of surrounding properties and this criterion can be met, with conditions.

- 5. The proposal is compatible with applicable goals and policies of the Comprehensive Plan. [Section 3.201.C.5]**

Applicant Response:

The use is compatible with the goals and policies of the Comprehensive Plan.

Findings:

The following goals of the Comprehensive Plan are relevant to this proposal:

HOUSING

GOALS: To obtain a variety of housing types and densities to meet the needs of the present and future residents of the community.

ECONOMY AND URBANIZATION

GOAL: To increase the viability and stability of the economy of Falls City as a rural residential and commercial center.

Staff finds that this proposal is compatible with the goals and policies stated in the Falls City Comprehensive Plan, especially those related to housing and the economy, and this criterion is met.

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VII. CONCLUSION AND RECOMMENDATION

Based on the facts and findings in this staff report, Staff recommends that the City Council approve Conditional Use Permit 17-02, subject to the following conditions of approval:

1. The applicant shall apply for and receive a business license as required by the City of Falls City before commencing operation of the bed and breakfast/boarding house.
2. At any point in time, boarding house occupancy shall not exceed a maximum of five (5) guests.
3. The site is connected to the City STEP/STEG Sewer System and has a 1,000 gallon septic tank located on the property. The septic tank is sized for a residential property which is scheduled to be pumped once every four years. Should the septic tank require more frequent pumping, the owner will be required to pay the actual cost of pumping.
4. Four (4) guest parking spaces shall be provided on site, outside of the garage and not within the public right of way. Parking spaces shall be a minimum of 9 feet wide by 18 feet long. All required parking spaces shall be independently accessible, without moving other cars to enter or exit.
5. Off street parking areas, between the structure and the property line, shall have a durable, hard surface.
6. The guest parking area shall be screened from residential properties to the east and west of the subject site with an ornamental fence, wall, or hedge a minimum of four (4), but not more than six (6) feet in height.
7. Only one sign shall be permitted on the premises, not exceeding two (2) square feet, and only illuminated indirectly.
8. Operation of the bed and breakfast shall be in compliance with State regulations covering bed and breakfast establishments, including those found in ORS 624.060 and OAR 333-170.

VII. CITY COUNCIL ACTION

The following options are available to the City Council.

- A) Make a motion to adopt the staff report and approve the Conditional Use Permit 17-02, subject to the conditions of approval set forth in the staff report.
- B) Make a motion to adopt the staff report and approve the Conditional Use Permit 17-02, subject to the conditions of approval set forth in the staff report, as modified to reflect the changes made by the City Council.

Note: The City Council member making the motion needs to state the reasons for the modifications and any revised conditions of approval.

- C) Make a motion to continue the public hearing to a date and time certain and state the additional information that is needed to allow for a future decision.
- D) Make a motion to deny the requested Conditional Use Permit 17-02.

Note: The City Council member making the motion needs to state the reasons for the denial.

VIII. SAMPLE MOTION

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The following motion to **approve** the request would allow the operation of a bed and breakfast and boarding house as a conditional use in a Residential zone.

I MOVE that the request, CUP 17-02, to allow the proposal for the operation of a bed and breakfast and boarding house as a conditional use BE APPROVED based on the findings in the staff report.

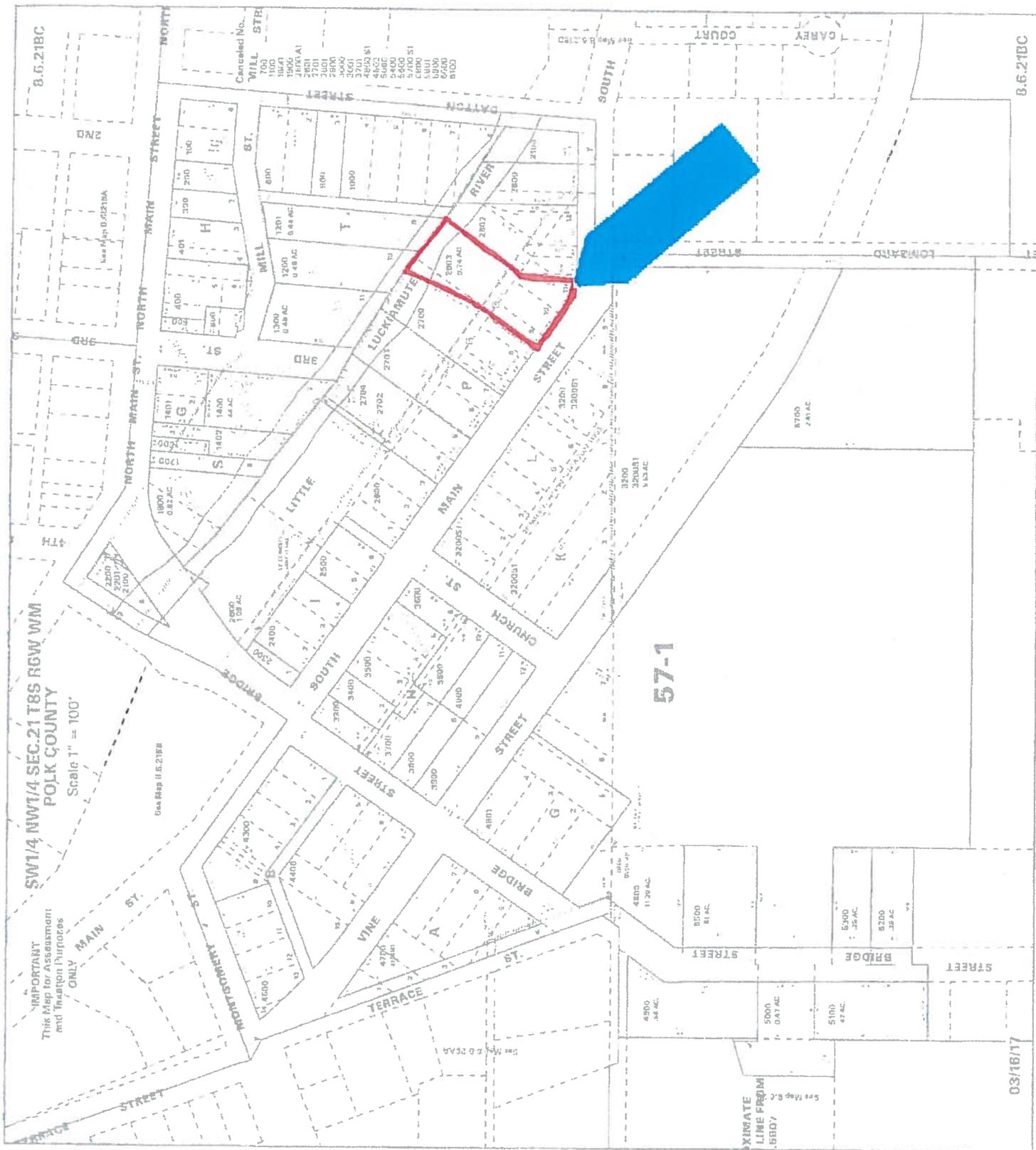
The following motion to **deny** the request would prohibit the operation of a bed and breakfast and boarding house as a conditional use in a Residential zone.

I MOVE that the request, CUP 17-02, to allow the proposal for the operation of a bed and breakfast and boarding house as a conditional use BE DENIED for the following reasons:

Note: The City Council member making the motion needs to state the reasons for the denial.

40

Exhibit A



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Exhibit B

*Daniel
Keller*

Property
Line

0 FT Street
parking 4 spaces
36' wide
20' DEEP

DIRT

1936 sq ft
concrete

Garage

Downstairs
Kitchen
greatroom

Downstairs
entry
1/2 bath
Laundry

Owners
Bedroom
Second
Floor

Interior
Stairs DISR

Property
Line

4' per
square

6'

22'

Street

1152 sq ft
Gravel

24

Exhibit C

City of Falls City
Land Use Application

File # CUP 17-02
Date Rec'd: 3/23/2017
Fee Paid: 850.00
Receipt No.: 393472
Rec'd By: DTY

Type 1-A Action:

- Access Permit
- Home Occupation Permit
- Lot Line Adjustment
- Manufactured Home Placement Permit
- Sign Permit

Type 1-B Action:

- Flood Plain Development Permit
- Site Design Review
- Temporary Hardship Dwelling
- Partitions

Type II Action:

- Code Interpretation
- Modification to Approval
- Partition Plat Modification

Type III Action:

- Comprehensive Plan Map Amendments involving 5 or fewer adjacent land owners
- Conditional Use Permit
- Manufactured Home Park
- Planned Unit Development
- Historic Buildings and Sites
- Subdivision
- Variance
- Non-Conforming Use

Type IV Action:

- Annexation
- Zone Change
- Comprehensive Plan Map Amendments involving more than five (5) adjacent land owners

Other

- Pre-Application Conference

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Please submit completed application and fees to: City of Falls City, 299 Mill Street, Falls City OR 97344
Last updated on 6/8/07.

Applicant(s) David + Cheryl Radke Telephone: 503 539 7552

Address: 246 S main st. Falls City Or 97344

Owner(s): Paul + Judith Ward Telephone: 503-559-7013

Address: 241 SW Birch St. Dallas Or 97338

Engineer/Surveyor: _____ Telephone: _____

Address: _____

.....
General Information

Map Page and Tax Lot No.: 08621-BC-02803 Zone: Residential

Location: 246 S. main st. Falls City Or 97344

Legal Description: see attached

Existing Zoning/Comprehensive Plan Designation: Residential

Current Use/Structures: Residential

Proposed Use: Residential / commercial Bed + Breakfast

Topography: FLAT

Surrounding Uses: North: Residential

South: commercial industrial

East: Residential

West: Residential

Acreage of Site: 32.092 sq ft

Number/Size of New Lots or Parcels: 1

(Attach site map, if applicable)

Natural Features/Hazards of the Subject Site: North property has
Little Luckizmate River

Public Utility Providers (gas, electric, water, sewer, telephone): Pacific Power, city water + sewer.

Easements: NONE

Volume and Page Number _____

(As recorded in the office of the County Clerk)

Deed Restrictions: ~~None~~ NONE

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SUBMITTAL REQUIREMENTS: Please see the Falls City Zoning and Development Code for a list of the submittal requirements for each type of land use application.

All land use applicants shall be charged the ACTUAL COST to the City of Falls City of rendering a decision on their land use application. Cost shall include but not be limited to: contract planning services, City of Falls City staff time, city attorney time, cost of supplies, printing, legal notices, stamps, and city engineer time spent on reviewing the application.

The applicant will be required to pay the amount set by the ordinance. When a final decision is rendered by either staff or City Council the city will send a final invoice to the applicant. Building permits will not be issued until the land use fees are paid in full to the city.

In the event an applicant chooses to withdraw an application prior to a final decision being made, the cost as set forth by the ordinance or the actual cost, whichever is greater, must be paid in full.

I certify that I have read, understand, and agree to the charges outlined above:

Paul Radke
Applicant(s) Signature

3/21/17
Date

Cheryl Radke
Applicant(s) Signature

3/21/17
Date

.....
We, the following:

Name: Paul + Judith Ward Telephone: 503-508-1876

Address: 241 SW Birch St Dallas Or 97338

Being the owner(s) of record or contract purchasers of the subject property respectfully petition the City of Falls City Planning Commission and/or Council for permission to (describe request you are making.)

The applicant(s) shall certify that:

- ◆ The request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- ◆ If the application is granted, the applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- ◆ All of the statements in this application and the statements in the prior plan, any attachments, and exhibits submitted with this application are true; and the applicants so acknowledge that any permit issued, based on this application, may be revoked if it is found that any such statements are false.

Dated this 21 day of March, 2017.

Signature of each owner of the subject property.

Print name after signature.

Paul Ward
Judith Ward 45

March 16, 2017

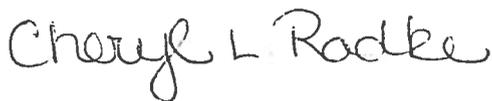
To whom it may concern,

We are applying for a Conditional Use Permit (2.101.0) for a Bed and Breakfast, and boarding house located at 246 S Main St., Falls City, Oregon 97344. We have approximately 2000 sq. ft. designated for said purpose. The permit application is attached.

David J Radke



Cheryl L Radke



Little Luckiamute Creekside B & B LLC
246 S Main St.
Falls City, Oregon 97344

LEGAL DESCRIPTION: Real property in the County of Polk, State of Oregon, described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, BLOCK P, MONTGOMERY'S ADDITION, TO FALLS CITY, POLK COUNTY, OREGON (PLAT VOLUME 1, PAGE 20); AND RUNNING THENCE NORTH 54° 30' WEST 128.86 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF LOT 9 IN SAID BLOCK P; THENCE NORTH 35° 30' EAST 113.83 FEET TO AN IRON ROD; THENCE NORTH 27° 33' EAST 158.52 FEET TO THE CENTER OF THE LUCKIAMUTE RIVER FROM WHICH AN IRON ROD BEARS SOUTH 27° 33' WEST 65.12 FEET; THENCE SOUTH 59° 36' EAST 22.01 FEET DOWN THE CENTER OF SAID LUCKIAMUTE RIVER; THENCE SOUTH 53° 40' EAST 109.58 FEET DOWN THE CENTER OF SAID LUCKIAMUTE RIVER TO A POINT FROM WHICH AN IRON ROD BEARS SOUTH 38° 27' 05" WEST 51.34 FEET; THENCE SOUTH 38° 27' 05" WEST 180.98 FEET TO AN IRON ROD; THENCE SOUTH 5° 19' WEST 90.66 FEET TO A POINT ON THE NORTH LINE OF SOUTH MAIN STREET FROM WHICH AN IRON ROD BEARS NORTH 5° 19' EAST 1.42 FEET; THENCE NORTH 89° 57' 10" WEST 20.83 FEET TO THE PLACE OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Resolution 07-2017, A Resolution for Municipal Court and related services.
Date: March 20, 2017

Summary

The 2016 and 2017 Council Goals listed a Code Enforcement program as priority this agreement would set up Court services, a key part of an enforcement program.

BACKGROUND

Council has desired an affordable Code Enforcement program, this agreement between the City of Falls City and the City of Independence is a major step in setting up a program.

If Council approves the agreement staff will notify the Polk County Sheriff's office and request to enter into an IGA for enforcement of selected Municipal Code violations. Staff will also advertise for a contract code enforcement officer to train with the City of Independence and to start the process of developing cases to bring properties into compliance with our Municipal Code or to serve notice and take the case to our contracted Municipal Court.

Previous Council Action

2016/2017 Goals

ALTERNATIVES/FINANCIAL IMPLICATIONS

This allows Falls City to pursue an IGA with the Sheriff's department and to contract/hire a code enforcement officer.

STAFF RECOMMENDATION

Adopt Resolution.

EXHIBITS

Resolution 07-2017 and attachment A)- IGA and B)- rates.

PROPOSED MOTIONS

THE COMMON COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS;
adopt resolution 07-2017, A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON
APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FALLS CITY AND
THE CITY OF INDEPENDENCE FOR THE PROVISION OF MUNICIPAL COURT AND RELATED
SERVICES

RESOLUTION 07-2017

A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FALLS CITY AND THE CITY OF INDEPENDENCE FOR THE PROVISION OF MUNICIPAL COURT AND RELATED SERVICES

Findings:

1. The City of Falls City desires to contract with the City of Independence for Municipal Court and related services.
2. The City of Independence is agreeable to providing such services.

NOW THEREFORE,

THE COMMON COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. The City Council of the City of Falls City approves the Intergovernmental Agreement with the City of Independence for the provision of Municipal Court and related services as presented in Exhibit A and Exhibit B.

Introduced and adopted April 13, 2017:

Date

Terry Ungricht, Mayor

Attest:

Date

JoHanna Birr, City Clerk

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INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF FALLS CITY
AND THE CITY OF INDEPENDENCE
FOR THE PROVISION OF MUNICIPAL COURT
AND RELATED SERVICES

This Agreement is made and entered into by the City of Falls City (hereinafter "Falls City"), an Oregon municipal corporation and the City of Independence (hereinafter "Independence"), an Oregon municipal corporation.

RECITALS

- A. Falls City wishes to enter an intergovernmental agreement with Independence for the provision of municipal court services.
- B. Independence has the capacity to provide such services on the terms and conditions set forth in this Agreement.
- C. The parties have authority to enter into this intergovernmental agreement pursuant to the powers contained in their respective Charters, ORS 190.010, and ORS 221.355.

AGREEMENT

Now, with the recitals above acknowledged and incorporated herein, it is agreed by and between the parties as follows:

- 1. SERVICES PROVIDED. Independence agrees to provide municipal court services to Falls City.

The services shall encompass all duties and functions of the type customarily undertaken by a Municipal Court under the Falls City Charter, Falls City Municipal Code, and the statutes of the State of Oregon. Such services shall include those involved in the field of court administration, judicial services, and related services which are within the legal power of an Oregon Municipal Court to provide.

Specifically, Independence Municipal Court shall oversee and operate the judicial enforcement of the laws of the State of Oregon and the Falls City Municipal Code within the corporate limits of the City of Falls City and provide all judicial services related thereto. In performing these services, the Independence Municipal Court will act as the Falls City Municipal Court and handle all court functions on behalf of Falls City.

Independence shall provide prosecuting attorney services through its own prosecuting attorney.

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2. DELEGATION OF AUTHORITY. The Independence municipal judge is hereby authorized to provide judicial services to Falls City and shall have all judicial jurisdiction, authority, powers, functions and duties of the municipal court of Falls City and the judges thereof with respect to all and any violations of the charter or ordinances of Falls City.
3. EMPLOYEES. All Independence court staff employed in the performance of this Agreement shall be employees of Independence, and Independence shall remain fully responsible for all taxes, assessments, fees, premiums, wage withholdings, and other direct and indirect compensation, benefits, related obligations with respect to its own employees.
4. PROCEEDS OF FINES AND FEES; COSTS OF SERVICES. Subject to the provisions of ORS 153.640 to 153.680, all fines, costs and forfeited security deposits collected by the Independence Municipal Court from prosecutions of offenses and violations occurring within the corporate limits of Falls City shall be divided between the two parties, with 65% of the net fines distributed to Falls City and 35% of the net fines distributed to Independence. Net fines are fines collected, less statutory distributions to other parties under ORS Chapter 153.

Independence shall provide a quarterly accounting of the fine proceeds and distribution of such proceeds. All tow impoundment fees shall be retained by Falls City. In addition, Falls City shall pay for the services listed in the rate schedule attached hereto as Exhibit A.

Upon 60 days prior written notice, the rates established in Exhibit A may be updated not more than once per calendar year by Independence. Within 30 days of receiving written notice from Independence of a change to Exhibit A, and notwithstanding Section 7, if the adjustment to Exhibit A by Independence is not acceptable to Falls City, Falls City may terminate this Agreement, with such termination taking effect 30 days after Falls City written notice of termination.

5. FELONY CRIMES. The parties agree that all arrests for felony crimes and other serious violations of the law, as determined by the investigating law enforcement agency, will be presented to the District attorney for Polk County, for trial in the appropriate circuit court, and the court and law enforcement agencies will be entitled to all portions of fines, forfeitures, and other fees normally retained by them.
6. EFFECTIVE DATE AND TERM OF AGREEMENT. This Agreement shall become effective upon the date of execution and shall continue in force subject to termination under Section 7 of this Agreement.
7. TERMINATION. This Agreement may be terminated by either party without cause upon giving a 180 days' prior written notice to terminate.

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8. APPLICABLE LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.
9. COMPLIANCE WITH LAWS. In connection with their activities under this Agreement, both parties shall comply with all Federal, state, and local laws applicable to the work under this Agreement.
10. INDEMNIFICATION. In accordance with the Oregon Constitution and the Oregon Tort Claims Act, to the maximum extent permitted by law, the parties shall hold and save each other, their officers, agents, and employees, harmless and shall defend and indemnify each other from any claims for damages to property or injury to persons which may be occasioned in whole or in part by the acts or omissions of the parties under this Agreement.
11. AMENDMENTS. To be effective, any amendment to this Agreement must be approved by each party and signed by an authorized representative of each party.
12. ASSIGNMENT. Neither party shall assign this Agreement, in whole or part of, or any right or obligation hereunder, without prior written approval of the other party.
13. SEVERABILITY. In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the remainder of this Agreement shall remain in force and shall in no way be effected or invalidated thereby.
14. COMPLETE AGREEMENT. This Agreement and attached exhibit constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change if made, shall be effective only in specific instances and for specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.
15. COUNTERPARTS. This Agreement may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart.

[Signatures Follow on Next Page.]

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CITY OF INDEPENDENCE

By: _____

Name: _____

Title: _____

Date: _____

CITY OF FALLS CITY

By: _____

Name: _____

Title: _____

Date: _____

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Exhibit A
Rate Schedule for Services

Judge	\$270.00 per court date
Prosecuting Attorney	\$100.00 per hour (as needed)
Interpreter	\$122.00 per court date (min) – cost to be split between parties
Court Clerk	\$12 per case

Rates are based on scheduling Falls City court dates on the same date as Independence. Cost for Court Clerk covers preparing cases and court time.

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: HISTORIC LANDMARK COMMISSION MEMBERSHIP
DATE: 03/20/2017

SUMMARY

On February 6, 2017 the Historic Landmark Commission passed a motion by unanimous consent to recommend that the City Council approve changes to Municipal Code 32.05.020 Historic Landmark Commission Membership Qualifications to allow up to three nonresident members that have special qualifications and expertise in Historic Preservation, and have expressed interest in being appointed and serving and advancing the interests of the City.

BACKGROUND

The Council passed the first reading of the Ordinance 543-2017 on March 9, 2017, if Council approves the 2nd reading the Ordinance will be adopted.

The Commission intends to nominate additional properties to the National Historic Register (with the consent of the owner). In doing so, the Commission will be required to serve in a quasi-judicial role when owners of National Historic Register properties request an alternation, or consider demolition or relocating a structure. Additionally, the Commission would like to explore historic preservation incentive programs and explore opportunities for historic tourism such as installing kiosks that have a photo of the historic view from the location; one such location is the top of the newly refurbished Stairs. Recruiting individuals with expertise in Historic Preservation will greatly help our dedicated Historic Landmark Commission accomplish these goals.

Furthermore, the Historic Landmark Commission and the Falls City School District are considered leaders because they have involving students in historic preservation projects. Please visit the Historic Landmark Commission webpage at www.fallscityoregon.gov to view the 2012 Student videos of historic properties on our Historic Resource list. This project was funded by grant from the Oregon State Historic Preservation Office.

Currently Municipal Code Chapter 32.05 Historic Landmark Commission reads:

32.05.020 Membership Qualifications At least six of the members of the historic landmarks commission, must reside in the city at the time of their appointment and at all times during their term in office. One nonresident member may be appointed if that

person has resided within the city Falls City School District one year immediately preceding that person's appointment and continues to reside within the city Falls City School District at all times during the term of that person's term in office.

PREVIOUS COUNCIL ACTION

Council adopted Ordinance 538-2014 on July 7, 2015 AN ORDINANCE OF THE CITY OF FALLS CITY REPEALING SECTION 32 OF THE FALLS CITY MUNICIPAL CODE IN ITS ENTIRETY AND ADOPTING IN LIEU A NEW SECTION 32 ENTITLED COMMITTEES, BOARDS AND COMMISSIONS AS A SECTION OF THE FALLS CITY MUNICIPAL CODE.

ALTERNATIVES/FINANCIAL IMPLICATIONS

There are no fiscal impacts.

STAFF RECOMMENDATION

Adopt the Ordinance.

EXHIBIT

Exhibit A – Ordinance 543-2014

PROPOSED MOTION

I move the City Council of the City of Falls City read Ordinance 543-2017 for the second reading and adopt: Ordinance Number 543-2017 AN ORDINANCE AMENDING FALLS CITY MUNICIPAL CODE CHAPTER 32.05.020 HISTORIC LANDMARK COMMISSION MEMBERSHIP.

Ordinance No. 543-2017

AN ORDINANCE AMENDING FALLS CITY MUNICIPAL CODE CHAPTER 32.05.020 HISTORIC LANDMARK COMMISSION MEMBERSHIP.

WHEREAS, the City Council adopted Falls City Municipal Code Chapter 32 on July 10, 2014; and

WHEREAS, Falls City Municipal Code Chapter 32.05.020 describes membership requirement for the Historic Landmark Commission; and

WHEREAS, the State of Oregon Historic Preservation Office (SHPO) model Historic Preservation Ordinance recommends that preference be given to those with professional experience in the fields of preservation, architecture, archaeology, community history, building trades, real estate, or related specialties; and

WHEREAS, the Historic Landmark Commission wishes to recruit individuals with special qualifications and expertise in historic preservation that may live outside our city limits or school district; and

WHEREAS, on February 6, 2017 the Historic Landmark Commission passed motion by unanimous consent to recommend that the City Council approve changes to Municipal Code 32.05.020 Membership Qualifications to allow up to three nonresident members that have special qualifications and expertise in the subject matter of the commission, and have expressed interest in being appointed and serving and advancing the interests of the City.

NOW, THEREFORE, THE CITY OF FALLS CITY ORDAINS AS FOLLOWS:

SECTION 1: Municipal Code 32.05.020 is hereby amended in its entirety to read as follows:

32.05.020 Membership Qualifications

At least **four** of the members of the historic landmark commission, must reside in the city at the time of their appointment and at all times during their term in office. **Three nonresident members may be appointed and approved when the Mayor and City Council determine that such individuals have special qualifications and expertise in the subject matter of the commission, and have expressed interest in being appointed and serving and advancing the interests of the City.**

READ FIRST TIME by the Common Council of the City of Falls City this 9 day of MARCH, 2017.

READ SECOND TIME AND ADOPTED by the Common Council of the City of Falls City this _____ day of _____, 2017.

AYES: NAYS: ABSTAIN:

Terry Ungricht, Mayor

ATTEST _____
Domenica Protheroe, City Clerk

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AGENDA REPORT

TO: CITY COUNCIL
FROM: JOHANNA BIRR THROUGH MAYOR UNGRICHT
SUBJECT: NEW BUSINESS LICENSE – SPEAKS WITH EAGLES MEDICINAL HERBS & SPICES
DATE: 03/22/2017

SUMMARY

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

BACKGROUND

Tina Thompson, currently of Salem, Oregon has submitted an application for a business license in Falls City. This business would be operated at 700 Hopkins Avenue, which is zoned Residential. No new development or alterations to the existing building would take place. Ms. Thompson is in process of buying the property.

The business would sell herbs and spices at farmer's markets and online only. Customers would not come to the home. Additional parking would not be necessary. Supply deliveries occur infrequently, one to two times annually and would not disturb the surrounding neighborhood. Ms. Thompson stated her products do not contain marijuana, only anti-inflammatory medicinal herbs and spices.

This type of retail business is allowed by Falls City Zoning and Development Code standards in Residential zoning. This business is not served by city sewer and would have no impact on the system.

2.209.04 HOME OCCUPATIONS

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

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

- 1. Type A. The Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, craftspeople, writers, and consultants. Type A*

home occupations also provide an opportunity for a home to be used as a business address without requiring a commercial workplace.

2. Type B. The Type B home occupation is one where either one employee or sequential customers come to the site. Examples are counseling, tutoring, and hair cutting and styling. Type B home occupations are subject to the Type I approval process listed in Section 3.102.

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

1. Participation: No more than one person shall be employed who is not a resident of the home in which the home occupation is to be established.

2. Character: No Structural alterations shall be made which affect the residential character of the building. The character and primary use function of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.

3. Location: The business or activity shall be conducted wholly within the home or within a small accessory building which is residential in character and not larger than 1/2 the floor area of the house.

4. Noise: A home occupation shall not create noise of a type, duration or intensity which exceeds 60 decibels, measured at the property line, between the hours of 7:00 a.m. and 6:00 p.m. No noises shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception off the premises of the home occupation.

5. Equipment and Process Restrictions: No home occupation shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.

6. Traffic: A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than 20 vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. 20 trips is equivalent to 10 round trips.

7. Hazards: No equipment or process shall be used which will change the fire rating or structure separation, fire wall, or ventilation requirements for the

structure in which the home occupation is located. No hazardous materials shall be used or stored on the property in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the Zoning District.

8. Signs: Signing shall be as provided in Section 2.204.

9. On-Premise Client Contact: Customer and client contact shall be primarily by telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.

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

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

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

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

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

E. Non-Compliance. Any home occupation which does not comply with the requirement of this Section and the provisions of the underlying district shall be a violation of this 60

Ordinance and shall be subject to the penalties and remedies of Chapter One – General Ordinance Provisions.

PREVIOUS COUNCIL ACTION

None

ALTERNATIVES/FINANCIAL IMPLICATIONS

No financial impact to the City.

STAFF RECOMMENDATION

Staff recommends approval of this business license.

EXHIBIT

Exhibit A – Business License Application

PROPOSED MOTIONS

I move the City Council of the City of Falls City approve the business license application for Speaks With Eagles Medicinal Herbs and Spices.

CITY OF FALLS CITY
299 Mill Street
Falls City, Oregon 97344
Phone: 503.787.3631
Fax: 503.787.3023

OFFICIAL USE:
BUSINESS LICENSE NUMBER:
2016 - _____

APPLICATION FOR CITY BUSINESS LICENSE
TERM OF LICENSE
JULY 1, 2016 – June 30, 2017

Check one: First Time License: or Renewal:

Business Name: SpeaksWithEagles Medicinal Herbs & Spices LLC Zoning: Res

Owner(s): TINA L. THOMPSON

Location of Business: 700 Hopkins Av. Falls City OR 97344

Mailing address (if different): 154 40th PL NE Salem OR 97301

Business Phone: 503)910-2468 Business Fax: _____

Email Address: gooster4me@comcast.net

Website: SpeaksWithEagles.Com

Number of Employees: Self-only Part-Time _____ Full-Time _____

Home-Based Business: (Circle one) YES NO

Please review the list of business types below and circle the most appropriate classification.

- | | |
|--|---|
| 110000 Ag, Forestry, Fishing & Hunting | 540000 Professional, Scientific, Technical Services |
| 210000 Mining | 550000 Management of Company & Enterprises |
| 220000 Utilities | 560000 Admin Support/Waste Management & Remediation |
| 230000 Construction | 610000 Education Services |
| 310000 Manufacturing | 620000 Health Care & Social Assistance |
| 420000 Wholesale Trade | <u>710000 Arts, Entertainment & Recreation</u> |
| 440000 Retail | <u>720000 Accommodation & Food Services</u> |
| 480000 Transportation Warehousing | 810000 Other Services (excluding Public Admin) |
| 510000 Information | 920000 Public Administration |
| 520000 Finance & Insurance | |
| 530000 Real Estate/Rental & leasing | |

PRODUCTS SOLD OR SERVICES RENDERED

None at Home, I sell at the Farmers Markets and Online

DESCRIBE AVAILABLE PARKING

N/A

IMPACT ON LOCAL TRAFFIC

N/A

ENVIRONMENTAL IMPACTS (i.e. noise, waste products, odors, storage of hazardous materials)

N/A

OREGON STATE LIQUOR CONTROL COMMISSION (OLCC):

Will alcohol be sold on the premises? (Circle one): YES **NO**

If YES, provide OLCC PREMISE # _____ OLCC LICENSE # _____

COUNTY AND STATE LICENSING INFORMATION:

State Business Registry #: AGL1031465 FP

Please describe information pertaining to Polk County or State Issued Licenses that you currently hold.

Dept. of Agriculture / USDA

FEE SCHEDULE Business License Regulations: CHAPTER 110: BUSINESS LICENSING. Resolution 2013-03 defines business license fees.

Type of License	Employees	License Fee
Home Occupation, no employees	<input checked="" type="checkbox"/> 0 (Self)	\$50.00 ✓
Home Occupation, with employees	1 +	\$75.00
Commercial	n/a	\$100.00
Temporary		Same fee as business licenses categories

I hereby certify that the information contained herein is true to the best of my knowledge. I agree to abide by all applicable codes and ordinances of the City of Falls City and to correct any hazards or violations as they may pertain to the above business. Issuance of this license does not guarantee that the site or use conforms to the City of Falls City land use regulations.

NAME: TINA L. THOMPSON

BUSINESS NAME: Speaks With Eagles Medicinal Herbs And Spices LLC

SIGNATURE OF APPLICANT: 

Office Use Only:

RECEIVED BY:  DATE: 3/22/2017

TYPE OF LICENSE: Home/No Emp. AMOUNT PAID: _____

RECEIPT #: _____ APPROVED BY: _____

DATE COUNCIL APPROVED: _____

CONDITIONS OF APPROVAL: First time licenses must go before Council for approval.

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: CINCO DE MAYO EVENT AT GEORGE KITCHEN UPPER PARK
DATE: 04/04/2017

SUMMARY

Councilor Dennis Sickles is requesting Council approval of an event to be held in the upper Park for Cinco De Mayo.

BACKGROUND

Councilor Sickles would like to reserve the upper park for an event on May 5th to celebrate Cinco De Mayo. There will be Music and an expected 100 attendees. He is requesting Council approval to serve alcohol and if approved he would have to follow the below procedure.

ALCOHOL – OPTION ONLY AVAILABLE IN UPPER PARK. An alcohol permit must be approved by the City Council. Table wines and malt beverages with an alcohol content of 14 percent or less and packages in less than kegs or cases may be consumed only in areas clearly designated. *Any beverage with an alcohol content over 14 percent is not allowed.* **When serving alcohol the permittee is required to provide OLCC permit.** A liability insurance rider naming the City of Falls City as an additional insured is required when serving alcohol. The Insurance Rider must be comprehensive or commercial general liability endorsed for alcohol liability, be not less than \$500,000 combined single limits, name the City of Falls City as additional insured, and be evidenced by a certificate of insurance approved by the City Attorney.

An Insurance Rider naming the City of Falls City as an additional insured is required for all paid rentals and for all events that serve alcohol.

- All persons and groups to whom a “Use” permit has been granted must agree to hold harmless and indemnify the City of Falls City and, with respect to Falls City parks only, from any and all liability for injury to person or property occurring as a result of this permit’s activity, and agree to be liable to said City for any and all damage to any park, facility, building, equipment, and furniture owned or controlled by the City which results from the activity or permittee or is caused by any participant in said activity.
- Each permittee shall be fully responsible for the physical condition in which the facility is left. The expenses resulting from any damage or maintenance, which is above the normal level of service, shall be charged to the permittee. Failure of the permittee to meet this obligation within 30 days of billing will be cause for cancellation of future privileges, as well as legal action.

With 100 participants Council might also desire to require an additional Porta Potty.

PREVIOUS COUNCIL ACTION

None

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ALTERNATIVES/FINANCIAL IMPLICATIONS

No financial impact to the City.

STAFF RECOMMENDATION

Staff recommends approval of the event.

EXHIBIT

N/A

PROPOSED MOTIONS

I move the City Council of the City of Falls City approve Cinco De Mayo event in the Upper Park, allow Alcohol to be served with the proper OLCC approval and an Insurance Rider approved by the City Attorney, and require ___ porta potties .

bb

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: CITY MANGER DISCUSSION
DATE: 04/04/2017

SUMMARY

Mayor Ungricht discussed with Council his desire to explore avenues on hiring a City Manager.

BACKGROUND

Mayor Ungricht met with the Director of Local Government Personnel Institute (LGPI), which is affiliated with the League of Oregon Cities and help local Governments with Personnel issues. I also met with the Council of Governments (COG) that helped us locate the last three Administrators'. It is looking like we can use their services at an estimated cost of between \$5000 and \$10,000.

I have put together information to help Council decide what duties the Council would like the Manager to be in charge of. Both COG and LGPI said that the first step will be to draft the scope/duties of the job. Exhibit 1 is a draft of what the last Manager was in charge of and exhibit 2 is a few small Cities' estimate of what they are paying for different management positions. Exhibit 3 is a profile that is updated from the last time we used COG to locate a Manager and exhibit 4 is the services that COG provided in the last recruitment, we were charged \$5000.00 for these services. Exhibit 5 is the contract Council approved for our last Administrator.

COG is advertising for a new Director and a new planner, so there will be a delay if Council wants to contract with them for the Manager search; they look like they would be the most cost effective.

PREVIOUS COUNCIL ACTION

None

ALTERNATIVES/FINANCIAL IMPLICATIONS

Estimate \$7500.00 in costs associated with contracting the search for Manager and \$80,000 to \$100,000 a year in a wage package.

STAFF RECOMMENDATION

N/A

EXHIBIT

- Exhibit 1 – Manager Duties
- Exhibit 2 – Wage estimates
- Exhibit 3 – City Manager Profile
- Exhibit 4 – Recruitment duties
- Exhibit 5 – 2012 City Administrator Agreement
- Exhibit 6 – Chapter 8 of Charter, Section 33, City Manager

PROPOSED MOTIONS

N/A

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Exhibit 1

2017

Manager/Recorder tasks and duties:

1. Council
 - a. Manage Council Actions, provide reports, record outcomes
 - b. Prepare ordinances and resolutions
 - c. Maintain the city code based on Council actions
 - d. Codify new ordinances
2. Elections
 - a. Serve as city elections officer
 - b. Prepare elections materials for candidates
 - c. Assist candidates with filings
 - d. Transmit filings to the county
3. Technology
 - a. Develop web content, post meeting agendas, minutes and other materials
 - b. Monitor "Contact Us" email, prepare and send responses.
 - c. Maintain social media accounts.
 - d. Serve as point of contact to IT service.
4. Personnel Management
 - a. Monitor and adjust work schedules, tasks, and workload as appropriate.
 - b. Assures that assigned areas of responsibility are performed within budget
 - c. Monitor performance and provide annual reviews.
 - d. Confer with CIS and LGPI when necessary.
 - e. Maintain personnel files.
5. Records
 - a. Serve as the records manager
 - b. Respond to public records requests, review for redactions and exemptions
 - c. Maintain public records request files
 - d. Maintain city records in accordance with OAR 166.200
 - e. Archive records, manage destruction schedule and method
 - f. Train other staff for records retention and maintenance.
6. Notary
 - a. Review documents for conformity and completion
 - b. Maintain security of notary log
7. Finance
 - a. See Finance Director Duties
8. Court
 - a. Point of contact between Sheriff's office, code enforcer, and contracted court services with City of Independence.
9. Planning/Building
 - a. Serve as point of contact for COG

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- b. Review staff reports for code compliance
- c. Approve building and planning permits

10. General Duties

- a. Attend City Manager Meetings
- b. Attend Mayor's Breakfast meetings

Exhibit 2

EMPLOYEE	POPULATION	SALARY	MEDICAL	VEBA	TOTALS
<u>CITY MANAGER</u>					
Brookings	6,535	\$ 110,244	\$ 13,638	\$ -	\$ 123,882
Talent	6,230	\$ 102,828	\$ 14,064	\$ 660	\$ 117,552
Junction City	5,620	\$ 95,004	\$ 18,516	\$ -	\$ 113,520
Winston	5,410	\$ 89,424	\$ 21,614	\$ -	\$ 111,038
Phoenix	4,580	\$ 85,280	\$ 13,360	\$ 1,200	\$ 99,840
Reedsport	4,150	\$ 82,524	\$ 14,040	\$ -	\$ 96,564
Coquille	3,870	\$ 92,388	\$ 14,428	\$ -	\$ 106,816
Myrtle Creek	3,465	\$ 65,004	\$ 16,979	\$ 1,800	\$ 83,783
				AVERAGE	\$ 106,624
				MEDIAN	\$ 108,927

EMPLOYEE	POPULATION	SALARY	MEDICAL	VEBA	TOTALS
<u>FINANCE DIRECTOR</u>					
Brookings	6,535	\$ 91,212	\$ 13,638	\$ -	\$ 104,850
Talent	6,230	\$ 93,528	\$ 14,064	\$ 660	\$ 108,252
Junction City	5,620	\$ 70,512	\$ 18,516	\$ -	\$ 89,028
Winston	5,410	\$ 58,752	\$ 21,614	\$ -	\$ 80,366
Phoenix	4,580	\$ 79,320	\$ 13,360	\$ 1,200	\$ 93,880
Reedsport	4,150	\$ 51,264	\$ 14,040	\$ -	\$ 65,304
Coquille	3,870	\$ 75,624	\$ 14,428	\$ -	\$ 90,052
Myrtle Creek	3,465	\$ 59,880	\$ 16,979	\$ 1,800	\$ 78,659
				AVERAGE	\$ 88,799
				MEDIAN	\$ 89,540

EMPLOYEE	POPULATION	SALARY	MEDICAL	VEBA	TOTALS
<u>ASSISTANT FINANCE DIRECTOR/CITY RECORDER</u>					
Brookings	6,535	\$ 72,474	\$ 13,638	\$ -	\$ 86,112
Talent	6,230	\$ 78,828	\$ 14,064	\$ 660	\$ 93,552
Junction City	5,620	\$ 61,902	\$ 18,516	\$ -	\$ 80,418
Winston	5,410				
Phoenix	4,580	\$ 57,527	\$ 13,360	\$ 1,200	\$ 72,087
Reedsport	4,150	\$ 47,880	\$ 14,040	\$ -	\$ 61,920
Coquille	3,870	\$ 75,624	\$ 14,428	\$ -	\$ 90,052
Myrtle Creek	3,465	\$ 55,608	\$ 16,979	\$ 1,800	\$ 74,387
				AVERAGE	\$ 79,790
				MEDIAN	\$ 80,418

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EMPLOYEE	POPULATION	SALARY	MEDICAL	VEBA	TOTALS
<u>ADMINISTRATIVE ASSISTANT</u>					
Brookings	6,535	\$ 43,356	\$ 13,638	\$ -	\$ 56,994
Talent	6,230	\$ 40,764	\$ 14,064	\$ 660	\$ 55,488
Junction City	5,620	\$ 35,988	\$ 18,516	\$ -	\$ 54,504
Winston	5,410	\$ 43,932	\$ 21,614	\$ -	\$ 65,546
Phoenix	4,580	\$ 41,025	\$ 13,360	\$ 1,200	\$ 55,585
Reedsport	4,150 #	\$ 37,932	\$ 14,040	\$ -	\$ 51,972
Coquille	3,870 #	\$ 46,248	\$ 14,428	\$ -	\$ 60,676
Myrtle Creek	3,465	\$ 37,740	\$ 16,979	\$ 1,800	\$ 56,519
				AVERAGE	\$ 57,010
				MEDIAN	\$ 56,003

EMPLOYEE	POPULATION	SALARY	MEDICAL	VEBA	TOTALS
<u>PLANNING DIRECTOR</u>					
Brookings	6,535	\$ 63,456	\$ 13,638	\$ -	\$ 77,094
Talent	6,230	\$ 73,992	\$ 14,064	\$ 660	\$ 88,716
Junction City	5,620	\$ 66,180	\$ 18,516	\$ -	\$ 84,696
Winston	5,410				
Phoenix	4,580	\$ 75,040	\$ 13,360	\$ 1,200	\$ 89,600
Reedsport	4,150				
Coquille	3,870	\$ 75,624	\$ 14,428		\$ 90,052
Myrtle Creek	3,465		\$ 16,979		
				AVERAGE	\$ 86,031
				MEDIAN	\$ 88,716

EMPLOYEE	POPULATION	SALARY	MEDICAL	VEBA	TOTALS
<u>PLANNING ASSISTANT</u>					
Brookings	6,535				
Talent	6,230				
Junction City	5,620	\$ 49,404	\$ 18,516		\$ 67,920
Winston	5,410				
Phoenix	4,580	\$ 50,340	\$ 13,360	\$ 1,200	\$ 64,900
Reedsport	4,150	\$ 40,500	\$ 14,040		\$ 40,500
Coquille	3,870				
Myrtle Creek	3,465				
				AVERAGE	\$ 57,773
				MEDIAN	\$ 64,900



City Manager Profile

City of Falls City

299 Mill Street
Falls City, Oregon 97344

Phone: 503.787.3631

Fax: 503.787.3023

This organization is an equal opportunity provider

City Government

The City of Falls City is a charter city with a City Council comprised of a mayor and six councilors elected from the city at large. The City Manager serves at the pleasure of the City Council. The position of City Manager is the administrative officer of the City and has general supervision of administrative affairs, the work of all City departments and all non-elected officers and employees of the City, except the Office of Municipal Judge and City Attorney.

The population of Falls City is 950 and the current budget is approximately \$1,919,455. In addition to the City Manager, the City has four full time positions and one minimal time position. The full time positions include two city clerks and two public works employees. The Fire Chief is a minimal time exempt employee. The City also has a contract City Attorney, City Engineer and City Planner.

The Candidate

Education and Experience

The position requires a Bachelor's degree in public/business administration, accounting or related field and administrative/management local government; or equivalent. Master's level coursework in public administration or related field, including internship placement in local government setting may be used to meet the local government experience requirement. Prior experience in small town environment with limited staff is preferred.

Skills and Past Performance

Candidate must be a "hands-on" City Manager with good overall knowledge of municipal operations, policies and procedures. Excellent communications and interpersonal skills are required to communicate effectively with the community and the City Council. He/she must work well under pressure and possess the ability to multi-task and prioritize effectively. In working with staff, he/she needs to be an effective supervisor who is able to establish clear expectation, provide productive feedback, and foster an atmosphere of teamwork and collaboration.



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Council Relations

Candidate must have the ability to work effectively with the Council and to keep them informed and to provide them with the necessary information, options and recommendations to be able to make informed decisions. The individual must be able to carry out the intentions and directions of the Council in a possible manner and to effectively move forward on the goals and objectives established by the Council.

Budget and Finance

Candidate must have a strong financial and accounting background. The individual should have knowledge of local budget law and be able to prepare a balanced budget and to manage effectively within budgetary constraints. Experience in grant writing, procurement and administration is desirable.

Community Relations

The individual must be able to relate to and work with all citizens and project a positive image of the City. He/she should be comfortable working in a small town environment and be willing to understand the culture of the community.

Intergovernmental Relations

The individual must be able to relate to and develop good working relationship with other governmental entities including other cities, the County, schools, and state and federal agencies.

Compensation

The hiring range for this position is _____, dependent upon qualifications. The City provides health, dental, vision and life insurance through City County Insurance Services. The City participates in the State of Oregon Public Employee Retirement System.

How to Apply

Persons interested in applying should submit a cover letter indicating their specific interest in the position; a detailed professional resume that identifies the relevant qualification and experiences outlined in the position profile and a list of five professional references. Send the cover letter and resume to Falls City –City Manager recruitment, c/o _____ or email to _____ . Position is open until filled.

Veterans' Preference

As of January 1, 2010, under Oregon State Law, public employers must grant a preference to hiring and promotion to veterans and disabled veterans who meet the criteria as set forth under ORS 408.225(1)d. There are four ways to qualify as and eligible veteran:

A veteran must have served on active duty with the Armed Forces of the United State for 178 days or less and have been discharged under honorable conditions because of a service-connected disability; or

A veteran must have served on active duty with the Armed Forces of the United States for a least on day in a combat zone and have been discharged under honorable conditions; or

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A veteran must have received a qualifying military decoration for service in the Armed Forces of the United States.

If you are eligible and wish to claim Veterans' Preference, please indicate so in your cover letter. Please note that you will be required to provide documentation of your eligibility at the time of the appointment. If you would like, you may provide the required documentation with your application material.

The Community

Falls City is a rural community nestled in the foothills of the Cascade Coast Range named for the Little Luckiamute Falls located in the heart of town. Falls City originated as a mill town for processing timber harvested from the surrounding coast range. The City of Falls City is approximately 22 miles southwest of the City of Salem and approximately 55 miles east of Lincoln City. It is located within Polk County.

Falls City offers a local store, a pub, artisan bakery and many home businesses. On any given day, you will see horseback riders on Main Street, logging trucks, golf carts and friendly waves from the local residents.

Visitors and residents alike enjoy our natural resources and local activities such as picnicking, swimming in the Little Luckiamute River, viewing the Falls, walking our foot bridges and the stairs, playing basketball, enjoying one of our many beautiful parks, and the breathtaking views of endless farming and timberland that surround the City. For the more adventurous, Black Rock Mountain biking facility offers extreme outdoor sport activities and the nearby Valley of the Giants offers hiking through towering old growth trees.



Falls City Community Center and Volunteer Fire Department

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Exhibit 4

CITY OF FALLS CITY City Administrator Recruitment

The scope of services for the City Administrator recruitment process include the following activities

- Development of a recruitment timeline
- Meeting with City Council to draft a position profile
- Drafting and placing the position advertisement(s)
- Receiving applications and sending acknowledgement letters
- Screening applications down to those which most closely fit the position profile
- Responding to inquiries from candidates during the recruitment process
- Performing background/reference checks on finalist(s) chosen by the City (four background checks included in the project cost).
- Working with the City in determining the interview process and the development of interview questions and assessments
- Facilitating the interview process
- Sending out regret letters to unsuccessful candidates at appropriate times during the recruitment process.

Exhibit 5

CITY RECORDER/ADMINISTRATOR EMPLOYMENT AGREEMENT

THIS AGREEMENT, is made and entered into this 9th day of August, 2012, by and between the City of Falls City, Oregon, an Oregon municipal corporation (City), and Amber Mathiesen, (Administrator).

City hereby employs Administrator, and Administrator agrees to be employed by City according to the following terms and conditions:

Section 1. Duties.

Administrator shall serve as the City of Falls City Recorder/Administrator, to perform the functions and duties specified in Sections 34 and 35 of the City Charter, Section 31.01 of the Falls City Code, and to perform such other duties and functions as the City Council may from time to time assign.

Section 2. Term and Devotion to Duties.

A. The term of this agreement shall commence on August 20, 2012, and shall continue indefinitely, until terminated in accordance with the provisions of this agreement. For all other purposes, September 1 will be deemed the anniversary date of Administrator's employment, so that each contract year will extend from September 1 each year to August 31 of the succeeding year.

B. City shall have the right to terminate this agreement and Administrator's services as City Administrator at any time, subject only to the provisions of Section 8.A., B. and C., below.

C. Administrator shall have the right to resign as City Administrator and terminate this agreement at any time, subject only to the provisions of Section 8.D., below.

D. During the term of this agreement, Administrator agrees to remain in the exclusive employ of City, to devote Administrator's time and energy to the faithful and effective discharge of Administrator's duties as City Administrator, and not to become employed by any other employer.

Section 3. Salary and Performance Review.

A. City agrees to pay Administrator for Administrator's services rendered pursuant to this agreement a monthly base salary of \$4333.33, payable

each month at the same time as other City employees are paid. Administrator's salary for the first partial month of August, 2012 will be prorated. Administrator shall receive the same cost of living adjustments to Administrator's salary as are given to other city employees.

B. City agrees to review the base salary and other benefits provided under the terms of this agreement at Administrator's performance review, and to make such adjustments, if any, that it deems appropriate. The first such performance review will be conducted in January, 2013. The second performance review will be conducted in August, 2013, and performance reviews shall be conducted at least annually thereafter, or at such other times as the City Council may deem appropriate. Administrator shall receive a copy of each performance review promptly upon its completion.

Section 4. Hours of Work.

Because Administrator will devote a great deal of time outside normal office hours to the business of City, flexibility in hours worked and work schedules are of benefit to both Administrator and City. Work in excess of an average forty (40) hour week will be deemed part of the professional responsibility for which Administrator shall not be paid overtime, but for which Administrator shall be allowed to offset, in part, by taking time off as Administrator deems appropriate, so long as Administrator continues to fulfill Administrator's obligations to City under this agreement.

Section 5. Expense Reimbursement.

City agrees to pay or reimburse Administrator for Administrator's travel, lodging and other reasonable expenses (including, but not limited to, a reasonable allowance for meals while traveling) incurred in the performance of Administrator's duties as Administrator upon the presentation by Administrator of duly-executed expense vouchers, receipts, statements or personal affidavits in accordance with federal, state and local laws as specified in the prevailing policy of City. Automobile mileage shall be reimbursed at the applicable rate established from time to time by the Internal Revenue Service. Administrator's claims for travel, lodging and expense reimbursement shall be subject to review and approval by the Mayor.

Section 6. Dues and Subscriptions; Professional Development.

A. Subject to funds being budgeted for such purposes, City agrees to pay the professional dues of Administrator that are reasonable and appropriate for Administrator's participation in local, state, regional and national

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professional associations and organizations, and for subscriptions to professional publications, to enable Administrator to continue Administrator's professional development, growth and advancement, and enhance Administrator's ability to discharge Administrator's services to City under this agreement.

B. Subject to funds being budgeted for such purposes, City agrees to pay or reimburse Administrator for Administrator's travel, lodging and other reasonable expenses (including, but not limited to, a reasonable allowance for meals while traveling) incurred in connection with meetings of such professional associations and organizations, and other continuing education and professional development programs and activities, upon the presentation by Administrator of duly-executed expense vouchers, receipts, statements or personal affidavits in accordance with federal, state and local laws as specified in the prevailing policy of City. Automobile mileage shall be reimbursed at the applicable rate established from time to time by the Internal Revenue Service. Administrator's claims for travel, lodging and expense reimbursement shall be subject to review and approval by the Mayor and City Finance Director.

C. Administrator shall report to City Council Administrator's involvement in professional associations and organizations, and participation in continuing education and professional development activities and programs under this section. Administrator's involvement in professional associations and organizations, and participation in continuing education and professional development activities and programs shall not be to such an extent as to materially interfere, as determined by the City Council, with Administrator's ability to discharge Administrator's services to City under the terms of this agreement.

Section 7. Fringe benefits; Vacation; Moving Expenses.

A. Administrator shall receive the same fringe benefits as other City employees currently receive and as may hereafter be provided by City to its other employees.

B. Administrator will be entitled to paid vacation on the same terms as other City employees; provided, that Administrator will be entitled three weeks (15 working days) paid vacation during the first contract year of Administrator's employment, and for each contract year thereafter until Administrator's years of service with City equal that of the next increment of paid vacation allotted to other staff under the terms of City's Employee Handbook. Administrator's accrual of paid vacation will be governed by the City's Employee Handbook.

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C. City will reimburse Administrator's household moving expenses incurred in connection with Administrator's engagement by City, up to a maximum amount of \$1500, upon the presentation of proper proof of such expenses to City. Payment will be made within the first year of Administrator's employment.

D. Administrator will be granted a beginning sick leave bank of five days, which constitute the sick leave that Administrator would otherwise accrue during the first five full calendar months of employment. This beginning sick leave bank does not increase the number of sick leave days Administrator is entitled to during Administrator's first full contract year.

Section 8. Termination and Severance Pay.

A. City reserves the right to terminate Administrator at any time, without cause. If City terminates Administrator under this paragraph during the first year of this contract, Administrator shall not be entitled to any severance pay. If City terminates Administrator under this paragraph after one year from the commencement of this contract, City agrees to compensate Administrator an amount equal to three month's salary, only.

B. City will have the right to terminate Administrator (1) for cause on account of any material breach or failure to perform Administrator's services to City in accordance with the terms of this Agreement; (2) if Administrator wilfully and repeatedly fails or refuses to comply with the policies, rules, regulations and standards established by the City Council that have been communicated to Administrator; (3) if Administrator commits a felony, act of dishonesty, theft in any degree, wilful misappropriation of City funds or property, or any other wilful misconduct or insubordination in connection with Administrator's employment; or (4) if Administrator becomes physically incapable of performing Administrator's functions and duties, and such incapacity cannot be reasonably accommodated, and it reasonably appears that such incapacity will last for more than six (6) months. In the event of termination by City under the terms of this subparagraph, City shall have no obligation to pay Administrator any amount of termination or severance pay to which Administrator would be entitled under subparagraph A., above.

C. In the event City reduces Administrator's salary or other benefits (including retirement) payable to Administrator under the terms of this agreement to a greater percentage than an applicable across-the-board reduction for all City employees, or in the event City refuses, following written notice, to comply with any other provision of this agreement, Administrator may, at Administrator's option, be deemed to be terminated as of the date of such

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reduction or refusal to comply, in which case Administrator shall be entitled to severance pay as provided in subsection A., above.

D. Administrator shall have the right to voluntarily terminate this agreement and Administrator's employment with City upon the giving of forty-five (45) days written notice in advance unless such notice requirement is waived or modified by mutual agreement between Administrator and the City Council. In the event of such voluntarily resignation, Administrator shall not be entitled to severance pay as provided in subsection A., above, but shall be entitled to compensation for any accrued Fringe Benefits and unused paid vacation, as described in Section 8, above, in accordance with City policy applicable to City employees, generally. If Administrator terminates this agreement without giving notice as provided herein, Administrator shall forfeit any accrued Fringe Benefits and unused paid vacation, unless the failure to give notice is caused by a substantial medical emergency or condition that prevents Administrator from giving such notice or requires Administrator to resign without giving the required notice.

Section 9. Retirement.

A. Administrator will be entitled to participate in the State of Oregon Public Employees Retirement System (PERS) according to the terms of Administrator's status and participation rights as determined by PERS. Administrator will be responsible for paying Administrator's six percent employee contribution.

B. City will pay contributions for Administrator to the ICMA RC Deferred Compensation Program in an amount equal to 1% of the Administrator's base salary. Contributions will be made monthly and immediately vested to the Administrator.

Section 10. Attorney Fees

In event of legal action or arbitration arising under or relating to the terms of this agreement, or the performance or breach thereof by either party, the prevailing party in such action or arbitration shall be entitled to such party's reasonable attorney fees as may be awarded in arbitration (and on appeal therefrom) or by the court in which such suit or action is tried, heard or decided, and on any appeal therefrom.

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Section 11. Amendment.

Any amendment to this agreement, to be enforceable, shall be in writing, signed by both parties; except that changes to Administrator's salary and Fringe Benefits as described in Section 7, may be made by motion of the City Council, subject to subparagraph 8.C., above.

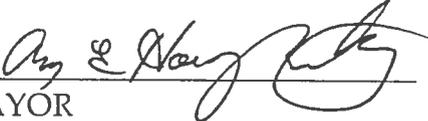
Section 12. General.

A. (Integration.) This agreement supersedes and incorporates all prior agreements between the parties and shall constitute the entire agreement between the parties. No other agreement, promise or understanding between the parties that is not set forth herein shall be binding or enforceable.

B. This agreement shall be binding upon and inure to the parties hereto and, with respect to any benefits to which Administrator may be entitled upon and following the termination of this agreement, to Administrator's heirs and personal representative.

C. If any provision of this agreement is held to be unconstitutional, invalid or unenforceable, such portion shall be deemed severable and the remainder of this agreement shall not be affected but shall continue in full force and effect.

CITY OF FALLS CITY


MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY


CITY ADMINISTRATOR

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Exhibit 6

Chapter VIII APPOINTIVE OFFICERS

Section 33. City Manager.

- a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.
- b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.
- c) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.
- d) The duties and empowerments of the City Manager will be set by ordinance. The manager has no authority over the council or over the judicial functions of the municipal judge.
- e) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.
- f) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manger pro tem will be the Mayor until another manager pro-tem is appointed. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.
- g) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: FALLS CITY SCHOOL REUNION AND OLD TIMERS PICNIC
DATE: 04/05/2017

SUMMARY

The annual Valsetz Reunion is scheduled for August 5, and the School Reunion and old timers' picnic is scheduled for August 11 through 13.

BACKGROUND

The Upper Park has been reserved for the Valsetz Reunion for August 5, 2017 and staff has waived the Gazebo Rental fee. The group has helped with different projects in the Park and always has been an asset to our Community.

The old timers and School Reunion annual event is scheduled for August 11 through the 13th, 2017. In the past Council has allowed the old timers to camp through the weekend and this requires Council approval.

PREVIOUS COUNCIL ACTION

None

ALTERNATIVES/FINANCIAL IMPLICATIONS

No financial impact to the City.

STAFF RECOMMENDATION

Staff recommends approval of the event.

EXHIBIT

N/A

PROPOSED MOTIONS

I move the City Council of the City of Falls City approve Camping in the upper Park for the old timers and School Reunion event on August 11th through the 13th.

AGENDA REPORT

TO: CITY COUNCIL
FROM: TERRY UNGRICH, MAYOR
SUBJECT: GREEN HAVEN WATER AGREEMENT
DATE: 04/06/2017

SUMMARY

The Falls City Council has directed staff to enter into an agreement on Green Haven RV Park's water usage.

BACKGROUND

The Council directed staff to negotiate a water use agreement with Green Haven RV Park that would charge them a fair rate for their usage and a fair rate to the other customers on the water system.

With the help of Councilor Drill we have drafted an agreement that Green Haven RV Park was willing to sign. The agreement changes their base rate of \$108.86 a month to \$326.58, the Utility Reserve fee from \$10.00 to \$30.00 a month, and adds in a base of \$15.00 for 5 semi-permanent RV spots for a total of \$75.00. It keeps their cost for backflow (\$2.25) protection and water overage charges (\$3.12) the same.

This agreement moves us forward on Council's goal of charging the RV Park a rate based on their usage that will bring fairness to the rest of our customer base.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

This agreement would bring additional funds into our water department.

STAFF RECOMMENDATION

Staff recommends approval

EXHIBIT

Copy of Resolution and agreement.

PROPOSED MOTIONS

I move that City Council of the City of Falls City adopt resolution 08-2017, **A RESOLUTION OF THE CITY OF FALLS CITY, OREGON AUTHORIZING A WATER AGREEMENT BETWEEN THE CITY OF FALLS CITY AND GREEN HAVEN RV PARK, A STATE LICENSED BUSINESS OPERATING IN FALLS CITY.**

Resolution 08-2017

A RESOLUTION OF THE CITY OF FALLS CITY, OREGON AUTHORIZING A WATER AGREEMENT BETWEEN THE CITY OF FALLS CITY AND GREEN HAVEN RV PARK, A STATE LICENSED BUSINESS OPERATING IN FALLS CITY.

Recitals

- A. The City of Falls City owns and operates a water supply distribution system that serves the Green Haven RV Park, a State and City licensed business.
- B. The City of Falls City is allowed to make bulk rate agreements, per Chapter 51.04, item E, special contracts of Falls City Municipal Code.
- C. The City and Green Haven RV Park have negotiated an agreement for the sale of water per Chapter 51.04, item G of Falls City Municipal Code.
- D. The City of Falls City has found this agreement for the sale of water to be in the City's best interests.

NOW THEREFORE, the City of Falls City resolves as follows:

Section 1. The Council authorizes the Water Purchase Agreement between Falls City (Seller) and Green Haven RV Park (Purchaser) as attached hereto as Exhibit A.

Section 2. The agreement will go into effect on the beginning of the next billing cycle after signing and dating by both parties of acceptance of the Agreement.

Section 3. This resolution shall take effect immediately upon adoption by the City Council and signature of the Mayor.

Adopted this ____ day of April, 2017..

Date

Terry Ungricht, Mayor

Attest:

Date

JoHanna Birr, City Clerk

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WATER PURCHASE AGREEMENT

This agreement is for the sale and purchase of water and is entered into the 6TH day of April, 2017, between the City of Falls City, a municipal corporation as SELLER, and Green Haven RV Park, as PURCHASER, a Falls City, Polk County, and State Licensed business operating in the boundaries of Falls City located at 200 Church Street, Falls City Oregon. The principles of this contract will take effect April 25, 2017 to reflect the May billing. This agreement supersedes any and all previous water contracts between Falls City and Green Haven RV Park.

Whereas, the Seller has authority under Chapter 51, section 51.04, part E, special contracts for water users that have unusual water usage which the Purchaser qualifies under, and

Whereas, Purchaser operates a 30 full hook up, 10 non-sewer hookups, one (1) living quarters, One (1) office, and a bathroom/shower facility that is operated through a conditional use permit issued by the City of Falls City and provides treated water to the facilities.

Whereas, Seller owns and operates a water supply distribution system that serves the Green Haven RV Park and Seller wishes to enter into an agreement for the distribution of water to the Purchaser that is fair and equitable to both parties.

Whereas, by signature of the City Mayor and Council President, Seller agrees to the sale of water to Purchaser in accordance with the terms set forth and therein and the execution of this contract is duly authorized; and

Whereas, by signature of the representative of Purchaser, parties agree to the sale and purchase of water in accordance to the terms set forth therein and the execution of this contract is duly authorized.

Now therefore, in consideration of the foregoing and the mutual agreements set forth below, the parties agree as follows:

1. Seller shall furnish water to the purchaser to the installed 2" inch meter located on Sellers right of way adjacent to Purchasers property located at 200 Church Street, Falls City, Oregon, 97344.
2. Seller will be responsible for distribution to the meter, to include the 2" meter.
3. Purchaser is responsible to maintain at its own expense backflow device, pressure valve, and all water lines from Purchasers side of the 2" inch meter.
4. Purchaser and Seller agree to a dwelling Multiplier of 3 at the Residential/Commercial inside City limits as set forth in Falls City Resolution 05-2016 or any future Resolutions setting Water rates, and to abide by Chapter 51 of the Falls City Municipal Code which covers the sale and distribution of Water beginning in the May 2017 billing cycle.
5. Purchaser and Seller agree to a \$15.00 fee for 5 semi-permanent RV spots.
6. This agreement can be modified by either party as business conditions at the Green Haven RV Park change from the current operations.
7. Upon 60-days prior notice, either party may terminate this agreement. Upon termination, Purchaser's water rates shall be determined by the applicable water rate schedule in effect at the time, calculated per-dwelling unit.

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Exhibit A lays out the payments expected from Purchaser when billed monthly by the Seller.

In Witness Whereof, the parties hereto, acting under authority of their respective organizations has caused this agreement to be duly executed by the signatures listed below;

Seller: City of Falls City

Purchaser: Green Haven RV Park

Mayor City of Falls City
Date _____

Richard M. Bowman

Principal owner, Green Haven RV Park
Date 4-6-17

Council President City of Falls City
Date _____

Title: _____
Date _____

Exhibit A;

Example of expected monthly payments under current Resolution 05-2016, a Resolution that sets the rates for the City of Falls City and which can be amended by a Resolution of Council.

May 2017 bill;

Current Residential/Commercial Rate for a two inch meter, \$108.86.	
Times the multiplier of 3, $3 \times 108.86 =$	\$326.58
This would set a base water usage of 15 units (15000 gallons)	
Price of each unit (1000 gallons) above base	\$3.12
Capital improvement fee of \$10.00 multiplied by the agreed multiple of 3	\$30.00
Backflow test fee	\$ 2.25
\$15.00 spot fee for 5 semi-permanent spots.	\$75.00

Estimated base monthly bill is **\$433.83 a month and \$3.12 for units over the initial 15 units**, as set by Resolution 05-2016.

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**Mayor's Report,
April 13, 2017 Council Meeting**

There was another main break on Clark Street; this is the third in a little over 2 months on this same zone. The main breaks not only increase our unaccounted water stats, affect 20 customers, and up sets the scheduled work of our Public Works crew, but also highlights the need to move on our distribution upgrades. I am hoping to have the reviews by OHA and OWRD done by the end of April on the Master Water Plan then we can move on finding funding sources. I met with the City Engineer and we will be too late to start the distribution upgrades this summer, so we are shooting for summer of 2018. I am planning on setting the one stop funding meeting to discuss funding for the water projects and wastewater project in July.

I have the numbers all imputed for the 2017/18 budget and have started the narrative, so there should be no problem in getting it delivered to the Budget Committee on Friday the 14th. The State mandated notice on meeting schedule was published in the paper on the 5th and is scheduled to be in the April 12th paper. Remember the first meeting will be April 20th, I am hoping that it will be accepted at the first meeting, it is basically the same format as last year.

I have heard from the Oregon FEMA project coordinator that our desire to have the bridge option for the Dutch Creek crossing has been accepted by FEMA, we still have not received official documentation. Once formally accepted this will increase the project costs from the estimated \$260,000.00 to an estimated project cost of \$380,000.00. The bridge is the best plan for us; it will let more debris flow through and will last the longest.

Public Works has the first blocks set along Parry Road at the Michael Harding Park, they will back fill along the street portion and then we will get the fancy barricades set along the parking lot side. I hope to have all of the barricades in place by the middle of May and work started on the emergency access gate.

I located a 1978 Caterpillar grader that was surplused by the Corp of Engineers and is in Lowell Oregon. The grader would be 15 years newer than the one we currently have and only has 1058 hours on it. I negotiated a \$4000.00 price for the grader and then we would have to get it delivered and have a complete service done to it. We are second in line for it, the number one bid is for an Indian Reservation and they have priority over us, but they do not always take delivery, so if they don't take delivery it will be ours.

I have ordered the new public works truck, expected delivery is for July. We will make the first payment in the 2016/17 budget and I have budgeted the next payment out of the Street fund with monies from the other departments to be transferred there to cover it.

MONTHLY EXPENSE REPORT

MAYOR UNGRICHT

03/03/2017:	40 Miles, 2 trips to Dallas, General Rental Asphalt cutter.
03/07/2017:	25 Miles, Monmouth, Bank.
03/14/2017:	25 Miles, Monmouth, Bank.
03/16/2017:	25 Miles, Monmouth, Bank.
03/17/2017:	25 Miles, Monmouth, Bank.
03/20/2017:	25 Miles, Monmouth, Bank.
03/22/2017:	25 Miles, Monmouth, Bank.
03/27/2017:	25 Miles, Monmouth, Bank.
03/28/2017:	65 Miles, Corvallis, water sample.
03/28/2017:	60 Miles, Salem, Water line supplies.

Miles 340 x 53.5 = \$181.90 mileage.

Total reimbursement = \$ 181.90

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Public Works Staff Report for March, 2017

Wednesday, 1 Went into Dallas gas, trying to locate leak at City Hall, finish up clean up from main brake on Estelle Rd. finish up back filling around water services West Blvd.

Thursday, 2 Trying locate leak, could be in street.

Friday, 3 Replace service line into City Hall.

Saturday, 4 Sunday, 5 Routine water and sewer.

Monday, 6 Power outage WTP, power restored 11:00 pm,

Tuesday, 7 Refueled generator WTP, trimming hedge Community Center.

Wednesday, 8 Hedge trimming, Pump septic tanks 159/163 Dayton, 166/180 Dayton.

Thursday, 9 Finish hedges, pump 277 North Main, 86 North Main and 108/18.

Friday, 10 Finish up pumping 212/216 North Main

Saturday, 11 Sunday, 12 Routine water and sewer.

Monday, 13 Lawn maintenance, Problem with water meter at 1020 Mitchell, someone broke register, replaced.

Tuesday, 14 Clean Glaze Cr. Intake, leak adjustment check Ellis St. water w/o 134 Carry Court turn service off.

Wednesday, 15 Equipment maintenance, ran grader.

Thursday, 16 Sewer samples, delivery of water and sewer delinquent notices.

Friday, 17 Lawn mower maintenance, clean UV system WWTP.

Saturday, 18 routine water.

Sunday, 19 Routine water and sewer.

Monday, 20 Mowed park grounds and City Hall.

Tuesday, 21 Dallas gas, physical shut offs.

Wednesday, 22 Working on sewer gravel, graded roads and hauled gravel on North side of town.

Thursday, 23 Meter reading.

Friday, 24 Finish meters and rereads.

Saturday, 25 Routine water, called out 285 Bryant, sewer back-up owners responsibility.

Sunday, 26 Routine water and sewer.

Monday, 27 Did P/R work for water customers with high use age, Les Schwab, tier repair.

Tuesday, 28 Dallas gas, pick up tier, found lead on Clark St. park planning blocks Harding park.

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Wednesday, 29 Repair water main, chlorine delivery WTP.

Thursday, 30 Graded roads from water main brakes, on Clark, Forest View, Estelle and rock.

Friday, 31 Open and clean upper park, mowed City grounds.

Library Director's Report

April 2017

- **Attendance** for the month of March was 84 adults and 55 children (139 total). 106 (76%) were there for research related activity.
- I hosted the monthly CCRLS director's meeting at the Salem Public Library.
- I have purchased 300 solar eclipse viewing glasses that I will offer to Falls City residents for free.
- Wagner Library's seed exchange program is ongoing and so far has been quite successful.
- Weekly volunteers Michaelena Mounier and Jaque Morris continue helping to reorganize Wagner's collection.
- Have started an account with Ingram Content Group to order new books for Wagner's collection.
- Have begun actively planning 2017 Summer Reading Program.

Andy Rommel – Library Director