

Notice of Public Meeting

City Council Meeting

AGENDA

CITY OF FALLS CITY, OREGON

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

Thursday August, 23 2018 6:00 p.m.

Posted on August 15, 2018

1. Call to Order

- a. Roll Call: Jeremy Gordon, Mayor _____ Dennis Sickles _____ Lori Jean Sickles _____
- b. Jennifer Drill _____ Tony Meier _____ Charlie Flynn _____ Clifford Lauder _____

2. Pledge of Allegiance

3. Motion to Adopt the Entire Agenda

4. **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.

5. New Business:

- a. **Public Hearing:** Wagner Public Library Closure (Resolution 24-2018)
 - i. Agenda Report pg. 1-2
 - ii. Resolution 24-2018 pg. 3
 - iii. Exhibits pg. 4-10
- b. Resolution 25-2018 Disposition of Library Books
 - i. Agenda Report pg. 11
 - ii. Resolution 25-2018 pg. 12
- c. Ordinance 553-2018 Address Assignment; Emergency
 - i. Agenda Report pg. 13-14
 - ii. Ordinance 553-2018 pg. 15
 - iii. Exhibits pg. 16
- d. Ordinance 554-2018 CPMA/ZC 18-01
 - i. Agenda Report pg. 17
 - ii. Resolution 22-2018 pg. 18-19
 - iii. Exhibits pg. 20-27
- e. Resolution 26-2018 CDBG Engineering Contract
 - i. Agenda Report pg. 28
 - ii. Resolution 26-2018 pg. 29-42

6. Council Announcements

- a. Next regular Council Meeting September 13, 2018 6:00 pm.

7. Adjourn

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

AGENDA REPORT

TO: COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: WAGNER PUBLIC LIBRARY CLOSING
DATE: AUGUST 23, 2018

SUMMARY

On November 9, 2017 the City Council motioned to close the Library on August 31, 2018.

BACKGROUND

Oregon State law requires cities to follow ORS 357.621 when deciding to close a public library:

ORS 357.621 Public hearings required prior to abolishing or withdrawing support from public library. No governing body which has established a public library under the laws of this state shall abolish or withdraw support for such library without first holding at least two public hearings on the matter at least 90 days apart. The governing body shall give public notice of the public hearing in a newspaper of general circulation in the area for two successive weeks at least 30 days prior to the first hearing.

This, the second public hearing required by ORS 357.621, was properly noticed and is occurring 91 days after the first.

PREVIOUS COUNCIL ACTION

November 9, 2018 Council motioned to begin the process of closing the Wagner Public Library.

May 24, 2018 the first public hearing required by ORS 357.621 was properly noticed and held.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Savings would be approximately \$48,000.00 per year

STAFF RECOMMENDATION

N/A

EXHIBITS

1- Resolution 24-2018

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2- Affidavit of publication and the associated newspaper article satisfying the notice requirements in ORS 357.621

3- Letter to the School District dated Oct 27, 2017

4- Resolution 17-2014

5- IGA between the City and the School District to jointly fund and operate the Wagner Library.

PUBLIC HEARING

Mayor calls public hearing open at _____.

Mayor requests anyone wishing to speak on the issue.

Mayor closes the public hearing at _____.

PROPOSED MOTION

I motion that the City Council of Falls City adopt Resolution 24-2018, A RESOLUTION TO TERMINATE THE INTERGOVERNMENTAL AGREEMENT WITH FALLS CITY SCHOOL DISTRICT ADOPTED IN RESOLUTION 17-2014 AND PERMANENTLY CLOSE THE WAGNER PUBLIC LIBRARY.

RESOLUTION 24-2018

A RESOLUTION TO TERMINATE THE INTERGOVERNMENTAL AGREEMENT WITH FALLS CITY SCHOOL DISTRICT ADOPTED IN RESOLUTION 17-2014 AND PERMANENTLY CLOSE THE WAGNER PUBLIC LIBRARY.

WHEREAS, the City of Falls City entered into an intergovernmental agreement to jointly fund and operate the Wagner Public Library in Resolution 17-2014; and

WHEREAS, paragraph three in the "Termination of Agreement" section of the agreement allows either party to terminate the agreement with 30 days written notice for lack of available funding; and

WHEREAS, the City of Falls City advised the Falls City School District in writing on October 27, 2017 of its intent to close the library due to lack of funding; and

WHEREAS, the City of Falls City no longer has sufficient revenues in the Wagner Library Trust to continue making payments under the agreement; and

WHEREAS, ORS 357.621 provides certain notice and public hearing requirements prior to closing a public library; and

WHEREAS, the City of Falls City has fully complied with the provisions of ORS 357.621.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Falls City that the Intergovernmental Agreement entered into by Resolution 17-2014 be terminated, and the Wagner Public Library be permanently closed.

Approved and adopted at a regular meeting of the City Council held on the 23rd day of August 2018.

Date

Jeremy Gordon, Mayor

Attest:

Date

JoHanna Birr, City Clerk

Affidavit Of Publication

STATE OF Oregon

ss.

County of Polk

I, Emily Mentzer, being

first duly sworn, depose and say I am the EDITOR

of the Polk County Itemizer-Observer, a newspaper of general circulation as defined by ORS 193.010 and 193.020, printed and published at Dallas in the aforesaid county and state; that the Public Hrg-Wagner Lib

_____, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for _____ successive and consecutive weeks in the following issues: _____

04/11/18, 04/18/18

Emily Mentzer

Subscribed and sworn to before me this April 18, 2018

Dawn Dolores Ohren

Notary Public for Oregon

(My Commission Expires November 2, 2019)

Polk County Itemizer-Observer
147 SE Court St, Dallas, OR 97338

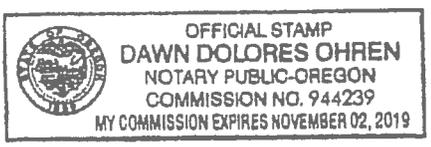


Exhibit 2

NOTICE OF PUBLIC HEARING

A meeting of the Falls City Council will be held on May 24, 2018 at 6:00 p.m. and August 23, 2018 at 6:00 p.m. at the Falls City Community Center, 320 Main, Falls City, OR 97344. The purpose of this meeting will be to discuss the motion approved by council to close Wagner Public Library. Oregon State law requires cities to follow ORS 357.621 when deciding to close a public library.

All persons interested are invited to attend this hearing and be heard. Written comments may be submitted to: City Hall, 299 Mill St., Falls City, OR 97344 Phone: (503) 787-

3631

Email: manager@fallscityoregon.gov

(Apr. 11, 18, 2018)

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Exhibit 3



City of Falls City
299 Mill Street
Falls City, OR 97344
Ph. 503.787.3631

OFFICE OF THE MAYOR
AND CITY MANAGER
TERRY UNGRICHT

October 27, 2017

Art Houghtaling
Falls City School District
111 N Main St
Falls City, OR 97344

Greetings Art,

I wanted to update you and the School Board on where the Falls City Council is on the Library issue. As you know we have jointly held multiple meetings to try and find a funding source, through either a District or Levy, but it has not been successful.

Council considered running a standalone levy for Library operations, but issues with a contract with Southwest Rural Fire District and the City Department has ran into some critical issues. Council had to make the tough decision on what to submit for the May ballot, a combination Library/Fire Levy or a Fire only levy. It was felt that the best chance of getting a levy passed would be to concentrate on the Fire Department, while the Council hates to see our Library close it was decided that Fire services is the priority for our Citizens.

So I regret to inform the School Board that Council has motioned to close the Library as of June 30, 2018. Staff will be following ORS 357.621 to develop a Public Meeting schedule to close the Library by June 30, 2018. We have heard rumors that the School District would like to extend the date to allow for the summer reading program, but have not received anything from the Board. I am sure Council would be happy to deliberate on any request the School Board has on developing the final date, but we will need plenty of time to follow the requirements of ORS 357.621.

Staff will be including an Agenda item on the Library closure at the November 9th Council meeting with a detailed Public Hearing/notice calendar. Representatives from the Board are welcome to attend for input on this issue, or if the Board has a proposal of a different closing time I would be happy to make it available at the meeting for Council deliberation and modify the dates of closure based on Council direction.

We want to express our gratitude to the School District for all of the help they have given the City to keep the Library open and express our sorrow that we have to take this action. Feel free to contact me with any questions and if you would like me to attend the School Board meeting let me know the time and date.

Thank you


Terry Ungricht

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Exhibit #

RESOLUTION 17-2014

A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FALLS CITY AND THE FALLS CITY SCHOOL DISTRICT FOR LIBRARY SERVICES.

FINDINGS:

1. The City of Falls City desires to continue to provide library services to the community.
2. The Falls City School District is willing to provide management for library services.
3. It is in the best interest in the community to partner with the Falls City School District to maintain library services and seek solutions for the future of the library.

NOW THEREFORE,

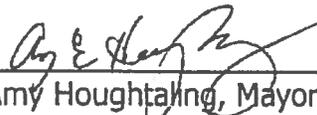
THE COMMON COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. The intergovernmental agreement between the City of Falls City and the Falls City School District for Library Services, which is attached hereto and incorporated herein by this reference is hereby approved and adopted by this Resolution.

Section 2. This Resolution was duly PASSED and ADOPTED by the Falls City Council this fourteenth (14) day of August 2014, and takes effect upon signing by the Mayor.

Approved:

8/14/14
Date



Amy Houghtaling, Mayor

Attest:

8/14/14
Date



Amber Mathiesen
City Administrator/Recorder

Exhibit 5

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement is made between the Falls City School District, hereinafter FCSD or District, and the City of Falls City, hereinafter City, under ORS 190.010, to collaborate in the operation of a community library and to collaborate to form a library district based on a mutual understanding that this benefits the Falls City community. The intent is that within the term of this Agreement, a library district will be formed that will fully support the community library.

FCSD and City hereby agree to the following:

1. Both parties will mutually agree on all applications for grants for the support and operation of the library.
2. Representatives from both parties will be involved in the hiring process for a FCSD employee to run the community library.
3. This Agreement is valid until five (5) years from the date of the signature of the documents, unless it is terminated earlier by the terms of the Agreement. If the library district is not formed within five (5) years from the date of this Agreement, the parties may agree to negotiate a new agreement.
4. The parties will establish a community library committee of up to eight (8) community members to serve as an advisory committee to City, FCSD and the community. The committee will have two (2) members appointed by FCSD and two (2) members appointed by City. Up to four (4) community members will be selected through the following process: applications will be submitted for the advisory board, FCSD and City will review the applications and jointly appoint the members.

Duties and Responsibilities of FCSD:

1. FCSD will assist in the formation of a library district.
2. FCSD will hire a school district employee for a .8 position. City will be allowed feedback in the employee review process. The District will provide .55 of the employee's time to fill the community library position, and the remaining .25 of the employee's time will be in a District position. The District will maintain full rights and obligations as the employer in both positions.
3. FCSD will present the library job description to both the FCSD Board and the City Council, and both boards must approve the job description.
4. The FCSD Superintendent and/or his/her designee will supervise the library.
5. FCSD will provide space, utilities, insurance and custodial services for the term of this Agreement, or until termination of the Agreement.

6. FCSD will provide library reports to the FCSD Board and to the City.

Duties and Responsibilities of City:

1. The City will pay FCSD for .55 FTE of the school district employee's position. The 2014-15 rate will be \$28,534 which includes benefits. This amount will be paid in advance by no later than July 15 each year for the term of the Agreement. The rate each year will be adjusted based on the FCSD costs for the employee. If the Agreement is terminated prior to the end of the FCSD fiscal year, FCSD will return to City a pro-rated amount for the remainder of the year.

2. The City will pay for its share of the costs related to forming the library district from the Wagner Funds Trust subject to City Administrator approval.

3. The City will reimburse FCSD for all water and sewer service on a quarterly basis for the Wagner Community Library building. City will make a payment for these service costs to FCSD within 15 days of the end of each quarter.

Compliance with Applicable Law: Each party shall comply with federal, state and local laws applicable to public contracts and to the work done under this Agreement, and all regulations and administrative rules established pursuant to those laws.

Indemnity and Hold Harmless: To the extent permitted by Article 2, section 7, of the Oregon Constitution, and by the Oregon Tort Claims Act (ORS 30.260, et seq.), the District shall hold harmless the City and the District shall indemnify the City against any liability for damage to persons or property arising out of the negligent acts of the District or its agents or employees; provided, however, that the District shall not be required to indemnify the City for any such liability arising out of the intentional or wrongful acts of the District or its agents or employees or of the City or its agents or employees. Similarly, the City shall hold harmless the District and the City shall indemnify the District against any liability for damage to persons or property arising out of the negligent acts of the City or its agents or employees; provided, however, that the City shall not be required to indemnify the District for any such liability arising out of the intentional or wrongful acts of the City or its agents or employees or of the District or its agents or employees. In addition, the District shall have no liability for any damages or defense costs, including bodily injury, personal injury, or property damage caused by, resulting from, or arising out of the use of a firearm by any City employee, officer, or agent.

Governing Law: The provisions of this Agreement shall be construed in accordance with the laws of the State of Oregon. Any legal action involving any questions arising under this Agreement must be brought in the Polk County Circuit Court.

Termination of Agreement:

1. **No Cause.** Either party may terminate this Agreement in writing with one year's notice.

2. For Cause. Either party may terminate this Agreement with 30 days' written notice in writing that the other party has violated the terms of this agreement and a statement of the terms violated.

3. Subject to Available Funding. The City understands and agrees that the District's payment of amounts of money under this Agreement is contingent on the District receiving sufficient revenue to allow the District, in the exercise of its reasonable policy and administrative discretion, to continue to make payments under this Agreement. Likewise, the District understands that the City's payment of amounts of money under this Agreement is contingent on the City receiving sufficient revenue or funds from the Wagner Fund to allow the City, in the exercise of its reasonable policy and administrative discretion, to continue to make payments under this Agreement. Either party may terminate this agreement based on insufficient revenue with 30 days' written notice.

4. Unanticipated Event or Emergency of FCSD. In the event FCSD determines the library space is required by FCSD for additional unanticipated instructional space, or is not available based on an unanticipated event or emergency, it has the right to unilaterally terminate this Agreement with at least ten (10) days' notice. An unanticipated event could be, but is not limited to, a change in building codes, or requirement of state or federal laws that require modification of building space. An emergency could be, but is not limited to, an event such as fire, flood, pipes breaking, weather damage, etc.

AGREED:

Falls City School District

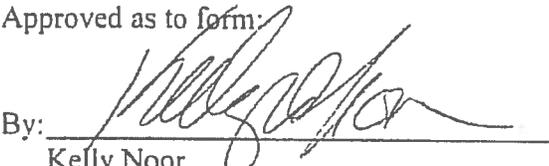
By: 
Larry Stokes, Board Chair

Dated: 8-19-14

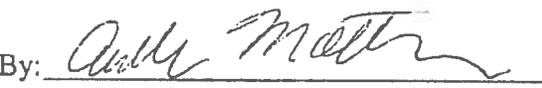
By: 
Jack Thompson, Superintendent

Dated: 8-19-14

Approved as to form:

By: 
Kelly Noor
Attorney for Falls City School District

City of Falls City

By: 
_____, City Administrator

Dated: 8/25/14

Approved as to form:

By: 
Lane Shetterly
City Attorney

AGENDA REPORT

TO: COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: DISPOSITION OF WAGNER PUBLIC LIBRARY BOOKS
DATE: AUGUST 23, 2018

SUMMARY

Donation of children and young adult books to Falls City Elementary School; unique books to Chemeketa Cooperative Regional Library System; all remaining books to the Falls City School District for a book sale.

BACKGROUND

Due to a lack of funding the Wagner Public Library has been closed. However, the books from the library still remain and must be disposed of in some manner. Andy from the library and Superintendent Art Houghtailing have consulted and are in agreement with the plan outlined herein.

PREVIOUS COUNCIL ACTION

November 9, 2018 Council motioned to begin the process of closing the Wagner Public Library. May 24, 2018 the first public hearing required by ORS 357.621 was properly noticed and held. August 23, 2018 the final public hearing required by ORS 357.621 was held, and the library was closed.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Retain the books and pay for movement and storage until some other suitable option can be determined.

STAFF RECOMMENDATION

Adopt.

EXHIBITS

None.

PROPOSED MOTION

I motion that the City Council of Falls City adopt Resolution 25-2018, A RESOLUTION TO DISPOSE OF WAGNER PUBLIC LIBRARY BOOKS.

RESOLUTION 25-2018

A RESOLUTION TO DISPOSE OF WAGNER PUBLIC LIBRARY BOOKS.

WHEREAS, the City of Falls City has closed the Wagner Public Library due to insufficient funding capabilities; and

WHEREAS, the books from the Wagner Library must be disposed; and

WHEREAS, the City of Falls City desires to support public learning and knowledge through donation of City owned books; and

WHEREAS, the Falls City School District has agreed to dispose of the Wagner Library books; and

WHEREAS, all children and young adult books will be donated to the Falls City Elementary School; all unique books will be donated to the Chemeketa Cooperative Library System; and all remaining books will be sold by the Falls City School District to their benefit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Falls City that the books from the Wagner Library be disposed as outlined herein.

Approved and adopted at a regular meeting of the City Council held on the 23rd day of August 2018.

Date

Jeremy Gordon, Mayor

Attest:

Date

JoHanna Birr, City Clerk

AGENDA REPORT

TO: CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: ORDINANCE 553-2018, AN ORDINANCE ASSIGNING AN ADDRESS NUMBER FOR A RESIDENTIAL STRUCTURE
DATE: AUGUST 23, 2018

SUMMARY

The City approved a Building Permit Application for a new Residential Structure for a vacant lot on Carey Ct. Falls City Zoning and Development Ordinance states in pertinent part: For all residential uses, the front of the home shall face the street on which the address will be placed. FCZDO 1.202.02.

An address of 138 Carey Ct. is recommended.

BACKGROUND

The Building Permit for a Residential Zone construction was approved on July 2, 2018.

Local Governments control house numbering. Numbering standards in the United States: odd numbers are on one side and even numbers on the other. Falls City has "grid" street naming system in much of the town. In many cases, Falls City numbering has been done by lot of record within blocks.

This ordinance was placed in City Hall, in writing, on August 15, 2018; 1 week and 1 day prior to this meeting.

PROCEDURE TO ADOPT AN ORDINANCE

Falls City Charter Section 16. Ordinance Adoption.

- a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council after reading of the ordinance at two meetings.
- b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.**
- c) Any of the readings of an ordinance may be by title, only, unless a councilmember present at the meeting requests to have the ordinance read in full.

PREVIOUS COUNCIL ACTION

None.

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A.

STAFF RECOMMENDATION

Staff recommends the City Council read only the title of Ordinance 553-2018 and adopt at a single meeting in accordance with Falls City Charter Section 16(b).

If City Council adopts this Ordinance City Hall will notify the Postmaster, our local Post Office, Polk County Elections, Polk County Community Development, Polk County Public Works, Polk County Assessor, Polk County Sheriff Office, our City Planner at Council of Government, Falls City Volunteer Fire Association, Falls City Public Works, Willamette Valley 911, Century Link & Pacific Power.

EXHIBIT

Exhibit A- Ordinance 553-2018

Exhibit B- Polk County Web Map of Area noting surrounding addresses

PROPOSED MOTION

I move the City Council of the City of Falls City read Ordinance 553-2018 by title only.

I move the City Council of the City of Falls City adopt Ordinance 553-2018 AN ORDINANCE ASSIGNING AN ADDRESS NUMBER FOR A RESIDENCE; AND DECLARING AN EMERGENCY.”

ORDINANCE NO. 553-2018

AN ORDINANCE TO ESTABLISH A NEW ADDRESS FOR A RESIDENCE; AND DECLARING AN EMERGENCY.

WHEREAS: There was generated a need, upon the approval of a building permit, to assign a new street address to the unit located on Map 8.6.21BD, Tax Lot 3800.

WHEREAS: It was determined that in order to better serve the health, safety and welfare of the citizens of Falls City, it is necessary to adopt an ordinance that will assign a house number for the residential structure, in order to assist emergency service agencies, the United States Postal Service and the public in the timely and efficient provision of services to residents and businesses of Falls City.

WHEREAS: Falls City Fire Department, the Post Office and the City have agreed to the assignment of the new addresses.

WHEREAS: The City Council has the authority to assign or change address numbers on streets within the city limits.

The City of Falls City ordains as follows:

Section 1. That the property and residential structure located on Map 8.6.21BD, Tax Lot 3800 in Falls City, Oregon hereby be numbered 138 Carey Ct.

Section 2. For all residential uses, the front of the home shall face the street on which the address will be placed. Minimum six-inch high reflective address numbers shall be at the front of the main building or at the driveway access (Falls City Zoning and Development Code 2.101.09).

Section 3. All prior and conflicting ordinances are hereby repealed.

Section 4. This ordinance being necessary for the peace, health and safety of the people of Falls City, an emergency is hereby declared and this Ordinance shall take effect upon final passage by the council.

Section 5. This ordinance was available to the public in writing at City Hall 8 days prior to the first reading. If passed unanimously after the first reading this Ordinance will take effect without a second reading in accordance with Falls City Charter Section 16(b).

READ, PASSED, AND ADOPTED by the Common Council of the City of Falls City this _____ day of August, 2018.

AYES: _____ NAYS: _____ ABSTAIN: _____

Jeremy Gordon, Mayor

ORDINANCE NO. 553-2018

ATTEST _____

JoHanna Birr, City Clerk

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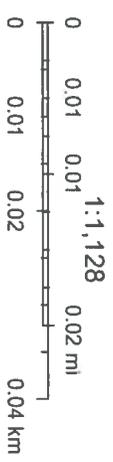
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August 15, 2018

Exhibit B

- Urban Growth Boundaries
- Taxlots
- City Limits



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geodase, IGN, Kadaster NL, Ordnance Survey, Esri, Polk County GIS

AGENDA REPORT

TO: CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: ORDINANCE NO. 554-2018 AN ORDINANCE AMENDING THE CITY OF FALLS CITY ZONING MAP, RELATED TO APPLICATION FILE NO. ZC 18-01.
DATE: AUGUST 23, 2018

SUMMARY

Consider motion for first reading of Ordinance

PROCESS FOR ADOPTION

8/23/18 – Motion to read Ordinance for first time by title only

9/13/18 – Motion to read Ordinance for a second time by title only

Motion to Adopt Ordinance

10/13/18 – Motion will take affect if adopted

BACKGROUND

See Staff Report for ZC 18-01

PREVIOUS COUNCIL ACTION

Voted to approve the zone change and comp plan map amendment on 8/9/18.

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

Staff recommends the City Council read Ordinance 554-2018 by title only

EXHIBIT

ORDINANCE NO. 554-2018 AN ORDINANCE AMENDING THE CITY OF FALLS CITY ZONING MAP, RELATED TO APPLICATION FILE NO. ZC 18-01.

PROPOSED MOTION

I move the City Council of the City of Falls City read the Ordinance 554-2018 for the **first time** by title only. "ORDINANCE NO. 554-2018 AN ORDINANCE AMENDING THE CITY OF FALLS CITY ZONING MAP, RELATED TO APPLICATION FILE NO. ZC 18-01."

CITY OF FALLS CITY

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

STAFF REPORT
COMPREHENSIVE PLAN MAP AMENDMENT AMD ZONE CHANGE
Staff Report: AUGUST 2, 2018
City Council Hearing: AUGUST 9, 2018

I. BACKGROUND

FILE NUMBER: CPMA/ZC 18-01

NATURE OF APPLICATION: Comprehensive Plan Map Amendment (CPMA) to change the designation from Public Assembly/Institutional to Commercial/Residential (CR) and a Zone Change (ZC) from Public Assembly/Institutional (PAI) to Commercial/Residential (CR).

APPROVAL CRITERIA: Falls City Zoning and Development Ordinance, Sections 3.206, D, for the CPMA and 3.207, D, for the ZC.

PROPERTY LOCATION: 401 Lombard Street (Assessors Tax Map and Lot: 8, 6, 21CB, 00200). See next page for vicinity map.

PROPERTY AREA: 1.48 acres (64,468 sq. ft.)

APPLICANT: Oregon Conference Education Association, 19800 Oatfield Road, Gladstone, OR 97027.

OWNER: Same as above.

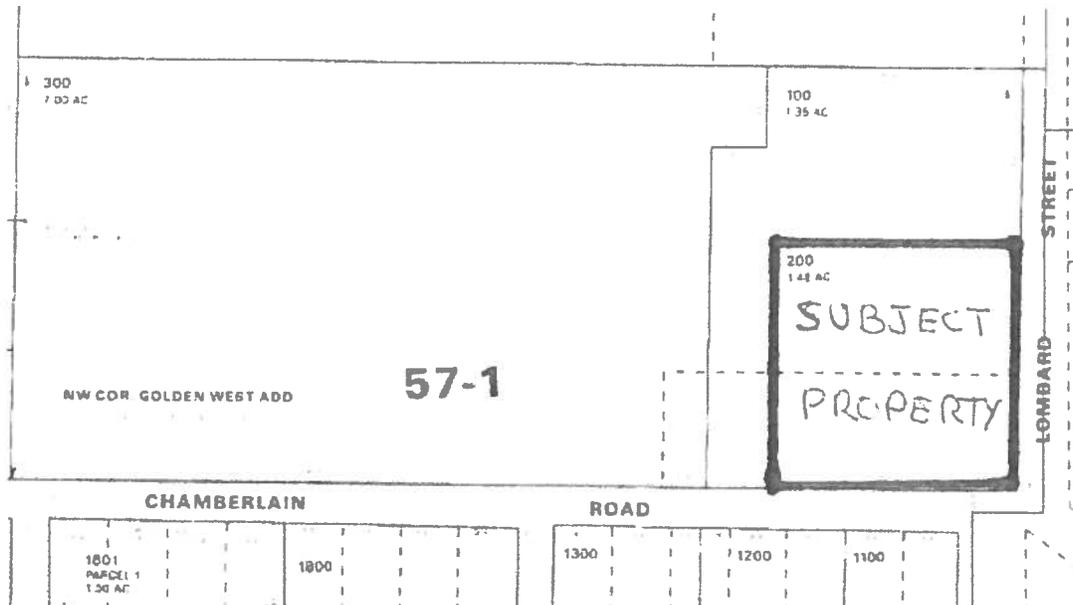
ZONE DESIGNATION: Public Assembly/Institutional (PAI)

COMP. PLAN DESIGNATION: Public Assembly/Institutional (PAI)

CURRENT USE: Two vacant buildings previously used for a church/school.

EXHIBITS: A: Assessors Map
B: LU Application

VICINITY MAP:



II. REQUEST

A Comprehensive Plan Map Amendment (CPMA) to change the designation from Public Assembly/Institutional to Commercial/Residential and a Zone Change (ZC) from Public Assembly/Institutional (PAI) to Commercial/Residential (CR) for 1.48 acres.

Both the Comprehensive Plan Map Amendment and the Zone Change are Type III Procedures (Quasi-Judicial). Type III decisions are made by the City Council after a public hearing (the Planning Commission is not active at this time), with appeals reviewed by the Oregon Land Use Board of Appeals. Type III actions include discretionary approval criteria.

III. CRITERIA - COMPREHENSIVE PLAN MAP AMENDMENT

Section 3.206(D): Criteria for Approval: Approval or denial of the application shall be based upon the following criteria:

1. *The proposed amendment is consistent with applicable goals and policies of the Comprehensive Plan.*

Applicant Response: The comprehensive plan designation reflects the long time use of the parcel as a fellowship hall and church school but, according to the applicant, the uses are no longer viable on the subject property and the owner/operator desires to sell the property to a party who can provide residential and/or commercial uses. An email from the city to the city planner, April 21, 2017, indicates "The property contains a church school building, general purpose building and old playground."

Findings: Staff finds the proposed amendment is consistent with the following goals and policies of the Falls City Comprehensive Plan:

Citizen Involvement:

Policy 1- To encourage residents to attend and participate in planning commission, city council meetings and all public hearings.

The required mailed notice of the hearing was mailed to property owners within 250 feet of the subject property at least 20-days prior to the August 9, 2018 hearing. The required posting of a notice of the hearing was completed at least 10-days prior to the August 9, 2018 hearing. Staff finds the proposed changes are consistent with Policy 1.

Policy 2- To make public notices of meetings, zoning and other land use changes, and other planning issues.

The process used for the City Council public hearing includes the required notices set forth in the Falls City Development Code. Staff finds the proposed changes are consistent with Policy 2.

Land Use:

Policy 2- The Planning Commission and City Council should only make amendments or changes to this plan after public hearings and official action. Staff finds the decision on the subject application will be made following a City Council hearing.

- 2. The proposed amendment is not in conflict with the Statewide Planning Goals, applicable Oregon Administrative Rules, or State statutes.*

Findings: See findings under Statewide Planning Goals, below.

- 3. There is a public need for the proposed amendment.*

Applicant Response: The church is “no longer active and the property has been listed for sale.”

Findings: According to the City, the property contains a church school building, general purpose building and old playground. The owner has found it is not possible or that there is not a need to continue the prior uses and plans to sell the property. Staff finds the requested Comprehensive Plan Map designation of Commercial/Residential will allow for a greater range of uses. Staff also finds there is a need for additional commercial and residential land in Falls City and Staff finds this criterion is met.

- 4. The property included in a Map Amendment is physically suited for the uses permitted by the proposed comprehensive plan designation, considering the size, shape, topography and vegetation of the subject site.*

Applicant Response: The applicant states that the property is previously developed and suitable for uses permitted in the CR zone/designation and is served by city services.

Findings: Properties abutting to the north and west are designated “Commercial/Industrial” on the Comprehensive Plan Map. The properties across Lombard Street to the east and across Chamberlain Street to the south are designated Residential on the Comprehensive Plan Map. The Public Assembly/Institutional designation reflected the church ownership and use as a church school. Staff finds the proposed amendments will better align with the surrounding designations and zoning and provide for commercial, residential, or a mix, of uses and may provide a transition between the Commercial/Industrial and Residential designations. Staff finds this criterion is met.

5. *The property included in a Map Amendment is presently serviced, or will be serviced concurrently with development, with adequate public facilities and services and transportation networks to support the uses permitted by the proposed comprehensive plan designation.*

Applicant Response: N/a.

Findings: Public works reviewed the application and expressed no concerns as the current use has been discontinued and any proposed future use must comply with the Falls City Development Code required review process (i.e., Site Development Review for a multi-family or commercial use or a land division review for a single family residential development) and/or meet State and Local building code requirements. A change of use or future development of the subject property will be subject to compliance with the Falls City Development Code. Staff finds this criterion is met.

STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement.

Findings: The public will be given the opportunity to voice their concerns at a duly noticed public hearing before the City Council and those who establish standing will be notified of the decisions made on the applications. Notice of the public hearing was posted on the subject property at least 10 days in advance of the hearing and mailed to property owners with 250 of the subject property at least 20-days in advance of the hearing date, in compliance with FCZDO 3.105. Staff finds the proposed changes are consistent with Goal 1.

Goal 2: Land Use Planning. Establishes a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Findings: The review of this application is being conducted in accordance with the procedures set forth in the Falls City Development Code, Section 3.105, Type III Procedure. The application conforms with the policies of the Comprehensive Plan and Staff finds the proposed changes are consistent with Goal 2.

Goals 3: Agricultural Lands. Goal 3 is not applicable because the subject property is not agricultural land and is located inside the urban growth boundary.

Goal 4: Forest Lands. Goal 4 is not applicable because the subject property is not forest land and is located inside the urban growth boundary.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Areas. Goal 5 is not applicable because

the subject property is not designated by the Falls City Comprehensive Plan as a natural resource, a historic resource or an open space.

Goal 6: Air, Water and Land Resources. This goal is not applicable as the subject property is within the city limits and the proposed changes do not approve any development. Prior to any development occurring, additional land use applications are required to be reviewed and approved.

Goal 7: Areas Subject to Natural Disasters and Hazards. Goal 7 is not applicable because the subject property is not within the flood, steep slope, or other identified hazard zones.

Goal 8: Recreation Needs. Goal 8 is not applicable because the proposed change does not impact recreational lands within the City.

Goal 9: Economy of the State.

Findings. The previous use was not on the tax assessor records as it was publicly zoned and church owned. The proposed CPMA and ZC will allow the property to be in private ownership and the CR zone provides the potential for economic development as the property may generate jobs during any future construction or improvements needed on site and may create jobs related to potential future commercial uses. Staff finds the proposed changes are consistent with Goal 9.

Goal 10: Housing.

Findings. The proposed Commercial/Residential designation and Commercial/Residential zoning will allow housing and commercial uses to be constructed on the property. Where housing is constructed, it will be consistent with Goal 10's intent to provide housing whereas the Public/Institutional designation was less likely to do so. Staff finds the proposed changes are consistent with Goal 10.

Goal 11: Public Facilities and Services.

Findings: Once developed for residential or commercial uses the development will provide for an orderly, efficient and economical system of delivery of city services. The proposed changes will allow new development at a location where facilities and services exist to support urban development. The proposed changes are consistent with Goal 11.

Goal 12: Transportation.

Findings: The subject property is currently partially developed and has access to Chamberlain Street. Future development may have access to Chamberlain Street along the south frontage of the property and Lombard Street along the east frontage of the property. Where development is proposed in the future, the decision to approve development shall comply with the Falls City Zoning and Development Ordinance and may include conditions of approval requiring dedication of right-of-way and improvements to one or both streets, if applicable. Staff finds the proposed changes are consistent with Goal 12.

Goal 13: Energy Conservation. Goal 13 is not applicable because no development is proposed at this time.

Goal 14: Urbanization. Goal 14 is not applicable because no urban growth boundary change is proposed.

Goals 15-19 are not applicable because they apply to specific geographic locations, none of which are impacted here.

IV. CRITERIA – ZONE CHANGE

Section 3.207(D): Criteria for Approval: Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

- 1. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use designation.*

Applicant Response: The applicant has stated they wish to rezone the property to allow sale of the property.

Findings: Staff finds the proposed Commercial/Residential Zone is consistent and appropriate for the proposed Commercial/Residential Comprehensive Plan Map designation which is concurrently requested. Staff finds the Comprehensive Plan policies can be met with approval of the zone change.

- 2. Adequate public facilities, services and transportation networks are in place or are planned to be provided concurrently with the development of the property.*

Findings: The subject property is currently partially developed and served by city utilities and transportation networks. Development is not currently proposed as part of this application. If/When development is proposed in the future, the decision to approve development may include conditions of approval regarding adequate public facilities and transportation networks. Future use of the property or development would be subject to the Falls City Development Code and State and Local building codes. Staff finds this criterion is met.

- 3. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.*

Findings: The subject property is currently partially developed and served by city utilities and transportation networks. If/When development is proposed in the future, the decision to approve development may include conditions of approval in compliance with the Falls City Development Code which may increase the physical capacity of the site to accommodate the proposed development. Future use of the property or development would be subject to the Falls City Development Code. The proposed zoning and availability of existing or future public services will set the regulatory parameters of the capacity of the site to accommodate development. Staff finds this criterion is met.

- 4. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.*

Findings: The subject property is currently partially developed and served by city utilities and transportation networks. Staff finds the 1.48-acre area of the property is sufficiently large to allow the establishment of the uses allowed in the Commercial/Residential Zone to be located on the property.

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Future use of the property or development would be subject to the Falls City Development Code and State and Local building codes and staff finds this criterion can be met.

5. *For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.*

Findings: Criterion 5 is not applicable because the Commercial/Residential Zone’s purpose statement set forth in Section 2.102.01 does not include any criteria.

6. *The following additional criteria shall be used to review all non-residential changes:*
 - a. *The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next five (5) years, or the location of the appropriately zoned land is not physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.*

Findings: The current designation and zoning are for a public use. Staff finds the proposed change would more appropriately zone the subject property for a residential and/or commercial use on a property previously zoned for public use and, therefore, the requirement to address the supply of vacant residential land versus vacant commercial land does not apply.

- b. *The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.*

Findings: The proposed C/R Zone does not allow uses more intensive than other zones appropriate for the land use designation. Staff finds the proposed zone will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties and that the C/R Zone can act to be a transition between the Commercial/Industrial Zone to the west of Lombard Street and to the north of Chamberlain Street and the Residentially zoned properties to the east of Lombard Street and to the south of Chamberlain Street.

Development is not proposed as part of the subject application. Future development or change of use may be subject to the Falls City Development Code and the decision may include conditions of approval to address issues of destabilization. Staff finds this criterion is met.

V. CONCLUSIONS AND RECOMMENDED CONDITIONS OF APPROVAL

The above findings show the criteria are met. Staff recommends approval of the requested Comprehensive Plan Map designation change from Public Assembly/Institutional to Commercial/Residential and a Zone Change from Public Assembly/Institutional (PAI) to Commercial/Residential (CR) with the following condition of approval:

1. Any change of use or future development of the subject property must comply with the Falls City Development Code and State and Local building code requirements.

VI. COUNCIL ACTION

The City Council may take one of the following actions:

- A. Make a motion to adopt the findings in the staff report and approve the requested Comprehensive Plan Map Amendment and Zone Change as recommended by staff.
- B. Make a motion to adopt the findings in the staff report and approve the requested Comprehensive Plan Map Amendment and Zone Change, with findings and conditions of approval as modified by the City Council.

Note: The Council member making the motion needs to state the reasons/findings for the modifications and any added 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 Comprehensive Plan Map Amendment and Zone Change.

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

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR GORDON
SUBJECT: RESOLUTION 26-2018 CDBG WASTEWATER GRANT ENGINEERING CONTRACT
Date: August 23, 2018

SUMMARY

Addendum to City Engineer Contract to perform engineering services on the CDBG wastewater system improvement grant.

BACKGROUND

Council instructed staff to submit the CDBG application at the November 9, 2017 City Council meeting. The City requested funding for Final Design Engineering, Environmental review, and a Rate Study which will allow Falls City to develop biddable documents for the construction of the wastewater system.

Falls City has been awarded \$330,000 in grant funds from the Oregon Community Development Block Grant program (CDBG). This program, administered by Business Oregon Infrastructure Finance Authority (IFA), provides grant funds to cities and counties to upgrade public infrastructure, develop community facilities and provide essential services to the workforce and your citizens.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

Without agreement the City will not be able to collect the \$330,000.00 awarded through the grant and will not be able to fund the wastewater design and engineering project.

STAFF RECOMMENDATION

adopt

EXHIBIT

A. Resolution 26-2018 with agreement

PROPOSED MOTION

I move that the City Council of the City of Falls City adopt resolution 26-2018, **A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF FALLS CITY AND WESTECH ENGINEERING TO PERFORM ENGINEERING SERVICES FOR THE CDBG WASTEWATER SYSTEM IMPROVEMENT GRANT.**

RESOLUTION 26-2018

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF FALLS CITY AND WESTECH ENGINEERING TO PERFORM ENGINEERING SERVICES FOR THE CDBG WASTEWATER SYSTEM IMPROVEMENT GRANT.

FINDINGS:

1. The City of Falls City applied for and was awarded funding through a Community Development Block Grant (CDBG) for the Falls City wastewater system, and
2. The City of Falls City is in need of these granted funds to perform the final engineering design, environmental permits, and rate study, and
3. The City of Falls City must enter an engineering agreement to perform the work specified under the CDBG Wastewater System Improvement grant.

NOW THEREFORE,

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

Section 1. It is in the best interest of the citizens of Falls City to adopt the agreement for engineering services in accordance with CDBG Grant requirements.

Section 2. That Falls City Council approves the agreement between the City of Falls City and Westech Engineering and allows the Mayor to sign the agreement and all documents required under the agreement.

Section 3. This Resolution was duly PASSED and ADOPTED by the Falls City Council this Twenty Third (23) day of August 2018 and takes effect upon signing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Falls City that the attached "Proposal for Engineering Services" be made a part of this resolution hereof and adopted.

Approved and adopted at a regular meeting of the City Council held on the 23rd day of August 2018.

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AYES _____ NAYS _____ ABSTAINED _____ ABSENT _____

Approved:

Date

Jeremy Gordon, Mayor

Attest:

Date

JoHanna Birr, City Clerk



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

August 2, 2018

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

RE: Wastewater System Improvement Project – Proposal for Engineering Services Revision 1
JO 2969.3010.0

Dear Mac:

Westech Engineering is pleased to offer this proposal to provide engineering services for the Wastewater Treatment Plant Improvement Project. We previously provided a similar proposal dated May 30, 2018 that was based on the treatment plant site on Waymire Road. This proposal replaces our proposal from May and is based on the treatment plant site located on property owned by the Lamb Family Revocable Trust. The proposed treatment plant site is located south of the cemetery that is on the east edge of the City. The remainder of this letter proposal is divided into the following sections. Short discussions on these items follow

- Background Information
- Special Considerations
- Scope of Work
- Fee Schedule

BACKGROUND INFORMATION

The City completed a Wastewater System Facilities Plan in 2013. The plan recommends the construction of a new wastewater treatment plant that utilizes facultative lagoons for treatment and storage of wastewater. The plan also recommends abandoning the Fair Oaks Pump Station by constructing a new gravity sewer from the pump station site to the existing gravity system in Ellis Street. **Our proposed scope of work includes the preparation of design drawings and specifications for these improvements.** For this proposal, we have assumed that both projects will be constructed as part of single bid package awarded to one contractor. We also understand that the City has obtained a financial assistance package from the Community Development Block Grant Program (CDBG) administered by IFA. As such, all work must be in accordance with the provisions of this funding source. Our scope of work includes the preparation of design drawings and specifications for the following major components.

- Approximately 1,350 feet of gravity sewer in Fair Oaks Street and Ellis Street.
- Decommissioning of the Fair Oaks Pump Station.
- A new Main Pump Station located near the exiting treatment plant to pump water from the existing treatment plant site to the new treatment plant site.
- A new forcemain pipe (approximately 5,600 feet long) from the Main Pump Station to the treatment plant site.
- A new facultative lagoon treatment plant consisting of two lagoons each with an area of approximately 1.5 acres. The lagoons are proposed to be located on an approximately 8 acre site located south of the cemetery, east of the City, on land currently owned by Lamb Family Revocable Trust.
- A new headworks structure at the treatment plant for flow measurement and influent sampling.

- New piping and water control structures to route flow through the lagoons.
- A new outlet structure to control the discharge rate from the lagoons.
- A new chlorine contact chamber with effluent flow measurement and sampling equipment.
- A new chemical feed building to house the chlorination and dechlorination equipment.
- A new outfall pipeline to convey treated effluent to the Little Luckiamute River for disposal.
- A new outfall diffuser in the Little Luckiamute River to disperse treated effluent.
- Decommissioning of the exiting wastewater treatment plant.

SPECIAL CONSIDERATIONS

While the design for the proposed improvements is straightforward in many respects, there are several items that warrant special consideration to help ensure that the project is successful. Examples of items that deserve additional attention include the following.

- NPDES Permit Modification/Mass Load Allocation Increase. Discharge from the proposed treatment plant will violate some of the limits identified in the City's existing NPDES permit. Specifically, the BOD and suspended solids mass loads will exceed the limits in the City's existing permit. As such, a permit modification with higher mass loads is required. The process of obtaining such a modification can be challenging and time-consuming. We recently met with DEQ to discuss this matter. DEQ stated that they will need a preliminary design report that includes the findings necessary for a mass load allocation increase. The report must also include a mixing zone study. Our proposed project approach includes minimizing the work effort needed to produce the preliminary design report and delaying as much of the design work as possible until the DEQ grants written approval of the permit modification or issues a new permit with new mass load limits. If the NPDES permit modification process is unsuccessful, then the City will be forced to develop a new plan. As such, we think it is important to minimize the amount of design effort spent on the project until the NPDES permit modification issue is resolved.
- Overall Schedule. The design effort is being funded by a CDBG grant. The provisions of the grant require all work to be completed within two years. Normally, this would not be a problem. However, as described above, this project requires an NPDES permit modification. We also recommend delaying as much of the design work as possible until after the permit is issued. Since the permitting process will be driven by DEQ's schedule, we have no way of knowing how long the process will take. It will likely take about six months to complete the preliminary design work that will serve as the basis for the NPDES permit modification request. The NPDES permit modification process will require public notification and may require approval by the State of Oregon Environmental Quality Commission. A public process of this nature can be time consuming and could easily take up to one year to complete. Therefore, it may not be possible to complete all the design work within the two-year timeframe stipulated by the CDBG program. As such, the City may want to consider discussing this matter with the CDBG grant administrators.
- Access to the Treatment Plant Site. The City does not currently own the treatment plant site. A significant amount of fieldwork is needed to complete the design work. This includes topographic survey, geotechnical explorations, etc. In order to complete the design work, the City is going to have to work with the current property owners to gain permission for members of the design team to access the site. If this process takes a significant amount of time or if the property owners are not cooperative, the design schedule could be impacted.

SCOPE OF WORK

Our proposed scope of work includes preliminary and final design. Our scope of work does not include property acquisition negotiations, land use permitting, rate studies, environment investigations and permitting, cultural resource investigations and permitting, bidding services, or services during construction. We understand these items will be completed as part of parallel or future work efforts. Our proposed work tasks are described in greater detail below.

Task 1: Preliminary Design

Our first task includes preliminary design work and the preparation of a preliminary design report. This task includes an analysis of the existing treatment plant flow and loading records, preparing estimates of existing and future flows and loads, and preparing detailed design criteria for the proposed improvements. As part of this work we will prepare a process schematic for the new facility, an overall site plan, and a detailed cost estimate. The site plan will be prepared using available aerial imagery and LIDAR data. This work will be presented in a Preliminary Design Report that will be submitted to DEQ for review and approval. The report will include a description of the existing system, and detailed descriptions of the proposed improvements. All land and easement acquisition requirements will be identified, as will the permitting requirements. The Preliminary Design Report will also include the findings needed to support the NPDES permit modification described above. The preliminary design work will also include a mixing zone study in accordance with DEQ requirements and the mixing zone study will be included as an appendix to the Preliminary Design Report. A draft Preliminary Design Report will be submitted to the City for review and comment. We will revise the document to address the City's comments and submit a draft to DEQ for review and approval. If needed, we will also revise the report to address DEQ comments. DEQ will use the information presented in the preliminary design report as the basis for the NPDES permit modification. As described above, our recommendation is to not proceed with any of the design work until the DEQ issues written approval for the required mass load allocation increase.

Task 1 Deliverables:

- *Preliminary Design Report – draft for City review in PDF format and six hard copies.*
- *Preliminary Design Report – draft for DEQ review in PDF format and six hard copies.*
- *Preliminary Design Report – final draft for City records PDF format only.*

Task 2: Topographic Survey

Upon receipt of DEQ approval of the required mass load allocation increase and NPDES permit modification, the final design work can begin. Our initial efforts will include the preparation of a topographic survey of the work areas. The proposed survey coverage will include the Fair Oaks sewer alignment, the main pump station site, the main pump station forcemain alignment, the proposed treatment plant site, and the treatment plant outfall pipeline. The survey work will be prepared by Barker Surveying as a subconsultant to Westech. As a change from our previous proposal submitted in May of 2018, we have added the preparation of legal descriptions and exhibit maps for the various easements that will be required for this project. We have assumed a total of six easements will be needed for this project. Our proposed not to exceed fee includes by \$5,280 for all six easements. Therefore, the unit cost for the legal description and exhibit map for each easement is \$880. If fewer than six easements are required, our total fees will be reduced accordingly.

Task 2 Deliverables:

- *Plots of the topographic survey in PDF format*
- *Up to six legal descriptions and exhibit maps for easements*

Task 3: Geotechnical Explorations

Our proposed scope of work includes performing geotechnical explorations needed to characterize the subsurface conditions for the Main Pump Station and the proposed treatment plant site. The geotechnical explorations and HDD design work will be performed by GeoEngineers as a subconsultant to Westech.

The geotechnical explorations will consist of a series of boreholes and test pits. A single borehole will be drilled at the Main Pump Station site and 10 to 15 test pits will be excavated at the treatment plant site. Soil samples will be collected and analyzed and recommendations for foundation and earthwork techniques required for these improvements will be summarized in a geotechnical report.

Task 3 Deliverables:

- *Geotechnical Report for the Main Pump Station and treatment plant improvements – one copy in PDF format.*

Task 4: Prepare 90% Design Documents

Upon completion of the topographic survey and the geotechnical explorations, it will be appropriate to move forward with the design work. This task includes the preparation of draft design documents for the City's review. These documents will include 90% drawings, technical specifications, bidding and contract documents, and a revised cost estimate. We anticipate three meetings with the City during this phase to review various design issues and to review the drawings. The draft documents will be submitted to the City for review and comment. We will then make changes needed to address the City's comments and submit the documents to DEQ for review and approval. We have assumed that all work will be included in a single bid package that will be awarded to a single contractor. This work task also includes coordination with the City and COG to complete the environmental assessment. Our proposed role will be to provide technical assistance, but the City and COG will be the primary authors of the document.

Task 4 Deliverables:

- *90% Cost Estimate*
- *90% Drawings and Specifications – for City review in PDF format and six hard copies.*
- *90% Drawings and Specifications – for DEQ review in PDF format and six hard copies.*

Task 5: Prepare Final Design Documents

This task includes revising the 90% drawings to address any comments from the City and DEQ. This task will result in final bidding documents with engineer's seals that are ready for bidding.

Task 5 Deliverables:

- *Final Engineer's Cost Estimate*
- *Final Drawings and Specifications – PDF format and 10 Hard Copies*

FEE SCHEDULE

We propose to provide the above described tasks on a time and materials basis with total costs not to exceed the amounts listed in the following table. A copy of our current hourly rates and reimbursable expenses is attached to this proposal.

Task	Cost
Task 1: Preliminary Design	\$46,390
Task 2: Topographic Survey	\$51,810
Task 3: Geotechnical Explorations	\$22,285
Task 4: Prepare 90% Design Documents	\$172,255
Task 5: Prepare Final Design Documents	\$6,705
Total Not To Exceed Fee	\$299,445

Not included in our scope are the following services.

- Agency review fees
- Easement and/or ROW negotiations
- Addition topographic survey beyond project limits
- Sewer or Storm TV Inspection
- Permit Fees
- T&E Species Investigations and Reports
- Bidding & Construction Services
- Property acquisition negotiations or agreements
- Building permit applications
- Vacuum excavation or potholing for design verification
- Property Appraisals
- As-Built Surveys
- Warranty Inspections
- Phased or Multiple Bid Packages
- Wetland Investigations and Reports
- Cultural Resource Investigations and Reports
- Wetland, T&E Species, and Cultural Resource Permit Applications
- Land Use Permit Applications

Any of the above services can be provided on a time and material basis as needed and requested, or we can assist the City with these additional tasks only to the extent requested or required by the City.

If the City decides to proceed with the work scope summarized herein, we assume that the City will authorize us to proceed with these services under our existing city engineering contract (we will provide separate invoices for this work to allow the City to accurately track costs). All work will be in accordance with the Federal Contract Clauses listed in the attached Exhibit E document. Upon your authorization to proceed, we are prepared to start immediately on the proposed work. This proposal is valid for 6 months from today's date.

Sincerely,

WESTECH ENGINEERING, INC.



Christopher J. Brugato, P.E.

Vice President

cjb
Encl.

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By signature below, the client accepts the scope of services and all terms described herein. In addition, the client's signature shall constitute as authorization to proceed on the date listed below.

<hr/> <p>City of Falls City ORGANIZATION</p>	<hr/> <p>SIGNATURE</p>
<hr/> <p>DATE</p>	<hr/> <p>TYPED OR PRINTED NAME</p>

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WESTECH ENGINEERING, INC.
HOURLY BILLING RATES
EFFECTIVE 8/1/2017

Engineer X	\$146.00/hr.
Engineer IX	.....	\$138.00/hr.
Engineer VIII	.....	\$130.00/hr.
Engineer VII	.....	\$122.00/hr.
Engineer VI	.....	\$116.00/hr.
Engineer V	.....	\$108.00/hr.
Engineer IV	.....	\$100.00/hr.
Engineer III	.....	\$94.00/hr.
Engineer II	.....	\$88.00/hr.
Designer III	.....	\$92.00/hr.
Designer II	.....	\$84.00/hr.
Designer I	.....	\$78.00/hr.
Inspector	.....	\$84.00/hr.
Secretary	.....	\$66.00/hr.

Reimbursable Expenses:

- Outside Services Cost Plus 10%
- Mileage \$0.60 per mile
- Blueprints \$2.50/sheet
- Mylars \$10.00/sheet
- Photocopies \$0.15/page

Required Federal Contract Clauses

Use for Non-Construction Contracts Where the Grant Award Exceeds \$100,000

1. Source of Funds

“Work under this contract will be funded [in part/in its entirety] with federal grant funds from the Oregon Community Development Block Grant program.”

2. Conflict of Interest

No employee, agent, consultant, officer, elected official or appointed official of the city or county grant recipient or any of its sub-recipients (sub-grantees) receiving CDBG funds who exercise or have exercised any functions or responsibilities with respect to CDBG activities who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity or have an interest or benefit from the activity or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom that have family or business ties, during their tenure or for one year thereafter, in accordance with 24 CFR Part 570.489(h).

3. Minority, Women and Emerging Small Business (*Instruction: Include if contract is \$10,000 or more*)

Before the final payment to Contractor is made, Contractor shall submit the attached “Minority, Women and Emerging Small Business Activity Report”.

4. Section 3 - Economic Opportunities for Low- and Very Low-Income Persons (This clause is applicable only if the Community Development Block Grant exceeds \$100,000 the funded activity leads to construction i.e. engineering, program management etc.)

A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3 shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD’s regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers’ representative of the contractor’s commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any

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subcontractor where the contractor has notice or knowledge that the subcontractor has been in violation of the regulations in 24 CFR part 135.

- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations in 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
 - F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD-assisted contracts.
 - G. Contractor shall complete the required Section 3 report Form 60002, included as Exhibit 5C of the CDBG Grant Management Handbook and submit the completed form to the city / county grant recipient with the final construction pay estimate for the project.
5. Prohibition on the Use of Federal Funds for Lobbying

As evidenced by execution of this contract, Contractor certifies, to the best of their knowledge and belief that:

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signed (Contractor) _____

Title / Firm _____

Date _____

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Activity Report
Minority Women and Emerging Small Business

The **report** on the following page is to be completed by grantees, developers, sponsors, builders, agencies, and/or project owners for reporting contract and subcontract activities of \$10,000 or more under the following programs: Community Development Block Grants (entitlement and small cities); Urban Development Action Grants; Housing Development Grants; Multi-family Insured and Noninsured; Public and Indian Housing Authorities; and contracts entered into by recipients of CDBG rehabilitation assistance.

Contracts / subcontracts of less than \$10,000 need be reported only if such contracts represent a significant portion of your total contracting activity. Include only contracts executed during this reporting period.

This form has been modified to capture Section 3 contract data in columns 7g and 7i. Section 3 requires that the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. Recipients using this form to report Section 3 contract data must also use Part I of form HUD 60002 to report employment and training opportunities data. Form HUD 2516 is to be completed for public and Indian housing and most community development programs. Form HUD 60002 is to be completed by all other HUD programs including State administered community development programs covered under Section 3.

A Section 3 contractor / subcontractor is a business concern that provides economic opportunities to low- and very low-income residents of the metropolitan area (or non-metropolitan county), including a business concern that is 51 percent or more owned by low- or very low-income residents; employs a substantial number of low- or very low-income residents; or provides subcontracting or business development opportunities to businesses owned by low- or very low-income residents. Low- and very low-income residents include participants in Youthbuild programs established under Subtitle D of Title IV of the Cranston-Gonzalez National Affordable Housing Act.

The terms “low-income persons” and “very low-income persons” have the same meanings given the terms in section 3(b)(2) of the United States Housing Act of 1937. Low-income persons mean families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary’s findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families. Very low-income persons means low-income families (including single persons) whose incomes do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary’s findings that such variations are necessary because of unusually high or low family incomes.

Activity Report Explanation of Codes
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1. Grantee: Enter the name of the unit of government submitting this report.

3. Contact Person: Enter name and phone of person responsible for maintaining and submitting contract / subcontract data.

7a. Grant Number: Enter the HUD Community Development Block Grant Identification Number (with dashes). For example: B-32-MC-25-0034. For Entitlement Programs and Small City multi-year comprehensive programs, enter the latest approved grant number.

7b. Amount of Contract / Subcontract: Enter the dollar amount rounded to the nearest dollar. If subcontractor ID number was provided in 7f, the dollar figure would be for the subcontract only and not for the prime contract.

7c. Type of Trade: Enter the numeric codes (see table below) which best indicates the contractor's / subcontractor's service. If subcontractor ID number was provided in 7f, the type of trade code would be for the subcontractor only and not for the prime contractor. The "other" category includes supply, professional services and all other activities except construction and education / training activities.

7d. Business Racial / Ethnic Code: Enter the numeric code (see table below) which indicates the racial / ethnic character of the owner(s) and controller(s) of 51% of the business. When 51% or more is not owned and controlled by any single racial / ethnic category, enter the code that seems most appropriate. If the subcontractor ID number was provided, the code would apply to the subcontractor and not to the prime contractor.

7e. Woman Owned Business: Enter Yes or No.

7f. Contractor Identification (ID) Number: Enter the Employer (IRS) Number of the Prime Contractor as the unique identifier for prime recipient of HUD funds. Note that the Employer (IRS) Number must be provided for each contract / subcontract awarded.

7g. Section 3 Contractor: Enter Yes or No.

7h. Subcontractor Identification (ID) Number: Enter the Employer (IRS) Number of the subcontractor as the unique identifier for each subcontract awarded from HUD funds. When the subcontractor ID Number is provided, the respective Prime Contractor ID Number must also be provided.

7i. Section 3 Contractor: Enter Yes or No.

7j. Contractor / Subcontractor Name and Address: Enter this information for each firm receiving contract / subcontract activity only one time on each report for each firm.

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