

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, 9 2018 6:00 p.m.

Posted on August 3, 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. Consent Agenda: Motion Action Approving Consent Agenda Items

- a. Approval of the Bills pg. 1-8
- b. Approval of July 19, 2018 Council Meeting Minutes pg. 9-12

5. 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.

6. New Business:

- a. **Public Hearing: ZC/CPMA 18-01**
 - i. Mayor's Script..... pg. 13-15
 - ii. Staff Report.....pg.16-23
 - iii. Exhibit A- Zoning and Tax Maps.....pg.24-25
 - iv. Exhibit B- Applicationpg.26-37
 - v. Exhibit C- Notices.....pg.38-43
- b. Resolution 20-2018: Adjust Appropriations for 2018-2019 Budget Cycle
 - i. Agenda Report pg. 44
 - ii. Resolution 20-2018 pg. 45
 - iii. Budget adjustment summary pg. 46
 - iv. Grant Letter..... pg. 47
- c. Resolution 21-2018 Citizen Notice of Code Services
 - i. Agenda Report pg. 48
 - ii. Resolution 21-2018 pg. 49
 - iii. Letter for Council Adoption pg. 50
 - iv. Ordinance 549-2017 pg. 51
- d. Resolution 22-2018: HUDA Section 3 plan
 - i. Agenda Report pg. 52-53
 - ii. Resolution 22-2018 pg. 54
 - iii. Section 3 Plan..... pg. 55-61
- e. Resolution 23-2018: Limited English Proficiency Plan

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- i. Agenda Report pg. 62
- ii. Resolution 23-2018..... pg. 63
- iii. Limited English Proficiency Plan pg. 64-68

7. Work Session No Public Comment allowed during this portion of the meeting.

- a. Polk Community Development Corporation Revolving Fund Dissolution
 - i. Agenda Report pg. 69-71

8. Correspondence, Comments, and Ex-Officio Reports

- a. Mayor Report
- b. Council Reports
- c. Manager’s Report
- d. Staff Reportpg. 73
- e. Sheriff’s Report

9. Council Announcements

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

10. Adjourn

Office Craft	07/16/2018	M99-6173	Accounts Payable			-36.21
Total Office Craft	07/16/2018	M99-6173	Copier Lease/Maintenance		01 GENERAL FUND:01.01 Administrative	<u>36.21</u>
						0.00
CenturyLink	07/16/2018		US Bank Checking			-436.66
	07/16/2018		Telephone			174.75
			Telephone			190.68
			Telephone			<u>71.23</u>
						436.66
CIS Trust	07/16/2018		US Bank Checking			-3,389.61
	07/16/2018		Worker's Comp Insurance			33.90
			Worker's Comp Insurance			67.80
			Worker's Comp Insurance			33.90
			Worker's Comp Insurance			2,067.66
			Worker's Comp Insurance			237.27
			Worker's Comp Insurance			338.96
			Worker's Comp Insurance			<u>610.12</u>
						3,389.61
Dallas Auto Parts	07/16/2018		US Bank Checking			-92.03
	07/16/2018		Small Tools & Supplies			<u>92.03</u>
						92.03
dallas School District	07/16/2018		US Bank Checking			-68.00
	07/16/2018		Office Supplies			<u>68.00</u>
						68.00
Edge Analytical	07/16/2018		US Bank Checking			-198.00
	07/16/2018		Lab Analysis Services			58.00
			Lab Analysis Services			120.00
			Lab Analysis Services			<u>20.00</u>
						198.00
Falls City School Distric	07/16/2018		US Bank Checking			-9,856.55

	07/16/2018	Professional Services	<u>9,856.55</u>
			9,856.55
Frink's General Store	07/16/2018	US Bank Checking	-96.47
	07/16/2018	Small Tools & Supplies	<u>96.47</u>
			96.47
Mid Willamette Valley C	07/16/2018	US Bank Checking	-1,139.00
	07/16/2018	Council of Government Dues	<u>1,139.00</u>
			1,139.00
Petro Card	07/16/2018	US Bank Checking	-154.26
	07/16/2018	Vehicle Operation	<u>154.26</u>
			154.26
Pitney Bowes	07/16/2018	US Bank Checking	-196.80
	07/16/2018	Office Supplies	39.36
		Office Supplies	59.04
		Office Supplies	<u>98.40</u>
			196.80
Royal Flush Portables,	07/16/2018	US Bank Checking	-385.00
	07/16/2018	Professional Services	340.00
		Professional Services	<u>45.00</u>
			385.00
Speer Hoyt LLC	07/16/2018	US Bank Checking	-342.00
	07/16/2018	Attorney/Special Council	<u>342.00</u>
			342.00
US Bank Visa	07/16/2018	US Bank Checking	-1,045.74
	07/16/2018	Education/Training/Dues	675.00
		Office Supplies	<u>329.15</u>
			1,045.74

			Office Supplies	41.59
				<u>1,045.74</u>
Verizon Wireless	07/16/2018		US Bank Checking	-38.00
	07/16/2018		Telephone	19.00
			Telephone	19.00
				<u>38.00</u>
Williamson & Aebi, LLP	07/16/2018		US Bank Checking	-760.80
	07/16/2018		Professional Services	266.28
			Professional Services	38.04
			Professional Services	76.08
			Professional Services	114.12
			Professional Services	266.28
				<u>760.80</u>
AFLAC	07/16/2018		US Bank Checking	-133.03
			AFLAC	39.69
			AFLAC	93.34
				<u>133.03</u>
CIS Trust	07/02/2018		US Bank Checking	-3,513.50
			CIS Insurance Premiums	3,513.50
				<u>3,513.50</u>
AFLAC	07/05/2018		US Bank Checking	-301.07
			AFLAC	90.49
			AFLAC	210.58
				<u>301.07</u>
CIS Trust	07/05/2018		US Bank Checking	-10,754.67
			Health Insurance	2,542.73
			Health Insurance	4,142.23
			Health Insurance	3,574.01
			EBS Trust Life Insurance	45.70

		EBS Trust Life Insurance	<u>450.00</u>
			10,754.67
Cascade Distribution	07/09/2018	US Bank Checking	-1,585.00
	07/09/2018	Chlorine Supplies	<u>1,585.00</u>
			1,585.00
Dallas Auto Parts	07/09/2018	US Bank Checking	-74.03
	07/09/2018	Vehicle Maintenance/Repair	<u>74.03</u>
			74.03
Ferguson Waterworks	07/09/2018	US Bank Checking	-576.25
	07/09/2018	System Maintenance/Repair	<u>576.25</u>
			576.25
L & L Equipment	07/09/2018	US Bank Checking	-277.20
	07/09/2018	Vehicle Maintenance/Repair	138.60
		Vehicle Maintenance/Repair	83.16
		Vehicle Maintenance/Repair	41.58
		Vehicle Maintenance/Repair	<u>13.86</u>
			277.20
League of Oregon Cite: 07/09/2018		US Bank Checking	-797.05
	07/09/2018	League of Oregon Cities Dues	<u>797.05</u>
			797.05
Net Assets Corporation 07/09/2018		US Bank Checking	-11.00
	07/09/2018	Professional Services	<u>11.00</u>
			11.00
Van Well Building Supp 07/09/2018		US Bank Checking	-10.48
	07/09/2018	Maintenance Supplies	<u>10.48</u>
			10.48

Total Xerox Corporation 0.00
Yolanda Martinez

07/23/2018 Refund for final utility t Accounts Payable -5.17
 07/23/2018 Refund for final utility t Miscellaneous Expenses 5.17
 Total Yolanda Martinez 0.00

CenturyLink

08/01/2018 Inv 1446044915 Accounts Payable -3.50
 08/01/2018 Phone Long D, July Telephone 3.50
 Total CenturyLink 0.00

CIS Trust

08/01/2018 inv FLC-12018-00 (18- Accounts Payable -34,664.82
 08/01/2018 5% Liability FLC-12018 Liability Insurance 528.99
 08/01/2018 5% Liability Insurance 528.99
 08/01/2018 15% Liability Insurance 1,587.97
 08/01/2018 10% Liability Insurance 1,057.98
 08/01/2018 25% Liability Insurance 2,644.95
 08/01/2018 40% Liability Insurance 4,231.93
 08/01/2018 Auto- 72% Vehicle Insurance 5,343.95
 08/01/2018 4% Vehicle Insurance 298.06
 08/01/2018 6% Vehicle Insurance 447.10
 08/01/2018 17% Vehicle Insurance 1,266.77
 08/01/2018 1% Vehicle Insurance 74.52
 08/01/2018 3% Property Property Insurance 509.00
 08/01/2018 2% Property Insurance 342.67
 08/01/2018 20% Property Insurance 3,326.68
 08/01/2018 10% Property Insurance 1,663.56
 08/01/2018 25% Property Insurance 4,158.35
 08/01/2018 40% Property Insurance 6,653.35
 Total CIS Trust 0.00

City of Dallas

08/01/2018 INV#02612 Accounts Payable -1,171.12
 08/01/2018 Inv02612 Fire Truck S: Vehicle Maintenance/Repair 1,171.12
 Total City of Dallas 0.00

Dallas Auto Parts

08/01/2018 381547, 381565, 3826 Accounts Payable -237.81
 08/01/2018 20% 381547, 381565, Vehicle Maintenance/Repair 47.56
 08/01/2018 30% Equipment Maintenance/Repair 71.34
 08/01/2018 40% Vehicle Maintenance/Repair 95.12
 08/01/2018 10% Vehicle Maintenance/Repair 23.79
 Total Dallas Auto Parts 0.00

Edge Analytical

Total Edge Analytical	08/01/2018	18-26312 & 18-27396	Accounts Payable			-149.00
	08/01/2018	18-26312	Lab Analysis Services	13 SEWER FUND		120.00
	08/01/2018	18-27396	Lab Analysis Services	20 WATER OPERATING FUND		29.00
						<u>0.00</u>
Falls City Fire Association						
	08/01/2018	84758	Accounts Payable			-143.36
	08/01/2018	Reimburse for hose- 8 Small Tools & Supplies		01 GENERAL FUND:01.07 Fire Department		143.36
						<u>0.00</u>
King's Pumping Service						
	08/01/2018	14993	Accounts Payable			-1,981.99
	08/01/2018	Mitchell St. 5-plex, 420 Tank Pumping		13 SEWER FUND		1,981.99
						<u>0.00</u>
Total King's Pumping Service						
Mid Willamette Valley COG						
	08/01/2018	1718394	Accounts Payable			-583.25
	08/01/2018	1718394- June Plannii Council of Governments Planning		01 GENERAL FUND:01.01 Administrative		583.25
						<u>0.00</u>
Petro Card						
	08/01/2018	C339110	Accounts Payable			-186.00
	08/01/2018	C339110	Vehicle Operation	20 WATER OPERATING FUND		186.00
						<u>0.00</u>
Total Petro Card						
Pitney Bowes						
	08/01/2018	July	Accounts Payable			-296.60
	08/01/2018	Postage 20% July	Office Supplies	01 GENERAL FUND:01.01 Administrative		59.32
	08/01/2018	30%	Office Supplies	13 SEWER FUND		88.98
	08/01/2018	50%	Office Supplies	20 WATER OPERATING FUND		148.30
						<u>0.00</u>
Total Pitney Bowes						
Royal Flush Portables, Inc						
	08/01/2018	A-21378	Accounts Payable			-270.00
	08/01/2018	A-21378 July Rent	Professional Services	01 GENERAL FUND:01.03 Parks		270.00
						<u>0.00</u>
Total Royal Flush Portables, Inc						
Van Well Building Supply						
	08/01/2018	Crosswalks	Accounts Payable			-617.75
	08/01/2018	Dayton St Bridge	Maintenance Supplies	11 STREET FUND		617.75
						<u>0.00</u>
Total Van Well Building Supply						
Xerox Financial Services						
	08/01/2018	inv 1239974	Accounts Payable			-180.75
	08/01/2018	lease May 65%, inv 1 Copier Lease/Maintenance		01 GENERAL FUND:01.01 Administrative		117.49
	08/01/2018	lease 10%	Copier Lease/Maintenance	11 STREET FUND		18.08
	08/01/2018	lease 10%	Copier Lease/Maintenance	13 SEWER FUND		18.07
	08/01/2018	lease 15%	Copier Lease/Maintenance	20 WATER OPERATING FUND		27.11
						<u>0.00</u>
Total Xerox Financial Services						

City of Falls City
City Council Regular Meeting Minutes
July 19, 2018 6:00 PM
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

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

Mayor Gordon called the meeting to order at 6:00 pm.

A. Roll Call

Clerk Birr took roll call.

B. Pledge of Allegiance

Mayor Gordon led the pledge.

C. Motion to adopt the entire Agenda

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

D. Consent Agenda

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

E. Public Comments

Lilli Boettcher of Falls City has lived here twenty years (20). She has very little garbage and feels it's unfair to pay the same rate, as she only puts 1-2 bags in every three weeks. She recycles once per month.

Julie Jackson addressed Mrs. Boettcher's concerns with alternative service programs which may fit her needs more readily.

Joe Shinkle of Liberty Rd. Dallas spoke on behalf of Gordon Hanson of Falls City and a neighborhood issue that has been going on for some time. Mr. Shinkle has known Mr. Hanson since they were 7 years old. Mr. Hanson does not get angry or exaggerate. Mr. Shinkle described Mr. Hanson as a very calm person. He described certain neighbors as "terrorizing Mr. & Mrs. Hanson and their 2 year old child.

Mr. Shinkle has tried to mediate the situation to no avail. Several weeks ago, speakers have been installed and are directed at Mr. Hanson's back yard. The same song is on loop at extremely loud decibels.

Mr. Hanson addressed Council apologizing for the content of a handout Council was about to read. It was lyrics of the afore mentioned song on loop blaring into his yard by 2 Live Crew "We Want Some XXXXX". The handout shall be referenced by title only as the lyrics are too vulgar to attach as an exhibit. Mr. Hanson desires to be a good and contributing person to the community and the situation is making this goal very difficult.

Mayor Gordon sympathized with Mr. Hanson's situation. He assured Mr. Hanson the city is working on the ongoing issue with a multipronged approach. Mediation is a part of the process and will hopefully be successful. The Mayor will request the music be turned off and urged Mr. Hanson to keep in contact.

It was suggested to send a letter to the offending party. City Manager Mac Corthell said he would not send letters while the parties are engaged in mediations. Mr. Hanson apologized again for bringing this type of content before Council. Sheriff Garton met with Mr. Hanson and Mr. Shinkle outside in private during the meeting.

Tina Thompson of Falls City urged Council to consider revisions to land use. Mainly allowing alternate housing such as container homes built to meet certain specifications, off-grid set ups and other trend setting options. She feels it would attract a good crowd to the city. Mayor Gordon agreed.

F. New Business

A. Resolution 16-2018 \$2.00 Republic Recycling Surcharge

Public Hearing opened at 6:43pm.

Mr. Corthell introduced Julie Jackson, Municipal Relations Manager of Republic Services. Due to the recent Chinese refusal to process recycling materials, there is a need for a \$2.00 increase to cover losses Republic Services (Republic) has experienced over the last year. Formerly, Republic was paid \$40.00 - \$50.00 per ton for recycling materials and is now paying \$70.00 for recycling disposal. Republic has been generous to Falls City and taken a 3.5% loss for the 2017-2018 fiscal year contracted agreement with Falls City. Falls City has 202 users with 87% of those using recycling services as well. Republic is a business and must pass costs to customers. Falls City is not the only municipality to experience the increase.

Councilors Meier and D. Sickles agreed it is less expensive than a second receptacle and commendable citizens are recycling.

Councilor Flynn was against an increase for customers. He agrees as well but does not feel it is financially feasible.

Public Hearing closed at 6:47pm.

A motion was made by Councilor Meier and seconded by Councilor Lauder that the City Council of Falls City adopt resolution 16-2018, A RESOLUTION ESTABLISHING A \$2.00 SURCHARGE PER CUSTOMER, PER MONTH FOR RECYCLING SERVICES PURSUANT TO CHAPTER 53 SUB-SECTION "e" OF THE FALLS CITY MUNICIPAL CODE. Motion carried 5-0-1. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles Nays: Charlie Flynn

B. Resolution 17-2018 Procurement of a Fire Duty Truck

Multiple options for the purchase or lease of a duty rig is being investigated. It must be reliable now that the Falls City Fire Department (FCFD) is operation separately from Southwest Polk. This resolution would allow staff to negotiate terms. A flat bed with the ability to fight fires would be ideal and is well within budget.

Councilor Lauder asked if it was just to drive around in. City resident and former Mayor Terry Ungricht explained to Councilor Lauder that yes, it will be driven to areas or fires when a small unit is needed as other fire trucks are too large or unable to go due to road conditions as well as to extract injured people from those areas.

A motion was made by Councilor D. Sickles and seconded by Councilor Flynn that the City Council of Falls City adopt resolution 17-2018, A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTRACT ON BEHALF OF THE CITY FOR THE PURCHASE AND BUILD – OUT OF A DEDICATED FIRE DUTY TRUCK. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

C. Resolution 18-2018 Establishing a Sheriff's Office Sub-Station

Chief Young of the FCFD has agreed to dedicate an extra office at the Fire Station to serve as the Sheriff's Sub-Station. Pros include; visible Law Enforcement in the area, a place to write reports and a safe/secure/private place for citizens to meet PCSO away from their homes. There will be no dedicated deputy and may take a month or more to set up.

A motion was made by Councilor Meier and seconded by Councilor D. Sickles that the City Council of Falls City authorize Mayor Gordon to sign the proposed contract between the City of Falls City and Macahan Cortshell. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

D. National Night Out- Road Closure

A motion was made by Councilor Drill and seconded by Councilor Meier that the City Council of the City of Falls City approve the 3rd Street closure between Main and Pine for National Night Out Block Party. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

E. CDBG Wastewater Update

Staff has begun conversing with landowning neighbors on the north side of the river. An informational letter was sent to landowners with a softened approach with understanding of intentions comparatively to the previous sent to Ms. Avery. The project is in the design and engineering phase and cannot enter into land acquisition at this point, however things are moving forward and land has been identified. There will be a One-Stop meeting in the future to investigate funding strategies and opportunities for the construction phase.

F. Mayor's Proclamation

Mayor Gordon acknowledged Terry Ungricht and Jeremy Kern for their efforts and contributions to the City of Falls City. (Exhibit A)

G. Resolution 19-2018 small City Allotment Grant for Fair Oaks

Delaying the paving of Fair Oaks until next year would allow staff to apply for additional funding of \$100,000.00 to combine for a total of \$150,000.00. This would make it easier to acquire quality bids and services for the project.

A motion was made by Councilor Drill and seconded by Councilor Meier that the City Council of the City of Falls City adopt resolution 19-2018, A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON TO PURSUE A SMALL CITY ALLOTMENT GRANT TO PAVE FAIROAKS STREET FROM WOOD STREET TO ELLIS STREET AND BOUNDARY STREET FROM FAIROAKS STREET TO PROSPECT AVENUE. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

H. Correspondence, Comments and Ex-Officio Reports

A. Mayor's Report

Mayor Gordon is a member of the Polk County Development Corporation (PCDC). They are discussing housing projects for Falls City. This would benefit low-income and veterans. He asked Council to consider the importance and feasibility.

A. Manager's Report

B. Council Announcements

Councilor Drill thanked Mayor Gordon, City Manager Mac Cortshell and City Clerk Birr for their impressive effort and diligence. She can see, and has had positive feedback by word of mouth from citizens that the city is running smoothly.

Councilor L. Sickles said the Summer Celebration event held on July 7 was a great success.

Sheriff's Report

C. Adjourn

The meeting adjourned at 7:36 pm.

_____ Mayor, Jeremy Gordon

Attested: _____ City Clerk, JoHanna Birr

INTRODUCTION

Now is the time set for a public hearing to consider Zone Change and Comprehensive Plan Map Amendment 18-01, a legislative land use action changing the designation of 401 Lombard St from Public Assembly/Institutional to Commercial/Residential.

MOTION

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 the legislative land use application. 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 to process the land use matter. (Council Votes)

Now we will proceed with the Public Hearing, I will introduce the procedures. I will introduce the substantive criteria upon which each case will be decided. Our City Planner Renata Wakeley, Community Development Director, Mid-Willamette Valley Council of Governments will provide a staff report. After 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 city 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. If you have any written testimony or other evidence to submit, please give that to staff so it can be entered into the record. 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, modify or deny the application. 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.

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 Land Use Applications or applicants — this is whether we have any financial or other personal interest in a proposals and whether we have spoken with anybody or have other information about a proposal gathered outside of this hearing. Also, Councilors may only participate if they can do so without un-due bias either for or against an 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 ZC/CPMA 18-01 will be decided are found in Sections 2.102, 2.105, 3.206, and 3.207 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 ZC/CPMA 18-01 at _____ PM.

I call on our City Planner Renata Wakeley to present the staff report for the 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 ZC/CPMA 18-01 at _____ PM.

Is there a request to keep the record open?

*Note: See page 3 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.

If no request to keep the record open

Now it is time for Council deliberation and discussion.

(* NOTE: Only questions asked of staff are allowed after the hearing is closed.)

MOTION TO APPROVE: *I move to adopt the findings in the staff report and approve the requested Zone Change and Comprehensive Plan Map Amendment of 401 Lombard St, subject to the conditions of approval as set forth in the staff report.*

MOTION TO APPROVE WITH MODIFICATIONS: *I move to adopt the findings in the staff report and approve the requested Zone Change and Comprehensive Plan Map Amendment of 401 Lombard St, subject to the conditions of approval as set forth in the staff report, as modified to reflect the changes made 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.)

MOTION TO DENY: *I move that the Zone Change and Comprehensive Plan Map Amendment of 401 Lombard St be denied based on the following reasons and findings:*

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

[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 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
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.

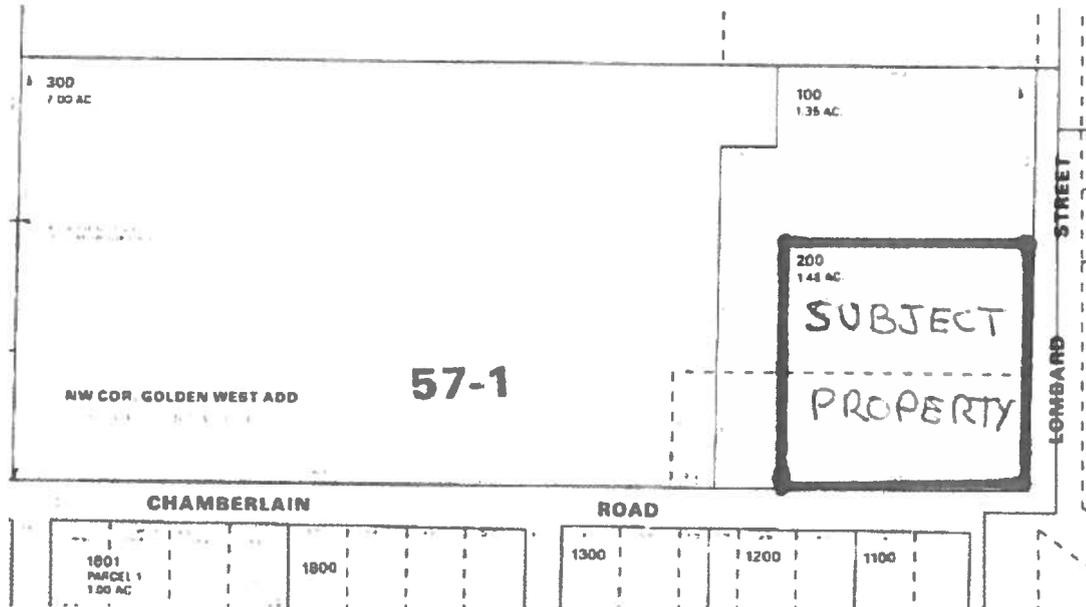
ZONE DESIGNATION: Public Assembly/Institutional (PAI)

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.

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.

NW 1/4 SW 1/4 SEC. 21 T8S R6W WM
POLK COUNTY
Scale 1" = 100'

See Map 8.6.218C

See Map 8.6.218D

Cancelled No.
100 S1
300 S1
600 S1
1701
2400

57-1

NW COR. GOLDEN WEST ADD

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

900
2.24 AC.
STREET

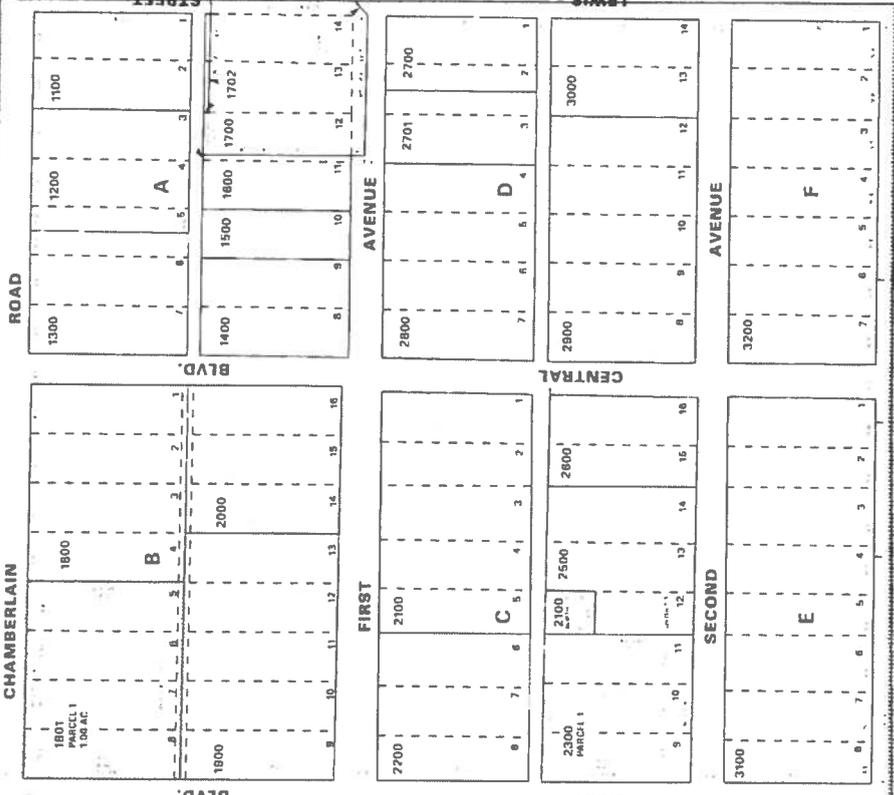
700
BRIDGE

701
BRIDGE

600
2.1 AC.
BRIDGE

900
BRIDGE

See Map 8.6.20



01/03/18

See Map 8.6.21C

CULLOR

8.6.21CB

Exhibit A1
24

Falls City Zoning, 2009

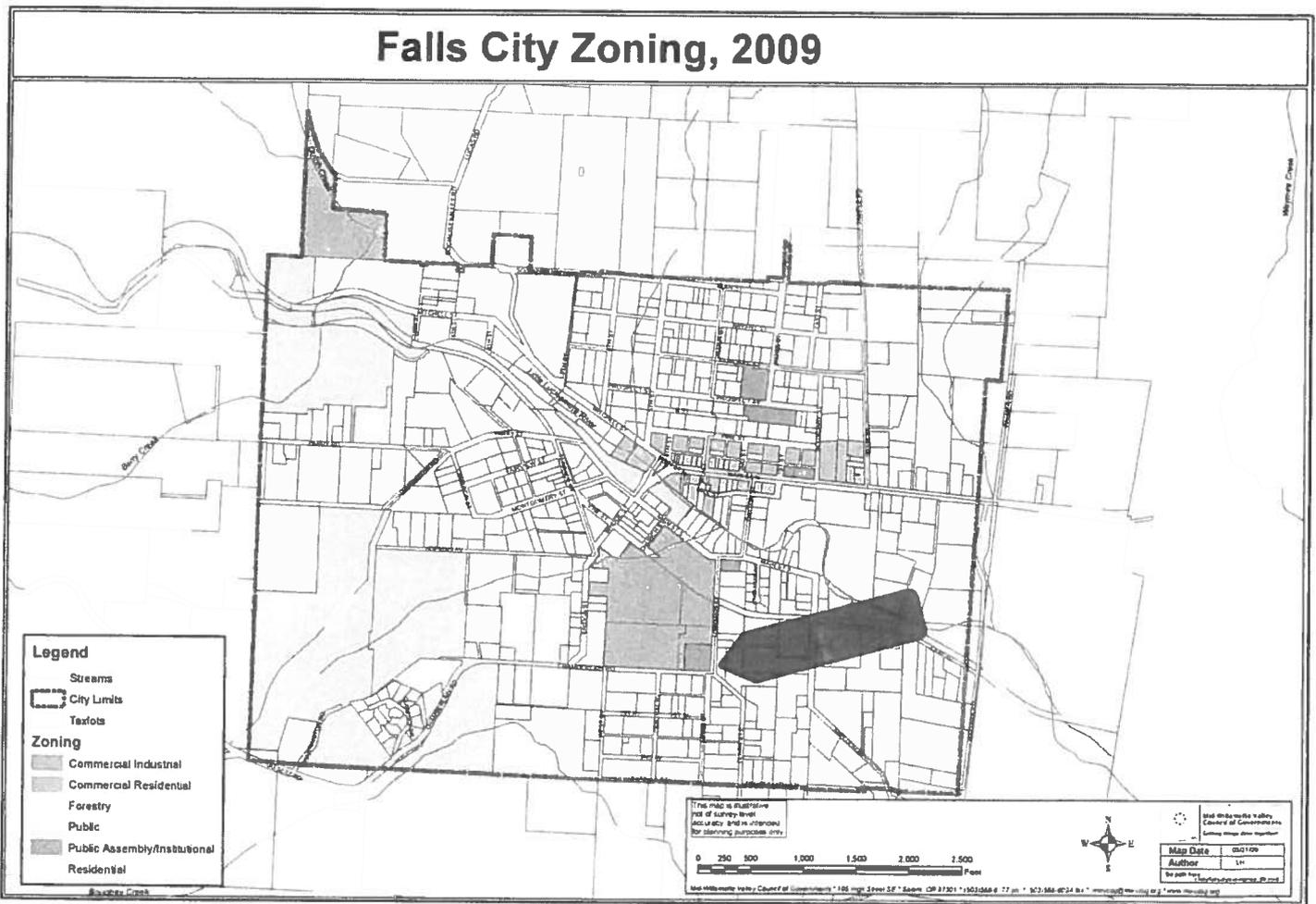


Exhibit 12
25

City of Falls City
Land Use Application

File # _____
Date Rec'd: 5/7/18
Fee Paid: 1,000-
Receipt No.: 585591
Rec'd By: [Signature]

Type 1-A Action:

- Access Permit
- Home Occupation Permit
- Property Line Adjustment
- Manufactured Home Placement Permit
- Sign Permit
- Certification of Appropriateness (COA)
(Historic Preservation Officer)

Type IV Action:

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

Type 1-B Action:

- Flood Plain Development Permit
- Site Design Review
- Temporary Hardship Dwelling
Partitions
- Property Line Adjustments with Discretion

Other

- Pre-Application Conference

Type II Action:

- Code Interpretation (standalone application)
- 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
- Subdivision
- Variance
- Non-Conforming Use
- Certificate of Appropriateness (COA)
(Historic Landmark Commission)
- Designation of a Historic Resource to the
Local Landmark Register
- Removal of a Historic Resource from the
Local Landmark Register

Please submit completed application and fees to: City of Falls City, 299 Mill Street, Falls City OR 97344
Last updated on 11/27/2017 (LA 2017-01)

Exhibit B1 26

Applicant(s) Oregon Conference Telephone: 503 850-3570
Education Assn.

Address: 19800 Outfield Rd Gladstone, OR 97027

Owner(s): Same as above telephone: _____

Address: _____

Engineer/Surveyor: _____ Telephone: _____

Address: _____

General Information

Map Page and Tax Lot No.: 5701 86.21CB - 401 Zone: PAI

Location: 401 LOMBARD

Legal Description: Exhibit A

Existing Zoning/Comprehensive Plan Designation: PAI

Current Use/Structures: was used for church/school

Proposed Use: Rezone to commercial residential to allow for sale & development of property

Topography: Flat

Surrounding Uses: North: CI

South: R

East: CI

West: R

Acreage of Site: 1.48

Number/Size of New Lots or Parcels: N/A
(Attach site map, if applicable)

Natural Features/Hazards of the Subject Site: N/A

Public Utility Providers (gas, electric, water, sewer, telephone): P.P., City, Septic, Century Link

Easements: NONE

Volume and Page Number _____

(As recorded in the office of the County Clerk)

Deed Restrictions: _____

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

Last updated on 11/27/2017 (LA 2017-01)

Exhibit B2

27

Account 329408 Map 08621CB00200 Code Area - Tax ID 5701-329408

Polk County Real Property Assessment Overview

FOR ASSESSMENT YEAR 2018

ASSESSMENT QUESTIONS: (503) 623-8391 *** TAX QUESTIONS: (503) 623-9264
NOT OFFICIAL VALUE

Mailing Name	OREGON CONFERENCE EDUCATION ASSN	Account Status	Active
Agent		Legal Description	See record.
In Care Of	ATTN: FALLS CITY DALLAS SDA SCHOOL		
Mailing Address	19800 OATFIELD RD GLADSTONE, OR 97027	Property Class	201 Unit info View Floorplan
		RMV Class	201 20244-1

Situs Addresses

401 LOMBARD ST FALLS CITY, OR 97344

Value Summary

Code Area	AV	RMV	MAV	RMV Exception
5701 Land		\$91,730		Land 0
Improvements		\$121,760		Improvements 0
Code Area Total	\$213,490	\$213,490	\$0	\$0
GRAND TOTAL	\$213,490	\$213,490	\$0	\$0

Land Breakdown

Code Area	Plan Zone	Value Source	Size	Land Class
5701	PAI	Commercial Site	1.48 acres	
Code Area Total			1.48	
GRAND TOTAL			1.48	

Improvement Breakdown

Stat Class 820 | Commercial | Churches

Site	Building	Code Area	Year Built	Sq Ft	Image
1	1	5701	1940	2,138	View Improvement Image

City, School Districts, and Fire Districts

Code Area	District Name	Type
5701	FALLS CITY	CITY
	CHEMEKETA COMMUNITY COLLEGE	SCHOOL
	FALLS CITY SD 57	SCHOOL
	FALLS CITY SD 57 LOCAL OPTION	SCHOOL
	WILLAMETTE ESD	ESD

This report does not display every tax district that may apply to this account. Please contact the Tax Office for additional information.

Sales History

Date	Document (Source ID)	Type	Price	Grantor (Seller)	Grantee (Buyer)
04-Apr-2013	2013-3792	WD		WESTERN OR CONF ASSN/SEVENTH-DAY ADV	OREGON CONFERENCE EDUCATION ASSN
12-Dec-2000	2000-13897	WD		OREGON CONF SEVENTH DAY ADV CH	WESTERN OR CONF ASSN/SEVENTH-DAY ADV

Account 329408 Map 08821CB00200 Code Area - Tax ID 5701-329408

Code Area	Description	Special Assessments		
		Year	Acres	Amount
5701	OR FORESTRY FIRE SURCHARGE	2018		47.50
5701	OR FORESTRY FIRE TIMBER	2018	1.48	18.75

Code Area	Notations	Years	Value	Tax
	FP/RFPD OVERLAP ZONE - NO CODE SPLIT			
	LATE FILING APPLICATION APPROVAL ADDED 2001			
	FORESTRY PER ACRE PROTECTION CHARGE			

Disclaimer: The information presented on this report was generated to support county business. The county makes every effort to keep this information current and accurate. However, the county is not responsible for errors, misuse, omissions, or misrepresentations. Please contact the Assessor's Office for additional information.

Exhibit BS 30

Grantor's Name and Address:
Western Oregon Conference Association of
Seventh-day Adventists
19800 Oatfield Road
Gladstone, OR 97027

SPACE RESERVED
FOR
RECORDER'S USE

Grantee's Name and Address:
Oregon Conference Education Association
19800 Oatfield Road
Gladstone, OR 97027

After recording, return to:
Oregon Conference Education Association
Attn: Toni L. Woods
19800 Oatfield Road
Gladstone, OR 97027

RECORDED IN POLK COUNTY 2013-003792
Valerie Unger, County Clerk



\$51.00

002700792013000037820020029

04/08/2013 03:21:13 PM

REC-WD Cnt=1 Stn=1 K. WILLIAMS
\$10.00 \$10.00 \$11.00 \$15.00 \$5.00

Until requested otherwise, send all tax statements to:
Oregon Conference Education Association
Attn: Falls City-Dallas SDA School
19800 Oatfield Road
Gladstone, OR 97027

WARRANTY DEED

The WESTERN OREGON CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTISTS, an Oregon non-profit corporation, Grantor, conveys and warrants to the OREGON CONFERENCE EDUCATION ASSOCIATION, an Oregon non-profit corporation, hereinafter called Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A

And Grantor hereby covenants to and with Grantee and Grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except: NONE.

The true consideration paid for this conveyance is \$ NONE. However, the actual consideration consists of or includes other property or value given or promised which is the whole of the consideration.

In witness whereof, the Grantor has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors, this 4th day of April, 2013.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.338 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2008. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.338 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2008.

Western Oregon Conference Association of
Seventh-day Adventists

By: [Signature]
AL REIMCHE, PRESIDENT

By: [Signature]
RALPH J. NEIDIGH, SECRETARY

STATE OF OREGON, County of Clackamas) ss.

This instrument was acknowledged before me on April 4, 2013,
by Al Reimche as President and Ralph J. Neidigh as Secretary of the Western Oregon
Conference Association of Seventh-day Adventists.



[Signature]
Notary Public for the State of Oregon.
My commission expires: 7-04-2015

112 31

Exhibit B

EXHIBIT A

Beginning at a point 16 chains South and 14.40 chains West of the Northeast corner of the John Sheldon Donation Land Claim, Notification No. 6832, Claim No. 41, in Township 8 South, Range 6 West of the Willamette Meridian, in the City of Falls City, Polk County, Oregon; thence running West 254.6 feet; thence North 254.6 feet; thence East 254.6 feet to a point due North of the place of beginning; thence South 254.6 feet to the place of beginning.

2/2

Exhibit

37

32



PCMAPS 4

401 LOMBARD ST X Q C

Show search results for 401 LO...



CORPORATE RESOLUTION
of
OREGON CONFERENCE EDUCATION ASSOCIATION

TO WHOM IT MAY CONCERN:

This is to certify that Glen G. Gessele is the duly appointed Secretary of the Oregon Conference Education Association, an Oregon Corporation, and that by vote of the Administrative Committee on May 1, 2018, the following action was taken and recorded in the minutes of said Committee, of which action this is a true copy, to-wit:

VOTED: to authorize Donna Graham, Broker with Windermere Real Estate, to file an application for a zone change from the present zoning as Public Assembly/Institutional to Commercial/Residential, for the former Falls City School, 401 Lombard Street, Falls City, Oregon; and further authorizing any one of the following to sign the application for zone change and any related documents:

Glen Gessele
Tim Peterson
Ted Perry
Leslie Cairns
Brian Gosney

The records of the Oregon Conference Education Association disclose that Dan Linrud is President, David Allen and Gale Crosby are Vice Presidents, Glen G. Gessele is Secretary, and Leslie A. Cairns is Treasurer.

OREGON CONFERENCE EDUCATION ASSOCIATION

Dated: 5/3/18

By: G. G. Gessele
Glen G. Gessele, Secretary

Exhibit B9 34

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.

We feel this zone request will help the City not only with removing a Church owned PAI property, but adds to the needed commercial property within the City, while keeping the option for the provision of new residence(s) in the City.

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.

Does not.

36
_____ PAI

COMPREHENSIVE PLAN MAP AMENDMENT

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

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

City and State approval processed for the amendment will be followed

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

The use will no longer be a church and the CPMA will allow the property to come back into commercial and/or residential use and onto the tax rolls.

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.

The site is previously developed and suitable for future development as it is already developed and served by city services.

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.

It is currently served by city services.

37
BR

CITY OF FALLS CITY

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

NOTICE OF SCHEDULED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Falls City City Council will hold a public hearing on August 9, 2018 at 6:00 p.m. at the Community Center, 320 N. Main Street to review the following application.

FILE NUMBER: CPMA/ZC 18-01

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

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

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OWNER: Same as above.

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

See other side.

EXCI 30

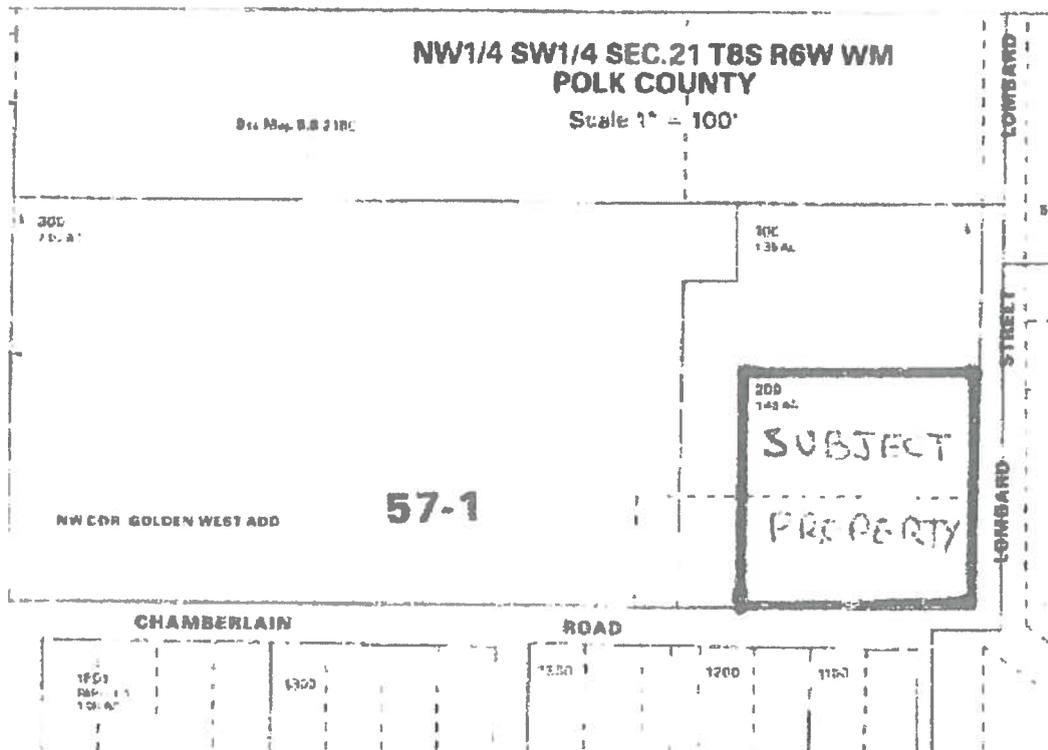
HOW TO PARTICIPATE: Anyone interested in commenting on this request may do so in person at the public hearing or in writing before or at the public hearing. Written comments may be filed before the public hearing with the City of Falls City. The documents, evidence, and staff report are available for review at City Hall. Copies are available for the cost of copying. A staff report will be available seven (7) days before the public hearing. Any interested person with concerns about the proposal should become involved in the land use decision-making process.

Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the City Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue. All testimony and evidence received during this public hearing must be directed toward applicable criteria, or to such other rule, law, regulation or policy that you believe applies to this application.

The public hearing location is accessible to the disabled. If you need any special accommodations to attend or participate in the hearing, please notify City Hall at least 24 hours before the hearing. For further information, please contact City Hall at 503-787-3631.

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.

VICINITY MAP

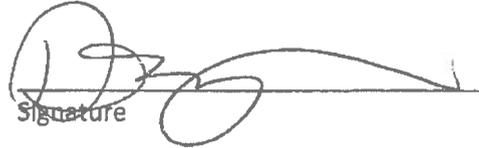


Ex C2 39

AFFIDAVIT OF MAILING

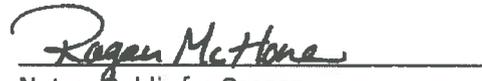
STATE OF OREGON)
) SS
COUNTY OF MARION)

I, Denise VanDyke, being first duly sworn, depose and say: That on the 18th day of July, 2018, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Scheduled Public Hearing marked Exhibit "B," attached hereto by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Polk County Assessor's Office Property Records, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.


Signature

SUBSCRIBED AND SWORN to before me on this 18th day of July, 2018.




Notary Public for Oregon
My commission expires: Oct. 22 2018

RE: Falls City Notice of Scheduled Public Hearing; file #CPMA/ZC 2018-01

EX C3 40

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945 SW FAIRVIEW AVE
DALLAS, OR 97338

BOWMAN RICHARD M
PO BOX 133
FALLS CITY, OR 97344

BRITTON LAURA & SICKLES LORI
PO BOX 81
FALLS CITY, OR 97344

BUTTRUM ROGER L
P O BOX 363
FALLS CITY, OR 97344

DIEHM WILLIAM DALE SR
454 FIRST AVE
FALLS CITY, OR 97344

JENSEN DEVT PROPERTIES, LLC
137 SHELDON AVE
FALLS CITY, OR 97344

KALPAKOFF PAUL W JR & LINDA
395 CLARK ST
FALLS CITY, OR 97344

MCCLURE TAMARA N
PO BOX 552
DALLAS, OR 97338

MORRISON BARBARA B
410 LEWIS ST
FALLS CITY, OR 97344

NEIGHBORS LINDA D
220 LOMBARD ST
FALLS CITY, OR 97344

OR CONFERENCE EDUCATION ASSN
19800 OATFIELD RD
GLADSTONE, OR 97027

RHOADES JOHN A & LISA M
417 LEWIS ST
FALLS CITY, OR 97344

WEBB DOYLE R JR & VIRGINIA E
460 FIRST AVE
FALLS CITY, OR 97344

WRIGHT RONALD W
458 FIRST AVE
FALLS CITY, OR 97344

CITY OF FALLS CITY
299 MILL ST
FALLS CITY OR 97344

EXCH 41

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AFFIDAVIT OF POSTING
CPMA/ZC 18-01

I, Donald Poe Depose and state as follows:

That I posted the Notice of Scheduled Public Hearing at 401 Lombard St. Falls City, OR, the subject property, by placing said Notice:

Front Door

That the aforementioned Notice of Scheduled Public Hearing was posted by myself on July 25, 2018.

Donald Poe 
Print and Sign

EX C5 42

Mac Corthell

From: IO Legals <IOLegals@polkio.com>
Sent: Thursday, July 26, 2018 10:27 AM
To: Mac Corthell
Subject: RE: 8/1-Notice

Mac

Will set per your request for Aug. 1, 2018.
Yes, it would have been a bit more money to publish what you first sent over. We are actually considerably less than most newspapers when it come to Public Notices going in the paper though.
We start out at \$8.50 per column inch.

Thank You

Dawn Ohren
-Legals-
Polk County Itemizer Observer
503-623-2373
iolegals@polkio.com

From: Mac Corthell <manager@fallscityoregon.gov>
Sent: Thursday, July 26, 2018 10:17 AM
To: IO Legals <IOLegals@polkio.com>
Subject: 8/1-Notice

Hi Dawn,

Thanks for the heads up, I'm sure that posting would have been far more costly. Please publish the following:

“NOTICE OF SCHEDULED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of Falls City will host a first public hearing on **August 9, 2018 at 6pm** in the Falls City Community Center, 320 N. Main Street, to consider a Zone Change and Comprehensive Plan Map Amendment to change designation of 401 Lombard St from Public Assembly/Institutional to Commercial/Residential.”

Sincerely,

Macahan “Mac” Corthell, JD
City Administrator
Falls City, Oregon

EX CG 43

AGENDA REPORT

TO: CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: ADJUSTMENT #1 TO 18-19 ANNUAL BUDGET FOR GRANT FUNDS
DATE: AUGUST 9, 2018

SUMMARY

A budget adjustment to appropriate \$2,199.00 in specific purpose grant funds received from FM Global for fire prevention, education, and a new PA system.

BACKGROUND

On November 9, 2017 the City Council resolved to allow Fire Department personnel to apply for an FM Global specific use grant. On June 20, 2018 FM Global awarded the Falls City Fire Department a grant for \$2, 199.00 to be used on specific items for educating young people on fire prevention and to purchase a new PA system.

ALTERNATIVES

This is free grant money, the alternative would be to turn down free money.

FINANCIAL IMPLICATIONS

\$2, 199.00 into fire accounts for the purchase of a new PA system and various items geared to child fire prevention education.

STAFF RECOMMENDATION

Adopt.

EXHIBIT

- A. Resolution 20-2018 A resolution to adjust appropriations for the 2018-2019 annual budget
- B. FM Global Grant Award Letter

PROPOSED MOTION

I move that the City Council of the City of Falls City adopt resolution 20-2018, A RESOLUTION TO ADJUST APPROPRIATIONS FOR THE 2018-2019 ANNUAL BUDGET.

RESOLUTION 20-2018

A RESOLUTION TO ADJUST APPROPRIATIONS FOR THE 2018-2019 ANNUAL BUDGET.

WHEREAS, the City Council adopted the 2018-2019 annual budget and made appropriations with Resolution 14-2018 on June 29, 2018; and

WHEREAS, conditions that were not known at the time the budget was prepared have occurred that require adjustments to the Adopted Budget, and ORS 294.338 provides the legal basis for changes to appropriations for specific purpose grants by resolution of the City Council; and

WHEREAS, the City received \$2,199.00 from a Factory Mutual Insurance Global fire prevention grant to pay for fire prevention education and training; and

WHEREAS, grant fund resources will be used to purchase handouts and equipment to educate local children on fire prevention, and a PA system for Falls City Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Falls City that the attached budget adjustment summary be made a part of this resolution hereof and authorized.

Approved and adopted at a regular meeting of the City Council held on the 9th day of August 2018.

Date

Jeremy Gordon, Mayor

Attest:

Date

Mac Corthell, City Manager

Falls City Budget Adjustment Summary

2018-2019 Budget Adjustment 1

Fund	Account	Original Budget	Increase	Decrease	Revised Budget
General Fund					
Revenues	Fire Grants	\$0.00	\$2,199.00	\$ --	\$2,199.00
Fire					
Requirements	Equipment	\$1,000.00	\$750.00	\$ --	\$1,750.00
	Miscellaneous	\$1,500.00	\$1,449.00		\$2,949.00

Description: Falls City Fire Department has secured an education and fire prevention grant from Factory Mutual Insurance Company to purchase fire prevention education materials and a PA system.



June 20, 2018

Factory Mutual Insurance Company
1151 Boston-Providence Turnpike, P.O. Box 9102
Norwood, MA 02062 USA
T: 781 255 4000 F: 781 255 4024 www.fmglobal.com

Ms. Sykes
City of Falls City Fire Department
P.O. Box 152
Falls City, Oregon 97344

Dear Ms. Sykes:

Congratulations. Your grant application for an FM Global fire prevention grant stood out among the hundreds we received, and we will be funding \$2199 to purchase fire prevention education materials and a PA system. We hope the additional funding will help to strengthen your efforts to ultimately, and more effectively prevent fire—the leading cause of property destruction worldwide.

In the coming weeks, you will be contacted by an FM Global representative to set up a formal presentation. In the meantime, award checks will be mailed in July to your attention at the address above. Please feel free to use the attached news release that we've prepared for you to promote news media interest—be it in advance of or after the formal presentation.

During the past 40 years, FM Global has awarded millions of dollars in funding to fire departments and related agencies worldwide. With a shared philosophy that the majority of property loss is preventable—not inevitable—we can make a difference in preventing the frequency and severity of fire...together.

Once again, congratulations on your recent fire prevention grant awarded by FM Global, one of the world's largest commercial property insurers.

If you have any questions regarding your award, please feel welcome to e-mail me.

Best wishes for continued success in your fire prevention endeavors.

A handwritten signature in black ink, appearing to read "Michael Spaziani". The signature is fluid and cursive, with a long horizontal line extending to the right.

Michael Spaziani
Assistant Vice President, Manager - Fire Service Programs

CC: Tim Hawthorne - San Francisco Operations
18-142 - City of Falls City Fire Department

AGENDA REPORT

TO: CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: CITIZEN NOTICE OF CODE SERVICES
DATE: AUGUST 9, 2018

SUMMARY

Requesting City Council to adopt and endorse a public notice advising the Citizens of Falls City that Code Services has arrived and offering those not in compliance an opportunity to cure prior to any City action. This letter will be sent to all Falls City Water users.

BACKGROUND

On November 9, 2017 the City Council adopted Ordinance 549-2017 declaring an emergency and providing for enforcement of city codes. Additionally, the City Council has identified establishment of Code Services and enforcement of city codes as one of its primary goals. City Administration has been working diligently to create and institute a Code Services program that meets the goals of the Council. That program is nearly out of the development phase and will be into the operational phase in short order (late August, early September). On August 1, 2018 the City hired a part-time Code Services Officer who will first organize the existing program, analyze the existing code, and thereafter begin the task of code enforcement.

The letter which you are being asked to endorse puts citizens on notice that code enforcement has arrived, and gives the non-compliant ones an opportunity to cure independently.

PREVIOUS COUNCIL ACTION

November 9, 2017: Ord 549-2017 "An ordinance providing for enforcement of city ordinances and declaring an emergency."

ALTERNATIVES

This letter could be modified- This will cause a lag in the delivery of code services while a new letter is drafted and then presented to the Council at the next meeting. However, a delayed letter will not allow citizens to begin taking action on their own prior to Code Enforcement starting.

The letter could be scrapped- This will fail to put citizens on notice and will fail to show Council's desire to enforce Falls City code, and will not put potential violators on notice.

FINANCIAL IMPLICATIONS

Approximately \$325.00 in postage, envelopes, paper and staff time.

STAFF RECOMMENDATION

Adopt letter and endorse.

EXHIBIT

- A. Code Services Public Notice Letter
- B. Ordinance 549-2017

PROPOSED MOTION

I move that the City Council of the City of Falls City adopt A RESOLUTION ADOPTING AND ENDORSING A LETTER NOTIFYING THE COMMUNITY THAT THE CODE SERVICES PROGRAM HAS BEGUN AND PROVIDING OPPORTUNITY TO VOLUNTARILY COMPLY WITH CITY CODE. .

413

RESOLUTION 21-2018

A RESOLUTION ADOPTING AND ENDORSING A LETTER NOTIFYING THE COMMUNITY THAT THE CODE SERVICES PROGRAM HAS BEGUN AND PROVIDING OPPORTUNITY TO VOLUNTARILY COMPLY WITH CITY CODE. .

WHEREAS, the City Council adopted Ordinance 549-2017 declaring an emergency and providing for enforcement of City Codes on November 9, 2017; and

WHEREAS, many properties in Falls City have been out of compliance with City Code for an extended period of time and the coming of Code Services will break the status quo;

WHEREAS, the City recently hired a Code Services Officer to begin addressing violations of the City Code; and

WHEREAS, the citizens of Falls City deserve to know that Code Services has arrived, and notice to bring their property into compliance voluntarily.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Falls City that the attached letter be made a part of this resolution, adopted, and endorsed by the City Council.

Approved and adopted at a regular meeting of the City Council held on the 9th day of August 2018.

Date

Jeremy Gordon, Mayor

Attest:

Date

Mac Corthell, City Manager



City of Falls City
299 Mill Street
Falls City, OR 97344
Phone: 503.787.3631

PUBLIC NOTICE
EMERGENCY DECLARATION
August 9, 2018

Dear Citizen,

The purpose of this notice is two-fold: 1) to inform the citizens of Falls City that their voices have been heard and Code Services have arrived. 2) To provide citizens who are currently in violation with an opportunity to cure on their own, without the involvement of City Officials.

On November 9, 2017 the City Council of Falls City adopted ordinance 549-2017 by unanimous vote declaring an emergency and providing for enforcement of City Ordinances. Since then City Administration has been working to develop a program that will achieve the goals laid out by the City Council to, in cooperation with the citizens of Falls City, bring the community into compliance with the code adopted by their elected representatives.

The development phase of the Code Services program is winding down and it will become operational in mid to late August. This means citizens who are **NOT CURRENTLY IN COMPLIANCE** with City Code should **IMMEDIATELY** begin working to **CORRECT THEIR ISSUES**. It is the will of the City Council that City Administration work with folks who are making good faith efforts to bring their property into compliance rather than pursue other avenues of enforcement.

Like most cities, there are numerous and various code violations occurring. A full copy of the Falls City Code of Municipal Ordinances can be found at www.fallscityoregon.gov. Some of the most common seen in Falls City are:

- **Recreational Vehicles** used as a dwelling, or stored inoperable on property.
- **Other Vehicles** inoperable or disabled and stored in public view, or in public right of way.
- **Rubbish** stored on property and/or attracting rats.

It is the desire of the City Council that the beauty of our great city be on full display for our citizens, our visitors, and anyone else who happens on by. If each of us does our part we can show the rest of the County and the State how well Falls City works! Thank you for your support and cooperation.

Sincerely,

Mayor & City Council
City of Falls City

ORDINANCE NO. 549-2017

AN ORDINANCE PROVIDING FOR ENFORCEMENT OF CITY ORDINANCES AND DECLARING AN EMERGENCY.

The City of Falls City, Oregon ordains as follows:

Section 1: *The Falls City Code of Ordinances is amended to add the following new section to Chapter 10.*

§ 10.19 Code Enforcement Officer

For purposes of Oregon law and enforcing City Code violations, the City may appoint and designate city officers as it determines necessary as an "enforcement officer." The City enforcement officers shall be authorized to enforce violations of this Code including the authority to issue infraction citations, issue summons and prosecute citations in municipal court.

Section 2: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which the ordinance or such portion thereof was enacted.

Section 3: Emergency Clause. It being necessary for the peace, health, safety and sound development of the city of Falls City, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage by the council and signature by the mayor.

READ FIRST TIME by the Common Council of the City of Falls City this 12th day of October, 2017.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

READ SECOND TIME AND ADOPTED by the Common Council of the City of Falls City this 9th day of November, 2017.

AYES: NAYS: ABSTAIN: ABSENT:

Original missing. See attached minutes for adoption.

AGENDA REPORT

TO: CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: RESOLUTION 22-2018, SECTION 3 PLAN
DATE: AUGUST 9, 2018

SUMMARY

Before a City can receive any HUD funding over \$200k, it must adopt a plan to comply with Section 3 of the Housing and Urban Development Act of 1968 as amended (HUDA). The CDBG wastewater grant awarded to the city uses HUD monies exceeding \$200k. Before the City can make its first draw it must enact a plan to comply with Section 3 of the HUDA.

BACKGROUND

Section 3 of the Housing and Urban Development Act of 1968 as amended (12 USC 1701u)(Section 3) requires that recipients of HUD-funding exceeding \$200,000 ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and Local laws and regulations, be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to such persons.

Section 3 is applicable when the normal completion of construction and rehabilitation projects creates the need for new employment, contracting or training opportunities. If the expenditure of covered funding does not result in new employment, contracting, or training opportunities, the requirements of Section 3 are not applicable.

As a recipient of HUD Community Development Block Grant (CDBG) funds through the Oregon Business Development Department (OBDD), the CITY certifies that it will make good faith efforts, including the preference to contract with businesses that employ Section 3 residents from the local community, to comply with the requirements of Section 3. These same requirements apply to all contractors or subcontractors that receive contracts in excess of \$100,000 for Section 3 eligible projects.

HUD's Section 3 regulations can be found at 24 CFR 135.

PREVIOUS COUNCIL ACTION

N/A.

ALTERNATIVES

None.

FINANCIAL IMPLICATIONS

Failure to adopt will result in non-receipt of CDBG funds, and cancellation of the CDBG wastewater project.

STAFF RECOMMENDATION

Adopt.

ATTACHMENT

A. Resolution 22-2018 with attached Section 3 plan.

PROPOSED MOTION

I move that the City Council of the City of Falls City adopt resolution 22-2018, A RESOLUTION ADOPTING A PLAN TO COMPLY WITH SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968 AS AMENDED .

RESOLUTION 22-2018

A RESOLUTION ADOPTING A PLAN TO COMPLY WITH SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968 AS AMENDED

WHEREAS, the City of Falls City has entered an agreement to receive HUD Community Development Block Grant Funds; and

WHEREAS, recipients of HUD funds over \$200,000 must adopt a plan for compliance with Section 3 of the Housing and Urban Development Act of 1968 as amended, prior to receiving HUD funds; and

WHEREAS, the City is slated to receive approximately \$340,000 from HUD through a Community Development Block Grant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Falls City that the attached "Section 3 Plan" be made a part of this resolution hereof and adopted.

Approved and adopted at a regular meeting of the City Council held on the 9th day of August 2018.

Date

Jeremy Gordon, Mayor

Attest:

Date

Mac Corthell, City Manager

SECTION 3 PLAN

GENERAL POLICY STATEMENT

It is the policy of the City of Falls City to require its contractors to make a good faith effort to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

The City of Falls City (hereinafter "CITY") implements this policy through the awarding of *Community Development Block Grant* program contracts to contractors, vendors, professional service providers/consultants and suppliers (hereinafter "CONTRACTOR"), to create employment and business opportunities for residents of the City of Falls City and other qualified low-and very low-income persons.

The policy will ensure that, in good faith, the CITY will have a reasonable level of success in the recruitment, employment, and utilization of Section 3 residents and other eligible persons and Section 3 business concerns working on contracts *partially or wholly funded* with the United States Department of Housing and Urban Development (HUD) monies. The CITY shall examine and consider a CONTRACTOR's potential for success by providing employment and business opportunities to Section 3 residents and business concerns prior to acting on any proposed contract award.

WHAT IS SECTION 3?

Section 3 of the Housing and Urban Development Act of 1968 as amended, 12 USC 170(1)(u)(3), requires that recipients of HUD-funding exceeding \$200,000 ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and Local laws and regulations, be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to such persons.

Section 3 is applicable when the normal completion of construction and rehabilitation projects creates the need for new employment, contracting or training opportunities. If the expenditure of covered funding does not result in new employment, contracting, or training opportunities, the requirements of Section 3 are not applicable.

As a recipient of HUD Community Development Block Grant (CDBG) funds through the Oregon Business Development Department (OBDD), the CITY certifies that it will make good faith efforts, including the preference to contract with businesses that employ Section 3 residents from the local community, to comply with the requirements of Section 3. These same requirements apply to all contractors or subcontractors that receive contracts in excess of \$100,000 for Section 3 eligible projects.

HUD's Section 3 regulations can be found at 24 CFR 135.

ELIGIBLE PROJECTS

All projects and activities involving housing construction, demolition, rehabilitation, or other public construction, such as roads, sewers, community centers, et cetera, that are completed with HUD Community Planning and Development funding are subject to the requirements of Section 3.

SECTION 3 RESIDENTS

1. Are residents of public or Indian housing; or
2. Are individuals that reside in the metropolitan area in which the Section 3 applicable assistance is expended and whose income does not exceed the local HUD income limits set forth for low- or very-low income households.

SECTION 3 BUSINESS CONCERNS

To be considered a Section 3 Business Concern; at least one of the following must apply:

1. Business is 51% or more owned by Section 3 residents; or
2. At least 30% of the business's permanent, full-time employees are currently Section 3 residents, or within three years of the date of first employment with the firm were Section 3 residents; or
3. Business provides evidence of a commitment to subcontract in excess of 25% of the dollar amount of all subcontracts to be awarded to businesses that meet the qualifications described above.

In accordance with the regulation, residents and business concerns seeking Section 3 preference shall certify, and/or submit evidence to the CITY, CONTRACTOR, or subcontractor, verifying that they meet the definitions provided above.

IMPLEMENTING PROCEDURES TO ENSURE SECTION 3 REQUIREMENTS

The following Bid Specifications and Contract clause shall be included in all CITY bid solicitations and requests for proposals for projects whose funding is derived from HUD and involves housing construction, demolition, rehabilitation, or other public construction:

SECTION 3 CLAUSE

- 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 subcontractor where the contractor has notice or knowledge that the subcontractor has been found 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 of 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. *Non compliance 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 and submit it to the City with the final construction pay estimate for the project.*

COMPLIANCE WITH SECTION 3

Section 3 businesses must meet minimum qualifications, including prequalification with the CITY, and have the ability and capacity to perform successfully under the terms and conditions of the contract. All contractors or businesses seeking Section 3 preference, before submitting bids or proposals to the CITY, will be required to complete certifications to acknowledge that Section 3 contracting and employment provisions have been met. Such certifications must be adequately supported with appropriate documentation and supplied at the time of prequalification.

The CITY will incorporate Section 3 requirements into all solicitations for project proposals that are funded in part or in whole with HUD monies. Section 3 residents must meet the minimum qualifications of the position

to be filled and a Section 3 business concern must have the ability to and capacity to perform successfully under the terms and conditions of the proposed contract.

The CITY will, to the greatest extent possible, offer contracting opportunities to Section 3 business concerns. However, in the event that no Section 3 businesses bid on the contract, or bids but is not able to demonstrate to the CITY that it has the ability to perform successfully under the terms and conditions of the proposed contract, then that contract will be awarded to a non-Section 3 business concern that can meet the terms and conditions of the proposed contract through the competitive bidding process. That business concern must meet the general conditions of compliance with Section 3.

All contractors or businesses seeking Section 3 preference, before submitting bids or proposals to the CITY will be required to complete certifications, as appropriate, as acknowledgement of the Section 3 contracting and employment provisions required by this section. Such certifications shall be adequately supported with appropriate documentation as referenced on the form.

COMPLIANCE WITH SECTION 3 (GOOD FAITH EFFORT)

At a minimum, the following tasks will be completed to demonstrate a good faith effort with the requirements of Section 3. To ensure compliance with Section 3 requirements, the CITY will document actions taken to comply, including but not limited to:

1. Advertise contracting opportunities via newspaper, mailings, or posting notices about the work to be contracted and where to obtain additional information. Alternatively, notifying Mid-Willamette Valley Council of Governments, local job training centers and WorkSource Oregon of new employment, training or contracting opportunities resulting from the expenditure of covered funding.
2. Provide written notice of contracting opportunities to all known Section 3 business concerns within the City of Falls City. The written notice will be provided in sufficient time to enable business concerns the opportunity to respond to the bid invitation.
3. Include in all solicitations a statement to encourage eligible Section 3 businesses to apply;
4. Assisting and actively cooperating with OBDD in ensuring contractors and subcontractors comply with Section 3;
5. Refraining from entering into contracts with contractors or subcontractors that are in violation of Section 3 regulations; and
6. Documenting actions taken to comply with Section 3 and submitting necessary documentation to OBDD (HUF Form 60002).

CONTRACTOR REQUIREMENTS

In preparation for the award of contracts, the CONTRACTOR will supply the following to the CITY:

1. A list of all positions necessary to complete the contract, the names of employees who will fill those positions, and the names of all other employees,

2. Posting notices of any vacant positions, including training and/or apprenticeship positions, qualifications for positions, in a location(s) accessible to Section 3 person(s) where applications will be received, and starting date of employment,
3. To the greatest extent possible, making available vacant positions, including training and/or apprenticeship positions, to Section 3 residents,
4. If a position necessary to complete contractual task is vacated during the contract period, CONTRACTOR's certification that, to the greatest extent possible, that vacancies will be filled pursuant to items 2 and 3 above,
5. Submitting compliance reports as required,
6. If notified of non-compliance, correcting non-compliance issues within the allowable time period.

Businesses can use the WorkSource Oregon-First Source Hiring Agreement in complying with Section 3 requirements.

EVIDENCE OF SECTION 3 CERTIFICATION

Any business seeking Section 3 preference in the awarding of contracts or purchase agreements with the CITY shall complete the Certification for Business Concerns Seeking Section 3 Preference in Contracting and Demonstration of Capability from, obtained from the CITY's Section 3 Coordinator. The business seeking Section 3 preference must provide adequate documentation as evidence of eligibility for preference under the Section 3 Program.

Certifications for Section 3 preference for business concerns must be submitted to the CITY's Section 3 Coordinator prior to the submission of bids for consideration. If the CITY has previously approved the certification for the business concern, then the certification may be submitted along with the bid.

CONTRACTOR'S REQUIREMENTS IN EMPLOYING SECTION 3 RESIDENTS

After a contract is awarded, the CONTRACTOR will provide the following:

1. Names of Section 3 business concerns to be utilized;
2. Estimate of the number of employees to be utilized for contract;
3. Projected number of available positions, including job descriptions and wage rates (construction wages must be consistent with Davis-Bacon Act or Oregon BOLI rates, whichever is higher); and
4. Efforts that will be utilized to seek Section 3 participants.

MONITORING AND ENFORCEMENT

The function of monitoring and enforcing these provisions will be carried out by the City's project manager for each HUD-funded construction project. During the pre-bid or pre-construction meetings between the CITY and CONTRACTOR, the CITY's Section 3 Policy will be provided again to the CONTRACTOR for inclusion in contract documents. The following contract requirements will be discussed in detail:

- Prevailing wage rates (Davis-Bacon or BOLI, whichever is higher)
- Minority and woman-owned businesses

- Section 3 hiring requirements

Each representative will define specific functional requirements and require the CONTRACTOR to certify its understanding of the terms and conditions of the contract as it applies to the aforementioned requirements.

SECTION 3 COMPLAINT PROCEDURE

The CITY will make every effort to resolve complaints generated from alleged non-compliance through an internal process. The CITY encourages submittal of non-compliance complaints to its Section 3 Coordinator as follows:

1. Submit to the following address:
City of Falls City
Attn: City Manager
299 Mill Street
Falls City, Oregon 97344
2. Complaints of non-compliance should be filed in writing and must contain the name of the complainant and brief description of the alleged violation of 24 CFR 135.
3. Complaints must be filed within thirty calendar days after the complainant becomes aware of the alleged violation.
4. An investigation will be conducted if complaint is found to be valid. The Section 3 Coordinator will conduct an informal but thorough investigation affording all interested parties, if any, an opportunity to submit testimony and/or evidence pertinent to the complaint.
5. The Section 3 Coordinator will provide written documentation detailing the findings of the investigation to the City Attorney. The City Attorney will review the findings for accuracy and completeness before it is released to the complainants. The findings will be made available no more than thirty days after the complaint is filed with the CITY.

If complainants wish to have their concerns considered outside the CITY's internal procedure, a complaint may be filed with

Assistant Secretary for Fair Housing and Equal Opportunity
United States Department of Housing and Urban Development
451 Seventh Street Northwest
Washington, District of Columbia, 20410

The complaint must be received no later than 180 days from the date of the action or omission upon which the complaint is based, unless the time for filing is extended by the Assistant Secretary for good cause shown.

CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3 PREFERENCE IN CONTRACTING AND DEMONSTRATION OF CAPACITY

Name of Business _____

Address of Business _____

Type of Business: Corporation Partnership
 Sole Proprietorship Joint Venture Municipality

Attached is the following documentation as evidence of status:

_____ **For Business claiming status as a Section 3 resident-owned enterprise:**

- | | |
|---|---|
| <input type="checkbox"/> Copy of resident lease | <input type="checkbox"/> Copy of receipt of public assistance |
| <input type="checkbox"/> Copy of evidence of participation in public assistance program | <input type="checkbox"/> Other evidence |

_____ **For business entity as applicable:**

- | | |
|--|---|
| <input type="checkbox"/> Copy of Articles of Incorporation | <input type="checkbox"/> Certificate of Good Standing |
| <input type="checkbox"/> Assumed Business Name Certificate | <input type="checkbox"/> Partnership Agreement |
| <input type="checkbox"/> List of owners/stockholders and % ownership of each | <input type="checkbox"/> Corporation Annual Report |
| <input type="checkbox"/> Latest Board minutes appointing officers | |
| <input type="checkbox"/> Organization chart with names and titles and brief function statement | |
| <input type="checkbox"/> Additional information | |

_____ **For business claiming Section 3 status by subcontracting 25 percent of the dollar awarded to qualified Section 3 business:**

- List of subcontracted Section 3 business(es) and subcontract amount

_____ **For business claiming Section 3 status, claiming at least 30 percent of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:**

- List of all current full-time employees
 List of employees claiming Section 3 status
 PHA/IHA Residential lease less than 3 years from day of employment
 Other evidence of Section 3 status less than 3 years from date of employment

_____ **Evidence of ability to perform successfully under the terms and conditions of the proposed contract:**

- Current financial statement
 Statement of ability to comply with public policy
 List of owned equipment
 List of all contracts for the past two years

(Corporate Seal)

Authorizing Name and Signature

Attested by: _____

AGENDA REPORT

TO: CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: RESOLUTION 23-2018, LEP PLAN
DATE: AUGUST 9, 2018

SUMMARY

A City receiving Federal Financial Assistance must adopt a Limited English Proficiency Language Access Plan (LEPLAP), prior to receiving Federal funds. The City has been awarded a CDBG grant composed of Federal Funds and must adopt a LEPLAP prior to receiving any funds.

BACKGROUND

Executive Order 13166, "Improving Access to Services for Person with Limited English Proficiency," requires local agencies receiving federal funds to publish certain guidance for the equitable treatment of person with Limited English Proficiency. The attached LEPLAP addresses the City of Falls City's responsibility relevant to that order.

PREVIOUS COUNCIL ACTION

N/A.

ALTERNATIVES

None.

FINANCIAL IMPLICATIONS

Failure to adopt will result in non-receipt of CDBG funds, and cancellation of the CDBG wastewater project.

STAFF RECOMMENDATION

Adopt.

ATTACHMENT

A. Resolution 23-2018 with attached LEP Access Plan.

PROPOSED MOTION

I move that the City Council of the City of Falls City adopt resolution 23-2018, A RESOLUTION ADOPTING A LIMITED ENGLISH PROFICIENCY LANGUAGE ACCESS PLAN.

RESOLUTION 23-2018

A RESOLUTION ADOPTING A LIMITED ENGLISH PROFICIENCY LANGUAGE ACCESS PLAN

WHEREAS, differing treatment based on a person's inability to speak, read, write, or understand English is a form of national origin discrimination; and

WHEREAS, it is the policy of the City of Falls City not to discriminate against any person for any unlawful reason; and

WHEREAS, the City of Falls City has entered an agreement to receive Federal funds through the Community Development Block Grant; and

WHEREAS, recipients of Federal funds are subject to Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," requiring the City to publish a plan to ensure compliance with Title VI and HUD's Limited English Proficiency (LEP) guidance; and

WHEREAS, the City has developed a LEP language access plan that fulfills the City's responsibilities as a recipient of Federal funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Falls City that the attached "Limited English Proficiency Access Plan" be made a part of this resolution hereof and adopted.

Approved and adopted at a regular meeting of the City Council held on the 9th day of August 2018.

Date

Jeremy Gordon, Mayor

Attest:

Date

Mac Corthell, City Manager

LIMITED ENGLISH PROFICIENCY LANGUAGE ACCESS PLAN

This Limited English Proficiency (LEP) Language Access Plan (LAP) addresses City of Falls City's responsibilities as a recipient of federal financial assistance as it relates to the needs of individuals with limited English proficiency language skills. U.S. Department of Housing and Urban Development defines limited English proficient as persons are who, as a result of national origin, do not speak English as their primary language and who have a limited ability to speak, read, write or understand.¹ Limited English proficiency refers to anyone above the age of 5 who reported speaking English less than "very well," as classified by the U.S. Census Bureau. For purposes of Title VI and the LEP Guidance, persons may be entitled to language assistance with respect to a particular service, benefit or encounter. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national original discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the City of Falls City.

City of Falls City referenced the most current data from U.S. Census Bureau's American Community Survey (below) and utilized both the Four-Factor LEP Analysis for Meaningful Access and Safe Harbor Test for Written Translation Services to prepare this plan.

INTRODUCTION

City of Falls City is located in Polk County, Oregon. According to American Community Survey (ACS) 5-year estimates for 2015, the City of Falls City had a population of 938 persons.

Falls City's population predominately speaks English. In fact, according to American Community Survey (ACS) 5-year estimates, 96-percent (903) persons) of the population 5 years and over in Falls City speaks "English". In addition, 3-percent (25 persons) of the population in Falls City speaks predominately Spanish at home but only 0.1-percent (1 person) responded that they speak English "less than very well." See Exhibit A which identifies languages spoken at home by Falls City residents (Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, ACS_15_5YR_B16001

FOUR FACTOR ANALYSIS FOR MEANINGFUL ACCESS

Recipients are required to take reasonable steps to ensure meaningful access to LEP persons through the four-factor analysis. This "reasonableness" standard intends to be flexible and fact-dependent. It also intends to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens on small businesses, small local governments, or small nonprofit organizations. As the City of Falls City encompasses a variety of services, application of the Four-Factor analysis varies depending on the specific service.

As a starting point, a recipient may conduct an individualized assessment that balances the following four factors:

1. The number of proportion of LEP persons served or encountered in the eligible service population ("served" or "encountered" includes those persons who would be served or encountered by the recipient if the persons received adequate education and outreach and the recipient provided sufficient language services):

According to ACS 5-year estimates, 3-percent (25 persons) of the population in Falls City speaks predominately Spanish at home but only 0.1-percent (1 person) responded that they speak English "less than very well." According to the 'Safe Harbor' Guidelines, any language population that constitutes more than 5-percent of the eligible population or beneficiaries and is 50 or more in number is required to provide translated vital documents. As there are no populations/persons over 5%/50 person who speak English less than very well, the City of Falls City is not required to provide translated vital documents under 'Safe Harbor' guidelines to non-English LEP individuals. Table 2 summarizes Safe Harbor guidelines for written translations.

Table 1: "Safe Harbors" for Written Translations

SIZE OF LANGUAGE GROUP	RECOMMENDED PROVISION OF WRITTEN LANGUAGE ASSISTANCE
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries and more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries and 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

Source: Community Development Block Grant "Grant Management Handbook",

2. The frequency with which LEP persons come into contact with the program:

City services that benefit the entire population of the City of Falls City include: Public Works Department, administrative and utility billings and City Council meetings (the City does not have a Planning Commission). Those interested in the learning more about the City's programs or projects

are encouraged to visit the City's website, attend City Council meetings or request information at City Hall.

The frequency with which LEP persons come into contact with these program is minimal. However, the City does have access to sign language, hearing, speech or other translation services via our Court agreement with Independence (use of Brenda Hidalgo 503-949-4774) as well as access to the attached roster list.

3. The nature and importance of the program, activity, or service provided by the program:

The program, activities and services provided by the City serves all residents. The City provides vital documents including the Fair Housing brochure and poster in both English and Spanish. Upon request the City also commits to provide sign language, hearing, speech or other translation services.

4. The resources available and costs to the recipient:

The frequency with which LEP persons come into contact with these program is minimal. The frequency with which LEP persons come into contact with these program is minimal. However, the City does have access to sign language, hearing, speech or other translation services via our Court agreement with Independence (use of Brenda Hidalgo 503-949-4774) as well as access to the attached roster list.

FOUR FACTOR ANALYSIS DETERMINATION: The City shall make sure that all notices provided for access to public meeting spaces and the availability of translation services, if requested. Such notices already included on all agendas and notices for public meetings (see attached).

The City weighed the costs and benefits of translating all documents for potential LEP groups. Considering the expense of translating documents, the monthly change in newsletter reports and other relevant factors, the City determined that, at this time, providing notice that translation services are available upon request on all public notices and other applicable forms will meet the four-factor analysis and "safe harbors".

IMPLEMENTATION PLAN

LANGUAGE SERVICES AVAILABLE

Written Translations

Safe Harbor: Housing and Urban Development, in its final guidance for providing program access to LEP individuals, has detailed a 'Safe Harbor' where providing a certain level of translated materials for a LEP population of a specified size will "be considered strong evidence of compliance with the recipient's written translation obligations." According to the 'Safe Harbor' Guidelines for written language assistance, any language population that constitutes more than 5-percent of the eligible population or beneficiaries and is 50 or more in number is required to provide translated vital documents. The City of Falls City has determined that, in regards to its LEP language populations, translation services will be made available if requested and said notices will be included on all public hearing and meetings and other applicable vital documents. Upon request the City commits to provide sign language, hearing, speech or other translation services including referrals to community liaisons proficient in the language of LEP persons.

Oral Interpretation

Staff Obtainment of Language Services: Staff needing translation services will contact *persons included on their translation services Court agreement with Independence (use of Brenda Hidalgo 503-949-4774) as well as access to the attached roster list.*

In addition, Falls City staff will use Language Identification Cards created by the U.S. Census Bureau when there is difficulty determining this language spoken.

PROCEDURE FOR LEP CALLERS

Upon request, the City also commits to provide sign language, hearing, speech or other translation services including referrals to community liaisons proficient in providing services to LEP persons.

PROCEDURE FOR WRITTEN COMMUNICATION WITH LEP INDIVIDUALS

Upon request the City also commits to provide sign language, hearing, speech or other translation services including referrals to community liaisons proficient in the language of LEP persons. In addition, Falls City staff will use Language Identification Cards created by the U.S. Census Bureau when there is difficulty determining this language spoken.

PROCEDURE FOR IN-PERSON COMMUNICATION WITH LEP INDIVIDUALS

The frequency with which LEP persons come into contact with these program is minimal. However, the City does have access to sign language, hearing, speech or other translation services via our Court agreement with Independence (use of Brenda Hidalgo 503-949-4774) as well as access to the attached roster list.

The LEP individual can decline the interpretation assistance if he or she wishes to utilize another individual for services, but the individual will still be offered the service. In addition, Falls City staff will use Language

Identification Cards created by the U.S. Census Bureau when there is difficulty determining this language spoken.

ENSURING COMPETENCY IN INTERPRETERS AND TRANSLATION SERVICES

Training Staff: All City of Falls City staff acting as point-of entry contacts will be given instruction on how to identify LEP clients using Language Identification Cards and other established methods and how to utilize interpretation services.

Documenting LEP Interactions: All City of Falls City staff acting as point-of entry contacts will record interactions with LEP individuals, including the method of interaction, number of interactions, and reason for interaction.

Monitoring and Updating the LEP: The City of Falls City will monitor and update the LEP as needed. The City will review the LEP once a year to identify any changes that need to be made or if City of Falls City encounters difficulty interacting with LEP individuals.

¹ U.S. Department of Housing and Urban Development. Limited English Proficiency (LEP) Frequently Asked Questions. http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfn/lep-faq#q1

AGENDA REPORT

TO: CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: POLK COMMUNITY DEVELOPMENT CORPORATION REVOLVING FUND
DATE: AUGUST 9, 2018

SUMMARY

Polk CDC is soliciting Polk County and all participating cities therein, including Falls City, to transition their revolving loan fund money to a larger county wide "regional revolving loan fund." The purpose of this session is for the City Council to discuss this request and develop any questions that may aid in their final decision.

BACKGROUND

In the early 1980's Polk CDC, a non-governmental non-profit entity, was created in part to pursue grant funds for each city that would be used to fund low-interest loans to low-income persons for housing needs. Polk CDC was very successful in its endeavor and built the fund up to \$2.1 million by 2002. In the late 1980's, Polk CDC expanded its services to offer grant management services and develop housing for low-moderate income families, seniors, veterans, persons with disabilities and persons with other special needs.

Today, the Falls City fund built by Polk CDC has reached approximately \$542k with \$92k currently in cash, and the remaining \$450k in loans.

Polk CDC has requested all participating cities in Polk County, and the County to transfer these funds into one pool of money that would make the fund eligible for substantially larger federal grant monies to not only increase its capacity to make low-interest housing loans, but to also expand the use of the fund for business development in oppressed areas.

At present, Independence, Dallas, and Polk County have pledged to transfer their (much larger) funds.

There is no guarantee currently that Falls City would receive a proportionate share, or any share, of the monies gotten through the larger fund. Notably, Polk CDC has never undertaken a low-income housing development in Falls City throughout its more than 30 year history, but seems to have done so for each other city in Polk County.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES

Maintain the status quo. Falls City keeps its revolving fund account and Polk CDC continues to manage it.

Withdraw the money from Polk CDC as it comes in. The money has been de-federalized through loans and can be used in the City's general fund.

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FINANCIAL IMPLICATIONS

Short term, the City loses a fund dedicated to low income housing development loans exclusively for her citizens. The City also loses the ability to access the revolving fund money in case of emergency or necessity.

Long term, the City maintains its long standing partnership with Polk CDC and receives the benefits of access to a much larger housing and business development fund.

STAFF RECOMMENDATION

None.

ATTACHMENTS

- A. Falls City Revolving Fund Balance Sheet
- B. Pledge letter from the City of Independence

POLK COMMUNITY DEVELOPMENT CORPORATION
FALLS CITY REVOLVING FUND - 20
 JULY 1, 2016 TO June 30, 2018

REVOLVING FUND INCOME	INTEREST	PRINCIPAL	TOTAL	SAVINGS
JULY	520.54	1,429.67	1,950.21	97.25
AUGUST	301.97	2,506.27	2,808.24	90.17
SEPTEMBER	494.17	932.96	1,427.13	87.96
OCTOBER	908.81	2,853.10	3,761.91	113.13
NOVEMBER	287.08	469.19	756.27	112.60
DECEMBER	689.84	731.29	1,421.13	120.85
JANUARY	600.42	821.57	1,421.99	133.08
FEBRUARY	632.41	786.73	1,419.14	134.95
MARCH	563.85	867.11	1,430.96	16.77
APRIL	639.49	785.71	1,425.20	164.20
MAY	1,063.37	2,873.39	3,936.76	168.85
JUNE	442.25	980.92	1,423.17	174.65
TOTALS	<u>7,144.20</u>	<u>16,037.91</u>	<u>23,182.11</u>	<u>1,414.46</u>

HOUSING REHABILITATION

OUTSTANDING LOANS	SEPTEMBER 1, 1985	427,354.90
OUTSTANDING LOANS	June 30, 2018	450,699.30

RECEIPTS:	PRIOR YEARS	CURRENT YEAR	TOTAL
PRINCIPAL	1,244,020.74	16,037.91	1,260,058.65
INTEREST - RF	372,121.23	7,144.20	379,265.43
INTEREST - SAVINGS	<u>189,875.90</u>	<u>1,414.46</u>	<u>191,290.36</u>
TOTAL RECEIPTS	1,806,017.87	24,596.57	1,830,614.44
WRITE OFFS	45,273.13	-	45,273.13

DISBURSEMENTS:

GRANTS	22,280.00	-	22,280.00
LOANS/OBLIGATIONS	1,308,737.82	19,938.36	1,328,676.18
ADMIN FEES	90,273.06	2,823.00	93,096.06
LN SERV/MISC FEES	47,886.15	2,014.30	49,900.45
FUND TRANSFERS	<u>244,956.00</u>	<u>-</u>	<u>244,956.00</u>
TOTAL DISBURSEMENTS	1,714,133.03	24,775.66	1,738,908.69

CASH AVAILABLE FOR CONSTRUCTION
 TOTAL FUND BALANCE-FCRF 20

91,705.75
 542,405.05

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INDEPENDENCE

Oregon's Story Begins Here

CITY OF INDEPENDENCE OFFICE OF THE CITY MANAGER

July 26, 2018

Rita Grady, Executive Director
Polk Community Development Corporation
657 SW Main Street
PO Box 33
Dallas, OR 97338

Re: Community Development Financial Institution

Dear Rita,

The City of Independence is happy to support Polk Community Development Corporation's (Polk CDC) effort to become certified as a Community Development Financial Institution (CDFI). Financing for business startup and growth has long been a gap in Independence's local economy. CDFI's are critical assets for local community economic development, and will add needed diversity to our local financial ecosystem.

To support Polk CDC's effort, the City will transition its revolving loan fund money with that of other Polk County communities to increase and enhance a regional revolving loan fund. This new fund will enjoy greater flexibility and increased capitalization to pursue opportunities that will enhance the economic and community development needs of the communities served by the regional revolving loan fund operated by Polk CDC.

We are excited to support this evolution of Polk CDC and look forward to continuing our long and fruitful relationship.

Sincerely,


David Clyne
City Manager

Public Works Staff Report for July, 2018

Sunday, 1 Routine water & sewer.

Monday, 2 Filter work WTP.

Tuesday, 3 Paint cross walks, North Main.

Wednesday, 4 Routine water & sewer.

Thursday, 5 Finish painting lines, park maintenance, sample to Corvallis.

Friday, 6 Finish parks for this week.

Saturday, 7 & Sunday, 8 Routine water & sewer.

Monday, 9 Vehicle maintenance.

Tuesday, 10 Equipment maintenance.

Wednesday, 11 Working on grader.

Thursday, 12 Grader repair, fill pot holes around town.

Friday, 13 Grader repair, went into Glaze Cr. Need of repair

Saturday, 14 & Sunday, 15 Routine water & sewer.

Monday, 16 Grader repair, Cemetery maintenance.

Tuesday, 17 Order parts for water service, North Main, brush cutting around town.

Wednesday, 18 Start work on Dayton Street foot bridge.

Thursday, 19 Bridge project.

Friday, 20 Park maintenance.

Saturday, 21 & Sunday, 22 Routine water & sewer.

Monday, 23 Work WTP, bridge project.

Tuesday, 24 Bridge work, meter reading.

Wednesday, 25 Finish meters, bridge project.

Thursday, 26 Cut tree out of Teal Cr. Rd. Hach calibrate instruments at WTP, bridge work.

Friday, 27 Finish reads, bridge project.

Saturday, 28 & Sunday, 29 Routine water & sewer.

The rest of the month, working on foot bridge.