

Notice of Public Meeting Notice of Council Meeting

AGENDA

CITY COUNCIL - CITY OF FALLS CITY, OREGON

Meeting Location: 320 N Main Street, Falls City

Thursday July 9, 2015 7:00 p.m.

Posted on July 3, 2015

- 1) **Call to Order**
A) Roll Call: Julee Bishop ____ Dennis Sickles ____ Lori Jean Sickles ____ Jennifer Drill ____
Tony Meier ____ Gerald Melin ____ Terry Ungricht, Mayor ____
- 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 pages 1-8
B) Approval of June 11, 2015 Council Meeting Minutes.....pages 9-23
- 4) **Public Comments:** Citizens may address the Council or introduce items for Council consideration on any matters. Council may not be able to provide an immediate answer or response, but may direct staff to follow up on any questions raised. Out of respect to the Council and others in attendance, please limit your comment to five (5) minutes. Please state your name and city of residence for the record.
- 5) **New Business:**
A) Resolution 11-2015 setting tax rate on Marijuana..... pages 24-25
B) Kay McGee resignation from managing cemeteries..... pages 26-27
C) Surplus Property..... pages 28-30
D) City Attorney report on Marijuana Legislation..... pages 31-35
E) Report on Code Violation litigation..... page 36
- 6) **Correspondence, Comments, and Ex-Officio Reports**
A) Council Reports
B) Mayor Reports
Fire Department Monthly Report Did not submit
Public Works Department Monthly Report pages 39-40
Library Monthly Report Did not submit
- 7) **Council Announcements**
A)
B)
- 8) **Adjourn**

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

City of Falls City
Paid Bills Report
As of June 7, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Bound Tree Medical				
06/07/2015	96943200	Accounts Payable		-177.64
06/07/2015	Order# 96943200	Materials & Services	01 GENERAL FUND:01.0...	177.64
Total Bound Tree Medical				0.00
Buhler & Meyer CPA's LLP				
06/07/2015		Accounts Payable		-442.40
06/07/2015	35% Admin	Professional Services	01 GENERAL FUND:01.0...	154.84
06/07/2015	5% Court	Professional Services	01 GENERAL FUND:01.0...	22.12
06/07/2015	10% Street	Professional Services	11 STREET FUND	44.24
06/07/2015	15% Sewer	Professional Services	13 SEWER FUND	66.36
06/07/2015	35% Water	Professional Services	20 WATER OPERATING ...	154.84
Total Buhler & Meyer CPA's LLP				0.00
CenturyLink Business Services				
06/07/2015		Accounts Payable		-4.39
06/07/2015	May	Telephone	01 GENERAL FUND:01.0...	3.97
06/07/2015	May	Telephone	20 WATER OPERATING ...	0.42
Total CenturyLink Business Services				0.00
Dallas Auto Parts				
06/07/2015	236488	Accounts Payable		-63.30
06/07/2015	INV 236488	Equipment Maintenanc...	11 STREET FUND	63.30
Total Dallas Auto Parts				0.00
Delsman Trucking & Excavation				
06/07/2015	686193	Accounts Payable		-2,003.13
06/07/2015	INV# 686193	Streets Maintenance/...	11 STREET FUND	2,003.13
Total Delsman Trucking & Excavation				0.00
Itemizer Observer				
06/07/2015	24964	Accounts Payable		-248.63
06/07/2015	Budget meeting notice	Advertising & Election...	01 GENERAL FUND:01.0...	248.63
Total Itemizer Observer				0.00
Net Assets Corporation				
06/07/2015	66-201504	Accounts Payable		-21.00
06/07/2015	50% Lien service -66-2...	Professional Services	13 SEWER FUND	10.50
06/07/2015	50% Lien service -66-2...	Professional Services	20 WATER OPERATING ...	10.50
Total Net Assets Corporation				0.00
Oregon Association of Water Utilities				
06/07/2015	18286	Accounts Payable		-305.00
06/07/2015	18286	Dues	20 WATER OPERATING ...	305.00
Total Oregon Association of Water Utilities				0.00

City of Falls City
Paid Bills Report
As of June 7, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Oregon Employment Department				
06/07/2015	0512025-5	Accounts Payable		-527.63
06/07/2015	Employment Tax 1st Q...	State Unemployment ...	01 GENERAL FUND:01.0...	75.37
06/07/2015	Employment Tax 1st Q...	State Unemployment ...	01 GENERAL FUND:01.0...	75.38
06/07/2015	Employment Tax 1st Q...	State Unemployment ...	03 CEMETERY PERPET...	75.37
06/07/2015	Employment Tax 1st Q...	State Unemployment ...	04 Municipal Court	75.38
06/07/2015	Employment Tax 1st Q...	State Unemployment ...	11 STREET FUND	75.37
06/07/2015	Employment Tax 1st Q...	State Unemployment ...	13 SEWER FUND	75.38
06/07/2015	Employment Tax 1st Q...	State Unemployment ...	20 WATER OPERATING ...	75.38
Total Oregon Employment Department				0.00
River-Bend Sand & Gravel				
06/07/2015		Accounts Payable		-1,269.75
06/07/2015	2099738 & 2110878	HEAL Cities Grant	01 GENERAL FUND	1,269.75
Total River-Bend Sand & Gravel				0.00
Royal Flush Portables, Inc				
06/07/2015	A-13987	Accounts Payable		-35.00
06/07/2015	Inv 13987 Parks Bathr...	Water/Sewer/Cap Imp	01 GENERAL FUND:01.0...	35.00
Total Royal Flush Portables, Inc				0.00
Speer Hoyt LLC				
06/07/2015	31251	Accounts Payable		-1,425.00
06/07/2015	Inv 31251	Attorney/Special Cou...	01 GENERAL FUND:01.0...	1,425.00
Total Speer Hoyt LLC				0.00
Terry Ungricht				
06/07/2015	Reimbursement	Accounts Payable		-22.99
06/07/2015	Tarp used for Cold Pak	Materials & Services	11 STREET FUND	22.99
Total Terry Ungricht				0.00
Verizon Wireless				
06/07/2015	9746214678	Accounts Payable		-66.76
06/07/2015	May	Telephone	01 GENERAL FUND:01.0...	59.98
06/07/2015	May	Telephone	01 GENERAL FUND:01.0...	6.78
Total Verizon Wireless				0.00
Xerox Corporation				
06/07/2015	079852597	Accounts Payable		-274.82
06/07/2015	65% Use	Copier Lease/Mainten...	01 GENERAL FUND:01.0...	178.63
06/07/2015	10% Use	Copier Lease/Mainten...	11 STREET FUND	27.48
06/07/2015	10% Use	Copier Lease/Mainten...	13 SEWER FUND	27.48
06/07/2015	15% Use	Copier Lease/Mainten...	20 WATER OPERATING ...	41.23
Total Xerox Corporation				0.00
TOTAL				0.00

City of Falls City
Paid Bills Report
As of June 13, 2015

Date	Memo	Account	Class	Amount
CenturyLink				
06/13/2015	multiple phone bills	Accounts Payable		-419.81
06/13/2015	June	Telephone	01 GENERAL FUND:01.0...	183.75
06/13/2015	June	Telephone	20 WATER OPERATING ...	64.34
06/13/2015	June	Telephone	01 GENERAL FUND:01.0...	171.72
Total CenturyLink				0.00
Consumers Power Inc				
06/13/2015	Account # 1155301	Accounts Payable		-169.46
06/13/2015	June Power	Power/Heat	20 WATER OPERATING ...	169.46
Total Consumers Power Inc				0.00
Edge Analytical				
06/13/2015	inv# 15-11223	Accounts Payable		-20.00
06/13/2015	Lab Service 15-11223	Lab Analysis Services	13 SEWER FUND	20.00
Total Edge Analytical				0.00
Ferguson Waterworks				
06/13/2015	Account: 50936 Invoic...	Accounts Payable		-932.35
06/13/2015	Inv #0460211	Maintenance Supplies	20 WATER OPERATING ...	932.35
Total Ferguson Waterworks				0.00
Les Schwab				
06/13/2015	21600151175	Accounts Payable		-853.01
06/13/2015	Chevrolet Silverado	Vehicle Maintenance/...	20 WATER OPERATING ...	853.01
Total Les Schwab				0.00
Mid Willamette Valley COG				
06/13/2015	1415343	Accounts Payable		-1,998.28
06/13/2015	COG Land Use Plannin...	Council of Governme...	01 GENERAL FUND:01.0...	1,998.28
Total Mid Willamette Valley COG				0.00
Pacific Power				
06/13/2015	multiple accounts	Accounts Payable		-1,488.80
06/13/2015	May	Power/Heat	01 GENERAL FUND:01.0...	383.32
06/13/2015	May	Power/Heat	01 GENERAL FUND:01.0...	100.59
06/13/2015	May	Power/Heat	01 GENERAL FUND:01.0...	57.07
06/13/2015	May	Power/Heat	13 SEWER FUND	302.25
06/13/2015	May	Street Lights	11 STREET FUND	618.97
06/13/2015	May	Power/Heat	20 WATER OPERATING ...	26.60
Total Pacific Power				0.00
Petro Card				
06/13/2015	C942086	Accounts Payable		-204.06
06/13/2015	33%C942086	Vehicle Operation	11 STREET FUND	68.02
06/13/2015	33%C942086	Vehicle Operation	13 SEWER FUND	68.02
06/13/2015	33%C942086	Vehicle Operation	20 WATER OPERATING ...	68.02
Total Petro Card				0.00

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City of Falls City
Paid Bills Report
As of June 13, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Sharon Volk Grene				
06/13/2015		Accounts Payable		-177.64
06/13/2015	Reimburse expense	Education & Training	01 GENERAL FUND:01.0...	177.64
Total Sharon Volk Grene				0.00
US Bank Visa				
06/13/2015	Account Number: 4798...	Accounts Payable		-250.15
06/13/2015	Office Supplies, etc C...	Office Supplies	01 GENERAL FUND:01.0...	75.15
06/13/2015	G & R Auto	Equipment Maintenanc...	20 WATER OPERATING ...	175.00
Total US Bank Visa				0.00
Valsetz Heights, LLC				
06/13/2015		Accounts Payable		-560.01
06/13/2015	Land use application re...	Professional Services	01 GENERAL FUND:01.0...	560.01
Total Valsetz Heights, LLC				0.00
Waterlab Corp				
06/13/2015		Accounts Payable		-90.00
06/13/2015	Inv 66640	Lab Analysis Services	20 WATER OPERATING ...	90.00
Total Waterlab Corp				0.00
Yother Works, LLC				
06/13/2015		Accounts Payable		-3,100.00
06/13/2015	Prepare & Paint City Hall	Professional Services	20 WATER OPERATING ...	1,481.25
06/13/2015	Prepare & Paint City Hall	Professional Services	01 GENERAL FUND:01.0...	493.75
06/13/2015	Water Shed Paint	Professional Services	20 WATER OPERATING ...	1,125.00
Total Yother Works, LLC				0.00
TOTAL				0.00

City of Falls City
Paid Bills Report
As of June 19, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
City of Salem				
06/19/2015		Accounts Payable		-1,549.50
06/19/2015	Inv #2303418	911 Fee - Fire Depart...	01 GENERAL FUND:01.0...	1,003.48
06/19/2015	Inv #2303418	911 Fee - Law Enforc...	01 GENERAL FUND:01.0...	546.02
Total City of Salem				0.00
Cliff Lauder				
06/19/2015		Accounts Payable		-570.00
06/19/2015	HEAL grant statement	HEAL Cities Grant	01 GENERAL FUND	570.00
Total Cliff Lauder				0.00
Craven-Woods Insurance				
06/19/2015		Accounts Payable		-869.21
06/19/2015	Fireworks Insurance	3rd of July	01 GENERAL FUND:01.0...	869.21
Total Craven-Woods Insurance				0.00
Edge Analytical				
06/19/2015	15-11226	Accounts Payable		-198.00
06/19/2015	Lab Service 15-11226	Lab Analysis Services	13 SEWER FUND	198.00
Total Edge Analytical				0.00
King's Pumping Service				
06/19/2015	11861 11862 11863 11...	Accounts Payable		-2,927.50
06/19/2015	Inv 11861	Professional Services	13 SEWER FUND	389.25
06/19/2015	11862	Professional Services	13 SEWER FUND	414.25
06/19/2015	11863	Professional Services	13 SEWER FUND	558.00
06/19/2015	11848	Professional Services	13 SEWER FUND	783.00
06/19/2015	11849	Professional Services	13 SEWER FUND	783.00
Total King's Pumping Service				0.00
Knife River				
06/19/2015		Accounts Payable		-476.10
06/19/2015	Invocie # 1474372	Streets Maintenance/...	11 STREET FUND	476.10
Total Knife River				0.00
OAWU				
06/19/2015		Accounts Payable		-265.00
06/19/2015	Summer Classic Confe...	Education/Training/D...	20 WATER OPERATING ...	265.00
Total OAWU				0.00
TRTL Enterprises, LLC				
06/19/2015	INV: 817	Accounts Payable		-720.00
06/19/2015	Invoice #817 Brush cut...	Brush Cutting	11 STREET FUND	720.00
Total TRTL Enterprises, LLC				0.00

City of Falls City
Paid Bills Report
As of June 30, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Bill Irving				
06/30/2015		Accounts Payable		-20.00
06/30/2015	2004 Chevy	Vehicle Maintenance/...	11 STREET FUND	20.00
Total Bill Irving				0.00
CenturyLink Business Services				
06/30/2015	1343433383	Accounts Payable		-9.45
06/30/2015	June	Telephone	01 GENERAL FUND:01.0...	8.19
06/30/2015	June	Telephone	20 WATER OPERATING ...	1.26
Total CenturyLink Business Services				0.00
Edge Analytical				
06/30/2015	15-12365	Accounts Payable		-120.00
06/30/2015	Lab Service 1512365	Lab Analysis Services	13 SEWER FUND	120.00
Total Edge Analytical				0.00
Forbes Plumbing				
06/30/2015	Inv: 9254	Accounts Payable		-39.16
06/30/2015	Inv # 9254	Maintenance Supplies	20 WATER OPERATING ...	39.16
Total Forbes Plumbing				0.00
Frink's General Store				
06/30/2015		Accounts Payable		-109.86
06/30/2015	Haul Gator to John De...	Miscellaneous	11 STREET FUND	109.86
Total Frink's General Store				0.00
Hach Company				
06/30/2015	9427318	Accounts Payable		-337.79
06/30/2015	Iv#9427318	Professional Services	20 WATER OPERATING ...	337.79
Total Hach Company				0.00
Homefront Security Services				
06/30/2015		Accounts Payable		-385.00
06/30/2015	Firework Security	3rd of July	01 GENERAL FUND:01.0...	385.00
Total Homefront Security Services				0.00
John Deere Financial				
06/30/2015	WO# 2009130	Accounts Payable		-799.75
06/30/2015	WO# 2009130	Equipment Maintenanc...	20 WATER OPERATING ...	799.75
Total John Deere Financial				0.00
King's Pumping Service				
06/30/2015	11866	Accounts Payable		-856.28
06/30/2015	Inv 11866	Professional Services	13 SEWER FUND	856.28
Total King's Pumping Service				0.00

City of Falls City
Paid Bills Report
As of June 30, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
League of Oregon Cities				
06/30/2015	Invoice no: 18	Accounts Payable		-20.00
06/30/2015	web ad Office Clerk	Advertising & Election...	01 GENERAL FUND:01.0...	20.00
Total League of Oregon Cities				0.00
Petro Card				
06/30/2015	C948765	Accounts Payable		-198.37
06/30/2015	33%C948765	Vehicle Operation	11 STREET FUND	66.12
06/30/2015	33%C948765	Vehicle Operation	13 SEWER FUND	66.12
06/30/2015	33%C948765	Vehicle Operation	20 WATER OPERATING ...	66.13
Total Petro Card				0.00
Pitney Bowes				
06/30/2015	Acct# 19659466866	Accounts Payable		-301.50
06/30/2015	June 35%	Postage & Freight	13 SEWER FUND	105.52
06/30/2015	June 50%	Postage & Freight	20 WATER OPERATING ...	150.75
06/30/2015	June 15%	Postage & Freight	01 GENERAL FUND:01.0...	45.23
Total Pitney Bowes				0.00
Royal Flush Portables, Inc				
06/30/2015	A-14130 & A14078	Accounts Payable		-310.00
06/30/2015	INV: A-14130 3rd of Jul...	3rd of July	01 GENERAL FUND:01.0...	110.00
06/30/2015	INV: A-14078	3rd of July	01 GENERAL FUND:01.0...	200.00
Total Royal Flush Portables, Inc				0.00
Van Well Building Supply				
06/30/2015	984266I 989948I 9900...	Accounts Payable		-250.58
06/30/2015	984266I	HEAL Cities Grant	01 GENERAL FUND	59.17
06/30/2015	989948I	Equipment Maintenanc...	20 WATER OPERATING ...	15.97
06/30/2015	990075I	Equipment Maintenanc...	01 GENERAL FUND:01.0...	110.98
06/30/2015	993530I	Equipment Maintenanc...	20 WATER OPERATING ...	64.46
Total Van Well Building Supply				0.00
TOTAL				0.00

Handwritten: \$ 21,459⁵⁰

City of Falls City
City Council Regular Meeting
Thursday June 11, 2015
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Council Present: Mayor Terry Ungricht, Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

Staff Present: Domenica Protheroe, City Clerk; Don Poe, Public Works Lead Worker

Mayor Ungricht called the meeting to order at 7:01 pm.

1) Roll Call

Clerk Protheroe took roll call. Councilor L. Sickles arrived at 7:03 PM.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire agenda

A motion was made by Councilor D. Sickles and seconded by Councilor Meier to adopt the entire agenda and move item M- Executive Session to item N, and amend item M to Off Premises Sales Liquor License. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

4) Consent Agenda: Motion Action Approving Consent Agenda Items

A motion was made by Councilor D. Sickles and seconded by Councilor Melin to approve the consent agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

5) Public Comments:

Amy Tucker of Falls City. Ms. Tucker voiced issues with the planning of the 3rd of July celebration. She could not find a contact in the Falls City Booster Club. She thought it was tacky that the citywide garage sale was combined with the 3rd of July Celebration instead of focusing the celebration on patriotism. She preferred the Upper Park location for vendors. The Falls City government web page listed event information from 2014 and had not been updated to say that the Booster Club was organizing the event.

Councilor Drill apologized for the lack of information. The Booster Club had several food and art vendors registered. Councilor Drill reported that the Booster Club was planning an old fashion event that would take place downtown to support local businesses.

6) New Business:

a) Results from the Public Safety Levy Election
The Public Safety Levy passed.

b) Ordinance 541-2015 Taxing of Marijuana Products

Under the new Charter, the Council may adopt an ordinance at a single meeting by unanimous approval. Because there was one abstention at the May vote for Ordinance 541-2015, the Ordinance had been brought before Council for a second vote. Mayor Ungricht appreciated that the City Attorney had brought this matter to his attention.

A motion was made by Councilor Meier and seconded by Councilor D. Sickles that the City Council of the City of Falls City adopt Ordinance 541-2015, and Ordinance amending Falls City Code Chapter 34 pertaining to the taxing of Marijuana and Marijuana infused products. Motion carried 5-0-1. Ayes: Lori Jean Sickles, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop. Abstain: Jennifer Drill. Councilor Drill did not support marijuana.

c) Resolution 05-2015 Adopt 2015-16 Budget

Mayor Ungricht announced that the public hearing was an opportunity for any member of the public to comment on or make requests regarding how State Revenue Sharing Funds would be spent in the 2015-2016 Fiscal Year beginning July 1, 2015. State Revenue Sharing Funds are a share of certain revenues of the State of Oregon that shall be apportioned among and distributed to the cities of this State for general purposes.

Mayor Ungricht opened the Public Hearing at 7:13 PM.

No public comments

Mayor Ungricht closed the Public Hearing at 7:14 PM.

A motion was made by Councilor Melin and seconded by Councilor Meier to approve Resolution 05-2015 Appropriating taxes at the rate of \$2.9202 per \$1,000 of assessed value and adopt the Fiscal Year 2015-2016 budget in the amount of \$1,857,747. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

d) Resolution 06-2015 IGA Radio Communications Services

There was no increase in cost.

A motion was made by Councilor D. Sickles and seconded by Councilor L. Sickles that the City Council of the City of Falls City adopt Resolution 06-2015 A Resolution establishing an Intergovernmental Governmental Agreement between Polk County and the Falls City Fire Department for Radio Communications Services. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

e) Resolution 07-2015 IGA Tap Out Agreement

There was no increase in cost.

A motion was made by Councilor Melin and seconded by Councilor Bishop that the City Council of the City of Falls City adopt Resolution 07-2015 A Resolution establishing an Intergovernmental Governmental Agreement between Polk County and the Falls City Fire Department for Tap-Out Communications System Services. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

f) Resolution 08-2015 COG City Planning Agreement

There was no increase in cost. Council of Governments also helped with grants.

A motion was made by Councilor Melin and seconded by Councilor Bishop that the City Council of the City of Falls City adopt Resolution 08-2015 A Resolution establishing a contract for Land Use Planning Services with Mid-Willamette Valley Council of Governments. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

g) Resolution 09-2015 Fire Defense Board Agreement

The agreement allowed fire departments to assist other fire departments covered under the agreement.

A motion was made by Councilor Meier and seconded by Councilor Bishop that the City Council of the City of Falls City adopt Resolution 09-2015 A Resolution to enter into an Intergovernmental Agreement with Polk County Fire Defense Board 2014 Inter-County Automatic and Mutual Aid Assistance Agreement. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

h) 2015/2016 Goals Update

Council appreciated Mayor Ungricht's written update. The report would be provided quarterly.

i) HEAL Grant Update

The final grant report will be included in the July Council Packet. The project was nearly complete. Amy Tucker of Iddell Dew Gardens would donate wildflower seeds. Mayor Ungricht encourage member of Council and the audience to thank Billy Kalpakoff and Cliff Lauder for the many hours they donated to the project. Twenty-seven volunteers between the ages of 11 to 67 years old volunteered for the project. Mayor Ungricht had sent a thank you letter to all youth volunteers. He planned to throw a party for volunteers.

j) Resolution 10-2015 Small City Allotment Grant

Request to submit the South Main Street repaving project for a Small City Allotment Grant. This project was submitted would be awarded points each time it was submitted. The project had also been submitted in 2014.

A motion was made by Councilor Meier and seconded by Councilor L. Sickles that the City Council of the City of Falls City approve Resolution 10-2015 A Resolution requesting funding from the Oregon Transportation Commission for funding to repave portions of S. Main Street. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

k) 3rd of July Event

Mayor Ungricht reported that the City was thankful to the Booster Club for stepping up and organizing the event. The City would retain the fireworks. The cost of the insurance rider for the fireworks was \$869.00. This left a balance of \$150.00 in the 3rd of July budget. Mayor Ungricht recommended that Council consider a donation to the Falls City Booster Club for this remaining balance and an additional \$400.00 from Council projects to assist with their expenses.

Councilor Drill, a member of the Falls City Booster Club, was the Old Fashioned Fourth event organizer. To make the event as safe as possible, vendors would be located downtown. Mary Katherine Gaeta would coordinate the music. The parade would start at 4:00 PM. The Falls City Alliance would have a food booth at the Upper Park for the fireworks show. The citywide garage sale would be held on the same date. The Booster Club hired security guards. The Booster Club planned to charge \$5.00 for parking at the Old Mill Lot, which included family admission. There would be a \$1.00 entry fee at the Mitchell Street Road Block. Councilor Meier wanted to know what would be done for people who could not afford the \$1.00 entry fee. Councilor Drill replied that event was a fundraiser for the community and the entry fee would not exceed \$5.00 per family. Proceeds would go back to the community. Councilor Drill reported that the Booster Club took over the event at the last minute and thanked the community for their patience

Councilor Drill reviewed the proposed event maps, detours, road closures and a list of barricades (Exhibit A) with Council and staff. Council and staff considered the requests.

Mayor Ungricht was concerned that the \$1.00 entrance fee for the fireworks show would jeopardize recreational immunity. The City's insurance agent of record had expressed concern about the fee for the fireworks because the show would be put on by the City of Falls City. Mayor Ungricht stated the Oregon Recreation Immunity Law was very good but it came with restrictions. He would contact CityCounty Insurance Service to verify.

A motion was made by Councilor D. Sickles and seconded by Councilor Melin that the City Council of the City of Falls City allow permission to the Falls City School Booster Club to host the 3rd of July event and allow for the closing of Main Street for the event. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

A motion was made by Councilor Melin and seconded by Councilor D. Sickles that the City Council of the City of Falls City approve the spending of approximately \$850.00 to insure the Fireworks and approve the donation of \$550.00 to the Booster Club. Funds to be drawn from the 3rd of the July line item and from Council Projects. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

l) City Manager discussion

Mayor Ungricht no longer thought the position of City Manager could be a part-time job. After serving in the position for several months, he had found that a City Manager was on-duty all the time. He recommended that Council consider a motion to withdraw the RFP for the part-time City Manager. Mayor Ungricht asked Council to consider appointing him as the City Manager so that the funds budgeted for the position could be used for additional staff instead. He asked Council to consider a full-time clerk at \$14.00 to \$16.00/hour. The clerk would cover Utility Billing and be trained for the City Manager position.

Councilor Bishop asked Mayor Ungricht if he wanted to serve as City Manager. Mayor Ungricht stated he would serve in the role.

He cautioned Council that the Council of Governments had advised him to hire an experienced manager. Mayor Ungricht reported that a City Manager would require 18 months training, and it was likely that a city manager would leave after two years. Ethical standards for city managers require they stay in the position for two years, which was approximately how long the last two managers had remained in the position. It was difficult for the City to afford a full time manager because the city only received \$97,000 annually in property taxes. Mayor Ungricht felt that the work called for a full time city manager, two clerks, and four public staff, but the City did not have the funds.

Councilor Drill had introduced Mayor Ungricht to an intern candidate who was in a Master's Program for Public Administration and might be interested in the position.

If Council appointed Mayor Ungricht City Manager, he would have the authority to issue an RFP for staff. He reminded Council that Clerk Protheroe would take vacation in August and her position did not coverage. The insurance company did not want a volunteer in the clerk position, though they did not have an issue if the Mayor covered the position. It might be possible to create a temporary staffing pool for the clerk position in time for her vacation. Mayor Ungricht confirmed for Councilor Drill that the City Manager position had the authority to hire under the Employment Policy.

Councilor Drill stated she did not feel comfortable with the appointment of Mayor Ungricht to the position of City Manager.

Councilor D. Sickles, Councilor Bishop, and Councilor Meier felt that Mayor Ungricht gave a tremendous amount of time to the position and was best qualified to understand the needs. Councilor Meier did not think that the City could not afford a City Manager. Council discussed the requirements for the position.

Council has authority over the City Manager and may review the Mayor in his role as City Manager. Councilor D. Sickles and Councilor Bishop thought the Mayor was doing well in the position.

Clerk Protheroe stated that she had hesitations when Mayor Ungricht took office and that her concerns had been disproved. She said he was great to work with, a quick study, and dedicated to the position. Mayor Ungricht reported that all staff had stepped up; it was a good team.

A motion was made by Councilor D. Sickles and seconded by Councilor Bishop to withdraw the request for proposal (RFP). Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

A motion was made by Councilor D. Sickles and seconded by Councilor Bishop to appoint Mayor Ungricht as City Manager. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

m) Off Premises Liquor License

The Boondocks Bar had requested an off-premise liquor license (Exhibit C).

Councilor D. Sickles declared that one of the owners of The Boondocks was his sister, but he had no financial gain.

A motion was made by Councilor Meier and seconded by Councilor Melin that the City Council of the City of Falls City allow staff to approve the Boondocks Bar application for off-premises sales. Motion carried 4-1-2. Ayes: Mayor Ungricht, Tony Meier, Gerald Melin, Dennis Sickles. Nay: Julee Bishop. Abstain: Lori Jean Sickles, Jennifer Drill. Lori Jean Sickles was one of the owners of The Boondocks Bar; Jennifer Drill had a religious conflict. Mayor Ungricht cast the tie-breaking vote.

n) Executive session pursuant to ORS 192.660(2) (a) to consider employment of a new City Manager
Executive session was cancelled.

7) Correspondence, Comments and Ex-Officio Reports

A) Council Reports

Councilor Drill distributed a document that put the large Falls City Emergency Plan into simple terms (Exhibit B). Mayor Ungricht would condense the report and include the information in the City Newsletter. Council was in consensus that Councilor Drill could draft a plan.

Councilor Drill reported the June 9 town hall meeting was a success with ten citizens in attendance. Discussion included both issues and solutions for Code Enforcement, vandalism, and senior citizens transportation and property maintenance. There was no interest Neighborhood Watch program. One attendee reported he had confronted kids trying to tip over the porta-potty and they stopped. Security cameras were recommended. Councilor D. Sickles attended the meeting. The next Town Hall Meeting would take place on July 28, 2015 at 7:00 PM. Mayor Ungricht offered to post a Meeting Notice that would allow a quorum of councilors.

Councilor Drill had not heard from the Code Enforcement Organization.

Councilor D. Sickles stated that the Falls City High School Graduation had gone well. There were five graduates.

B) Mayors Reports

Staff had worked on two Infrastructure Finance Authority (IFA) letters of interest to request funding for the Water Master Plan.

Mayor Ungricht had asked for three additional bids to paint City Hall; only one company responded. Collage Works submitted two bids: \$7,298 & \$7,498. Yother Works, submitted a bid for \$3,950. Both companies were lead paint certified. Council was in consensus to hire Yother Works. The work would begin in June and payment would be split between fiscal years. Yother Works would also paint the water treatment plant for \$2,250.

The Spring Clean Event was a success. Mayor Ungricht had used his trailer for electronics recycling. He saved hauling fees by dropping off the electronics recycling and picking up the Gator after repairs.

The Flip Road Grant was unlikely due to an issue discovered during the project walk though; representatives discovered the Black Rock gate locked. The funding agency could not believe the City had requested funding for road access to forestlands that were located behind a locked gate. The representative from Bureau of Land Management (BLM) and from Polk County planned to talk to Weyerhaeuser to see if they would open the gate. If the gate remains locked, it was unlikely the grant would be awarded. If Weyerhaeuser unlocked the gate, it was likely the grant would be awarded. Mayor Ungricht advised Council they would be required to address Dutch Creek Crossing deficiencies if the grant is not awarded. The City did not have funds to repair Dutch Creek Crossing. One option was to consider a weight limit.

As reported the prior month, BLM had opened a grant specifically for Falls City, Polk County, and Luckiamute Watershed Council. Both Polk County and Luckiamute Water Council were not interested in the grant. The grant application incorrectly stated it was due by July 10, 2015. Mayor Ungricht was notified of the correct due date of June 13, 2015. Polk County could not provide grant writing assistance due to short notice and workload. Mayor Ungricht would ask the grant agency for assistance with the grant application. It was unfortunate that the grant agency would not honor the July 10, 2015 due date. The grant would have provided the City with \$5,000 and an additional \$95,000 providing there was a mild fire season.

Mayor Ungricht and Janelle Anzalone had given a Power Point Presentation to Oregon Park and Recreation Department for the Large Grant application that would expand Michael Hardy Park and build a pavilion. Falls City Grant Application was not funded and was ranked number 32 out of 33 applications. A letter of non-support had been submitted.

Council agreed to hold a Work Session with the Falls City Alliance to consider the revolving loan made to the Alliance to purchase the falls property. The Alliance had not made a 2015 loan payment. Options for the Alliance included, form a Park & Recreation District, or a ballot levy. Clerk Protheroe would not be required to attend the meeting.

Money had to be spent on the Public Works truck because one of the tires separated. Mayor Ungricht and Billy Kalpakoff located used tires that were 90% for \$170.00. Additional repairs had been required, as well. Mayor Ungricht had researched both used trucks and new trucks. Three-year-old trucks cost a similar amount to a new truck under a municipal lease. A municipal lease offers a 30% discount and the City would pay \$1.00 at the end of the lease. Mayor Ungricht would

continue to explore options to replace the Public Works truck. US Bank carried a bond for the Fire Truck because cities were not allowed to go into debit.

Mayor Ungricht advised Council that the City had run into issues resulting from an increase in land use applications. Council discussed the development plans of several vacant parcels. Each had revealed insufficient water and/or sewer infrastructure. The issues result from past decisions and compromises. It would cost a great deal of money to improve the infrastructure and the City did not have the funds. The City Engineer would look at the deficiencies. Mayor Ungricht would organize a meeting to discuss options with regulatory agencies, Polk County, County Commissioners, Council of Governments, SEDCOR, Department of Environmental Quality (DEQ), Council President, and one other Councilor.

8) Council Announcements

9) Adjourn

The meeting was adjourned at 9:00 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk Domenica Protheroe

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Boondocks off premises Permit
Date: June 5, 2015

Summary

The Boondocks Bar has applied for an off-premises Liquor permit. The application requires approval of the governing entity.

BACKGROUND

The Oregon Liquor Control Commission requires licensing for different types of Liquor sales. The Boondocks Bar is applying for an off-premises sales permit. Approval by Council would allow the Boondocks to:

- Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises
- Eligible to apply to get pre-approval to provide sample tastings of malt beverages, wine, and cider for consumption on the premises
- Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

Previous Council Action

Council approved a Full on-premises sales license for the Boondocks.

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

N/A

EXHIBITS

Copy of application.

PROPOSED MOTIONS

I move that the City Council of the City of Falls City allow staff to approve the Boondocks Bar application for off-premises sales.



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: MH

Date: 5-20-15

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Loajans LLC ③ _____
② _____ ④ _____

2. Trade Name (dba): The Boondocks

3. Business Location: 318 N. Main St. Falls City Polk OR 97344
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO Box 81 Falls City OR 97344
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-787-2700 _____
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Loajans LLC Type of License: Full On

8. Former Business Name: N/A

9. Will you have a manager? Yes No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Falls City
(name of city or county)

11. Contact person for this application: Laura Britton 503-871-6527
(name) (phone number(s))

PO Box 81 Falls City, OR 97344 loriandlaura@msn.com
(address) (fax number) (e-mail address)

RECEIVED

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Laura Britton Date 5/19/15 ③ _____ Date MAY 20 2015

② _____ Date 5/19/15 ④ _____ Date _____

SALEM REGIONAL OFFICE

Parade Route - orange [redacted] yellow [redacted] vehicle Traffic

- Barricade @ main ST. N. & Ellis St. - 2 EA.
- Barricade @ Bridge ST & Mitchell ST. - 4 EA.
- Detour Right Signs - 4 EA with arrows
- Detour Left Signs - 4 EA with arrows
- 100 Cones For Dayton St., 1st St., 2nd St., 3rd St., & 4th St. Boundary St., & Ellis St.

Exhibit A

Before Fire works with vendors stands

yellow [redacted] vehicle Traffic Detour

orange [redacted] Closed For Vendor Booths

- Barricades @ Dayton St & Main St 2 EA + 10 cones
- Barricades @ 3rd St. & Main St 2 EA + 10 cones

After Fire works Routes out of TOWN

During Fire works Routes In Thru TOWN

[redacted] Foot Traffic

[redacted] Vehicle Traffic up to 5th & Mitchell St. Than Disabled & Seniors + Foot Traffic.

Need 2 Barricades @ 5th & Mitchell Street + cones by Booth For Fire works



2,000

BARRINGTON RD

CLARENCE DR

HARRINGEOR RD

HOKINS AV

CAMERON ST

MONTGOMERY ST

FAIRVIEW ST

MICHELL ST

CHAMBERLAIN RD

BRIDGE ST

HELVETIA ST

BRIDGE ST

CHURCH ST

MAIN ST

MICHELL ST

7TH ST

6TH ST

WEST BY

1ST AV

CENTRAL BY

1ST AV

LEWIS ST

LOMBARD ST

MILL ST

4TH ST

PROSPECT AV

BRYANT ST

CLARK ST E

CAREY C

DAYTON ST

RD ST

PAINE ST

2ND ST

ALDER ST

PARDON ST

WOOD ST

FOREST VIEW LN

SHERIDAN

EAST AV

MANHATTAN

1ST ST

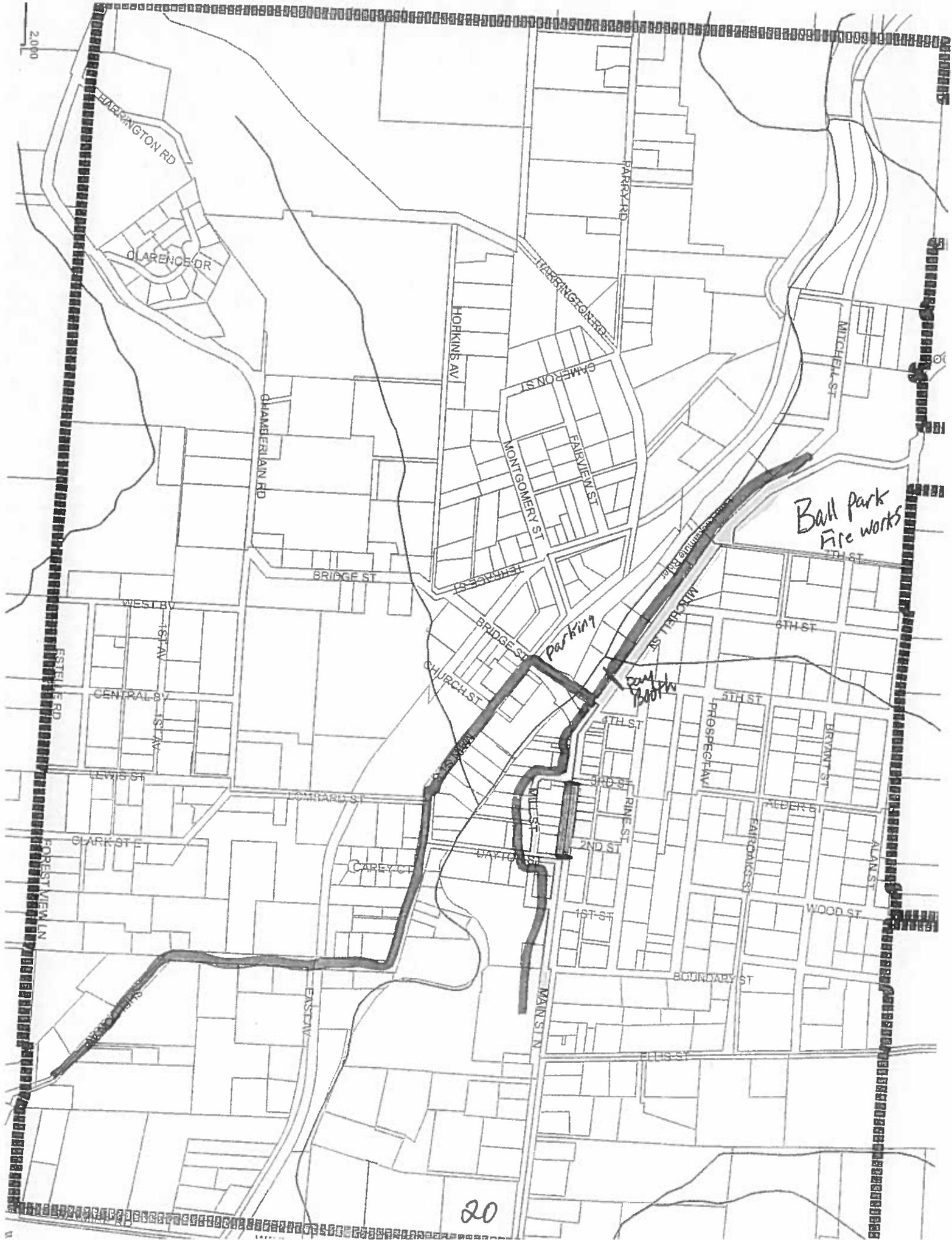
BOUNDARY ST

HELIX ST

19

WAYMIRE RD

2000



Ball Park
Fire works

parking

Ball Booth

Exhibit C

Falls City Emergency Operation Plan Summary

The Falls City Emergency Operation Plan is an all-hazard plan that describes how the City of Falls City will organize and respond to emergencies and disasters in our community.

It is the goal of the City of Falls City to respond to emergency or disaster conditions in the most organized, efficient, and effective manner possible.

Examples of emergency or disasters include the following:

Drought
Earthquake
Major Fire
Flood
Severe Weather
Hazardous Materials
Public Health Incident
Terrorism
Transportation Accident
Utility Failure

Disasters may be of a magnitude and severity that County, State, and Federal assistance are required. However, considering shortages of time, space, equipment, supplies, and personnel during a catastrophic disaster, self-sufficiency will be necessary for the first hours or days following the event. County and State support of the City of Falls City's emergency operations will be based on the principle of self-help; the City of Falls City will be responsible for utilizing all available local resources and for initiating mutual aid and cooperative assistance agreements before requesting assistance from the County, State, and Federal.

In the event of an emergency or disaster, resources and information will be available at 320 N Main Street in Falls City, commonly known as the Falls City Community Center.

(Medically trained.)

Incident Annex	Hazard
IA 1	Drought
IA 2	Earthquake
IA 3	Major Fire
IA 4	Flood
IA 5	Severe Weather
IA 6	Hazardous Materials
IA 7	Public Health Incident
IA 8	Terrorism
IA 9	Transportation Accident
IA 10	Utility Failure
	Bridge Collapse

The command center will be located at 320 N Main Street in Falls City, commonly known as the Falls City Fire Department.

The secondary command center will be First Christian Church located at 233 S Main Street in Falls City.

Immediate Action Checklist (iii – v in City of Falls City EOP)

Resources needed for continuation of operations:

Planning for fire department family members

Safe area

Heavy Equipment

Dozer

Dump Truck

Backhoe

Tractors

Fuel

Gas (nothing in city)

Diesel

Propane

Food Storage

Kitchen locations

Food

Showers and Bathrooms

Royal Flush

Emergency Shelters, i.e. schools - 2, churches -4

Ham Radio/CB base operators

Handheld radio, compatibility?

Locations

Channels

Pre-plan power compatibility sites (station, church, schools)

Animal containment

Water purification available through the Falls City Fire Department

Kitchens available at: the Falls City Community Center and the Falls City Elementary School. Note: Need generators to operate and folks to monitor water.

Medical needs

Elderly needs

Injured

Medical emergencies

Trained medical people, who are they

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Resolution 11-2015, setting a tax rate on marijuana
Date: May 1, 2015

Summary

Discussions with staff and City Attorney on current Ordinance 539-2014 on the taxing of Marijuana highlighted some legal issues that we would like to address.

BACKGROUND

At the October 9, 2014 meeting Council adopted Ordinance 539-2014, establishing chapter 34 in the Falls City Code, that set a tax rate for the sale of Marijuana and Marijuana infused products. In talking with the City Attorney Ross Williamson, there was a worry that the City could open itself up to having to pay back any tax collected on the sale of Marijuana. He advised to Change Chapter 34, section 34.12(1), to be able to set the tax rates by resolution, rather than having the rate set by Ordinance. When Ordinance 541-2015 is accepted he advises to change the rate by resolution to zero percent until the State sets up the regulations for the sale of Marijuana.

Previous Council Action

Council adopted Ordinance 539-2014, which created a tax on the sale of marijuana and Marijuana infused products. Council amended Ordinance 539-2014 with Ordinance 541-2015 at the May/June meeting.

ALTERNATIVES/FINANCIAL IMPLICATIONS

If the Legislature or the State sets up guidelines for the recreational sale of Marijuana, Falls City would be taxing the sales at 5% for a medical registered card holder and 10% for a recreational sale. Depending on the final outcome of the regulations governing the sale of Marijuana the City would possibly have to refund the collected taxes.

STAFF RECOMMENDATION

Allow Public to speak before opening discussion to Council, per attorney, to fulfill ORS 294.160. Adopt Resolution 11-2015.

EXHIBITS

N/A

PROPOSED MOTIONS

I move that the City Council of the city of Falls City adopt Resolution 11-2015 A resolution adopting a tax rate on the sale of Marijuana and Marijuana infused products.

Resolution 11-2015

A RESOLUTION OF THE CITY OF FALLS CITY, OREGON AUTHORIZING THE CITY OF FALLS CITY TO SET A TAX RATE ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS.

Recitals

WHEREAS, the City of Falls City is an Oregon home ruled municipal corporation; and

WHEREAS, except as otherwise provided, all powers of the City are vested in the Council; and

WHEREAS, the City Council has adopted an ordinance, 541-2015, exercising the power to tax the sale or transfer of Marijuana and marijuana-infused products within the City.

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

Section 1. The Council authorizes In addition to any fees or taxes otherwise provided by law, every seller engaged in the sale of marijuana and marijuana-infused products shall pay a tax as follows;

(A) Zero percent (0%) of the gross sale amount paid to the seller by an Oregon Medical Marijuana Program, (OMMP), registry identification card holder.

(B) Zero percent (0%) of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not registry identification card holders under OMMP.

Section 2. This resolution shall take effect immediately upon adoption by the City Council and signature of the Mayor.

Adopted this ____ day of July ____, 2015.

Date

Terry Ungricht, Mayor

Attest:

Date

Domenica Protheroe, City Clerk

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Resignation of Kay McGee from Cemetery Management
Date: June 29, 2015

Summary

Kay McGee has managed the cemeteries since the 1990's and has done a great job at remapping and plotting the cemeteries. She is currently finishing up the mapping of the upper cemetery and will hand over all records to Mayor Ungricht.

BACKGROUND

Falls City used to have a cemetery board that dealt with all issues of the cemeteries. The City decided to add cemeteries to the Park and Recreation Committee, since this happened the Cemeteries have been somewhat ignored. I believe there is a need for a Cemetery Board; they would be responsible for the yearly audits (I submitted the information this year), marking graves, making sure that proper paperwork is filed at the City on burials, cremations, and plot sales. As a Councilor I received the training and was working with Kay to accomplish the above tasks. It would be nice to have a 3 member board that I could train in these procedures.

Previous Council Action

n/a

ALTERNATIVES/FINANCIAL IMPLICATIONS

n/a

STAFF RECOMMENDATION

Volunteer or help find volunteers to set up a cemetery board.

EXHIBITS

Kay McGee's resignation letter.

PROPOSED MOTIONS

n/a

33624 Springer Road
Philomath, OR 97370
Cell 541-207-7789

June 23, 2015

Mayor and City Council
City of Falls City
299 Mill Street
Falls City, OR 97370

Re: Resignation from Falls City Cemetery Management

Dear Mayor and City Council:

I have been the volunteer manager of the Falls City Cemeteries since 2000 when the City passed an ordinance creating the Cemetery Advisory Board and laid out the duties and responsibilities of that Board. (Gian Paolo Mamone indicated he had the Council repeal the ordinance.) For the past 15 years, I have mapped, marked and documented the layout of plots in both cemeteries and have created and updated the ownership and occupancy records, where before very little existed.

I am currently updating and transitioning both cemeteries' records back to the City, via Terry Ungricht, and am officially resigning as of July 17, 2015. At that time, you may want to have appointed a manager or team to co-manage the cemeteries and have trained that person(s) on how to do the job.

Feel free to call me at the number above if you have questions. I have enjoyed serving the City in this capacity.

Sincerely,


Kay McGee

AGENDA REPORT

TO: COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: SURPLUS PROPERTY
DATE: 07/01/2015

SUMMARY

Staff would like permission to advertise some surplus equipment; a 1963 Western States Fire Truck and a 1980 Ford Ambulance.

BACKGROUND

In September of 2010 Council passed resolution 2010-09 that allowed the City to surplus some equipment. There were two items, a 1963 Western States Fire Truck and a 1980 Ford Ambulance, that were not sold. Staff would like permission to resubmit the equipment for bid.

PREVIOUS COUNCIL ACTION

At the September 2010 Council Meeting, Council adopted Resolution 2010-09.

ALTERNATIVES/FINANCIAL IMPLICATIONS

City would gain the proceeds from sale.

STAFF RECOMMENDATION

adopt motion

EXHIBIT

Resolution 2010-09

PROPOSED MOTION

I move the City Council of the City of Falls City allow staff to surplus the 1963 Western States Fire Truck and the 1980 Ford Ambulance per Resolution 2010-09

RESOLUTION NO. 2010-09

A RESOLUTION OF THE CITY COUNCIL DECLARING CERTAIN CITY VEHICLES AND A STORAGE SHED TO BE SURPLUS CITY PROPERTY AND AUTHORIZING THE SALE THEREOF

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FALLS CITY:

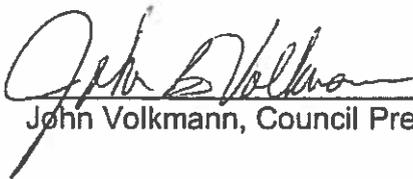
WHEREAS, the City of Falls City finds itself in possession of surplus City property that is appropriate to sell, now, therefore, be it **RESOLVED**, by the City Council of the City of Falls City, Oregon, as follows:

Section 1. The items listed as surplus in Attachment "A" are declared surplus.

Section 2. The aforementioned surplus property shall be disposed of by a sale in a manner determined by the City Administrator and the Director of Finance to be most advantageous to the City, including but not limited to, sale by receipt of sealed bids or public or internet auction or private negotiated sale.

VOTE: AYE - 4 NAY - 0 ABSTAIN - 0 ABSENT 2

ADOPTED by the City Council of the City of Falls City, Oregon, this 14th day of SEPTEMBER, 2010



John Volkmann, Council President

Attest:



Gian Paolo Mammone, City Administrator

Resolution No. 2010-09

Attachment A

DEPARTMENT	DESCRIPTION	YEAR	MINIMUM BID	QUANTITY
Public Works	Caterpillar Road Grader	1950	\$750	1
Public Works	GMC 1 ton Utility Truck	1989	\$500	1
Fire Department	Ford Utility Van	1980	\$1500 \$500 ⁰⁰	1
Fire Department	Western States Fire Truck	1963	\$1500 \$500 ⁰⁰	1
Public Works	Dismantled steel building		\$500	1

Attachment "A"

Department Year Make/Model/Description Estimated Value

Public Works

1950 Caterpillar Road Grader
 Serial # 3U1913
 Does not run, hole in engine case
 \$500

Public Works

1989 GMC 1 Ton Utility Truck
 VIN # 1GDHV34J507799
 71,711 miles, has utility box, dual rear wheels

Fire Department

1980 Ford 1 Ton Ambulance Van
 VIN # E37ZHHJ1398
 24,739 miles, dual rear wheels

Fire Department

1963 Western States Fire Truck on Ford C950 Chassis
 Fire Engine Model # FF 23129
 Chassis Model # J12097

Public Works

Dismantled steel building – incomplete
 Scrap only

AGENDA REPORT

To: City Council
From: City Attorney
Subject: Marijuana Legislation
Date: July 1, 2015

Summary

Ross reported on Legislation making its way through the Legislature.

BACKGROUND

The citizens of Oregon passed recreational marijuana use at the last election and the State Legislature is creating regulations and taxing authority on the measure. This is a very fluid process that has been a major issue for Oregon Cities.

Previous Council Action

Council has discussed different aspects of the changing landscape with recreational and medical licensing and taxing.

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

informational

EXHIBITS

Report from City Attorney.

PROPOSED MOTIONS

N/A

Good morning, Mayor.

We have been tracking the marijuana debate in the legislature and have the following update for July 1.

As I am sure you are aware, today is July 1st, which means that recreational marijuana is legal in Oregon. However, it's not a free for all. Marijuana may not be grown or consumed in public. Recreational marijuana still may not be sold. Licensed recreational dispensaries won't come on line until Spring of next year, and even the stopgap measure under consideration by the Legislature that would allow medical dispensaries to sell recreational marijuana won't allow those sales until October. As of today, folks who are 21 and over are allowed up to four plants, 8 oz of useable marijuana, 16 of solid marijuana products and 72 oz of liquid marijuana products per household. Folks 21 and over can also deliver up to one ounce of homegrown marijuana, 16 oz of solid homemade marijuana products and 72 oz of liquid marijuana products to another person who is 21 or over for noncommercial purposes.

There are also three bills currently under consideration by the Legislature that could affect cities' ability to regulate recreational and medical marijuana: HB 3400, HB 2041, and SB 460.

HB 3400: ADOPTED BY THE LEGISLATURE JUNE 30 – TAKES EFFECT UPON GOVERNOR'S SIGNATURE

- Clarifies that cities may adopt reasonable regulations on the operation of licensed recreational marijuana facilities.
 - "Reasonable regulations" is defined to mean:

- Reasonable conditions on the manner in which licensed recreational marijuana producers, processors, wholesalers, and retailers produce, process and sell recreational marijuana;
 - Reasonable limitations on the hours of operation of retail recreational marijuana facilities;
 - Reasonable requirements related to the public's access to licensed premises; and
 - Reasonable limitations on where licensed recreational facilities may be located.
- Regulations adopted by cities must be consistent with the City's comprehensive plan and zoning ordinances and public health and safety laws.
 - Cities may not require licensed recreational marijuana facilities to be located more than 1000 feet apart.
 - When considering recreational license applications, OLCC will ask for a Land Use Compatibility Statement (LUCS) from the City in which the recreational facility proposes to locate.
 - Cities may only tax recreational marijuana by referring the taxation ordinance to the voters at the next statewide general election (November 2016). The tax may not exceed 3%.
 - Cities may adopt reasonable regulations on medical marijuana grow sites and medical dispensaries.
 - "Reasonable regulations" is defined to mean:
 - Reasonable conditions on the manner in which medical dispensaries and medical grow sites may transfer medical marijuana;
 - Reasonable limitations on the hours of operation of medical dispensaries and medical grow sites;

- Reasonable requirements related to the public's access to medical dispensaries and medical grow sites; and
 - Reasonable limitations on where medical dispensaries and medical grow sites may be located.
- Cities in counties where at least 55% voters in the county voted "no" on Measure 91 may adopt ordinances banning medical dispensaries and recreational facilities from the City. These ordinances must be adopted within 180 days. This option is not available to Falls City.
- Cities in counties where less than 55% voters in the county voted "no" on Measure 91 can refer an ordinance banning medical dispensaries and recreational facilities to be voted on at the next general election (November 2016). If the City notifies the OLCC that it has referred an ordinance banning medical dispensaries and recreational facilities, OLCC will discontinue licensing recreational facilities until the next general election. If the City adopts an ordinance banning medical dispensaries and recreational facilities, the City may not impose taxes or fees on marijuana or marijuana products. Medical dispensaries and marijuana processing sites that are registered before the ban takes effect may continue to operate.

HB 2041: ADOPTED BY THE LEGISLATURE JUNE 30 – TAKES EFFECT 90 DAYS AFTER ADJOURNMENT

- Changes the basis of the statewide recreational marijuana tax so that it is now a 17% tax on consumers, collected at the point of sale.
- Tax revenues are still split so that 10% goes to cities. The taxes earmarked for cities will be distributed by population until July 1, 2017, then they will be distributed based on the number of licensed recreational facilities located in the city. If the City does not have any licensed recreational facilities, the City will not receive any statewide tax revenue.

- A city that adopts an ordinance prohibiting recreational marijuana facilities or medical marijuana dispensaries will not be eligible to receive statewide tax revenue.

SB 460: Passed the Senate 23 to 6, currently in committee in the House

- From October 1, 2015 through December 31, 2016, medical dispensaries may sell limited amounts of recreational marijuana (seeds, buds, leaves, and non-flowering plants) to individuals 21 and over.
- Sales are limited to one quarter ounce of seeds, buds, or leaves per person per day and four non-flowering plants total.
- Cities may adopt ordinances prohibited these limited sales of recreational marijuana by medical dispensaries.

Please let me know if you want to talk in more detail about any of this.

Ross

Ross M. Williamson
Local Government Law Group P.C.

AGENDA REPORT

TO: COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: MCDANIELS CODE VIOLATION APPEAL
DATE: 07/01/2015

SUMMARY

Council has been updated on the McDaniels appeal and postponements.

BACKGROUND

There has been ongoing code enforcement Court Case with the McDaniels property on Sheldon Ave. The case was appealed to a higher court and the case has been postponed multiple times. I have talked with our Attorney, Moe Brown, and he has let me know that he is ready to proceed but with the Cities management changes and code enforcement officer changes that it weakens our case. He has advised that even if successful the City will not recoup its expenses, he advises to drop the case and if there is still ongoing problems with the property to recite and document the issues to bring forward a new case.

I am very hesitant in dropping the case, but after reviewing the circumstances I have decided to follow Moe's advice. I reviewed the cost of the litigation, the cost recovery if case is successful, the weakness of the case due to personnel changes, and the cost of bringing the code enforcement officer, who has moved out of the area, to attend the trial and have concluded that it is in the best interest of the City to drop the case.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

City would have large expenses and would not be able to collect the expenses through the court case.

STAFF RECOMMENDATION

N/A

EXHIBIT

N/A

PROPOSED MOTION

N/A

Mayor Report

The HEAL grant has been successfully closed. There is still some finish up work; painting, dressing up the sides of the stairs for flower planting, and some crack sealing.

Hiring process for an assistant City Clerk will close on July 6th, and then we will start the review of applications process, back ground checks, and interviews. COG will be handling the back grounds. I should have more to report at the meeting.

I have submitted an intake form with IFA on help with funding on the Master Water Plan, I have submitted for \$95,000.00. Next step will be to submit the grant; we will need engineering on part of that. I am hoping that our contract engineer will have time to help, we contract with Dallas and they have been busy.

I have also talked with the Oregon Water Association on helping with rate studies and on finding an Engineer to help with the grant process if Dallas is unable too. The meeting with State regulatory agencies is still in the process of being set up, they are sounding like they are more focused on loan type programs. I have reviewed the process of issuing moratoriums, ORS 197.520, and they are very temporary and there are a lot of steps to go through. The problem with getting financing to upgrade the weak spots is it is still just band-aiding our current system, which is inadequate.

I have submitted letters of intent for \$20,000.00 from IFA to help with a leak detection study and help fund a water rate study. We were accepted and I will be filling out the required information for the next step of that process.

Whatever we find out on the waste water system, I am afraid that there are going to be some substantial rate increases. I will keep looking for options that can upgrade our system and extend the users on the system, and keeping rates as low as possible.

Staff has entered into the audit process; I expect that the office will be real busy for the next month on gathering the required information. Our contract accountant is stepping up to help and we will be up loading the new budget by

mid-July. I have also met with the Auditors and am in the process of setting up our accounting principles, it sounds like everyone is willing to be patient and help me through this process.

I also met with the County on code enforcement; they contract out for this service at a \$1000 a month, which means they do not do a lot of enforcement. I am requesting their contract and will talk with the firm to maybe help us set up a process. We have a couple of real problem properties and I hope to have time to review some of the past cases for ideas on writing enforcement letters.

We currently are working on 10 land use permits, 5 active and 5 proposed. This is adding a lot on Domenica's work load, she has really stepped up along with Public Works. It amazes me on the time this adds to staff to process these applications.

Public Works Staff Report June 1 - July 1

Monday 1: Floats repair at Fairoaks lift station, State report DEQ.

Tuesday 2: Had Frink go to Salem for City, he took the Gator in for repairs and picked up some cold patch.

Wednesday 3: Ran grader, blew hose and repaired it, and prepped roads for dry weather.

Thursday 4: Meeting with county about paving project. Prepped for citywide cleanup.

Friday 5: City contracted with TRIC. Brush cutting around town.

Saturday 6: Routine sewer and water check. Citywide cleanup. Went to Glaze Creek intake. City needs more water, weather is very hot.

Sunday 7: Routine water and sewer and put Teal Creek online.

Monday 8: Mowed parks, downtown. Went home home early weather is extreme.

Tuesday 9: Mowed cemeteries, WTP. Went to Independence for tires for the city's pickup.

Wednesday 10: Cleaned sand off of filter No. 3.

Thursday 11: Continued cleaning filter No. 3.

Friday 12: Continued cleaning filter No. 3. Locate 80 North Main St, was unsuccessful pipe can not be located. Park maintenance.

Saturday 13: Routine water and sewer check.

Sunday 14: Routine water and sewer check. Called out to Carey Court, pump went out at lift station.

Monday 15: Carey Court pump, called out Valley Electric, to do the electrical work on the new pump. Finished cleaning filter No. 3.

Tuesday 16: Worked on Carey Court lift station with Valley Electric.

Wednesday 17: Hedge trimming at the Community Center. Called in locate at Carey Court.

Thursday 18: Dumped garbage cans around town, met with AI for painting of the WTP. Finished trimming at the Community Center. Dug up electrical conduit at Carey Court.

Friday 19: Finished up the hand digging at Carey Court, went to Dallas for parts. Park maintenance.

Saturday 20: Routine water and sewer check.

Sunday 21: Routine water and sewer check.

Tuesday 23: Patched 5th St. with cold patch. Worked on annual water report. Called county to prep for 3rd of July.

Wednesday 24: Meter reading. Sewer complaint called out 26 South Main. Pulled pump, cleaned screen. Gator still broken need to send back for more repairs.

Thursday 25: Finished meters and high consumption.

Friday 26: Finished non reads. Park maintenance and mowed lower cemetery.

Saturday 27: Routine water and sewer check. Dumped trash cans in the parks.

Sunday 28: Routine water and sewer check. Cleaned upper park after Celebration of Life.

Monday 29: Water work order reread 845 Parry, water reconnect 383 South Main. Mowed upper cemetery.

Tuesday 30: Mowed downtown, called locate for abandonment of old pump house on Parry Rd.

Wednesday 1: Mowed park. Prepped for 3rd of July. Went to county shops to pickup signs for downtown on the 3rd of July.