

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 January 14, 2016 7:00 p.m.

Posted on January 8, 2016

- 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 1-6
 - B) Approval of November 12, 2015 Council Meeting Minutes.....pages 7-30
- 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) Nomination/Election of Council President.....pages 31
 - B) Resolution 01-2016, Raising Capital Improvement Fee.....pages 32-38
 - C) Parks Video Surveillance.....pages 39-44
 - D) Status of Code Enforcement and Municipal Court.....pages 45-56
 - E) Abatement.....pages 57-90
 - F) Waste Water System.....pages 91
 - G) Resolution 02-2016 authorizing contract for development grant.....pages 92-103
 - H) Committee Appointments.....pages 104-106
 - I) OLCC License Renewals.....pages 107-110
 - J) Goals Setting Session.....pages 111
- 6) **Correspondence, Comments, and Ex-Officio Reports**
 - A) Council Reports
 - B) Mayor Reports
Fire Department Monthly Report,pages 112-114
Public Works Department Monthly Reportnot submitted
Library Monthly Reportpages 115-117
.....page 118
- 7) **Council Announcements**
 - A)
 - B)
- 8) **Adjourn**

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Cascade Columbia Distribution Company				
12/03/2015	Invoice 654906, 655240	Accounts Payable		-1,103.84
12/03/2015	Invoice 654906, 655240	Chlorine Supplies	20 WATER OPERATING FUND	1,103.84
				<u>0.00</u>
Total Cascade Columbia Distribution Company				
Complete Wireless Solutions				
12/03/2015	88873	Accounts Payable		-139.90
12/03/2015	Fire Radios, 88873	Equipment O&M	01 GENERAL FUND:01.07 Fire Department	139.90
				<u>0.00</u>
Total Complete Wireless Solutions				
Delsman Trucking & Excavation				
12/03/2015	659427	Accounts Payable		-1,275.00
12/03/2015	INV#659427, Ck 14313 voided	Streets Maintenance/Repair	20 WATER OPERATING FUND	1,275.00
				<u>0.00</u>
Total Delsman Trucking & Excavation				
Guardian Fire Protection				
12/03/2015	Inv# 130609, 130610, 130611	Accounts Payable		-312.75
12/03/2015	Inv # 130609	Equipment Maintenance/Repair	01 GENERAL FUND:01.01 Administrative	103.50
12/03/2015	Inv # 130611	Equipment Maintenance/Repair	20 WATER OPERATING FUND	105.00
12/03/2015	Inv # 130610	Equipment Maintenance/Repair	01 GENERAL FUND:01.07 Fire Department	104.25
				<u>0.00</u>
Total Guardian Fire Protection				
Itemizer Observer				
12/03/2015	Renewal, 2 years	Accounts Payable		-48.00
12/03/2015	Renewal, 2 years	Professional Services	01 GENERAL FUND:01.01 Administrative	48.00
				<u>0.00</u>
Total Itemizer Observer				
Jackey Jones				
12/03/2015	Deposit return	Accounts Payable		-50.00
12/03/2015	Community Center deposit return	Equipment Rental	01 GENERAL FUND:01.01 Administrative	50.00
				<u>0.00</u>
Total Jackey Jones				
OAMR				
12/03/2015	Renewal 2016	Accounts Payable		-50.00
12/03/2015	OAMR, yearly dues	Education/Training/Dues	01 GENERAL FUND:01.01 Administrative	50.00
				<u>0.00</u>
Total OAMR				
Terry Ungricht				
12/03/2015	November Expenses	Accounts Payable		-244.95
12/03/2015	November Expenses	Travel/Meeting Expense	01 GENERAL FUND:01.01 Administrative	244.95
				<u>0.00</u>
Total Terry Ungricht				
Van Well Building Supply				
12/03/2015	Inv #'s, 1039413, 1040079, 0216, 0328, 0729, 258	Accounts Payable		-576.99
12/03/2015	Inv #'s, 1040079, 1040216, 1040328, 1040729, 10	Building Maintenance & Repair	20 WATER OPERATING FUND	75.27
12/03/2015	nv #'s, 1040079, 1042582	Building Maintenance & Repair	01 GENERAL FUND:01.01 Administrative	144.46
12/03/2015	nv #'s, 1040079	Building Maintenance & Repair	01 GENERAL FUND:01.03 Parks	18.64
12/03/2015	inv# 1039413, 1042583, 1043236, 1043804	Building Maintenance & Repair	01 GENERAL FUND:01.07 Fire Department	338.62
				<u>0.00</u>
				<u>0.00</u>

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TOTAL

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Buhler & Meyer CPA's LLP				
12/05/2015	November	Accounts Payable		-442.40
12/05/2015	35% Admin	Professional Services	01 GENERAL FUND:01.01 Administrative	154.84
12/05/2015	5% Court	Professional Services	01 GENERAL FUND:01.04 Municipal Court	22.12
12/05/2015	10% Street	Professional Services	11 STREET FUND	44.24
12/05/2015	15% Sewer	Professional Services	13 SEWER FUND	66.36
12/05/2015	35% Water	Professional Services	20 WATER OPERATING FUND	154.84
				<u>0.00</u>
Total Buhler & Meyer CPA's LLP				
CenturyLink Business Services				
12/05/2015	November 1358491096	Accounts Payable		-2.08
12/05/2015	November 1358491096-85%	Telephone	01 GENERAL FUND:01.01 Administrative	1.77
12/05/2015	November 1358491096-15%	Telephone	20 WATER OPERATING FUND	0.31
				<u>0.00</u>
Total CenturyLink Business Services				
CIS Trust				
12/05/2015	3rd quarter Workers comp	Accounts Payable		-4,250.27
12/05/2015	3rd quarter workers comp	Worker's Comp Insurance	01 GENERAL FUND:01.01 Administrative	170.01
12/05/2015	3rd quarter Workers comp	Worker's Comp Insurance	01 GENERAL FUND:01.03 Parks	127.51
12/05/2015	3rd quarter Workers comp	Worker's Comp Insurance	01 GENERAL FUND:01.07 Fire Department	2,635.17
12/05/2015	3rd quarter Workers comp	Worker's Comp Insurance	01 GENERAL FUND:01.04 Municipal Court	42.50
12/05/2015	3rd quarter Workers comp	Worker's Comp Insurance	11 STREET FUND	467.53
12/05/2015	3rd quarter Workers comp	Worker's Comp Insurance	13 SEWER FUND	297.52
12/05/2015	3rd quarter Workers comp	Worker's Comp Insurance	20 WATER OPERATING FUND	510.03
				<u>0.00</u>
Total CIS Trust				
City of Dallas				
12/05/2015	INV# 20151171492, 20151171493, 20151171493, 20151171	Accounts Payable		-900.00
12/05/2015	INV# 20151171492, 20151171493, 20151171493, 20151171	Streets Maintenance/Repair	11 STREET FUND	900.00
				<u>0.00</u>
Total City of Dallas				
Dallas Auto Parts				
12/05/2015	Statement 11/30	Accounts Payable		-48.08
12/05/2015	Statement 11/30	Equipment Maintenance/Repair	11 STREET FUND	20.38
12/05/2015	Statement 11/30	Equipment Maintenance/Repair	20 WATER OPERATING FUND	10.06
12/05/2015	Statement 11/30	Equipment Maintenance/Repair	13 SEWER FUND	17.64
				<u>0.00</u>
Total Dallas Auto Parts				
Net Assets Corporation				
12/05/2015	66-201511	Accounts Payable		-11.00
12/05/2015	50% Lien service -66-201511	Professional Services	13 SEWER FUND	5.50
12/05/2015	50% Lien service -66-201511	Professional Services	20 WATER OPERATING FUND	5.50
				<u>0.00</u>
Total Net Assets Corporation				
Petty Cash'				
12/05/2015	393809	Accounts Payable		-5.00
12/05/2015	underage 11/30/2015	Miscellaneous Expenses	20 WATER OPERATING FUND	5.00
				<u>0.00</u>
Total Petty Cash'				
Verizon Wireless				

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	<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
	12/05/2015	9756132851	Accounts Payable		-37.63
	12/05/2015	November	Telephone	01 GENERAL FUND:01.01 Administrative	18.81
	12/05/2015	November	Telephone	20 WATER OPERATING FUND	18.82
					<u>0.00</u>
Total Verizon Wireless					
Xerox Corporation					
	12/05/2015	082427519	Accounts Payable		-236.33
	12/05/2015	65% Use	Operational Supplies	01 GENERAL FUND:01.01 Administrative	153.62
	12/05/2015	10% Use	Operational Supplies	11 STREET FUND	23.63
	12/05/2015	10% Use	Operational Supplies	13 SEWER FUND	23.63
	12/05/2015	15% Use	Operational Supplies	20 WATER OPERATING FUND	35.45
					<u>0.00</u>
					<u>0.00</u>
Total Xerox Corporation					
TOTAL					
CenturyLink					
	12/13/2015	multiple phone bills	Accounts Payable		-419.72
	12/13/2015	December	Telephone	01 GENERAL FUND:01.01 Administrative	183.02
	12/13/2015	December	Telephone	20 WATER OPERATING FUND	64.46
	12/13/2015	December	Telephone	01 GENERAL FUND:01.07 Fire Department	172.24
					<u>0.00</u>
Total CenturyLink					
City of Coos Bay					
	12/13/2015	201508-11SVCS	Accounts Payable		-159.00
	12/13/2015	Charter franchise negotiation, 201508-11SVCS	Attorney/Special Council	01 GENERAL FUND:01.01 Administrative	159.00
					<u>0.00</u>
Total City of Coos Bay					
City of Salem					
	12/13/2015	inv#2303692	Accounts Payable		-1,636.69
	12/13/2015	70% inv#2303692	911 Fee - Fire Department	01 GENERAL FUND:01.07 Fire Department	1,145.68
	12/13/2015	30% inv#2303692	911 Fee - Law Enforcement	01 GENERAL FUND:01.01 Administrative	491.01
					<u>0.00</u>
Total City of Salem					
Consolidated Supply Co.					
	12/13/2015	S7317302.002	Accounts Payable		-603.18
	12/13/2015	inv. S7317302.002	Maintenance Supplies	20 WATER OPERATING FUND	603.18
					<u>0.00</u>
Total Consolidated Supply Co.					
Edge Analytical					
	12/13/2015	15-25958	Accounts Payable		-20.00
	12/13/2015	15-25958	Lab Analysis Services	20 WATER OPERATING FUND	20.00
					<u>0.00</u>
Total Edge Analytical					
Jennifer Drill					
	12/13/2015	Business Forum Lunch	Accounts Payable		-20.00
	12/13/2015		Travel/Meeting Expense	01 GENERAL FUND:01.01 Administrative	20.00
					<u>0.00</u>
Total Jennifer Drill					
Pacific Power					
	12/13/2015	multiple accounts, 21091561-006 2	Accounts Payable		-2,232.45
	12/13/2015	December	Power/Heat	01 GENERAL FUND:01.07 Fire Department	945.41
	12/13/2015	December	Power/Heat	01 GENERAL FUND:01.01 Administrative	146.81

Date	Memo	Account	Class	Amount
12/13/2015	December	Power/Heat	01 GENERAL FUND:01.03 Parks	36.60
12/13/2015	December	Power/Heat	13 SEWER FUND	415.51
12/13/2015	December	Street Lights	11 STREET FUND	617.38
12/13/2015	December	Power/Heat	20 WATER OPERATING FUND	70.74
				<u>0.00</u>
Total Pacific Power				
Petro Card				
12/13/2015	C005735	Accounts Payable		-46.98
12/13/2015	20% C005735	Vehicle Operation	11 STREET FUND	9.39
12/13/2015	20% C005735	Vehicle Operation	13 SEWER FUND	9.39
12/13/2015	60% C005735	Vehicle Operation	20 WATER OPERATING FUND	28.20
				<u>0.00</u>
Total Petro Card				
Sharon Volk Grene				
12/13/2015	bound Tree reimbursement	Accounts Payable		-125.90
12/13/2015	Reimburse expense, Bound Tree	Education & Training	01 GENERAL FUND:01.07 Fire Department	125.90
				<u>0.00</u>
Total Sharon Volk Grene				
Speer Hoyt LLC				
12/13/2015	33285	Accounts Payable		-513.00
12/13/2015	INV: 33285	Attorney/Special Council	01 GENERAL FUND:01.01 Administrative	513.00
				<u>0.00</u>
Total Speer Hoyt LLC				
John W. Gilbert				
11/08/2015	Statement 103	Accounts Payable		-200.00
11/08/2015	Statement # 103 Community Center floors	Community Center Maint/Repairs	01 GENERAL FUND:01.07 Fire Department	100.00
11/08/2015	Statement # 103 Community Center floors	Community Center Maint/Repairs	01 GENERAL FUND:01.01 Administrative	100.00
	Check 14352 lost in mail, reissued			<u>0.00</u>
Total John W. Gilbert				
Consumers Power Inc				
12/19/2015	Account # 1155301	Accounts Payable		-228.40
12/19/2015	December Power	Power/Heat	20 WATER OPERATING FUND	228.40
				<u>0.00</u>
Total Consumers Power Inc				
Edge Analytical				
12/19/2015	15-25959	Accounts Payable		-227.00
12/19/2015	15-25959	Lab Analysis Services	13 SEWER FUND	227.00
				<u>0.00</u>
Total Edge Analytical				
King's Pumping Service				
12/19/2015	12293, 12296, 12292, 12297, 12295	Accounts Payable		-2,175.41
12/19/2015	Inv 12293, 161 3rd St.	Professional Services	13 SEWER FUND	436.75
12/19/2015	Inv. 12296, 234 Prospect	Professional Services	13 SEWER FUND	396.00
12/19/2015	Inv. 12292 420 N Main	Professional Services	13 SEWER FUND	411.75
12/19/2015	Inv. 12297, 136 Carey Cl.	Professional Services	13 SEWER FUND	519.16
12/19/2015	12295, 320 & 318 N Main	Professional Services	13 SEWER FUND	411.75
				<u>0.00</u>
Total King's Pumping Service				
MNOP				
12/19/2015	A259610-IN	Accounts Payable		-528.08

12/19/2015	A259610-IN	Power/Heat	01 GENERAL FUND:01.01 Administrative	528.08
				<u>0.00</u>
Total MNOP				
12/19/2015	Account Number: 4798 5312 1498 1146	Accounts Payable		-509.61
12/19/2015	December, Budget class	Travel/Meeting Expense	01 GENERAL FUND:01.01 Administrative	127.40
12/19/2015	Operational supplies	Administrative costs	01 GENERAL FUND:01.01 Administrative	96.35
12/19/2015	Web page	Computer Software Maintenance	01 GENERAL FUND:01.01 Administrative	97.00
12/19/2015	Operational supplies	Maintenance Supplies	20 WATER OPERATING FUND	188.86
				<u>0.00</u>
				<u>0.00</u>
Total US Bank Visa				

TOTAL

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
12/26/2015	2016 dues	Accounts Payable	01 GENERAL FUND:01.01 Administrative	-65.00
12/26/2015	OMA Annual Membership	Education/Training/Dues		65.00
				<u>0.00</u>
Total Oregon Mayor's Association				
12/26/2015	C010835	Accounts Payable		-203.69
12/26/2015	20% C010835	Vehicle Operation	11 STREET FUND	40.74
12/26/2015	20% C010835	Vehicle Operation	13 SEWER FUND	40.74
12/26/2015	60% C010835	Vehicle Operation	20 WATER OPERATING FUND	122.21
				<u>0.00</u>
Total Petro Card				
12/26/2015	Acct# 19659466866	Accounts Payable		-301.50
12/26/2015	Nov 35%	Postage & Freight	13 SEWER FUND	105.52
12/26/2015	Nov 50%	Postage & Freight	20 WATER OPERATING FUND	150.75
12/26/2015	Nov 15%	Postage & Freight	01 GENERAL FUND:01.01 Administrative	45.23
				<u>0.00</u>
Total Pitney Bowes				
12/26/2015	December Statement	Accounts Payable		-963.52
12/26/2015	December Statement	Equipment Maintenance/Repair	13 SEWER FUND	491.90
12/26/2015	December Statement	Equipment Maintenance/Repair	20 WATER OPERATING FUND	471.62
				<u>0.00</u>
				<u>0.00</u>
Total Valley Electric Company, LLC				

TOTAL

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
01/02/2016	December 1361417009	Accounts Payable	01 GENERAL FUND:01.01 Administrative	-4.09
01/02/2016	December 1361417009-85%	Telephone		3.47
01/02/2016	December 1361417009-15%	Telephone	20 WATER OPERATING FUND	0.62
				<u>0.00</u>
Total CenturyLink Business Services				
01/02/2016		Accounts Payable		-1,591.33
Total CenturyLink Business Services				
01/02/2016		Accounts Payable		-1,591.33
Total CenturyLink Business Services				
01/02/2016		Accounts Payable		-1,591.33

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01/02/2016	INV#2126	Streets Maintenance/Repair	20 WATER OPERATING FUND	296.94
01/02/2016	INV#2126	Streets Maintenance/Repair	11 STREET FUND	1,294.39
Total Delsman Trucking & Excavation				<u>0.00</u>
01/02/2016	15-27183	Accounts Payable		-149.00
01/02/2016	15-27183	Lab Analysis Services	13 SEWER FUND	149.00
Total Edge Analytical				<u>0.00</u>
01/02/2016	January Donation	Accounts Payable		-916.66
01/02/2016	January Donation to Falls City Fire Association	Point System	01 GENERAL FUND:01.07 Fire Department	916.66
Total Falls City Fire Association				<u>0.00</u>
01/02/2016	1516181	Accounts Payable		-173.25
01/02/2016	inv. 1516181 COG Land Use	Professional Services	01 GENERAL FUND:01.01 Administrative	173.25
Total Mid Willamette Valley COG				<u>0.00</u>
01/02/2016	Dues 2016	Accounts Payable		-34.50
01/02/2016		Education/Training/Dues	01 GENERAL FUND:01.01 Administrative	34.50
Total OCCMA				<u>0.00</u>
01/02/2016	inv#, 1048257, 1048740, 1049664	Accounts Payable		-58.73
01/02/2016	inv # 1048740, 1049664	Streets Maintenance/Repair	11 STREET FUND	54.75
01/02/2016	inv # 1048257	Fire Station Main/Repairs	01 GENERAL FUND:01.07 Fire Department	3.98
Total Van Well Building Supply				<u>0.00</u>
TOTAL				<u><u>0.00</u></u>

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City of Falls City
City Council Regular Meeting
Thursday December 10, 2015
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

Staff Present: JoHanna Hewitt, City Clerk; Don Poe, Public Works Lead Worker

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

1) Roll Call

Clerk Hewitt took roll call. Councilor L. Sickles absent.

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, with the addition of items I; Request for Qualifications Review Panel Recommendations and Item J; Tony Drill's resignation from Parks and Recreation Committee. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin, D. Sickles, Julee Bishop

4) Consent Agenda:

Correction to November 12, 2015 Minutes- Council Absences- Item 6B; Motion was seconded by Councilor Drill.

Councilor Drill inquired about payment to John Gilbert. Mayor Ungricht explained it was for work done refurbishing the Community Center floor.

A motion was made by Councilor Meier and seconded by Councilor Melin to adopt the entire Consent Agenda with the additions of Items I and J. Motion carried 5-0-0. Ayes Jennifer Drill, Tony Meier, Gerald Melin, D. Sickles, Julee Bishop

4) Public Comments:

Tim Sickles of Falls City made request of Council to sign off on the City's agreement with his son, Jesse Sickles for the window he had vandalized at the Falls City Fire Station. This request made under direction of presiding judge for the vandalism case. Tim Sickles presented court documents for Council's review. Mayor Ungricht pointed out that Jesse Sickles only completed two (2) half days of his community service and had 22 hours remaining. Discussion followed whether Jesse Sickles could finish his community service after not reporting as agreed. Councilor Drill asked if Community Service hours might be completed at the Falls City High School (FCHS) with the Booster Club concessions. Tim Sickles replied no, as Jesse Sickles was banned from FCHS until February 2016. Mayor Ungricht and Tim Sickles agreed community service hours be completed and Tim Sickles be responsible to find a supervisor for his son Jesse Sickles.

D. Sickles declared Jesse Sickles as his nephew prior to his voting in favor.

A motion was made by Councilor Drill and seconded by Councilor Meier to uphold agreement between the Mayor and Tim Sickles. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin, D. Sickles, Julee Bishop

5) New Business:

A) Resolution 13-2015, Establishing an Economic Development Committee (EDC)-

Mayor Ungricht combined Council Goal #4, Item 1 of the 2015 Council Goals and recent Council decision to form Solar Eclipse 2017 Committee to investigate revenue opportunities surrounding the rare event. Created was an Economic Development Committee (EDC) to increase the viability and stability of the economy of Falls City as a rural residential and commercial center. Staff will develop an EDC Committee description. EDC applications would go before Council for candidate approval. Once the EDC selection is completed, EDC members will vote a peer to Chair. The EDC shall set a portion of goals to bring before Council. The EDC may become involved with the Tourism Board at a future date.

A motion was made by Councilor Meier and seconded by Councilor Melin that the City Council of Falls City approve Resolution 13-2015 establishing an Economic Development Committee. Ayes: 5-0-0 Jennifer Drill, Tony Meier, Gerald Melin, D. Sickles, Julee Bishop

B) Resolution 14-2015, Small Cities Allotment Contract-

A resolution to accept \$50,000 awarded to the City through a Small Cities Allotment grant. When doing similar road/street projects, the City "piggy backs" onto the County's workload. Mayor Ungricht plans to set \$30,000 aside, with another \$20,000 next year to work on intersections, make repairs and fixes to Parry Road where the pump station was decommissioned.

A motion was made by Councilor D. Sickles and seconded by Councilor Meier that the City of Falls City approve Resolution 14-2015. A resolution entering into an agreement between Falls City and the Oregon Department of Transportation. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin D. Sickles, Julee Bishop

C) Public Works Committee Rate Recommendation-

Public Works Committee agreed the Utility Reserve rate had not increased in quite some time. Public Works Committee recommended to Council an increase of \$2.00 or \$3.00. Rate increases are project driven. The rate would increase in March 2016. In 2017, another increase would be necessary. Mayor Ungricht would strive to educate the public on the differences of each fund associated with utilities and uses of each. The Utility Reserve Fund's function is a proactive measure to remedy emergencies by providing financial protection for incidental repairs on the water and sewer systems. The new Water Master Plan will identify major weaknesses within the current system. It is possible these could amount to million dollar repairs. Utilizing grants would minimize costs.

Councilor Meier complimented Mayor Ungricht's effort of improved education through the newsletter. Mayor Ungricht and the majority of Council expressed dislike for rate increases. All agreed that unfortunately, prior Councils had put off upgrades and repairs, thus causing the present problems in the systems.

Mayor Ungricht encouraged a Cost of Living Adjustment (COLA) to cause small regular increases. These small increases would be easier on citizens than periodic \$2.00 or \$3.00

increases. Mayor Ungricht said for example, our garbage service, Republic Services added a 4% COLA into the City's contract. Social Security (SS) has a list of items they charge COLA's on. Councilor D. Sickles suggested tying a Utility Reserve Fund COLA into the rate of SS, as it would benefit seniors on fixed incomes. The COLA may in fact tie into the SS index with a maximum in case of super inflation. Discussion on COLA flexibilities set aside for later date.

A motion was made by Councilor D. Sickles and seconded by Councilor Meier that the City Council of the City of Falls City direct staff to submit a resolution raising the Capitol Improvement Fees by \$3.00 per month to take effect on the March billing. Motion carried 4-1-0 Ayes: Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop. Nays: Jennifer Drill

D) Marijuana Update-

The City Attorney deemed Council's restrictions on dispensary locations inappropriate in light of House Bill 3400 (HB-3400) and its provisions. 58.2% of Polk County voted in favor of Measure 91- Recreational Use of Marijuana well above the 55% threshold included in HB-3400. Oregon Liquor Control Commission (OLCC) school zone map superseded the City's previous map and proved the school and triangle zones to be wrong. The only places for a dispensary to locate would be Bowman's property or the old industrial land on the south side of town. There are seven separate permit processes associated with dispensaries that could be potential revenue to the City.

Councilor Meier shared his research on dispensaries and their operation costs. He spoke to the owner of the largest dispensary in the Salem area. This particular dispensary required income of \$500.00 per day to keep their doors open for business. A startup investment of \$75,000.00, including application fees, permitting etc., was necessary, but excluded costs of stocking product. The dispensary owner told Councilor Meier there was no financial gain for a dispensary to locate in Falls City. Councilor Meier personally does not foresee a dispensary coming to Falls City and suggested following HB-3400.

Councilor Drill brought handouts for Council entitled; Record of Cities/Counties Prohibiting Licensed Recreational Marijuana Facilities (Exhibit A), Marijuana Local Opt-Out Form (Exhibit B), several ban ordinances from other Oregon cities (Exhibit C), and an article citing a Colorado study (Exhibit D). After discussion on City/County prohibition (Exhibit A), Councilor Drill questioned why the 55% threshold rule was not included in the information provided by her source. Mayor Ungricht drew attention to its location in all three ordinances she provided (Exhibit C). The City of Elgin cites HB-3400 in Ordinance 177 (2015) Section 2, but does not give the percentage of votes for its home county. Both Baker City (3342) and Prairie City's (2015-01) ordinances, Section 1, cites HB-3400 and that the general population in each City's home county had voted above the required 55% in opposition to Measure 91. Section 2, in each ordinance respectively, shows Baker County at 59.4% of voters in opposition to Measure 91 and Grant County shows 64.8% of voters in opposition of Measure 91. If Council wished to ban dispensaries, it was possible short term. HB-3400 restrictions and provisions require dispensaries be placed before voters on the 2016 ballot in counties where above 55% of the population voted in favor of Measure 91- Recreation Use of Marijuana.

Councilor D. Sickles inquired to the potential tax revenue. Mayor Ungricht did not have a figure for potential marijuana tax revenue; however, the City's alcohol revenue is roughly \$1200.00 - \$1400.00 per month. Colorado's marijuana tax exceeded their alcohol tax. Oregon does not have marijuana tax allotment in place yet. Tax revenue allotment goes to cities, prorated, and based on population unless they qualify to opt out by bans and restrictions on dispensaries. In which case, those opt out cities will be awarded none for the first year. Mayor Ungricht added

tax revenue might only go to cities with dispensaries, eliminating cities without dispensaries from marijuana tax revenues altogether.

Councilor Drill voiced concerns with the dispensary issue going to ballot. She understood the County and precinct voted in favor of recreational marijuana use but remains leery of the dispensary issue going to ballot before the community. Councilor Drill does not want a dispensary to locate in Falls City due to outside influences bringing potential harm to the community.

Mayor Ungricht reminded Council "We represent the community".

Councilor Meier found an interesting item in his research was the Salem dispensary owner said the majority of his "patients" were fifty-five years and older.

Councilor Drill referred to her information titled "The Unexpected Side Effect of Legalizing Weed" (Exhibit D). This study on the state of Colorado included increased law enforcement, dangerous growing practices, spikes in organized crime, homelessness and increased school expulsions.

Mayor Ungricht is not for a dispensary here, but cannot see the City refusing to allow a dispensary if citizens wanted it. He urged if Council was completely against the dispensary issue, they should vote to ban until the 2016 ballot, according HB-3400. This action would allow the City to follow state laws and eliminate risk of litigation. Mayor Ungricht assured Council he is working with the City Attorney and relaying the information to keep costs down. He offered a future City Council meeting with the Attorney should Council wish.

The status of the City of Dallas came into question. Jolene Guzman, Itemizer Observer reporter in attendance, replied the City of Dallas had not taken any action to date. Under the guidelines of HB-3400 if the city received a dispensary application it would have to be processed.

Council asked what would happen if the City did nothing. Councilor Meier responded by calling attention to proposed motion #1; "I move the City Council of the City of Falls City follow the procedures of HB-3400 in regulation Measure 91 and that staff produce an ordinance to submit to voters in November 2016 General Election to add a 3% tax on the sales and processing of Marijuana." The City would simply follow HB-3400 and its provisions. Much of Council was personally opposed to dispensaries.

Councilor D. Sickles clarified that if Council did nothing and followed HB-3400, no vote would follow. Mayor Ungricht affirmed no vote necessary.

Mayor Ungricht asked if following HB-3400 was Councils wishes. Council confirmed. Mayor Ungricht announced direction from Council following state law under HB-3400.

No Motion followed.

E) 3rd of July Event-

Mayor Ungricht cited Council decision to have an early plan in place for the 2016 3rd of July event. At the September 2015 Fire Association meeting three members appointed to meet with three City/Committee members to plan for the event. Three months have passed with no action from Parks and Recreation Committee or City Council. During 2016, staff would be extremely busy with the Water Master Plan and modifying the Waste Water Facility Plan. Due

to lack of interest by Parks and Recreation Committee and City Council, Mayor Ungricht recommended scaling 3rd of July festivities down to a barbeque and games in the Upper Park. He hopes the Fire Department would move forward through the Fire Association for insurance, releases to the City etc. The City could continue a portion of funding. \$1000.00 was budgeted from the City in 2015; \$1945.00 actually spent by the City on the 2015 3rd of July event.

Council showed no interest with event participation. The Fire Department would be notified as soon as possible of Council's position. Mayor Ungricht hoped Council understood he is not a last minute person.

F) 2014-2015 Budget Audit-

The 2014-2015 Accounting Procedural Budget Audit went well with three exceptions; the fire truck loan not added to state budget form LB-1, filed with the state, a carryover from the Wagner Trust Fund. The Wagner Trust carryover has been an issue since 2012 or 2013 but soon to be resolved. Lastly, Workers Compensation deducted from Parks funds was incorrect. No individual line item present led to line items appearing overspent. In actuality, overspending did not occur. Tom Glogau, the City's auditor found the City compliant and gave staff compliments on financial procedures in place. These procedures prevent misappropriations. Tom offered to assist with the next budget creating line items for all spending. Mayor Ungricht offered to have Tom available for questions from Council.

Councilor Drill inquired of future education opportunities for this type of audit. She expressed a valid difficulty to accept items of which she has little or no knowledge.

Councilor D. Sickles suggested Councilor Drill attend workshops offered through the League of Oregon Cities (LOC) or the Council of Governments (COG) to gain familiarity. Mayor Ungricht offered information on an upcoming budget workshop Councilor Drill may attend. Although a financial audit differs from a procedural audit, the workshop will touch on the topic of procedural checks and balances. There are no classes offered on procedural audits alone.

Councilor Drill thanked Mayor Ungricht, Clerk Protheroe and Clerk Hewitt for having proper procedures in place.

A motion was made by Councilor Meier and seconded by Councilor D. Sickles that the City Council of Falls City accept the Annual Finance Report for the Fiscal Year 2014-2015. Motion carried. Ayes: 5-0-0: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop.

G) City Property Audit-

Major metropolitan cities in Oregon self-insure. All smaller cities use Citycounty Insurance (CIS).

H) Fire Assistance Grant-

The Falls City Fire Department (FCFD) applied with the United States Department of Agriculture (USDA) for a Fire Assistance Grant to fight wildland fires March 2015. The Fire Assistance grant awarded to FCFD May 31, 2015 but not put on Mayor Ungricht's desk until November 23, 2015. Mayor Ungricht felt comfortable meeting the requirements of the Fire Assistance Grant by its December 15, 2015 deadline to have tools and equipment purchased. Items included a fire shelter, radios, pagers, breathing apparatus, etc. Should the December 15 deadline pass, it could cost the City \$2429.50. FCFD Volunteer hours for training and clerical work hours used as "in-kind" to receive reimbursement of tools and equipment. Mayor Ungricht felt accepting

this grant would create a stronger relationship between FCFD and City staff. It could be an opportunity to educate each other on needs.

Mayor Ungricht noted the FCFD does not submit reports to Council, as they should. Due to a quickly approaching deadline, FCFD's "In-Kind" hours submitted in irregular format; staff hopes granting agencies accept documentation. Normally, if agencies require any changes or additional information, that is completed in a timely manner well before the close of any deadlines.

A motion was made by Councilor Drill and seconded by Councilor Melin that the City Council of the City of Falls City approve the terms of the Volunteer Fire Assistance Grant Application. Motion Carried. Ayes 5-0-0: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop.

1) Request For Qualifications (RFQ) Review Panel Recommendation

The City received three proposals for the Master Water Plan. RFQ Review Panel conducted review. The Panel consisted of Mayor Ungricht, Council President Dennis Sickles, Public Works Lead Don Poe, City Clerk Domenica Protheroe and Public Works Committee Secretary Guy Mack.

Pace Engineering (Pace) - \$75,000.00, HBH Engineering (HBH) - \$48,980.00 and Civil West Engineering (Civil West) - \$70,486.00 submitted bids. Panel reviewed proposals with unanimous favor for Pace Engineering based on scores. However, Pace and Civil West did not adhere to the RFQ's "Do not exceed" as required. The RFQ Panel recommended HBH Engineering. HBH included the "Do not exceed" as required, presented lowest cost, and have familiarity with Falls City.

Councilor Drill disagreed with Panel recommendation for HBH Engineering. She was impressed with Pace's familiarity with the City of Falls City.

Don Poe, Public Works Lead Worker agreed, but \$75,000.00 was a high cost.

HBH Engineering is currently the state's Circuit Rider. HBH assists cities that need help meeting state requirements to attain project funding. The state appointed HBH to oversee the City's previous engineer on the Wastewater Plan. HBH salvaged the City's Wastewater Plan into a lesser Facility Plan for state compliance in order to get funding to pay for the project. They have also done contact work at the Treatment Plant. HBH is close to Pace in familiarity with Falls City.

Council questioned why two bids were close to the same cost range and the other was considerably lower. Some discussion followed. Councilor Melin suggested that perhaps, it was due to their familiarity with our system.

Mayor Ungricht felt the lower bid was also due to HBH being a smaller firm and specializing in City Block Grants (CBG). HBH has engineered the most water treatment plants of the three firms. HBH has a successful specialty niche in funding.

Further discussion ensued regarding the possibility of renegotiation with Pace for a lower bid. However, sealed bids are final costs from firms for a service. Renegotiation with any of the bidding firms would cause all bids thrown out and the RFQ process restarted. Mayor Ungricht felt comfortable with HBH as they are very familiar with the City's wastewater system and have been very helpful to him in the past.

Potential litigation was mentioned by Councilor D. Sickles if Pace awarded over HBH. This is due to the fact HBH was the only firm to include the required "Do not exceed" cap in the City's RFQ. The City would be in violation if it did not adhere to its own guidelines of the RFQ as well.

A motion was made by Councilor Melin and seconded by Councilor Meier that the City of Falls City approve the top ranked bidder, HBH Consulting Engineers and authorize staff to negotiate, finalize and execute an appropriate service contract. Motion Carried. Ayes 4-1-0: Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop. Nays: Jennifer Drill

J) Tony Drill Resignation Parks and Recreation Committee

A motion was made by Councilor Meier and seconded by Councilor D. Sickles that the City Council of Falls City accept the resignation of Tony Drill. Motion Carried. Ayes 5-0-0: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop

6) Correspondence, Comments and Ex-Officio Reports

The Annual Christmas Tree Lighting was a success. Approximately 150 people attended. Councilor Drill thanked those involved and the City for allowing the event to take place. There is an upcoming Town Hall meeting Tuesday, December 15 at 7pm., Councilor Drill will work to have Appointed Sheriff Garton attend and answer any questions.

Recently Councilor Drill attended a "Great Oregon Shakeout" seminar centered on effects of the Cascadia Subduction Zone sponsored by Oregon Office of Emergency Management (OOEM). She brought back many items and resources to consider. The question arose as to whether sandbags are available to residents during floodwaters. Supplies are located on the Old Mill lot across from the post office on Bridge Street. The County supplies sand bags. Don Poe Public Works Lead supplies recycled sand from the treatment plant. It is self-serve and residents bring their own shovels. Many residents utilize the items each year to keep floodwaters away from homes.

The next Emergency Team meeting to take place the first part of January 2016. Additional information included in the January newsletter. Mayor Ungricht noted the newsletter deadline for information submittal by the 15th of each month.

Council requested an update on vacant homes. The City has been working with City of Albany for assistance. Information provided for several vacant properties; however, Albany has not taken action to follow up. Mayor Ungricht will contact Albany for an update.

Mayor Ungricht sought direction from Council on a Dallas Chamber of Commerce invoice for \$195.00 due on January 1, 2016. Formerly, the City had belonged to the Chamber but saw no real benefit to membership. Council was asked to share any benefits he has not recognized. Council agreed to leave the Chamber invoice and membership up to Mayor Ungricht's discretion.

Mayor Ungricht asked Council to allow staff to work on, and budget for new Fire Department grants available. Mayor Ungricht said a supplemental budget might be necessary.

A motion was made by Councilor Melin and seconded by Councilor Meier granting staff permission to work on and budget for Fire Department grants. Motion Carried. Ayes 5-0-0: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop

Date needed for Council Goal setting. Mayor Ungricht feels staff is better oriented to City needs such as a later model truck for Public Works and a road grader. A truck and grader could be available from state surplus. This would come out of the General Fund. Trail grants would be another goal. Council was requested to keep goals within reach. Council of Governments (COG) would be available to aid with the Goal setting process. Council felt COG assistance was not necessary due to prior goal setting experience. Council inquired of Councilor Bishop regarding her work schedule and availability. It was determined all members would submit "unavailable" dates in order schedule a Council Goal Setting Work Session all can attend. Council President Dennis Sickles and a member of City staff will help with the process.

Mayor Ungricht announced a vacancy on the Budget Committee. Those interested in serving please turn in applications.

Council requested an update on the Falls City Alliance (Alliance) loan. They are two months overdue on payments and seeking another form of funding. An extension was granted. Mayor Ungricht noted a property with a very large lien owed to the City staff hopes to collect. He explained in the past, the City received monies from Community Development Corporation grants (CDCG) available to the community. \$274,721.00 total CDCG funds are currently available in active loans including revolving funds. It is possible; that monies- if collected or granted could be used to build a starter home or low-income apartments. The income from sales would then create a perpetual fund, which could convert into seed money for cleaning up properties within the City. Mayor Ungricht requested Council to consider this idea of investing in properties to lift the blight off the City. Kimberly Lyle at CDC would like to meet with Mayor Ungricht and explore options and programs to help our low-income residents in the community.

John Gilbert offered to paint the Community Center at a bid of \$300.00. No other bids submitted to the City. Councilor D. Sickles asked if a fundraiser would pay for it. Mayor Ungricht would look into fundraising. Normally administrative maintenance monies would pay for painting.

7) **Mayors Report**
Attached to the Mayor's Report was an email exchange between Representative Gromberg and Mayor Ungricht regarding Gromberg's recent visit to the City. During this meeting, Gromberg asked those present to prioritize concerns, Code and Law enforcement were the forefront. He jested with an idea of legislation providing one police officer to each city in Oregon. Mayor Ungricht intends to press that offer to provide enforcement for the City.

8) **Council Announcements**

9) **Adjourn**
The meeting adjourned at 8:45 pm.

Mayor Terry Ungricht

Attested: _____ City Clerk JoHanna Hewitt

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: RFQ REVIEW PANEL RECOMMENDATION
DATE: 12/7/2015

SUMMARY

The Falls City Council directed staff to publish an RFQ for engineering proposals on a Master Water Plan. Council directed staff to set up a review panel to go over and score the engineering proposals.

BACKGROUND

Council moved to have a review panel made up of Mayor Ungricht, Council President Sickles, Public Works Lead Don Poe, City Clerk Domenica Protheroe, and Public Works Committee Secretary Guy Mack to oversee the opening and scoring of the RFQ proposals.

The City received three proposals for the Master Water Plan;

- 1) PACE Engineering, bid \$75,000.00
- 2) HBH Engineering, bid \$48,980.00
- 3) Civil West Engineering, bid \$70,486.00

The Panel discussion accepted that all of the firms were qualified to perform the project.

PACE engineering was felt to be the most experienced with Falls City, they were lead on the water treatment plant and are very familiar with our system, they have the most depth of staff, and would be the easiest for City staff to work with.

HBH also scored high in familiarity with our system; they have performed contact times at the treatment plant and helped the City salvage the Waste Water Plan for collection of the grant money. It was felt that HBH also had excellent relationships with the regulatory and finance agencies and they had performed recent Master Water Plans.

Civil West Engineering was felt to have the least experience in Master Water Plans, in their references the last one they performed was in 2009. It was also felt that Civil West was in the midst of expanding and had the least depth of staff. They indicated that they would be subcontracting work related to the plan and this deducted points from most of the review panel members scoring.

So in the discussion, not taking cost into account, it was felt that PACE scored the highest on being able to perform the job. When cost was thrown into the discussion HBH scored the highest. HBH was also the only bidder to follow the "contracting Fees" on page 5 of the RFQ, with a not to exceed bid.

The review panel recommends to Council that they approve the top ranked bidder and enter into an agreement with HBH Consulting Engineers to perform the required Master Water Plan for State review and acceptance.

PREVIOUS COUNCIL ACTION

Listed above

ALTERNATIVES/FINANCIAL IMPLICATIONS

Accept proposal from PACE Engineering at the cost of \$75,000.00 to complete the proposed project.

STAFF RECOMMENDATION

Staff recommends approval of HBH Engineering. Accepting the lowest bidder follows guidelines of the granting agencies.

EXHIBIT

PROPOSED MOTION

I move the City Council of the City of Falls City approve the top ranked bidder, HBH Consulting Engineers, and authorize staff to negotiate, finalize, and execute an appropriate service contract.

Exhibit J

AGENDA REPORT

TO: COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: PARKS AND RECREATION COMMITTEE RESIGNATION
DATE: 09/09/2015

SUMMARY

Staff received a letter of resignation from Tony Drill.

BACKGROUND

Tony Drill was appointed to the Parks and Recreation Committee in February of 2015. Tony Drill submitted a letter of resignation effective 12/01/2015. This will create a vacancy on the Parks Committee.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

There are no fiscal impacts.

STAFF RECOMMENDATION

Accept resignation.

EXHIBIT

N/A

PROPOSED MOTION

I move the Falls City Council accept the resignation of Tony Drill from the Parks and Recreation Committee.

Exhibit A



OREGON LIQUOR CONTROL COMMISSION

Record of Cities/Counties Prohibiting Licensed Recreational Marijuana Facilities

The following cities or counties have prohibited the establishment of Licensed Recreational Marijuana producers, processors, wholesalers, and/or retailers.

The cities or counties listed below have:

- Provided the OLCC with a copy of their ordinance, per House Bill 3400
- Signed and returned the official "Local Option Opt-Out" form which can be found at www.marijuana.oregon.gov

Affected city/county	Producer Prohibited (Y/N)	Processor Prohibited (Y/N)	Wholesale Prohibited (Y/N)	Retail Prohibited (Y/N)	To Be Put On General Election (Y/N)
Douglas County	Y	Y	Y	Y	Y
City of Ontario	Y	Y	Y	Y	N
City of Brownsville	Y	Y	Y	Y	Y
City of Vale	Y	Y	Y	Y	N
City of Nyssa	Y	Y	Y	Y	N
City of Sandy	Y	Y	Y	Y	Y
Island City	Y	Y	Y	Y	N
Umatilla County	Y	Y	Y	Y	N
Harney County	Y	Y	Y	Y	N
Malheur County	Y	Y	Y	Y	N
City of Sutherlin	Y	Y	Y	Y	Y
Junction City	Y	Y	Y	Y	Y
City of Jordan Valley	Y	Y	Y	Y	N
City of John Day	Y	Y	Y	Y	N
City of Creswell	Y	Y	Y	Y	Y
Crook County	Y	Y	Y	Y	N
City of Sweet Home	Y	Y	Y	Y	Y
City of Manzanita	Y	Y	Y	Y	Y
City of Adrian	Y	Y	Y	Y	N
City of Elgin	Y	Y	Y	Y	N
Wheeler County	Y	Y	Y	Y	N
Baker City	Y	Y	Y	Y	N

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City of Umatilla	Y	Y	Y	Y	N
Canyon City	Y	Y	Y	Y	N
City of Lone	Y	Y	Y	Y	N
City of Grants Pass	Y	Y	Y	Y	Y
City of Klamath Falls	Y	Y	Y	Y	N
Klamath County	Y	Y	Y	Y	N
City of Dayville	Y	Y	Y	Y	N
City of Burns	Y	Y	Y	Y	N
Marion County	Y	Y	Y	Y	Y
Morrow County	Y	Y	Y	Y	N
City of Shaniko	Y	Y	Y	Y	Y
City of Lebanon	Y	Y	Y	Y	Y
Baker County	Y	Y	Y	Y	N
City of Coburg	Y	Y	Y	Y	Y
City of Myrtle Point	Y	Y	Y	Y	Y
City of Fairview	Y	Y	Y	Y	Y
City of Richland	Y	Y	Y	Y	N
City of Ukiah	Y	Y	Y	Y	N
City of Halsey	Y	Y	Y	Y	Y
City of Spray	Y	Y	Y	Y	N
City of Eagle Point	Y	Y	Y	Y	Y
City of Millersburg	Y	Y	Y	Y	Y
City of Gervais	Y	Y	Y	Y	Y
City of Lexington	Y	Y	Y	Y	N
City of Gladstone	Y	Y	Y	Y	Y
City of Grass Valley	Y	Y	Y	Y	N
City of LaGrande	Y	Y	Y	Y	N
City of Wallowa	Y	Y	Y	Y	N
Linn County	Y	Y	Y	Y	Y
City of Damascus	Y	Y	Y	Y	Y
Jefferson County	Y	Y	Y	Y	Y
City of Mount Vernon	Y	Y	Y	Y	N
Oregon City	Y	Y	Y	Y	Y
City of Heppner	Y	Y	Y	Y	N
Union County	Y	Y	Y	Y	N
City of Hubbard	Y	Y	Y	Y	N
Prairie City	Y	Y	Y	Y	N
City of Irrigon	Y	Y	Y	Y	N
Mill City	Y	Y	Y	Y	Y
City of Aumsville	Y	Y	Y	Y	Y



Please contact the individual city or county for a copy of their local ordinance.

**The City of Hubbard's provided ordinance is temporary and will expire on August 1, 2016, or when the city adopts zoning and other regulations for marijuana facilities, whichever comes first.*



OREGON LIQUOR CONTROL COMMISSION

Marijuana Local Option Opt-Out Form

Exhibit B

This form allows local cities and counties to elect out of the Recreational Marijuana program, prohibiting the establishment of Marijuana producers, processors, wholesalers, and/or retailers licensed under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.

- All fields on this form are required with exception to "Affected City." Please only complete the "Affected City" field if applicable.
- You may return the completed document to marijuana@oregon.gov or via hard copy mail: Attn: Marijuana Division, OLCC, 9079 SE McLoughlin Blvd, Portland, OR 97222-7355

Today's Date:	
Affected County:	
Affected City (If applicable):	
Contact Person:	
Phone:	Email:
Governing Body:	Title:

OLCC License Type (Please check all that apply):

- Producer
- Processor
- Wholesale
- Retail

Effective Date of the Ordinance (Please Attach Copy of Ordinance):

Printed Name: _____

Signature: _____

Date: _____ 21

Exhibit C

CITY OF ELGIN, OREGON ORDINANCE 177 (2015)
AN ORDINANCE REGULATING MARIJUANA WITHIN THE CITY LIMITS OF ELGIN, OREGON;
AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, OREGON, THAT:

SECTION 1: The City of Elgin has determined that the commercial production and distribution of Marijuana within the city limits of Elgin would negatively affect the health, safety and welfare of the citizens and visitors to our community; and in addition be a violation of Federal Law, AND;

SECTION 2: Therefore, the City of Elgin hereby places a prohibition on the establishment and location of Medical Marijuana Facilities/Dispensaries within Elgin, as described in House Bill 3460, which was approved by the Oregon Legislature in the 2013 Special Session, AND;

SECTION 3: Furthermore, the City of Elgin places a prohibition on the establishment and location of Recreation Marijuana Producers, Processors, Wholesalers and Retailers within Elgin as described in Ballot Measure 91, which was approved by the Oregon voters in November 2014, AND;

SECTION 4: It shall also be unlawful within Elgin to cultivate, process or consume Marijuana, or Marijuana products, in public places or within public view, AND;

SECTION 5: In addition, the city of Elgin places a prohibition on all sales and deliveries of recreational Marijuana within Elgin, AND;

SECTION 6: If any provisions, or portion thereof, contained in this ordinance is held unconstitutional, invalid, or unenforceable, the remainder of this ordinance shall be deemed severable, shall not be affected, and shall remain in full force and effect, AND;

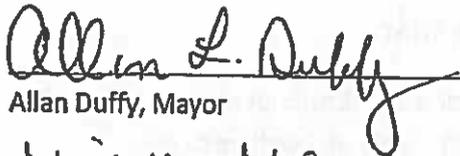
SECTION 7: Any person, agent, or representative of a person who violates any provision of this Ordinance commits a civil infraction and shall be subject to forfeiture in an amount not exceeding \$500. For each day that a person engages in the violation, a separate offence is committed.

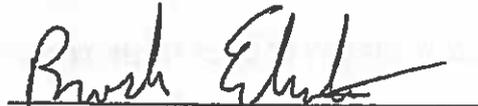
NOW THEREFORE, the City of Elgin Ordains as Follows;

SECTION 8: Declaration of Emergency: It is hereby determined and found that this ordinance is necessary for the immediate preservation of the public health, peace and safety of the people of the City of Elgin, and by reason of the foregoing, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon and after the passage by the City Council and signed by the Mayor of the City of Elgin.

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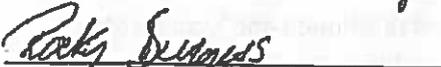
Passed and adopted by the City Council of the City of Elgin, Oregon, and signed by the Mayor of the City of Elgin, Oregon, this 26 day of May, 2015, effective immediately.


Allan Duffy, Mayor

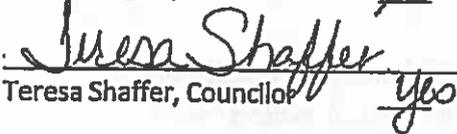

Brock Eckstein, Recorder/Administrator

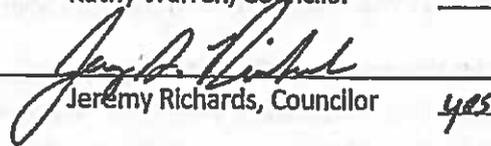

Michelle Miles, Councilor yes

Brent Linville, Councilor


Rocky Burgess, Councilor yes

Kathy Warren, Councilor


Teresa Shaffer, Councilor yes


Jeremy Richards, Councilor yes

ORDINANCE NO. 3342

AN ORDINANCE PROHIBITING MEDICAL AND RECREATIONAL MARIJUANA PROCESSING SITES, MARIJUANA DISPENSARIES, MARIJUANA PRODUCERS, MARIJUANA PROCESSORS, MARIJUANA WHOLESALERS, AND MARIJUANA RETAILERS IN THE CITY OF BAKER CITY, AND DECLARING AN EMERGENCY

- WHEREAS,** The Oregon legislature enacted House Bill 3400 (2015), which allows cities to prohibit various activities relating to the producing, processing, wholesaling, selling, and dispensing of marijuana if not less than 55% of votes cast in the county in which the city is located, during the statewide general election held on November 4, 2014, on Ballot Measure 91 (chapter 1, Oregon Laws 2015) were in opposition to the Ballot Measure; and
- WHEREAS,** The City of Baker City is located in Baker County, Oregon and 59.4% of votes cast in the county during the statewide general election held on November 4, 2014, on Ballot Measure 91, (chapter 1, Oregon Laws 2015) were in opposition to the Ballot Measure; and
- WHEREAS,** Within the City of Baker City 57.5% of the votes cast during the statewide general election held on November 4, 2014, on Measure 91, (chapter 1, Oregon Laws 2015) were in opposition to the Ballot Measure; and
- WHEREAS,** 21 USC § 801, *et seq*, the Federal Controlled Substances Act, prohibits the manufacture, distribution, and possession of marijuana, and imposes criminal penalties for violating the act; and
- WHEREAS,** It is in the best interest of the health, safety, and welfare of the citizens of Baker City to prohibit various activities relating to the producing, processing, wholesaling, selling, and dispensing of medical and recreational marijuana in the City of Baker City and the area subject to the jurisdiction of the City of Baker City; and
- WHEREAS,** Prior to the passage of HB 3400, the City Council held numerous meetings in which citizens were invited to comment about marijuana, and the Council has enacted several ordinances dealing with medical marijuana; recreational marijuana; and the establishment of medical and recreational marijuana facilities; and
- WHEREAS,** In 2014, the City Council enacted Ordinance No. 3330 which prohibited marijuana facilities and dispensaries within the City of Baker City; and
- WHEREAS,** In 2014, the City Council enacted Ordinance No. 3333, which placed a moratorium on medical marijuana facilities within the City of Baker City; and

CIVIL ACTION

In addition to, or in lieu of, the imposition of a fine under Ordinance No. 3342, the City of Baker City may initiate a civil action against any person or entity violating Ordinance No. 3342 for any remedies available under Oregon law, including but not limited to obtaining mandatory and prohibitory injunctions and orders of abatement. If the City of Baker City prevails in such civil action, the City of Baker City shall be entitled to its reasonable attorney fees and court costs.

SEVERABILITY

If any part or section of this Ordinance is invalid or unenforceable in any respect for any reason, the validity and enforceability of any such provision in any other respect and of the remaining provisions of this Ordinance shall not be in any way impaired.

SECTION 2. Ordinance No. 3336 is hereby repealed.

SECTION 3. It is hereby determined and found that this ordinance is necessary for the immediate preservation of the public health, peace and safety of the people of the City of Baker City, and by reason of the foregoing, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon and after its passage by the City Council and signed by the Mayor of the City of Baker City.

READ for the first time in full this 28th day of July, 2015.

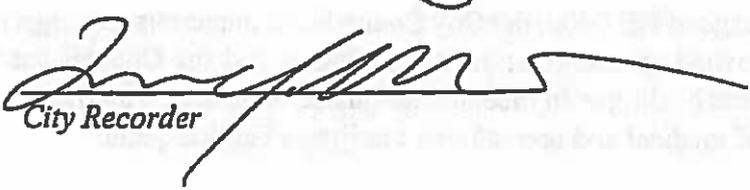
READ for the second time by title only this 11th day of August, 2015.

READ for the third time by title only this 25th day of August, 2015

PASSED by the City Council of the City of Baker City, Oregon, and signed by the Mayor of the City of Baker City, Oregon, this 25th day of August, 2015.



Mayor

ATTEST: 
City Recorder

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ORDINANCE NO. 2015-01

**AN ORDINANCE OF THE CITY OF PRAIRIE CITY PROHIBITING MARIJUANA ESTABLISHMENTS;
PROHIBITING THE SALE OF MARIJUANA RETAIL PRODUCTS; AND DECLARING AN EMERGENCY**

WHEREAS, Section 133, Chapter 614, Oregon Laws 2015 (Enrolled House Bill 3400) allows a city to prohibit various establishments relating to the producing, processing, wholesaling, selling, and dispensing of marijuana if not less than 55% of votes cast in the county in which the city is located during the statewide general election held on November 4, 2014 were in opposition to Ballot Measure 91, Chapter 1, Oregon Laws 2015 (the "Ballot Measure"); and

WHEREAS, the City of Prairie City ("City") is located in Grant County, Oregon (the "County") and 64.8% of votes cast in the County during the statewide general election held on November 4, 2014 were in opposition to the Ballot Measure; and

WHEREAS, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction; and

WHEREAS, the Prairie City City Council (the "Council") believes it is in the best interests of the health, safety, and welfare of City's citizens to prohibit (ban) marijuana establishments relating to the producing, processing, wholesaling, selling, and/or dispensing of marijuana within City's jurisdictional limits.

NOW, THEREFORE, the City of Prairie City ordains as follows:

1. **Findings.** The above-stated findings are hereby adopted.
2. **Short Title.** This Ordinance No. 2015-01 may be referred to as the "Marijuana Banning Ordinance" and will be cited and referred to herein as this "Ordinance."
3. **Purpose.** The purpose of this Ordinance is to minimize any adverse public safety and health impacts that may result from allowing marijuana establishments to operate in City's jurisdictional limits.
4. **Prohibited Establishments; Sales.**

4.1 **Establishments Prohibit.** City hereby prohibits (bans) the establishment of the following in any area subject to City's jurisdiction (collectively, the "Ban"): (a) marijuana processing sites required to be registered under Section 85, Chapter 614, Oregon Laws 2015; (b) medical marijuana dispensaries required to be registered under ORS 475.314; (c) marijuana producers required to be licensed under Section 19, Chapter 1, Oregon Laws 2015; (d) marijuana processors required to be licensed under Section 20, Chapter 1, Oregon Laws 2015; (e) marijuana wholesalers required to be licensed under Section 21, Chapter 1, Oregon Laws 2015; (f) marijuana retailers required to be licensed under Section 22, Chapter 1, Oregon Laws 2015; and/or (g) any combination of the entities described in this Section 4.1.

4.2 Limited Marijuana Retail Product Sales Prohibited. Without otherwise limiting the marijuana ban provided under Section 4.1, City hereby prohibits the sale of limited marijuana retail products through medical marijuana dispensaries in any area subject to City's jurisdiction. "Limited marijuana retail product" means the seeds of marijuana, the dried leaves and flowers of marijuana, and a marijuana plant that is not flowering.

5. Ban Application. The Ban imposed under this Ordinance applies to any decision, action, and/or recommendation by City, including, without limitation, the issuance of building permits, land use permits, business and regulatory licenses, and/or any other form of approval. This Ban extends to any decision by the Oregon Health Authority ("OHA") acting under ORS 475.314, as amended, and/or Section 85, Chapter 614, Oregon Laws 2015. This Ban extends to any decision by the Oregon Liquor Control Commission ("OLCC") acting under Sections 19, 20, 21, and/or 22, Chapter 1, Oregon Laws 2015.

6. Enforcement; Penalties. This Ordinance and the Ban will be enforced by any sworn peace officer authorized to enforce the laws of City and/or any other City official authorized to administer City's land use, development, nuisance, building, and/or other regulations. In addition, City may initiate appropriate suit or legal action in a court of competent jurisdiction to enforce this Ordinance. Any violation of this Ordinance is punishable by a fine not to exceed \$500.00 per violation. City will be entitled to collect from any person violating this Ordinance City's attorney fees and other fees, costs, and expenses incurred by City to enforce this Ordinance. Each violation, and each day that a violation continues, constitutes a separate civil infraction. The remedies available under this Ordinance are not exclusive of any other remedies available under any applicable federal, state, and/or local laws, regulations, and/or ordinances. It is within the discretion of City to seek cumulative remedies for a violation of this Ordinance.

7. Notice to OHA; Notice to OLCC. City's city recorder or city attorney will notify OHA of City's adoption of this Ordinance and provide the text of this Ordinance to OHA in a form and manner prescribed by OHA. City's city recorder or city attorney will notify OLCC of City's adoption of this Ordinance and will provide the text of this Ordinance to OLCC in a manner prescribed by OLCC.

8. Interpretation; Severability; Errors. This Ordinance repeals and supersedes all ordinances, resolutions, and/or policies in conflict with this Ordinance. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, rule, regulation, code, or ordinance includes the law, rule, regulation, code, or ordinance as now in force and which may hereafter be amended. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

9. Emergency Declaration. The Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. The Council further finds that a delay of thirty (30) days prior to the effective date of this Ordinance may result in acts,

Exhibit D

Register

Sign in

OPINION

The Unexpected Side Effects of Legalizing Weed

BY MARJORIE HAUN 6/6/15 AT 4:24 PM

De Beque is little more than an outpost nestled along I-70 as it winds its way through the rugged hills of western Colorado. Clearly visible from the highway is the quirky façade of Kush Gardens, the first recreational pot shop to be approved in Mesa County.

After the resounding passage in November 2012 of Amendment 64, the law that made recreational pot legal in Colorado, many counties and cities in the state quickly placed moratoriums on the commercial growing and retail marketing of cannabis. Mesa County's Board of Commissioners passed such a moratorium shortly after the election in 2012, but in 2014 officials in De Beque took up the matter and opted to allow commercial pot interests to operate in their town.

A town built on oil and gas, mining and agriculture, De Beque has suffered a series of economic blows, first because of the recession of 2008, then due to onerous clean air regulations handed down by the Environmental Protection Agency (EPA) that drove up the cost of exploration and extraction of fossil resources and, most recently, as a result of the drop in gas prices that made it unviable for many oil and gas companies to operate in the area. The hemorrhaging of jobs and oil and gas revenues likely made the temptation of cannabis tax revenues irresistible for a town struggling against extinction.

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Retail marijuana was not the first choice among De Beque's stop-gap economic measures. Early in 2014, the town lobbied the state to establish what would be western Colorado's only gambling casino. After state legislators quashed plans for a casino along the I-70 corridor, in April 2014, residents of De Beque voted narrowly to welcome retail cannabis into their town.

But the saga of De Beque is more than that of an economically strapped small town glomming onto a means of survival. Retail recreational cannabis is changing Colorado's social, economic and political landscapes in ways that few could have imagined.

Breathtaking oversimplification

Amendment 64 was approved of by 55 percent of Colorado voters in 2012. Promoted as a revenue-generating "regulate marijuana like alcohol" measure, its passage and ensuing repercussions caught many by surprise. Regulating marijuana like alcohol, it appears, is a breathtaking oversimplification of what is required to turn an illegal intoxicant into a viable commodity.

The citizen-led ballot initiative behind Amendment 64 went beyond simple decriminalization and created a new civil right by encoding the possession and use of pot into the Colorado State Constitution.

Following the amendment's passage, Colorado had just six months to create a legal and regulatory framework for the growing, sale and distribution of recreational cannabis. At that time, medical marijuana, which was recognized by the state in 2000, remained largely unregulated, lacking rules governing dosage, purity, growing practices, etc.

In the months since the law legalizing recreational pot was implemented, the state of Colorado has awarded more than 600 licenses to medical marijuana growers and nearly 400 to recreational marijuana growers. Separate licenses are required for medical vs. recreational outlets and growing facilities.

Often a single proprietor will have several licenses covering the growing, sale and manufacturing of marijuana "edibles" and infused products for both medical and recreational cannabis. Despite the demand of state-issued licenses, few regulations governing either medical or recreational pot existed at the time the law was implemented in July 2013.

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Amendment 64 provided some guidelines regarding what amounts of pot could be legally possessed, how many plants could be grown under what circumstances, etc., but the Colorado Department of Revenue was tasked with licensing and regulating all recreational and medical cannabis operations. Critical matters beyond fees and licensing criteria were overlooked, including agricultural issues such as pesticide use and the impact of outdoor growing facilities on other crops.

Agriculture is a dominant economic driver in most of Colorado's small towns outside of the Front Range cities of Boulder, Denver and Colorado Springs. With cannabis still illegal under federal law, a dearth of information about what pests attack cannabis and what pesticides can be used safely on the plants has resulted in confusion and, in some cases, dangerous growing practices.

Addiction to cannabis revenue

In March of this year plants at several growing facilities in the Denver area had to be quarantined because of the misuse of "pesticides." The pesticides, it turns out, were improvised concoctions of chemicals, including some unidentifiable mixtures. Cannabis growers have been left to improvise since no commercial pesticides are labeled for legal use on cannabis plants.

Some farmers have expressed alarm over the potential of marijuana growing operations in close proximity to established crops. Plans for a medical marijuana facility in Palisade, a tiny farming town whose main crop is peaches, have peach growers worried about the potential spread of pests, molds and fungi from cannabis to their established orchards. The agricultural implications of the cannabis industry, it seems, were not a consideration at the time it became a legal crop.

The wave of enthusiasm following the passage of Amendment 64 has given way to a drip, drip, drip of unintended consequences. Law-enforcement issues, such as marijuana-intoxicated driving and the illegal movement of vast amounts of cannabis product into other states, are the tip of the iceberg.

Social and law-enforcement issues resulting from the Colorado interstate pot pipeline prompted Nebraska and Oklahoma to file lawsuits against the state, citing the fact that marijuana commerce violates federal law and increases the burdens of law enforcement in other states.

Other symptoms of Colorado's pot culture include increased use among teens, resulting in educational problems in middle schools and high schools, a spike in "edibles"-related emergency room visits, consumption by children and pets resulting in illness and death and regulatory confusion surrounding public consumption and enforcement.

Colorado's addiction to cannabis revenue may prove to be the most harmful implication of all. Towns such as De Beque, where cannabis is replacing coal and cattle as a means of income, imperil themselves by staking the future on a substance that is still illegal in most states and that half of Americans still regard as a social evil.

In 2014 and 2015, nearly \$6 million in pot revenues have been distributed to local governments. But the cost of increased law enforcement, drugged-driving incidents, fatal crashes, loss of productivity and a huge spike in gang-related crime bring into question the cost-benefit of those dollars.

Teen drug-related school expulsions are also on the rise. And the notion that prisons filled with minor drug offenders would be relieved of overcrowding—a selling point of legalizing marijuana—has been blown to smithereens.

Denver's homeless population has exploded since Amendment 64 went into effect. And there are indications that finite tourist dollars are going more to pot and less to Colorado's iconic natural wonders.

Cannabis is an intoxicant, proven to be dangerous to adolescents who use regularly, as well as to adults who are addicted to its calming, high-producing chemical, THC. But building a tax empire on a narcotic substance may be a dangerous proposition for the Centennial State.

Colorado's Cannabis-Industrial Complex cannot sustain a complex economy traditionally built on natural resources, agriculture, innovation and family-friendly tourism. The eyes of other states eager to legalize pot should be firmly fixed on the unfolding saga of towns such as Denver, Boulder and De Beque, Colo.

Martorie Haun is a Colorado resident who blogs on Colorado state policies and good government. This article first appeared on The Daily Signal.

Martorie Haun

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: ELECTION OF COUNCIL PRESIDENT
DATE: 12/22/2015

SUMMARY

The Falls City Charter requires the election of a Council President at the first meeting of a new year.

BACKGROUND

Under Chapter 3, Council, of the Falls City Charter;

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides at council meetings in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

PREVIOUS COUNCIL ACTION

The Council elected Councilor Dennis Sickles at the January 8, 2015 Council meeting.

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

N/A

EXHIBIT

N/A

PROPOSED MOTION

I nominate _____ for the position of Council President.

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: RESOLUTION 01-2016 RAISING CAPITOL IMPROVEMENT FEE
DATE: 12/23/2015

SUMMARY

At the December 10, 2015 meeting Council directed staff to provide a Resolution raising the Capitol Improvement Fee from \$7.00 to \$10.00.

BACKGROUND

At the September 10, 2015 City Council meeting there was a discussion on a rate increase in the Waste Water user fees. Council moved the issue to the Public Works Committee. The issue was put forward at the November 5, 2015 Public Works Committee. After studying the issue the Committee decided that there was a need to increase the sewer user fees but felt that \$3.00 to \$5.00 would not have a great impact on raising needed revenue for the fund. They recommended that Staff keep working towards a solution on upgrading the system, which will lead to setting new rates.

During the meeting the Committee did also look at the current Utility Reserve Account rates and felt that a rate increase was warranted. The Committee moved forward two recommendations, a motion was made and passed to raise rates to the Utility Reserve fund by \$3.00, from the current \$7.00 to \$10.00 which passed 4 ayeas-2 nays. In order to try and bring a unanimous decision to Council a 2nd motion was made to raise the fees by \$2.00, this motion also passed 4 ayes-nays.

PREVIOUS COUNCIL ACTION

09/15 Council moved rate increase issue to P/W Committee. 12/15 Council moved for \$3.00 rate increase to Capitol Improvement Fee.

ALTERNATIVES/FINANCIAL IMPLICATIONS

a \$3.00 increase would raise an estimated \$1200.00 monthly/\$14,400.00 yearly.

STAFF RECOMMENDATION

Pass Resolution.

PUBLIC HEARING

Mayor:

This public hearing (per ORS 294.160) is an opportunity for any member of the public to comment on or make requests regarding the proposed Resolution raising the Capitol Improvement Fee from \$7.00 to \$10.00.

I will open the public hearing for raising the Capitol Improvement Fee from \$7.00 to \$10.00
at _____pm.

Public Comments:

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I will close the public hearing for at raising the Capitol Improvement Fee from \$7.00 to \$10.00 at _____ pm.

EXHIBIT

1) Water Service Rate Table

PROPOSED MOTION

I move the City Council of the City of Falls City approve Resolution 01-2016 A Resolution raising the Capitol Improvement Fee from \$7.00 to \$10.00

RESOLUTION NO. 01-2016

A RESOLUTION DETAILING FEES FOR WATER SERVICE AND RELATED CHARGES; AND SEWER CONNECTION FEES; AND REPEALING PRIOR RESOLUTIONS.

Findings:

1. The Falls City Public Works Committee has undertaken a review of water and sewer user rates and recommended a \$3.00 rate increase to the Capitol Improvement Fee.
2. The Falls City Council motioned City staff to present a Resolution increasing the Capitol Improvement Fee from \$7.00 to \$10.00.
3. To move towards the consolidation of all utility fee schedules into one fee resolution.
4. Charge Capital Improvement fee on any service with a water meter or sewer connection, active or inactive, as was the original intention of Resolution 00-25, the resolution that created the Capital Improvement Fund, and as recommended by the Public Works Committee.
5. Municipal Code Section 50.06.A, authorizes the City Council to establish a sewer utility connection fee schedule, which it may change from time to time.
6. Municipal Code Section 51.09, authorizes the Falls City Council to establish by resolution, and from time to time amend, water rates to be charged for each class of service, including minimum charges, charges for water consumption, service connection charges and all other related fees and charges.
7. Falls City has entered into grant and loan agreements with Oregon Rural Development and the Oregon Economic and Community Development Department (Business Oregon) that require the City to maintain a utility rate structure that will maintain the City's ability to meet its current and future loan obligations, provide for operations and maintenance of the City's water treatment plant and distribution system, and create reserves for future capital improvements, capital projects and major maintenance and repair.
8. The Falls City Council has determined that the rates and charges set forth in this resolution are appropriate and in the best interest of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FALLS CITY:

Section 1. The rate for the Capitol Improvement Fee shall increase from \$7.00 to \$10.00 to take effect on March 1, 2015

Section 2. Water furnished to water districts, cooperatives or corporations, organized and existing under the laws of the State of Oregon and receiving water through a master meter, shall pay therefor such amount as may be established by agreement between the City and the water districts, cooperatives or corporations, fire districts or departments, or other persons or entities prior to receiving such water.

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- (a) Where an agreement is not in place, and where bulk water is needed, the established Bulk Water Rate will be charged according to the size of the tanker truck or vessel; and
- (b) Payment in advance is required for the sale of bulk water where a written agreement is not in place; and
- (c) Sale of bulk water without a written agreement is a privilege and can be denied or revoked at any time.

Section 3. In addition to the monthly fees established herein, Exhibit 1, the following service fees are hereby established:

- (a) Reconnection fee during regular business hours.....\$35.00
- (b) Reconnection fee during other than regular business hours\$65.00
- (c) Setup connection fee for sale of bulk water where a written agreement is not in place\$50.00
- (d) Returned check fee\$25.00
- (e) Payment Late fee\$10.00

Section 5. In addition to monthly fees established herein, Exhibit 1, the following utility connection fees are hereby established:

- (a) Sewer Connection Fee Simple:
Facility rate of \$2,500.00 plus customer will be responsible for over twenty (20) feet at \$40.00 per foot and/or cost plus.
- (b) Sewer Connection Fee Complex:
Facility rate of \$4,000.00 plus customer will be responsible for over twenty (20) feet at \$40.00 per foot and/or cost plus.
- (c) Water Connection Fee Simple:
Facility rate of \$1,250.00 plus customer will be responsible for over twenty (20) feet at \$40.00 per foot and/or cost plus.
- (d) Water Connection Fee Complex:
Facility rate of \$1,500.00 plus customer will be responsible for over twenty (20) feet at \$40.00 per foot and/or cost plus.
- (e) Additional Water Connection fees where the length of service exceeds 100 feet:
The applicant shall pay the extra cost of the line on the basis of actual cost to the Water department for labor, materials and equipment plus 15% (Municipal Code 51.07.F)

Section 6. In addition to the monthly fees established herein, Exhibit 1, a Capital Improvement Fee shall be assessed any service with a water meter or sewer connection, active or inactive, in

the amount of \$10.00. When both a residence and a commercial operation or development exist on a property zoned Commercial Residential, the Capital Improvement Fee will be assessed separately for both the residence and the commercial operation or development.

Section 7. In addition to the monthly fees established herein, Exhibit 1, a Backflow Testing Fee shall be assessed each month on each water meter service account in the amount of \$2.25 from July 1, 2014 through June 30, 2018.

Section 8. Resolution 07-2015 is repealed on the effective date of this resolution. All other resolutions and parts of resolutions relating to water use rates and related charges not repealed or amended expressly or by implication by resolution shall continue in full force and effect.

Section 9. Pursuant to ORS 294.160, the Council held a public hearing on January 14, 2016 to consider public comment on the proposed fee increase.

ADOPTED BY THE FALLS CITY COUNCIL ON THIS 14TH DAY OF JANUARY 2016.

VOTE: AYE _____ NAY _____ ABSTAIN _____ ABSENT _____

Terry Ungricht, Mayor

Date

ATTEST:

Domenica Protheroe, City Clerk

Date

**City of Falls City
"Exhibit 1"
Water Service Rate Table**

Definition: 1 Water Unit = 1000 gallons

Residential - Inside City Limits (RI)

Size of Meter	Consumption	Base Rate
5/8" METER	5 Units	41.96
1" METER	5 Units	64.64
1 1/2" METER	5 Units	72.58
2" METER	5 Units	86.18
3" METER	5 Units	106.60
4" METER	5 Units	151.96
Overage: Consumption shall be charged at \$2.55 per Unit over 5 Units		

Residential - Outside City Limits (RO)

Size of Meter	Consumption	Base Rate
5/8" METER	5 Units	47.06
1" METER	5 Units	69.74
1 1/2" METER	5 Units	77.68
2" METER	5 Units	92.42
3" METER	5 Units	111.70
4" METER	5 Units	157.06
Overage: Consumption shall be charged at \$2.84 per Unit over 5 Units		

Residential/Commercial – Inside City Limits (RCI)

Size of Meter	Consumption	Base Rate
5/8" METER	5 Units	64.64
1" METER	5 Units	87.32
1 1/2" METER	5 Units	96.39
2" METER	5 Units	108.86
3" METER	5 Units	129.28
4" METER	5 Units	174.64
Overage: Consumption shall be charged at \$3.12 per Unit over 5 Units		

Residential/Commercial – Outside City Limits (RCO)

Size of Meter	Consumption	New Base Rate
5/8" METER	5 Units	69.74
1" METER	5 Units	92.42
1 1/2" METER	5 Units	101.49
2" METER	5 Units	113.97
3" METER	5 Units	134.38
4" METER	5 Units	179.74
Overage: Consumption shall be charged at \$3.12 per Unit over 5 Units		

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**City of Falls City
"Exhibit 1"
Water Service Rate Table**

Non-Residential Commercial – Inside City Limits (NCI)

Size of Meter	Consumption	Base Rate
5/8" METER	5 Units	64.64
1" METER	5 Units	87.32
1 1/2" METER	5 Units	96.39
2" METER	5 Units	108.86
3" METER	5 Units	129.28
4" METER	5 Units	174.64
Overage: Consumption shall be charged at \$3.12 per Unit over 5 Units		

Non-Residential Commercial – Outside City Limits (NCO)

Size of Meter	Consumption	Base Rate
5/8" METER	5 Units	69.74
1" METER	5 Units	92.42
1 1/2" METER	5 Units	101.49
2" METER	5 Units	113.97
3" METER	5 Units	134.38
4" METER	5 Units	179.74
Overage: Consumption shall be charged at \$3.12 per Unit over 5 Units		

2 Meters-Outside (2MO)

Size of Meter	Consumption	Base Rate
5/8" METER	5 Units	79.38
Overage: Consumption shall be charged at \$2.55 per Unit over 5 Units		

AGENDA REPORT

TO: CITY COUNCIL

FROM: JoHanna Hewitt, Domenica Protheroe, City Clerks, and Mayor Ungricht

Through Parks Committee Chair/Councilor L. J. Sickles

SUBJECT: Parks- Video Surveillance

DATE: 12/21/2015

SUMMARY

The Parks, Recreation, and Cemeteries Committee have asked for Council to discuss Implementation of a surveillance system as a means to deter littering and other undesirable activity in parks & other public spaces.

BACKGROUND

- 1) A Falls City surveillance policy, approved by the City Attorney, would need to go before City Council for consideration. (Example of a Surveillance Policy – See Exhibit A.)
 - a) The City of Independence provided a copy of their surveillance policy (Exhibit A). Please note that Oregon Administrative Rules (OAR's) cited in the policy for video surveillance rendition has been repealed and replaced with OAR 166.200.0405(5) (Exhibit B)
- 2) Oregon Administrative Rules requirement for the retention of video surveillance files.
OAR 166.200.0405 Security, (5) Video Surveillance Tapes
Minimum retention:
 - a) Tapes used as evidence, retain until case reached final disposition;
 - b) Tapes used for internal investigations, retain until investigation ends;
 - c) All other tapes retain 30 days.
- 4) Employ technological and administrative safeguards to reduce the potential for misuse and abuse of the system:
 - a. provide safeguards for use of stored video surveillance data
 - b. provide safeguards for personnel with access to a public video surveillance system
 - c. provide public notice of surveillance
 - d. annual audit of the surveillance system
- 5) Falls City Code Enforcement and a Municipal Court would be required to enforce City Codes. Polk Council Sheriff Office would enforce state laws.
- 6) Identification of initial and recurring costs of equipment, storage disks, repairs and scheduled maintenance on the system.

PREVIOUS COUNCIL ACTION

N/A

PREVIOUS COMMITTEE ACTION

November 2015: Janelle Anzalone spoke with Mike Yost on his research using IP surveillance using shared signals throughout the city and the possibility of Mr. Yost setting the system up at minimal cost. Motion was made and carried by Committee to bring more information on surveillance to the December 10, 2015 City Council meeting.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Staff and City Attorney would have to develop a process that complied with State Law. A working process will be hard to establish without a Code Enforcement/Police officer. Minimal cost for equipment and set up.

STAFF RECOMMENDATION

N/A

EXHIBIT

- Exhibit A - Independence Police Department Policy Manual- Public Safety Camera System
- Exhibit B- Oregon Administrative Rules- 166.200.0405(5) Police Records- Security- Video Surveillance Recordings minimum retention schedule

PROPOSED MOTION

N/A

Public Safety Camera System

337.1 PURPOSE AND SCOPE

The City of Independence operates a public safety camera system for the purpose of creating a safer environment for all those who live, work, and visit the City. This policy provides guidelines for the operation of the cameras, the purpose of their use and the storage of captured images.

337.2 POLICY

Cameras are strategically placed throughout the City at the direction or with the approval of the Chief of Police for the purpose of assisting the Independence Police Department to detect and deter crime, to safeguard against potential threats to Homeland Security, to manage emergency response situations to natural and man-made disasters, and to assist other City officials to aid in the enhancement of services provided to the community.

Public safety cameras are a crime prevention tool and can assist with scene reconstruction and evidence gathering. Public safety cameras are also a key resource to assist in securing vulnerable sites by providing real time monitoring and early detection of unusual or criminal activity allowing for a more efficient and timely response by law enforcement and emergency response personnel.

The cameras only record images and do not record sound. Recordings may be used for a variety of purposes including criminal investigations and monitoring of activity. In addition, the public safety camera system helps to provide the following benefits:

- (a) Assists in identifying, apprehending and prosecuting offenders.
- (b) Assists in gathering evidence for criminal and civil court actions.
- (c) Assists emergency services personnel maintain good public order.
- (d) Assists in monitoring pedestrian and vehicle traffic activity.
- (e) Helps improve the general environment on the public streets.
- (f) Assists in providing effective public services.

337.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

337.3.1 MONITORING

Video images from the cameras are transmitted to monitors installed in the police department and possibly available via the Internet. When activity warranting further investigation is reported or detected at any camera location the officer or other city staff member may selectively view the appropriate camera and relay any available information to responding units.

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Independence Police Department

Policy Manual

Public Safety Camera System

The video feed from cameras may be accessed by other City employees for official business only unless they are made available to the public. A request must be made to, and approved by, the Chief of Police in order for video feed to be set up at other locations.

337.3.2 TRAINING

Personnel involved in video monitoring will be appropriately trained and supervised.

337.3.3 PROHIBITED ACTIVITY

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, or to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these privacy rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

337.3.4 CAMERA MARKINGS

Cameras used as a part of the public safety system that are not being used for covert operations or confidential investigations will be marked in a conspicuous manner to inform the public that the area is under video surveillance. If the cameras are prominently displayed and visible to the public no additional postings or markings are needed.

337.4 MEDIA STORAGE

All media will be stored in a secure area with access restricted to authorized persons only. The system will store the images from every camera which are recorded throughout the twenty-four hour period of every day of the week. All of the images from every recording device for a particular 24-hour period, beginning at 12:00 a.m. and ending at 11:59:59 p.m. will be referred to as the "Daily Recording".

The Daily Recording will be stored for a period of not less than 30 days and thereafter may be erased if not otherwise required for any related investigation, claim or other official need (Oregon Administrative Rules 166-200-0100 (68)). The system should be configured to automatically purge and write over any Daily Recordings more than 60 days old.

337.5 RETRIEVAL OF RECORDED INFORMATION

Authorization to research and retrieve recorded information is restricted to the Chief of Police or his/her designee for special investigation cameras, but all department members shall have access to other city-wide public cameras. These individuals will be authorized to provide video images for investigative purposes (for Special investigation cameras) to an Independence Police Department employee who has completed a video request form in accordance with chain of custody procedures established by the Independence Police Department.

337.5.1 PUBLIC AND OTHER AGENCY REQUESTS

Requests for recorded video images from other law enforcement agencies shall be accommodated, but requests from others governmental agencies shall be processed through the submission of a court order or subpoena submitted to the City Attorney. Upon the receipt of any

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Independence Police Department

Policy Manual

Public Safety Camera System

such request, it will also be promptly submitted to the Independence Police Records Manager who will research the request and submit the results of such search through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been finally processed by the City Attorney's office.

Public and media requests for video images captured by public safety cameras will be made available only to the extent required by law. As provided by Oregon public records law, video footage that is evidence in an ongoing police investigation will generally not be disclosed to the public where a disposition has not been reached, absent such disclosure being compelled by a court or other governmental entity of competent jurisdiction.

337.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM

The Chief of Police or his/her designee will conduct an annual review of the agency's use of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of their purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

Stat. Auth.: ORS 192 & 357
Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895
Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0405

Security

Security documents the management of the agency's facilities, employees and visitors to ensure a secure environment.

(1) Airport Security Program Records (166-200-0015(4)) — Minimum retention:

(a) Program records described in 49 CFR 1542, retain permanently;

(b) All other records, retain 2 years after superseded or obsolete.

(2) Computer System Security Records (166-200-0060(3)) — Minimum retention: 3 years after superseded or obsolete.

(3) Key and Keycard Records* (166-200-0010(12)) — Minimum retention: 2 years after key is turned in.

(4) Security Records (166-200-0010(31)) — Minimum retention: 2 years.

*

(5) Video Surveillance Tapes (166-200-0100(67)) — Minimum retention:

(a) Tapes used as evidence, retain until case reaches final disposition;

(b) Tapes used for internal investigations, retain until investigation ends;

(c) All other tapes, retain 30 days.

(6) Visitor Logs (166-200-0010 (38); 166-200-0100(39)) — Minimum retention: 1 year.

Stat. Auth.: ORS 192 & 357
Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895
Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

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Exhibit "B" 44

AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE THROUGH MAYOR UNGRICHT
SUBJECT: STATUS OF CODE ENFORCEMENT AND MUNICIPAL COURT
DATE: 12/16/2015

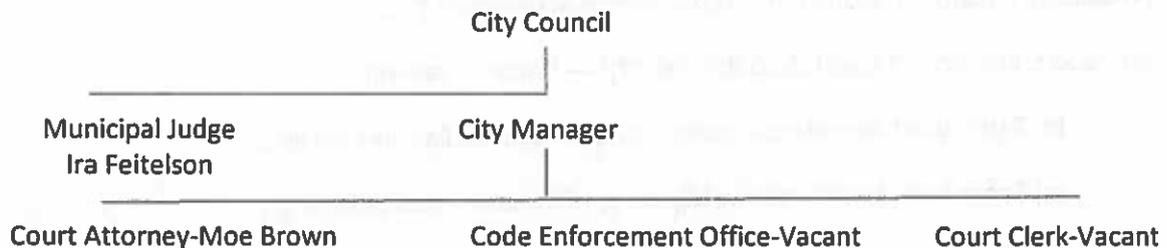
SUMMARY

This agenda report provides the status of code enforcement and the Falls City Municipal Court. The agenda report also includes descriptions of processes, support positions, and provides background information to assist Council to determine direction and budget.

Report includes: court structure, legal status of court, status of municipal judge, status of Court Prosecution Attorney, management of municipal court and code enforcement, status of code enforcement, enforcement process, status of court clerk, and alternative option to municipal court.

BACKGROUND

Municipal Court Structure



Status of Municipal Court: Falls City Court is currently listed as active on the Municipal Court Registry of Courts and Judges ORS 1.855 Registry. Court is held in 320 N. Main Street (Community Center). Requirements to maintain the municipal code are not known at this time. The Falls City Municipal Court is not the court of record.

Open Issue: Staff will continue to research state laws and court registration requirements.

City Administrator Mathieson reestablished the court during her employment. Ms. Mathieson served as Court Clerk. The Municipal Court has been inactive since the resignation of Code Enforcement Officer Eric Lloyd in July 2014.

ORS 221.346 requires that a writ of execution on real property may be issued by a municipal court only after a certified copy of the judgement or a lien record abstract for the judgement is recorded in the County Clerk Lien Record for the county in which the municipal court is located.

Open issue: It is unknown if judgement or liens have been filed with the county. Staff will research.

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Falls City Charter defines the Municipal Court and Judge.

Falls City City Chapter VIII APPOINTIVE OFFICERS

Section 35. Municipal Court and Judge.

a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city or other location at such place as the council directs. The court will be known as the Municipal Court.

b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

e) The municipal judge may:

- 1. Render judgments and impose sanctions on persons and property;*
- 2. Order the arrest of anyone accused of an offense against the city;*
- 3. Commit to jail or admit to bail anyone accused of a city offense;*
- 4. Issue and compel obedience to subpoenas;*
- 5. Compel witnesses to appear and testify and jurors to serve for trials before the court;*
- 6. Penalize contempt of court;*
- 7. Issue processes necessary to enforce judgments and orders of the court;*
- 8. Issue search warrants; and*
- 9. Perform other judicial and quasi-judicial functions assigned by ordinance.*

f) The council may appoint and may remove municipal judges pro tem.

g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

Status of Municipal Judge: Falls City has an agreement with Judge Ira Feitelson (Exhibit A - Resolution 2013-09)

- Rate is \$185.00/hour and \$92.50/hour for travel time to and from Falls City.
- Falls City is required to notify Judge Feitelson of judicial matters and work with him to schedule a court date.
- Falls City is required to provide Judge Feitelson with all materials, supplies and staff support (robe, gavel, Code Enforcement Officer, Court Clerk, case materials, paper and pen)

Open issues: Falls City currently does not have trained staff or volunteers to support the judge (enforcement officer and court clerk).

Status of the Municipal Court Prosecution Attorney:

- The City entered into a personal contract with Moe Brown to serve as the Municipal Prosecutor for the City of Falls City.
- At this time, the Prosecuting Attorney is a separate position from the City Attorney; this is not a requirement.

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Management of code enforcement and municipal court:

- Municipal Code Chapter 31.10.d.10 -*The City Manager coordinates the enforcement of all city ordinances relating to enforcement of city ordinances under the advice of the Council.*
- Municipal Code Chapter 31.10.c *The City Manager shall have general supervision of administrative affairs of the city and the work of all city departments, and general supervision of all nonelective officers and employees of the city, except the Offices of Municipal Judge and City Attorney.*
- Section 35 of the City Charter states *a majority of the council may appoint and remove a municipal judge.*

Status of Code Enforcement: Open Issue: City currently does not have an enforcement officer.

1. Code Enforcement Job Description adopted by Resolution 2012-12 (Exhibit B)
 - Requires knowledge of general principals of law enforcement. Knowledge of citations, evidence, requirements of the court. Requires computer skills including MS Office.
 - Enforces City Ordinances, including some land use
 - Does not enforce criminal law county or state laws (Polk County Sheriff, State Police)
 - Does not enforce state building codes (Polk County Community Development Enforcement officer). Reports building without a permit to Polk County.

The Enforcement Process (Thanks to Marion County /amended for Falls City)

The following is a general guideline. Enforcement cases vary greatly, necessitating some flexibility in how Code Enforcement processes complaints. A different sequence of steps may be followed, for example, for cases involving a significant threat to public health and safety or if the property has been the subject of recent enforcement.

STEP 1: Receiving the Complaint

Complaints received by Code Enforcement is given a case number. A case file is created the case is logged into a tracking sheet.

STEP 2: Assessing the Situation

Code Enforcement Officer will determine the appropriate timeline for investigating the complaint based on type of alleged violation, priority ranking of the violation(s) and current caseload.

STEP 3: Research

At the beginning of each investigation, the following is established:

- Jurisdiction - the property must be land over which the county has enforcement jurisdiction.
- Zoning of the subject property is determined.
- Permit Status - status of land use
- Property Ownership - owners, contract purchasers, lessees, lien-holders, and other persons with a recorded legal interest in the subject property are identified.
- Other Potential Responsible Persons - others potentially responsible for the alleged code violation(s) are identified such as tenants, construction or landscape contractors, etc.
- Applicable Regulations - staff will review city ordinances alleged to have been violated, as well as other applicable regulations.
- Prior Complaint History - staff will review records to determine existence and status of prior or existing code violations for the subject property or alleged violator.

If staff determines, at this point, that reasonable grounds do not exist, no enforcement action will be taken and the case will be closed.

STEP 4: Field Investigation

Code Enforcement Officer will conduct a site visit to verify and document code violations. If possible, staff will discuss the situation with the property owner, occupant or other responsible person. This will include the nature of the code violation(s), methods for resolving the violation(s), timeline for compliance, and potential consequences for failure to comply.

STEP 5: Filing a Report

After the field investigation, Code Enforcement Officer will prepare a brief report that will note the date and time of the visit; violation(s) observed and documentation obtained; any witnesses interviewed; and summary of any discussion with owner or occupant including action needed to correct the violation and recommended timeline. If no code violation was observed, the report will include a brief explanation.

Follow-up with Complainants. At this point, Code Enforcement Officer will contact the complainant, if requested, and inform him/her of the results of the investigation and timeline for correcting the violation(s).

STEP 6: Notice of Violation Letter

When Code Enforcement Officer determines there are reasonable grounds to believe a violation did or does occur, a Notice of Violation (NOV) letter is sent to the property owner(s) and each person who is or may be responsible for the alleged violation.

STEP 7: Follow-Up for Compliance

Compliance. If it is determined that the required corrections have been made, the date and method of compliance are noted in the enforcement file and the case is considered closed.

Non-compliance. After the compliance date, if it is determined that the required corrections have not been made, and a Voluntary Compliance Agreement has not been signed, staff will begin the process to issue a citation.

Compliance Requiring Permits or Other Approvals. In cases where compliance requires applying for and receiving a permit or approval, enforcement shall continue until all necessary permits or approvals are granted or until they are denied and compliance is obtained through other means.

Time Extensions. If the alleged violator admits the violation(s) and requests an extension, the Enforcement Officer may allow it if circumstances warrant and/or if a "good faith" effort has been made to correct the violation(s).

Restricting Issuance of Development Permits. In some cases, persons applying for land use, construction, building and/or engineering permits for property that has uncorrected county code violations may be denied until violations are corrected.

STEP 8: Issuing Citations

It is the City's policy to encourage voluntary code compliance by providing the opportunity to comply with no penalty. Voluntary compliance generally is less expensive for all parties and of a more lasting

nature than involuntary compliance. However, when voluntary compliance is not obtained within the stated time frame, a citation will be issued. Citation includes the fine and court date.

STEP 8: Court

Code Enforcement Officer assists City Attorney and Court Clerk in preparing documentation for court appearances and testifies in court hearings. Court Clerk process applicable legal forms and documents; collect, distribute, and balance fees and deposits of funds; case processing duties and performs courtroom duties.

STEP 10: File Closure

An enforcement case will be closed: 1) when no code violation is found after investigation; 2) there is voluntary compliance; 3) when the property owner and/or responsible person has been convicted of an infraction and corrected the violation(s); or 4) it is determined that the code violation(s) is not likely to be resolved due to factors beyond city control.

Status of Court Clerk: Open Issue: Falls City does not have a court clerk. Current staff has no training. Requirements include knowledge of State Laws, requirements of the judge, knowledge of court procedures and legal forms, court record retention, works with the court of record. City has not adopted a job description. City has a general description of duties. (Exhibit C)

Training Options:

1. Court Clerk Training option one. Job shadow at another court that uses the same judge. Secure a mentor and supervisor during training period. Requirement of fee for service and an agreement/contract likely. Note: Individual judges can have specific requirements for the room, procedures, evidence, and processes.
2. Court Clerk Training option two: Oregon Association for Court Administration Certification as an OACA Certified Court Manager requires successful completion of 100 Educational credit hours. Certification as an OACA Professional Court Manager requires successful completion of the Certified Court Manager program and an additional 100 Educational credit hours (i.e., total of 200 credit hours). Certification as an Certified OACA Professional Court Leader requires successful completion of the Certified Court Manager and Professional Court Manager programs and an additional 100 Educational credit hours (i.e., total of 300 credit hours).
 - LEGAL/COURT PROCEDURES = 16 credit hours (16%)
Legal/court procedures credit hours consist of education in such topics as criminal procedure, civil procedure, handling judgments and executions, processing traffic cases, etc. This area contains credit hours that look at the courts microscopically, in nuts and bolts detail.
 - PERSONNEL/PEOPLE SKILLS = 25 credit hours (25%)
Personnel/people skills credit hours consist of education in such topics as supervisory skills, effective time management, delegation of authority, etc. This area generally contains credit hours that improve a person's ability to interrelate with coworkers both laterally and vertically within an organization.
 - JUDICIAL ORGANIZATION AND THEORY = 16 credit hours (16%)
Judicial organization and theory credit hours consist of education in such topics as court structure, history of court reform (i.e. unification and state funding), the judiciary's role in constitutional government, public vs. private sector management, inherent powers and the courts, etc. This area contains credit hours that look at the courts macroscopically.
 - OPERATIONAL SYSTEMS MANAGEMENT = 33 credit hours (33%)

Operational systems management credit hours consist of education in such topics as financial management, budget administration, case flow management, jury management, records/facilities management, and automation in the courts.

- ELECTIVES = 10 credit hours (10%)

Elective credit hours may be acquired in any one of the other four required areas so that an applicant may specialize in one area or take further courses of interest. These credit hours must be related to court administration, however.

PREVIOUS COUNCIL ACTION

Code Enforcement has been a Council Goal since 2011. In 2013, Council added a goal to establish a municipal court which was done. Note: Currently the court is inactive because of lack of trained staff.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Opportunities for the Court: The 12/4/2014 City Charter allows City Council to transfer the court to an appropriate state court. Process and budget impacts are not known at this time.

ORS 221.357(1) A city having a population of 300,000 or less may enter into an agreement with the state Court Administrator for the provision of judicial services by the circuit court for the county in which the city is located.

ORS 221.357(3) **Unless an agreement entered into under subsection (1) of this section provides otherwise, and subject to the provisions of ORS 153.640 (Disposition of fines for traffic offense) to 153.680 (Costs), all fines, costs and forfeited security deposits collected shall be paid to the city, and the city shall reimburse the circuit court providing judicial services for expenses incurred under the agreement.**

ORS 221.355 Any city may enter into an agreement pursuant to ORS 190.010 with another city for the provision of judicial services....**Unless an agreement entered into under subsection (1) of this section provides otherwise, and subject to the provisions of ORS 153.640 (Disposition of fines for traffic offense) to 153.680 (Costs), all fines, costs and forfeited security deposits collected shall be paid to the city, and the city shall reimburse the circuit court providing judicial services for expenses incurred under the agreement.**

In the scenario where City Council transferred the court to a circuit court or another city, Falls City would be still be required to hire or contract with a code enforcement officer.

Note: It is a general understanding that municipal courts do not generate sufficient revenue to pay for the court, regardless if the court is kept within city limits or assigned elsewhere. The Municipal Court is a department of the General Fund.

Enforcement:

Contract with the County Sheriff for limited code enforcement.

Personal Service Contract with a code enforcement officer (volunteer or paid)

Hire a code enforcement officer

STAFF RECOMMENDATION

Direct staff to explore the options and cost of transferring the Municipal Court to the circuit court or to a neighboring city.

Provide staff direction for a Code Enforcement Officer. Direction will help with budgeting.

EXHIBIT

Exhibit A – Resolution 2013-09 Municipal Court Judge

Exhibit B – Code Enforcement Job Description

Exhibit C – Summary of Court Clerk duties

PROPOSED MOTION

N/A

Exhibit A

RESOLUTION 2013-09

A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, APPROVING A CONTRACT WITH IRA FEITELSON FOR THE SERVICES OF MUNICIPAL JUDGE

Findings:

1. The City Council established a goal in January 2013 to reestablish a municipal court for Falls City.
2. Municipal Court proceedings require a judge to review cases and make determinations
3. A contract for services has been negotiated.

Section 1. The contract, which is attached hereto and incorporated herein by this reference is hereby approved and adopted by this Resolution.

Section 2. This Resolution was duly PASSED and ADOPTED by the Falls City Council and takes effect upon signing by the Mayor.

Introduced and adopted June 13, 2013:

6/13/13
Date


Amy Houghtaling, Mayor

Attest:

6/13/13
Date


Amber Mathiesen,
City Administrator/Recorder

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Hon. Ira Feitelson

Dear Judge Feitelson:

This confirms your appointment by the Falls City Council to serve as Municipal Court Judge for Falls City, and the terms of your service as judge.

The city will pay you \$185 per hour for each hour served sitting as a judge, and \$92.50 per hour for your travel time to and from Falls City. You will present statements for your time on a periodic basis.

You will serve the functions of Municipal Judge for Falls City in accordance with the Falls City Charter and the laws and Code of Judicial Conduct of the State of Oregon.

Falls City will not hold regular scheduled court sessions. Rather, we will notify you when there are judicial matters that require your services, and we will work with you to schedule the dates and times for such services accordingly. You will agree to make yourself reasonably available to sit as judge for matters that require your services.

Falls City will provide you with all materials and supplies and staff support necessary for your judicial services (but will not be responsible for your transportation).

This appointment is at will, and subject to termination by the city council at any time.

Please indicate your agreement with these terms by signing below. Thank you for your services. We look forward to working with you.

Yours very truly,

AMBER MATHIESEN

Accepted June 19th, 2013.



IRA FEITELSON

Exhibit B

Attachment "A"
City of Falls City
Code Enforcement Officer

Purpose of Position:

Under the general direction of the City Administrator performs code enforcement functions including but not limited to general city code enforcement, i.e. signs, setbacks, illegal construction, nuisance abatement, abandoned vehicle abatement, prepare and present public presentations relative to city code enforcement activities, issuing citations as necessary, taking appropriate abatement actions, representing the City in Municipal Court.

Essential Job Functions:

The following duties are not inclusive of all duties and the incumbent performs other related duties as required:

- Conduct case or incident investigations and related follow-up activities, gather and preserve evidence, interview and take statements from involved persons and witnesses, prepares related reports.
- Issues warning letters and violation citations as needed and assists City Attorney in preparing documentation for court appearances and testifies in court hearings.
- Responds to public questions related to enforcement requirements, procedures, and policies.
- Prepares public information related to code and ordinance compliance.
- Prepares written documents for presentation and briefing.
- Establishes and maintains related correspondence and evidence.
- Proposes ordinance revisions or procedures.
- Proficient in Microsoft Office Suite and other technical software as may be required to support the position.
- Work in an independent manner. Understand and carry out a variety of complex instructions.
- Demonstrate professionalism in all aspects of customer relations and staff relationships.
- Recommend solutions that help resolve issues relating to policies and procedures.
- Follows record management standards and records retention schedules for all records in the City.
- Maintain a safe work environment.

Auxiliary Functions:

Ability to work with the general public, regulatory agencies, City Councilors, and other city staff on a regular basis.

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Job Qualifications Requirements:

Mandatory Requirements:

High school graduate or equivalent, however possession of AA degree or Bachelors degree is desirable. Must have at least 2 years dealing with the public in an enforcement, inspection, investigation, or customer service capacity.

Maintain a safe working environment.

Licenses/Certifications: Valid Oregon Driver's License with driving record acceptable to the City and the City's insurance carrier.

Supervision Received:

Work is performed under the general direction of the City Administrator.

Supervisory Responsibilities:

None.

Hours:

This is a part time position with hours to be worked established at hire date.

Physical Demands and Working Conditions:

The physical demands herein are representative of those that must be met by an employee to successfully perform the essential functions of this job.

Environment- Requires working in an office environment and in the field.

Mobility- Light lifting (lift or move 25 pounds), walking, standing or sitting for prolonged periods of time; bending, stooping, typical of an office work environment.

Vision- Visual acuity allowing safe operation of assigned equipment.

Other Factors- Incumbent may be exposed to physical hazards from obstacles, unstable structures, infectious waste, debris, noxious fumes, toxic chemicals, automobile traffic, possible criminal activity while conducting investigations, and angry citizens.

This description covers the most significant essential and auxiliary duties performed but does not include other occasional work which may be similar, related to, or logical assignments to the position.

The job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Employee Signature

Date

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Exhibit C

Court Clerk Duties:

1. Work with code enforcement officer for court case load.
2. Set court dates, prepare files for the judge.
3. Set up court room, check in all clients
4. Track fines issued, and other judgments made.
5. Collect fines when possible at court.
6. Issue letters of judgment following court.
7. Send letters to those who have not paid.
8. Coordinate trials, appeals and ensure attorney has all materials needed to try cases.
9. File case materials, make collection efforts monthly.
10. Close cases as appropriate
11. Maintain court records according to OAR 166.200
12. Requires training for legal requirements of the position

AGENDA REPORT

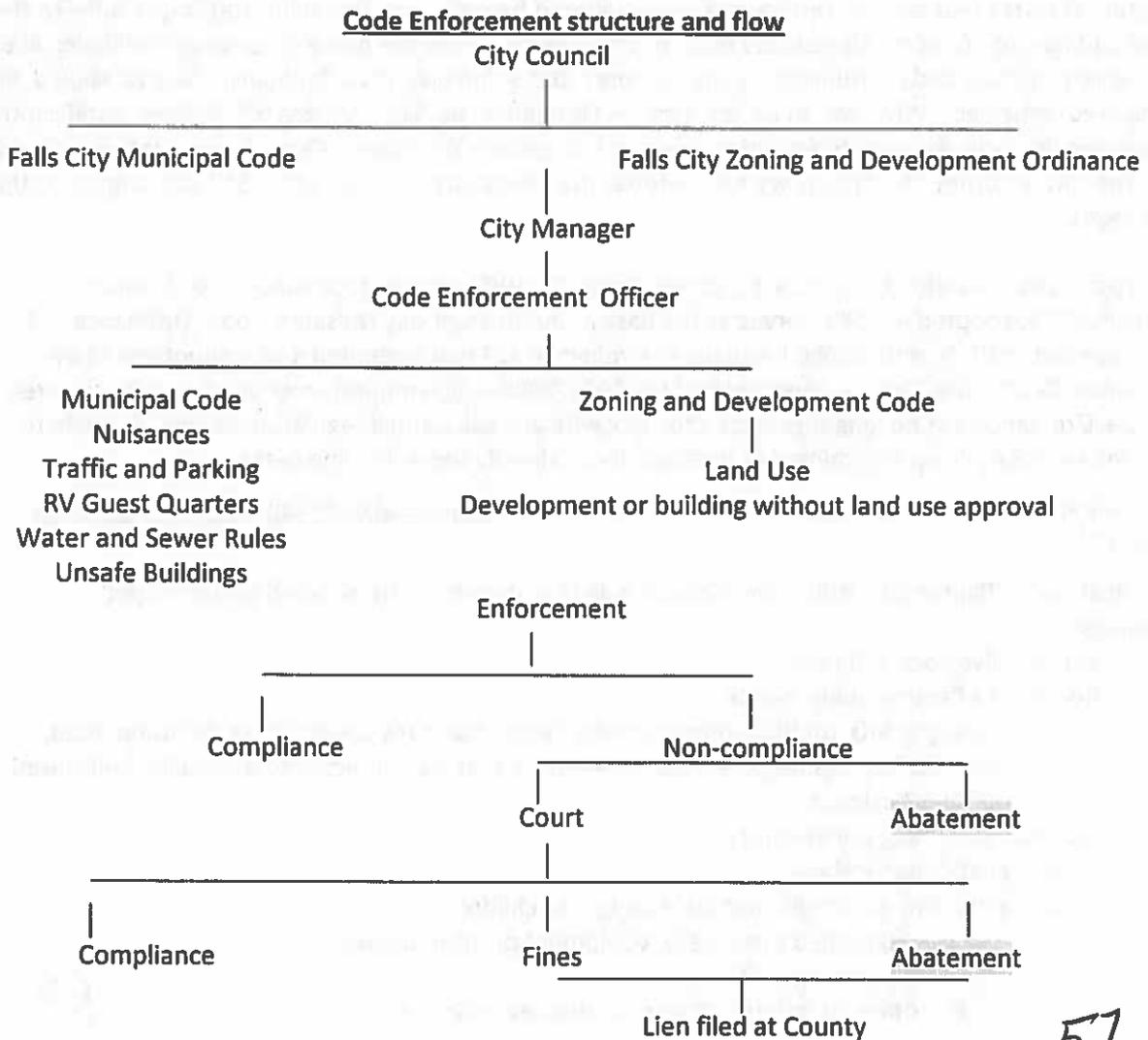
TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE THROUGH MAYOR UNGRICHT
SUBJECT: ABATEMENT
DATE: 12/17/2015

SUMMARY

This agenda report provides Council with information on enforcement of city ordinance code violations and touches on dangerous structures.

Report includes: Code Enforcement structure and flow, enforceable nuisance codes/strengths & weaknesses, water theft, dangerous structures, abatement, and liens for abatement.

BACKGROUND



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Enforceable Nuisance Codes/Strengths & Weaknesses

Municipal Code Chapter 90 - Nuisances: Two general provisions listed in our Municipal Code dictate which ordinances were repealed with the adoption of the municipal code and which ordinances remain in effect. In other words, dictate what codes are enforceable.

Municipal Code § 10.13 ORDINANCES REPEALED. This code [Municipal Code], from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

Municipal Code § 10.14 ORDINANCES UNAFFECTED. All ordinances of a temporary or special nature shall remain in full force and effect unless herein repealed expressly or by necessary implication.

Municipal Code Chapter 90-Nuisances was poorly written. This makes it difficult to determine the lines around code enforcement. Additionally, the nuisance code has not been reviewed against state laws for a decade.

Chapter 90 states that several Ordinances were adopted by reference (meaning staff must refer to the actual ordinance). Chapter 90 includes most of the language from the primary nuisance ordinance #06-512, which implies under Municipal Code Chapter 10.13 (above) that Ordinance 06-512 should be considered repealed. Why we need to care – Ordinance 06-512 “Whereas” clauses significantly strengthen the tools we can use for enforcement of dangerous structures. **Open Issue:** Staff must work with the City Attorney to verify if we can enforce the “Whereas” clauses of 06-512 (described on the next page).

History of nuisance code: Ordinance 11, dated March 11, 1907 was the first nuisance ordinance. Ordinance 323, adopted in 1969, serves as the base of our present day Nuisance Code. Ordinance 323 was amended in 1975, and in 2006 language of Ordinance 323 was amended and readopted and by Ordinance 06-512. The 2006 re-adoption and the 2007/2008 supplemental amendments were required because Ordinance 323 no longer provided the city with any substantial regulation power. It is safe to say, that we are again approaching that position, if not already there in some cases.

Generally speaking, the majority of code violations fall under Municipal Code Chapter 90 – Nuisances (Exhibit A)

Municipal Code Chapter 90 – Nuisances includes rules for abatement of itemized (enumerated) nuisances:

1. Animals, livestock and bees
2. Nuisances affecting public health
 - a. privies, debris, multiple recreational vehicles, stagnant water, water pollution, food, odor, surface drainage, recreational vehicle that are not licensed or mobile, unlicensed outdoor business
3. Nuisances affecting public safety
 - a. abandoned iceboxes
 - b. attractive nuisances that are a danger to children
 - i. unguarded machinery, equipment or other devices
 - ii. lumber logs, pilings
 - iii. open pit, quarry, cistern or other excavations

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- c. snow and Ice
- d. weeds and noxious weeds
- e. scattering rubbish
- f. trees (decaying, dead, interfere with street or sidewalk traffic)
- g. fences(barbed wire along public ways, electric fences along public ways and neighboring properties)
- h. surface water, drainage
- i. accumulation of objects
- j. radio or television interference
- k. unnecessary noise
- l. disabled, abandoned, or stolen vehicles, vehicle parts

Strength: Municipal Code Chapter 90 – Nuisances provides rules for notice of listed nuisances.

Weakness: The majority of the code was written in 1969, and though modified in 2006, needs to be reviewed against current state law.

Weakness: Abatement process must be reviewed against current state law including abatement liens.

Weakness: The City does not have an Enforcement Officer who can issue a citation and build a case file. The Municipal Court is currently inactive because of the absences of an Enforcement Officer and a court clerk.

Water theft

Municipal Code Chapter 51.07 (H)Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

Dangerous Buildings

Municipal Code Chapter 90 – Nuisances offers a convoluted approach to dangerous buildings that would require legal examining to determine if the language can be used to enforce and abate. To illustrate the issues:

Municipal Code Chapter 90 (Nuisances) excludes the “Whereas” clauses from Ordinance 06-512 which offer key language for abatement of dangerous buildings. These “Whereas” clauses adopt several external documents that establishing additional rules for abatement of Dangerous Buildings:

1. Ordinance 06-512, “WHEREAS, the City of Falls City Finds it necessary to adopt the most recent published Uniform Code of Abatement of Dangerous Buildings as an amendment to the city’s nuisance (Ordinance #323) in order to adequately address abatement of dangerous buildings in Falls City.”

Open Issue: The most recent published version is 1997 Uniform Code for the Abatement of Dangerous Buildings. Staff has secured a copy and will review. Prior Falls City Code Enforcement Officer Mary Gaeta recently reported that the 2006 International Property Maintenance Code would be preferable to adopt for enforcement.

Second Issue: Staff is unsure if the “Whereas” clauses of Ordinance 06-512 are enforceable.

Third issue, this WHEREAS clause conflicts with Municipal Code 151.04 Unsafe Buildings which states:

Municipal Code 151.04 Unsafe Buildings The law referred to in § 203 of the Structural Specialty Code is the ordinance of this city providing for the abatement of building nuisances. (Ord. 364, passed 9-9-1974)

Open Issue: Section 203 cannot be found in the Structural Specialty code. Staff will research.

2. Ordinance 06-512, "WHEREAS, the City of Falls City finds it necessary to create compatibility with the Polk County Nuisance Abatement Ordinance and Enforcement Ordinance by adopting the Polk County Nuisance Abatement Ordinance and Enforcement Ordinance as amendments to the city's nuisance ordinance (Ordinance 323), in order to work with Polk County to abate nuisances in the city"
3. Ordinance 06-512, "WHEREAS, the City of Falls City finds it necessary to allow Polk County, Oregon to use the Polk County Nuisance Abatement Ordinance and the Polk County Enforcement Ordinance within the corporate limits of Falls City to investigate violations of the following codes, as amended: Building Code, Plumbing Code Electrical Code, Mechanical Code, Manufactures Dwelling Standards, On-site Wastewater Stature and Rules, Licensed Facility statutes and rules as currently adopted by the State of Oregon and/or Polk County.

Polk County Oregon Code of Ordinances, Chapter 43- Nuisance Abatement defines a process for abatement of dangerous structures.

Polk County Oregon Code of Ordinances, Chapter 50 – Enforcement of Polk County Ordinance.

Open Issue: Staff is unsure if the "Whereas" clauses of Ordinance 06-512 are enforceable.

Second Issue: It is unclear how Polk County Code of Ordinance Chapter 43 and 50 can be used to help resolve issues with dangerous structures. Staff will research.

Determining if a building is unsafe under State Laws: Falls City does not administer a building inspection program under ORS 455.148 or ORS 445.150. Polk County serves as our Building Official (an individual empowered by the City Council to administer and enforce the State Building Code). Polk County manages state building codes for Falls City: Building Code, Plumbing Code Electrical Code, Mechanical Code, Manufactures Dwelling Standards, On-site Wastewater Stature and Rules, Licensed Facility statutes and rules.

Declaring a building dangerous would require a Building Official who administer and enforce the State Building Code. Polk County serves as our Building Official.

Open Issue: Staff will explore options for enforcement of dangerous building with Polk County.

Abatement

As stated previously, Municipal Code Chapter 90 – Nuisances provides for abatement of enumerated nuisances. The abatement code must be reviewed against state law.

Cost of city abatement can be high, and as such, would need to be budgeted. In some cases, abatement would require certified equipment/and or personnel. E.g., drug lab.

Abatement Liens

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We have three liens for abatement on the books 2007- 2009, none of which have been paid. They total \$3,250.00. This illustrates that even in the case where a lien is filed the City can wait years before recouping the funds.

Open Issue: State Law for abatement liens must be examined and reconciled against both the nuisance code and the three existing ordinance violation liens.

PREVIOUS COUNCIL ACTION

Code Enforcement has been a Council Goal since 2011. In 2013, Council added a goal to establish a municipal court which was done. Note: Currently the court is inactive because of the lack of trained staff.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Do not modify Municipal Code Chapter 90 and ask the City Attorney to review.

Cost of abatement can be high, and as such, would need to be budgeted. The code for abatement requires legal review.

STAFF RECOMMENDATION

Direct staff to draft code to replace Municipal Code Chapter 90-Nuisance that is compliant with state laws and county codes. Include language for dangerous structures.

Direct staff to remove all fees from the municipal code and reconcile to the City of Falls City Fee Schedule.

Direct staff to research limited known issues to determine if code updates would be beneficial.

Note: A new nuisance code can be based on nuisance code recently updated and adopted by another City. Costs would be incurred even if Model Code is used as a base: staff time to identify a Model Code that could be customized for Falls City; staff time to review the Model Code against our Zoning Code, Comprehensive Code, and other areas of the Municipal Code; staff time to modify Model Code, City Attorney review.

Budget impacts for the legal review of existing or newly written nuisance code are unknown.

EXHIBIT

Exhibit A – Chapter 90 – Nuisances

PROPOSED MOTION

N/A

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Exhibit A

CHAPTER 90: NUISANCES

Section	
90.01	Adoption by reference

§ 90.01 ADOPTION BY REFERENCE.

(Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

Section 1. DEFINITIONS. Except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine, and the following mean:

“Abandoned Vehicle”. Any vehicle that is inoperative damaged, junked, partially or completely dismantled, or used for storage purposes.

“At Large”. A dog or livestock inside the corporate limits of the city, off the premises of the keeper, and not under complete control by adequate leash. The definition includes, but is not limited to, any dog or livestock upon, or capable of reaching, any public right-of-way, except if the dog or livestock is on a leash in full and complete compliance with sections 4 to 13. Excepted from this definition are dogs in obedience or field training exercises under the direct supervision of a handler.

“Authorized Representative”. Officers and personnel named by City Council. Law enforcement officer or officers representing the city for purposes of ordinance enforcement and citations; for purposes of abatement proceedings as set forth in Sections 30 through 34 herein the term ‘chief of police’ shall also include any code enforcement officer as designated by the city, including but not limited to the city recorder/administrator, building official, fire marshal, county representative as determined the Council.

“Building”. A permanent, four-sided, roofed structure built or used for the shelter or enclosure of persons, animals, chattels, or property of any kind.

“Camping Vehicle”. Either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and that is intended for human occupancy and for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet. (Ordinance 99-473, 10/25/1999)

“Child”. Any person less than 18 years of age.

“City”. The City of Falls City.

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“Council”. The governing body of the city.

“Exotic animals.”

(1) Any lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to Oregon, except the species *Felis catus* (domestic cat);

(2) Any monkey, ape, gorilla or other non-human primate;

(3) Any wolf or any canine not indigenous to Oregon, except the species *Canis familiaris* (domestic dog); and

(4) Any bear, except the black bear (*Ursus americanus*).

“Livestock”. Includes but is not limited to cattle, sheep, horses, mules, miniature horses, goats, pygmy goats, ratite (such as ostrich, cassowary, emu, moa, etc.), or other animal, excluding swine, but including any furbearing animals bred and maintained commercially or otherwise on property or within pens, cages and hutches.

“Person”. A natural person, firm, partnership, association, or corporation

“Private Property”. A tax lot as recorded in the records of Polk County, Oregon regardless of the number of lots or record contained therein. (Ordinance 99-473, 10/25/1999)

“Property Owner” Property owner as recorded with the Polk County Assessor’s Office and the City utility department to determine the last known address.)

“Public place”. Any building, place or accommodation, whether publicly or privately owned, open and available to the general public.

“Recreational Vehicle”. A vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, including but not limited to camping vehicles.

“Storage”. Placement anywhere on private property outside of a legally existing enclosed structure for a period in excess of seventy-two (72) hours.

“Vehicle”. Every device in, upon, or by that any person or property is or may be transported or drawn upon a public highway, except devices used exclusively upon stationary rails or tracks. The definition of a vehicle includes wheeled devices that do not require licensing by the State of Oregon.

“Wildlife.” Pursuant to ORS 496.004, wildlife includes, but is not limited to, amphibians, antelope, beaver, black bear, bobcat, cougar, coyote, deer, elk, fisher, marten, mink, moose, mountain goat, mountain sheep, muskrat, otter, raccoon, reptiles, red fox, silver fox, gray squirrel

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and gray fox.

Section 2. Any nuisance as described in this Ordinance may be classified as an imminent threat to the public health, safety or property of the residents of Falls City by the Council, and if such imminent threat is allowed to continue by the person or person in charge for a period of more than two (2) hours after notification by City staff for violation of this Ordinance, the person or person in charge shall be subject to the abatement procedure provided in Section 30 of this Ordinance.

ANIMALS, LIVESTOCK, AND BEES

Section 3. ANIMALS AFFLICTED WITH A COMMUNICABLE DISEASE. No person may permit an animal or bird owned or controlled by the person to be at large within the city if the animal or bird is afflicted with a communicable disease.

Section 4. ANIMALS DAMAGING PROPERTY

1. No person or person in charge shall permit any dog or livestock owned or controlled by them to cause damage or injury to gardens, flowerbeds, and other property belonging to another person.
2. No person or person in charge shall permit any dog or livestock to run at large.

Section 5. LIVESTOCK, POULTRY, AND BEES.

1. No person shall maintain a pigsty, slaughterhouse or tannery within the City, nor shall any person permit livestock owned by him or in his possession to run at large within the City of Falls City.
2. No person shall keep swine within the City, except that this Ordinance shall not apply to swine being transported for commercial purposes.
3. No person shall keep a stand or hive of bees in the City at a location within 150 feet of any street, alley, establishment, public building, private dwelling or barn; provided that this provision shall not apply to the dwelling, barn or other buildings of the person owning such bees.
4. No person may stake or picket a dog or livestock in or upon any of the streets, alleys, or public places of the city, or stake or picket any such animal so that it may go or graze upon the property of another, unless with the consent of the owner or occupant of such property.
5. No person may keep or maintain livestock within the city unless:
 - a. Such animals are kept on lots having an area of one acre or more of unencumbered land. Property is considered encumbered if the property contains a residential home, apartment or other human living quarters, or if existing or future sanitary sewer (septic) or septic drain fields are located within the property. The area allocated to livestock may contain a stable, barn, pen, or other accessory buildings or structures for raising and keeping of animals. Such structures shall set back at least 40 feet from the rear and side property lines, and 60 feet from the

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- front property line;
- b. The total number of such animals over six months of age to be kept or maintained shall not exceed four per acre. The total number of horses, cows and/or sheep on one parcel shall not exceed ten (10) total animals; and
 - c. Persons occupying property that adjoins the area whereon said animals are to be kept or maintained interpose no objection to the keeping or maintenance of such animals.

Section 6. ANIMAL-RELATED STRUCTURES. Animal-related structures must be maintained in a condition as to not create a nuisance for neighbors. No excessive odors, noise, piles of animal waste or other nuisance that deprives a neighbor, or other person, of residential livability, peace, and quiet are allowed. Proper sanitation shall be maintained in conformance with applicable health standards for all farm animals. Proper sanitation includes:

1. Not allowing animal waste to accumulate.
2. Not allowing animal waste to contaminate groundwater or drainage ways.
3. Taking the necessary steps to insure odors resulting from livestock is not detectable beyond the property line.
4. Storing all livestock food in metal or other rodent-proof containers.

Section 7. Chickens and other fowl, and rabbits may be maintained on any property containing at least one-quarter of an acre (10,890 square feet) as long as said animals are not for resale and are maintained in pens or cages at all times. No roosters are permitted at any time.

Section 8. FARM DELIVERIES. No hay or feed deliveries are allowed before 6:00 a.m. or after 9:00 p.m.

Section 9. CONTROL OF LIVESTOCK ANIMALS. All livestock must be fenced and under the control of the property owner or lessee at all times. All fencing must be maintained in a condition that keeps the livestock within the property.

Section 10. EXPANSION OF PRE-EXISTING FARM USE PROHIBITED. Livestock on properties prior to the adoption of this Ordinance may continue but may not be replaced nor expanded except in conformance with the standards contained herein.

Section 11. REMOVAL OF ANIMAL CARCASSES. No person may permit any animal carcass owned by him or under his control to remain upon the public streets or places, or to be exposed on private property for a period of time longer than is reasonably necessary to remove or dispose of such carcass.

Section 12. RATS. No person owning or occupying any property within the city shall allow a condition to exist upon the property that condition attracts wild rats, gives wild rats access to food, or creates shelter accessible to wild rats. Such prohibited conditions shall include, but are not limited to the following:

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(1) Keeping of any animal so that feces, refuse, food or shelter associated with the keeping of the animal affords food or shelter to wild rats.

(2) Allowing any accumulation of rubbish, trash, junk or other material that by reason of its decayed or unused condition affords shelter to wild rats.

(3) Maintain vacant (unsecured) or damaged structures, including out-buildings, dwellings,(including manufactured homes) and recreational vehicles that may afford shelter to wild rats.

Section 13. WILDLIFE AND EXOTIC ANIMALS

(1) No person shall keep any wildlife that is located within the city limits.

3. No person shall keep any exotic animal that is located within the city limits.

4. The provisions of subsection (1) and subsection (2) of Section 13 shall not apply to wildlife and exotic animals in a human environment under trained supervision for that a permit has been issued for a carnival, circus, or special event.

(5) The provisions of subsection (1) and subsection (2) of Section 13 shall not apply to wildlife and exotic animals in a human environment located in facilities of the Falls City School District #57.

NUISANCES AFFECTING PUBLIC HEALTH.

Section 14. NUISANCES AFFECTING THE PUBLIC HEALTH. No person may permit or cause a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this Ordinance:

(1) Privies. An open vault or privy constructed and maintained within the city, except those privies used in connection with construction projects and constructed in accordance with Department of Environmental Quality regulations.

(2) Debris or multiple recreational vehicles stored on private property. Accumulations of debris, rubbish, manure, or other refuse located on private property not removed within fifteen (15) days, or storage of more than one (1) recreational vehicle on private property. (Ordinance 99-473, 10/25/1999)

(3) Stagnant water. Any pool of water, that is without a proper inlet or outlet, that, if not controlled will be a breeding place for mosquitoes and other similar insect pests.

(4) Water pollution. The Pollution of any body of water, well, spring, stream or drainage ditch or river by sewage, industrial wastes, or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.

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- (5) Food. All decayed or unwholesome food that is offered for human consumption.
- (6) Odor. Any premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.
- (7) Surface drainage. Any drainage of liquid waste from private premises.
- (8) Recreational vehicles. Storage of any recreational vehicle that is not mobile or is not currently licensed, if required to be licensed by the Oregon Vehicle Code when operated on public highways; private property on that more than one (1) recreational vehicle is stored; or habitation in any recreational vehicle, on public or private property, without a permit as provided for in Ordinance No. 521, article 4, Section 8.110. (Ordinance 99-473, 10/25/1999)
- (9) Unlicensed outdoor business. Private property on that is conducted any business or commercial activity outside of an enclosed, legally existing structure that is not licensed by the city, with the exception of a garage sale of three (3) days duration or less. Business license categories and fees may be changed by resolution of the council. (Ordinance 99-473, 10/25/1999)

NUISANCES AFFECTING PUBLIC SAFETY

Section 15. ABANDONED ICEBOXES. No person shall leave in any place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or similar container that has an airtight door with a lock, snap lock, or other mechanism that may not be released for opening from the inside, without first removing such lock or door from such lock or door from such icebox, refrigerator, or similar container.

Section 16. ATTRACTIVE NUISANCES.

(1) No Person or person in charge of any premises shall permit:

- a. Any unguarded machinery, equipment, or other devices on such premises that is attractive, dangerous, and accessible to children.
- b. Lumber, logs, or piling placed or stored on such property in a manner so as to be attractive, dangerous, and accessible to children.
- c. Any open pit, quarry, cistern, or other excavation to remain open for an unreasonable length of time without erecting adequate safeguards or barriers to prevent such places from being used by children.

(2) The provisions of this section shall not apply to authorized construction projects, if during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

Section 17. SNOW AND ICE REMOVAL. No person or person in charge of any property, improved or unimproved, abutting upon any public sidewalk shall permit:

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(1) Any snow to remain on the sidewalk for a period longer than the first five (5) hours of daylight after the snow has fallen.

(2) Any sidewalk to be covered with ice. It shall be the duty of any person or person in charge to remove any ice accumulating on the sidewalk or to properly cover the ice with sand, ashes, or other suitable material to assure safe travel within the first five hours of daylight after the ice has formed.

Section 18. WEEDS AND NOXIOUS VEGETATION.

(1) Definitions. For purposes of this section the following definitions apply:

“Noxious vegetation” means:

- a. Poison oak;
 - b. Poison ivy;
 - c. Blackberry bushes that extend into public property or across a property line;
 - d. Vegetation that is:
 - a. A health hazard,
 - b. A fire hazard,
 - c. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous;
 - e. Weeds or grass more than ten (10) inches high;
 - f. Weeds or grass going to seed;
 - g. Noxious vegetation does not include agricultural crop grown on property zoned for agricultural purposes, unless that crop is a health, traffic or fire hazard.
2. Noxious vegetation is declared to be a nuisance.
3. Owner Responsibility. No owner or person in charge of property may allow noxious vegetation to be on the person's or her property or on the parking strip or sidewalk area abutting the property. It is the duty of an owner or person in charge of property to cut down or to destroy noxious vegetation.
4. Notice to Abate.

Upon determination by the Authorized Representative or their designee that noxious vegetation exists on any property, the Authorized Representative shall cause a notice to be mailed to the owner of the property. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

a. The notice to abate shall contain:

- a. A statement that noxious vegetation exists on the property;
- b. A description of the real property, by street address or otherwise, on that or adjacent to that the noxious vegetation exists;

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- c. A direction to abate the noxious vegetation within seven (7) days from the date of the notice;
- d. A statement that unless the vegetation is removed within seven days from the date of the letter the city will abate the nuisance and will charge the costs of abatement to the property owner;
- e. A statement that the owner of the property may protest the abatement by giving notice to the Authorized Representative within five (5) days from the date of the notice.

An error in the name or address of the owner of the property shall not make the notice void if the error was caused by the owner or person in charge of the property failing to notify the city of their correct name and address. (At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.)

Abatement by the Owner:

- a. Within the time allowed in this section the owner of the property shall remove the noxious vegetation or show that no nuisance exists.
- b. The owner of property protesting that no noxious vegetation in fact exists shall file with the Authorized Representative a written statement that shall specify the basis for so protesting. Based upon a physical inspection of the property the Authorized Representative or designee shall make a written determination of whether or not the noxious vegetation exists. Should the Authorized Representative determine that the nuisance does exist, the owner or person in charge of the property may either abate the vegetation within five (5) days after notice of the Authorized Representative's decision or may appeal the decision to the City Council by filing a written notice of appeal with the City Recorder within five (5) days from the date of the decision. If the Council determines that noxious vegetation does in fact exist, the owner or person in charge of the property shall, within five (5) days after the council determination, abate the noxious vegetation.

- a. **Abatement by the City.**

- a. If the noxious vegetation has not been removed within the time permitted, the Authorized Representative shall cause the vegetation to be removed. The officer charged with abatement shall have the right to enter into or investigate or cause the removal of the noxious vegetation.

- a. The cost of abatement shall be charged at actual costs incurred by the city, including but not limited to costs of removal of the noxious vegetation, administrative costs and certified or registered letter mailing costs.

(f) **Assessment of Costs.** The Authorized Representative by registered or certified mail shall forward to the owner of the property a notice stating the total amount of the cost of abatement. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

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If the owner of the property does not pay the costs of the abatement within thirty (30) days from the date of the notice of costs, the city may take whatever lawful means available to collect the costs.

Section 19. SCATTERING RUBBISH. No person shall throw, dump, or deposit upon any street, alley or other public place, any injurious or offensive substance or any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench, detract from the cleanliness or safety of such public place, or would be likely to injure any animal, vehicle, or person traveling upon a public way.

Section 20. TREES.

1. No owner or person in charge of property that abuts upon any street or sidewalk may permit trees or bushes on his property, or on the parking strip adjacent thereto, to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or sidewalk to keep all trees and bushes on his premises and on the adjoining parking strip trimmed to a height of not less than eight (8) feet above the sidewalks and not less than ten (10) feet above the streets.
2. No owner or person in charge of property may allow to stand any dead or decaying tree that is a hazard to the public or to persons or property on or near the property.

Section 21. FENCES.

1. No person shall construct or maintain any barbed-wire fence or allow barbed wire to remain as a part of any fence along a sidewalk or public way, unless such wire is placed not less than six (6) inches below and on the property owner side, not exposed to the public and above the top of a board or picket fence that is not less than six (6) feet high.
2. No person shall install, maintain, or operate a wire fence charged with electrical current along a street or sidewalk, or along the adjoining property line of another person.

Section 22. SURFACE WATERS, DRAINAGE.

1. No owner or person in charge of any building or structure shall suffer or permit rainwater, ice or snow to fall from any such building or a structure on to a street or public sidewalk or to flow across such sidewalk.
2. The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon any sidewalk.

Section 23. ACCUMULATION OF OBJECTS. It is unlawful for any person to place, leave, store, dump or permit the accumulation on any open lot or other premises, any lumber, yard debris, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts, or similar materials, rubbish or any articles of junk, that are not removed within fourteen (14) days and that affect the health, safety or welfare of the city. Excepted from this prohibition are construction materials for ongoing construction projects, neatly stacked firewood and compost piles

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consisting of vegetable matter.

NUISANCES AFFECTING THE PUBLIC PEACE

Section 24. RADIO AND TELEVISION INTERFERENCE.

(1) No person may operate or use an electrical, mechanical, or other device apparatus, instrument, or machine that causes reasonably preventable interference with radio or television reception, provided that the radio or television receiver interfered with is of good engineering design.

(2) This section does not apply to electrical and radio devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission.

Section 25. UNNECESSARY NOISE.

Standards and definitions.

A. Terminology and Standards. All terminology used in this chapter that is not defined below shall be in accordance with the Department of Environmental Quality (DEQ) Noise Control Regulations and noise emission standards outlined by Oregon Revised Statute (ORS) 467.030, and Oregon Administrative Rule (OAR) Chapter 340 Division 35.

B. Measurement of Sound Level.

1. Measurements shall be made with a calibrated sound level meter in good operating condition.

2. Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from the Department of Environmental Quality or other competent body prior to engaging in any enforcement activity.

3. Procedures and tests required by this chapter and not specified herein shall be placed on file with the city recorder.

C. Definitions. As used in this chapter:

"Amplifying equipment" means public address systems, musical instruments, and other similar devices that are electronically amplified.

"City" means the city of Falls City, Oregon or the area within the territorial city limits of the city of Falls City, Oregon and such territory outside of this city over that the city has jurisdiction or control by virtue of ownership or any Constitutional or Charter provision, or any law.

"Commercial land use" includes land uses zoned commercial (C), historic commercial (HC) or any use of an office, service establishment, retail store, park, amusement or recreation facility, or other use of the same general type, whether publicly or privately owned.

"Construction" means any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways and utilities. It shall include land clearing, grading, excavating and filling before, during or following such activity.

"Continuous sound" means any steady sound with a deviation no greater than plus or minus two dBA of its mean, or total fluctuation of four dBA, during the period of observation when measured with a sound level meter set on fast response.

"Day time period" means seven a.m. until ten p.m. of the same day, local time.

"Domestic power tools" means any mechanically or electrically powered saw, drill, sander, grinder, lawn or garden tool, or similar device generally used out of doors in residential areas.

"Emergency work" means work made necessary to restore property to a safe condition following severe inclement weather and natural disasters, work required to restore public utilities or work required to protect persons or property from imminent exposure to danger.

"Industrial land use" includes land use zoned light industrial (LI), industrial (I), or any use of a warehouse, factory, mine, wholesale trade establishment or other use of the same general type, whether publicly or privately owned.

"Night time period" means ten p.m. of one day until seven a.m. the following day, local time.

"Noise sensitive areas" or "noise sensitive uses" includes property on that residential housing, apartment buildings, schools, churches, hospitals, and nursing homes are located.

"Off-road recreational vehicle" means any self-propelled land use vehicle designed for, or capable of traversing over natural terrain, including, but not limited to, racing vehicles, mini-bikes, motorcycles, go karts, and dune buggies, when operated off the public right-of-way for noncommercial purposes.

"Persons" means a person, persons, firm, association, co-partnership, joint venture, corporation or any entity public or private in nature.

"Plainly audible" means unambiguously communicated sounds that disturb the comfort, repose or health of the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words, and vocal sounds other than speech that are distinguishable as raised or normal.

"Powered model vehicle" means any self-propelled airborne, waterborne, or land borne plane, vessel or vehicle, that is not designed to carry persons, including but not limited to any 17

model airplane, boat, car, or rocket.

"Recreational park" means a facility open to the public for the operation of off-road recreational vehicles.

"Warning devices" means electronic devices used to protect persons or property from imminent danger including, but not limited to, fire alarms, civil defense warning systems, and safety alarms required by law. (Ord. 424 § 4 (part), 2002; Ord. 397 § 2, 1999)

Responsibility and authority.

A. Responsibility. The responsibility for enforcement of this chapter shall reside with the city council or their designee.

B. Authority. In order to implement this chapter and for the general purpose of sound abatement and control, the city council or their designee shall have in addition to any other authority vested with them, the following powers:

1. Planning: implement a noise control strategy in agreement with the city's zoning ordinance and comprehensive plan to:

A. Assure public and private enterprises do not adversely impact existing noise-sensitive properties and properties designated for noise sensitive use,

b. Prevent the encroachment of noise-sensitive uses into high impact areas such as industrial zones and those immediately adjacent to major highways or arterials that is incompatible for such uses by virtue of existing or projected noise impacts;

2. Inspections: upon presentation of proper credentials, enter and inspect any private property or place, and inspect any report or record at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act for the owner. Such inspection may include administration of any necessary tests;

3. Issue summons: direct the authorized representative of the City to issue summons, notices of violation or other legal orders to any person who allegedly violates any provision of this chapter;

4. Investigate violations: in accordance with all other provisions of this chapter, investigate and document violations and take necessary actions preparatory to enforcement. (Ord. 397 § 3, 1999)

8.04.040 Prohibited acts.

A. No person shall knowingly continue, cause or permit to be made or continued any excessive or unnecessary sounds that are listed in this section or Section 8.04.050.

B. The following acts are declared to create excessive and unnecessary sounds in violation of this chapter without regard to the maximum sound levels of Section 8.04.050:

1. Radios, Stereos, Boom boxes, Tape Players, Television Sets. The playing, using or operating of any radio, tape player, television set or stereo system including those installed in a vehicle in such a manner so as to be plainly audible at any time between ten p.m. and seven a.m. the following day, local time:

- a. Within a noise sensitive area of noise sensitive use that is not the source of the sound; or
- b. At a distance of one hundred (100) feet or more from the source of the sound.

2. Revving Engines. Operating any motor vehicle engine above idling speed off the public right-of-way so as to create excessive or unnecessary sounds within a noise sensitive area.

3. Compression Braking Devices. Using compression brakes, commonly referred to as "jake brakes," on any motor vehicle except to avoid imminent danger or persons or property.

4. Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine, or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.

5. Idling Engines on Motor Vehicles. Idling more than fifteen (15) consecutive minutes between the hours of ten p.m. and seven a.m. the following day, local time, any motor vehicle with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater that exceeds fifty (50) dBA measured at the nearest occupied noise sensitive property.

6. Vehicle Tires. Squealing tires by excessive speed or acceleration on or off public right-of-way except when necessary to avoid imminent danger to person or property.

7. Motorcycles, Go-Karts, Dune Buggies. Operating motorcycles, go karts, dune buggies and other off-road recreational vehicles off the public right-of-way on property not designated as a recreational park.

8. Motorboats. Operating or permitting the operation of any motorboat within the city's jurisdictional boundaries in such manner as to exceed eighty-four (84) dBA at a distance of fifty (50) feet or more.

9. Explosives. The discharge of fireworks and other explosive devices except as authorized

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by the City Council.

10. **Tampering.** The removal or rendering inoperative of any noise control device for purposes other than maintenance, repair, or replacement.

11. **Animals.** Owning, possessing or harboring any bird or other animal that barks, bays, cries, howls, or makes any other noise continuously for a period of ten minutes or more, other than for reasons of being provoked by a person trespassing or threatening to trespass.

12. **Steam Whistles.** Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.

13. **Horns and Alarms.** The sounding of a horn or signaling device on a vehicle on a street or public or private place, except as a necessary warning of danger.

14. **Compressed Air Devices.** The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise created is effectively muffled.

C. No person shall operate a motor vehicle on a public right-of-way unless it meets the noise emission standards promulgated by Oregon Revised Statute (ORS) 467.030 and Oregon Administrative Rule (OAR) Chapter 340, Division 35 that are adopted and incorporated by this reference. Copies of ORS 467.030 and OAR Chapter 340, Division 35 are on file in the office of the city recorder. (Ord. 424 § 4 (part), 2002; Ord. 397 § 4, 1999)

Maximum permissible sound levels.

A. No person shall cause or permit sound(s) to intrude onto the property of another person that exceed(s) the maximum permissible sound levels set forth below in this section.

B. The sound limitations established herein, as measured at or within the property boundary of the receiving land use, are as set forth in Table I and apply after any applicable adjustment, also provided for herein, are applied. When the sound limitations are exceeded, it shall constitute excessive and unnecessary sounds and shall be violations in their own right as well as being prima facie evidence of noise.

C. This section is violated if any of the following occur:

1. Any continuous sound that exceeds Table I for a cumulative total of greater than five minutes in any ten (10) minute period;

2. Any sound that exceeds Table I by five dBA for a cumulative total of greater than one minute, but less than five minutes in any ten (10) minute period;

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3. Any sound that exceeds Table I by ten (10) dBA at any point in time.

Table I

Table of Maximum Allowable Sound Levels (in DBA) in any Ten (10) Minute Period

Type of Received by Use

Type of Source by Use	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise sensitive	55	45	70	65	75	70
Commercial	55	50	70	65	75	70
Industrial	55	50	70	65	75	70

Exceptions

A. Exceptions. The following sounds are exempted from provisions of this chapter:

1. Sounds caused by the performance of emergency work, vehicles and/or equipment;
2. Aircraft operations in compliance with applicable federal laws or regulations;
3. Railroad activities as defined in Subpart A, Part 201 of Title 40, DFR of the Environmental Protection Agency' s railroad emission standards, incorporated herein by reference;

4. Sounds produced by sound amplifying equipment at activities permitted by the city;

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5. Sounds created by the tires or motor to propel or retard any vehicle on the public right-of-way in compliance with ORS 815.025 and OAR Chapter 340 Division 35, incorporated herein by reference;

6. Notwithstanding Section 8.04.050(C), sounds created by refuse pickup operations during the operations during the period of four a.m. to ten p.m. local time;

7. Sounds created by domestic power tools during the period of seven a.m. to ten p.m., local time, provided sound dissipation devices on tools are maintained in good repair;

8. Sounds made by warning devices operating continuously for three minutes or less;

9. Idling motor vehicles with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater between the hours of seven a.m. to ten p.m., local time provided they are equipped with an exhaust system that is in good working order and in constant operation;

10. Construction activities during the period of seven a.m. to six p.m. local time (seven a.m. to eight p.m. during summer months of June through August), provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order.

Chapter additional to other law.

The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; nor unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance, or regulation relating to noise or sound. The provision of this chapter shall be deemed additional to existing legislation and common law on such subject.

Penalties.

A violation of any provision of this chapter is a Class A infraction, punishable upon conviction by a fine of not more than five hundred dollars (\$500.00). Each and every day during that any provision of this chapter is violated shall constitute a separate offense.

The city council, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter.

Section 26. NOTICES AND ADVERTISEMENTS.

1. No person may affix or cause to be distributed any placard, bill, advertisement, or poster upon real or personal property, public or private property, without first securing permission from the owner or person in control of the property. This section shall not be

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construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising.

2. This section does not prohibit the distribution of advertising material during a parade or approved public gathering.
3. No person, either as principal or agent, may scatter, distribute or cause to be scattered or distributed on public or private property any placards, advertisements or other similar material.

Section 27. DISABLED, INOPERABLE, ABANDONED OR STOLEN VEHICLES: VEHICLE PARTS.

1. No person owning an inoperable vehicle that is located on private property owned or controlled by that same person shall allow that vehicle to be exposed to public view for longer than is reasonably necessary to repair or dispose of it, and in no event longer than thirty (30) days unless it is in connection with a business dealing with junk vehicles lawfully conducted within the city.
2. The term 'inoperable' vehicle, as used in this section, means a vehicle capable of being towed that:
 - a. Has been located for more than thirty (30) days on private property owned or controlled by the person with legal title to the vehicle; and
 - b. Has been extensively damaged, including, but not limited to, a broken window or windshield, missing wheels, tires, motor, or transmission; and
 - c. For the purpose of this section, a showing that the vehicle, if operated on a public highway or highway right-of-way of this state, would be in violation of three or more of the provisions of ORS chapters 815 and 816, is indirect evidence that the vehicle is inoperable.
 - d. For the purpose of this section, an inoperable vehicle shall not be considered exposed to public view if the vehicle is entirely covered..
 - e. Tagging of an inoperable vehicle shall be done in the same manner as for disabled, abandoned and stolen cars as provided in subsection (4) ~~(d)~~ herein; such tag shall constitute posting of notice of the purpose of abatement under section 29 herein. Only the owner of an inoperable vehicle as defined in this section is entitled to the abatement notice and appeal procedure set forth in sections 29 and 30 herein with respect to any violation of this section.
 - f. Not more than two covered inoperable vehicle may be located on private property owned or controlled by the person owning the vehicle, unless the owner has applied for and been granted by the council an exception for a 'classic' vehicle. For the purposes of this section, such classic vehicle shall be at least 20 years old and have significant intrinsic value over and above its salvage value. The council's decision may be made in conjunction with any protest to abatement. The decision by the council regarding a vehicle shall be final. If the decision is not in favor of the appellant, the vehicle in question shall be deemed 'disabled' ten (10) days after the decision. A vehicle registered with the Department of Motor Vehicles as an antique vehicle shall be deemed to be a classic vehicle for the purpose of this section. Not more than two covered classic

vehicles may be stored on private property owned by the person owning the vehicles, unless such vehicles are stored in an area designated for classic vehicle storage after appropriate land use proceedings and public hearings. Any inoperable or classic vehicle, covered or uncovered, exceeding the number allowed under this subsection shall be deemed disabled.

3. For the purpose of this section, a vehicle that would otherwise be defined as inoperable except that legal ownership cannot be established by the person owning or controlling the private property where it is located shall be deemed a 'disabled' vehicle subject to the provisions of ORS chapter 819 and subsection (4) herein.
4. It shall be unlawful for a disabled, abandoned or stolen vehicle to remain located on public or private property within city limits for more than 24 hours. Disabled, abandoned and stolen vehicles on public or private property may be tagged and towed after 24 hours by the chief of police pursuant to the provisions of ORS chapter 819, subject to the policies adopted by Resolution of the council, as may be amended from time to time. The hearing and appeal procedures contained in ORS chapter 819 and those policies shall be the only appeal procedures available for this violation; the abatement procedures in section 30 and 31 herein shall not apply to disabled, abandoned and stolen vehicles. Disabled vehicles shall be garaged or removed outside the city limits within 24 hours; changing the location of a disabled vehicle inside city limits shall not prevent the towing of such vehicle unless garaged. Any vehicle, that has been tagged two previous times within the same 14-day period, may be tagged and towed immediately upon the third violation in such 14-day period.
5. No person shall store partial vehicles, engines, transmissions, wheels, tires or other parts of vehicles on private property exposed to public view, whether or not covered. Such items located on public property, public streets, or public rights-of-way, whether or not developed or improved, may be abated by the city ten (10) days after an abatement notice is posted. Items of trash, junk or other debris, that are not vehicle parts, may be abated from such public property five (5) days after an abatement notice is posted. However, any items on such public property, that constitute an immediate health or safety hazard, may be summarily abated pursuant to Section 34 herein, including partial vehicles and vehicle parts.

Section 28. DECLARATION OF NUISANCE, GENERAL NUISANCE.

(1) The acts, conditions, or objects specifically enumerated and defined in this Ordinance are declared to be public nuisances and such acts, conditions, or objects may be abated by any of the procedures set forth in Section 30 through Section 34 of this Ordinance.

(2) In addition to those nuisances specifically enumerated within this Ordinance, every other thing, substance, or act that is determined by the council to be injurious or detrimental to the public health, safety, or welfare of the city is hereby declared to be a nuisance and may be abated as provided in this Ordinance.

ABATEMENT PROCEDURE

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Section 29. ABATEMENT NOTICE.

(1) Posting. Upon determination by the Council that a nuisance as defined in this or any other ordinance of the city exists, the council shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.

(2) Notice to owner. At the time of posting, the Authorized Representative shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner or/and person in charge of the property at the last-known address of such owner or other person. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

(4) Notice – Contents. The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on that such nuisance exists.

(b) A direction to abate the nuisance within ten (10) days from the date of the notice.

(c) A description of the nuisance.

(d) A statement that unless such nuisance is removed the city may abate the nuisance and the cost of abatement shall be a lien against the property.

(e) A statement that the owner or other person in charge of the property may protest the abatement by giving notice to the Authorized Representative within ten (10) days from the date of the notice.

(5) Certificate of Mailing and Posting. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.

(6) Sufficiency of Posted Notice. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner as listed with the Polk County Assessors Office and the City utility department to the address of record. shall not make the notice void and in such a case the posted notice shall be sufficient.

Section 30. ABATEMENT BY THE OWNER - Property Owner's Responsibility to Act.

(1) Within ten (10) days after the posting and mailing of the notice as provided in Section 29, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.

(2) The owner or person in charge protesting that no nuisance exists shall file with the City Recorder a written statement that shall specify the basis for so protesting.

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(3) The statement shall be referred to the council as a part of the council's regular agenda at the next succeeding meeting. At the time set for consideration of the abatement, the owner or other person may appear and be heard by the council and the council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.

(4) If the council determines that a nuisance does in fact exist, the owner or other person shall within ten (10) days after such council determination abate such nuisance.

Section 31. ABATEMENT BY THE CITY.

(1) If within the time allowed the owner or person in charge of the property has not abated the nuisance, the council may cause the nuisance to be abated.

(2) The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.

(3) The Authorized Representative shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expense for administrative overhead.

Section 32. ASSESSMENT OF COSTS.

(1) The Authorized Representative, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

(a) The total cost of abatement including the administrative overhead.

(b) That the cost as indicated will be assessed to and become a lien against the property unless paid thirty (30) days from the date of the notice.

(c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, the objector may file a notice of objection with the Authorized Representative not more than ten (10) days from the date of the notice.

(2) Objections to Assessment. Upon the expiration of ten (10) days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.

(3) City liens. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by council shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from that the nuisance was removed or abated.

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(4) Lien enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate allowed by law, or such lesser rate as the City Council may from time to time provide. Such interest shall commence to run from date of entry of the lien in the lien docket.

(5) Assessment error. An error in the name of the owner of the property as listed with the Polk County Assessors Office and the City's utility department, shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

(6) Recovery of Public Costs for On-site Assessment and Clean Up of Property Declared Public Health Nuisance.

(a) If, after service of notice of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean up, the Authorized Representative is authorized to proceed in a prompt manner to initiate the on-site assessment and clean up.

(b) If the city is unable to locate the property owner within ten days of the Declaration of Public Health Nuisance, the city is authorized to proceed in a prompt manner to initiate the on-site assessment and clean up.

(c) The city may abate the nuisance by removing the hazardous structure or building, or otherwise, according to Oregon Revised Statutes Chapter 475.

(d) If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs plus an additional 25 percent of the costs for administration. The city may recover costs by civil action against the person or persons who own the property.

GENERAL

Section 33. SUMMARY ABATEMENT. The procedure provided by this ordinance is not exclusive but is in addition to procedure provided by other ordinances. The Authorized Representative or such other persons as the City Council may designate, may proceed to abate a health or other nuisance that unmistakably exists and from that there is imminent threat or danger to human life or property.

(1) The cost of such summary abatement shall be assessed against the owner of the real property on that the nuisance exists, shall be a lien against the real property and may be enforced and collected by the same procedures set forth in this Ordinance for abatement.

(2) Abatement Notice of Imminent Threat.

a. Upon determination by the City Council that a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City as

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defined in this or any other Ordinance of the city exists, the Authorized Representative, or their designated representative, shall forthwith issue a citation to the property owner who, in the opinion of the Authorized Representative, are determined to be in violation of this Ordinance.

- b. At the time of issuing a citation as set forth above, the Authorized Representative shall contact the Mayor, and in their absence, the Council President, and discuss the issuance of any citation issued by the Authorized Agent, or the Council's designated representative under this Ordinance.
- c. The citation of nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City shall contain:
 - a. Reference to the Section of this Ordinance being violated and a description of the imminent threat.
 - b. A description of the location upon that the violation occurred that may be a street address, a street name between intersecting streets, an approximate distance from a known point of reference, or otherwise, at or on that such imminent threat to the public health, safety or property of the residents of Falls City exists.
 - c. The month, day, year and time of day of the citation.
 - d. A direction to remove the imminent threat to the public health, safety or property of the residents of Falls City within two (2) hours from the time of issuance of the citation.
 - e. A statement that unless such imminent threat to the public health, safety or property of the residents of Falls City is removed within two (2) hours after citation, the city will abate the nuisance and cost of abatement shall be a lien against the property.
 - f. A statement that the person or person in charge may protest the citation and action by giving notice to the Authorized Representative within two (2) hours from the time of citation.

(d) An error in the name or address of the property owner as listed with the Polk County Assessors Office and the City's utility department, shall not make the citation void, and in such a case, the citation shall be deemed sufficient.

(3) Abatement by the Owner of Imminent Threat.

(a) Within two (2) hours after citation as provided in Section 29, subsection (2), the property owner, as listed with the Polk County Assessors office and the City's utility department shall remove and abate the nuisance or protest that no nuisance exists.

(b) The property owner violating this Ordinance shall file with the Authorized Representative a written statement that shall specify the basis for contending that no nuisance exists.

(c) The statement shall be referred to the Authorized Representative during the first regular business day after receipt by the Authorized Representative, and the Authorized Representative shall advise the Mayor of such statement.

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(d) The Mayor shall refer the statement to the council at a special council meeting to be posted and held within three (3) regular business days of filing of the statement with the Authorized Representative. At the time set for the consideration of the abatement, such person or person in charge may appear and be heard by the council, and the council shall, based upon the evidence presented, thereupon confirm whether a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in fact exists and such confirmation shall be entered in the official minutes of the council.

(e) Upon council confirmation that a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in fact exist, the person or person in charge, violating this Ordinance shall within two (2) hours after such council confirmation or two (2) hours after daylight of the next succeeding day, that ever is later, shall remove or abate such nuisance.

(4) Abatement by the City of Imminent Threat.

(a) If within the time fixed, as provided in this Ordinance, the property owner has not abated the nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City, the common council shall cause the imminent threat to be abated.

(b) The Authorized Representative shall maintain an accurate record of the expense incurred by the city in abating the imminent threat and shall include therein an overhead charge of fifteen (15) percent of the total cost for administration.

(c) The total cost, including the administrative overhead, shall thereupon be assessed to property of the person or person in charge as they may own in the City, whether or not said property shall be in the location of the violation of this Ordinance or not, in accordance with procedures set forth in Section 32.

(d) If the person or person in charge does not own property in the City, the City shall file a civil action or suit to enforce the collection of the total cost, including the administrative overhead, as set forth in the resolution described in Section 33, in the appropriate court within Polk County.

Section 34. APPLICATION OF ORDINANCE. The procedure provided by this Ordinance is not exclusive but is in addition to procedures provided by other city ordinances.

Section 35. VIOLATION – PENALTIES. Violation of Sections 3 through 28 shall be punishable upon conviction by a fine not to exceed \$500.00 for a non-continuing violation and a fine of not more than \$1,000 for a continuing offense. Upon the Municipal Court Judge's judgment "Final Judgment" or the issuance of a "Default Judgment" for failure to request a hearing regarding an ordinance violation, additional fines may be assessed at a rate not to exceed \$1000.00 per day for each day an ordinance violation continues. Documentation of a continuing violation may consist of photographic and supplemental reports. The Municipal Court Judge shall have discretion to revise upward or downward to fines based on such factors as non-compliance, partial compliance or acceptance of a court ordered complainance agreement . A

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continuing offense and subsequent proposed fine “Notice of Intent to Assess a Penalty and Opportunity for a Hearing” may also result from failure to comply with a City Ordinance following the receipt of an official “Warning Letter”.

(1) The penalties imposed by this Ordinance are not exclusive and are in addition to any other remedies available under city ordinance or state statute.

(2) The abatement of a nuisance in accordance with the procedure set forth in Section 30 of this Ordinance within ten (10) days after being cited for violation of this Ordinance as set forth in Section 29 of this Ordinance shall not constitute a penalty for a violation of this Ordinance, but may, based upon the determination by the court of jurisdiction, be in addition to any penalty imposed for the violation of the Ordinance.

(3) The abatement of a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in accordance with the procedure set forth in Section 28, Subsection (3) of this Ordinance within two (2) hours after being cited for violation of this Ordinance as set forth in Section 28, Subsection (2) of this Ordinance, shall not constitute a penalty for a violation of this Ordinance, but may, based upon the determination by the court of jurisdiction, be in addition to any penalty imposed for the violation of the Ordinance.

4. A “Notice of Intent to Assess a Penalty and Opportunity for a Hearing” may be issued to violators of City Ordinance in lieu of a citation. Violators/Respondents will be given 21 days in which to request a hearing. The Municipal Court of Falls City will hear all cases in a timely manner. A “Final Judgment” will be issued detailing the court’s ruling and will be mailed to the Violator/Respondent. Should the Violator/Respondent fail to request a hearing within 21 days a “Final Judgment” will be issued as a “default and Final Judgment”.

5. All “Penalties/Fines” resulting from a final judgment or a “Default Final Judgment” will be due and payable to the City of Falls City, Oregon together with interest at 9% per annum.

6. NOTICE OF APPEAL RIGHTS: In accordance with ORS 221.359 whenever any person is convicted in the municipal court of any offense defined and made punishable by any city charter or ordinance, such person shall have the same right to appeal to the circuit court as pertains to justice courts. The appeal shall be taken and perfected in the manner provided by law for taking appeals from justice courts, except that in appeals taken under ORS 221.359 and ORS 221.360, 221.380, ORS 221.390. Any notice of appeal shall be served upon the City Attorney. (all appeals shall be filed within 30 days of the issuance of a “Final Judgment” or “Default Final Judgment”).

7. If unpaid, civil penalties will be recorded by the City Recorder in the Municipal Lien Docket and filed with Polk County, County Clerks’ office as a lien against property ten days after the statutory period.

8. All liens shall be enforced in the same manner as liens for street improvements.

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9. An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void but it shall remain a valid lien against the property.

Section 36. SEPARATE VIOLATIONS.

(1) Each day's violation of a provision of this ordinance constitutes a separate offense.

(2) The abatement of a nuisance is not a penalty for violating this ordinance but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

Section 37. SEVERABILITY. The sections and subsections of this ordinance are severable. It being the intent of the City Council to enact this Ordinance, notwithstanding any parts declared invalid or unconstitutional, if any section, subsection, paragraph, or provisions of this Ordinance is so declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect or invalidate the remaining portions of this Ordinance.

Section 38. EMERGENCY CLAUSE. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the citizens of Falls City, Oregon, an emergency is hereby declared to exist, and this ordinance and sections 4, 5, and 6 (as stated below) shall be in full force and effect immediately upon its passage by the City Council.

(Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

Exhibit B

ORS 35 EMINENT DOMAIN; PUBLIC ACQUISITION OF PROPERTY

LIMITATION OF CONDEMNATION POWER

35.015 Prohibition on condemnation of certain properties with intent to convey property to private party; exceptions.

(1) Except as otherwise provided in this section, a public body as defined in ORS 174.109 may not condemn private real property used as a residence, business establishment, farm or forest operation if at the time of the condemnation the public body intends to convey fee title to all or a portion of the real property, or a lesser interest than fee title, to another private party.

(2) Subsection (1) of this section does not apply to condemnation of:

(a) Improved or unimproved real property that constitutes a danger to the health or safety of the community by reason of contamination, dilapidated structures, improper or insufficient water or sanitary facilities, or any combination of these factors;

(b) Any timber, crops, topsoil, gravel or fixtures to be removed from the real property being condemned; or

(c) Real property condemned for maintenance, improvement, or construction of transportation facilities, transportation systems, utility facilities or utility transmission systems.

(3) Subsection (1) of this section does not prohibit a public body from leasing a portion of a public facility to a privately owned business for the provision of retail services designed primarily to serve the patrons of the public facility.

(4) A public body as defined in ORS 174.109 may at any time publish notice that the public body intends to consider condemnation of a lot or parcel. If the public body publishes notice under this subsection, subsection (1) of this section does not apply for such time necessary to provide the public body reasonable opportunity to condemn the property, if the lot or parcel is conveyed by the owner of the lot or parcel to another private party after the notice is published, but prior to the time the property is condemned.

(5) Subsection (1) of this section does not affect the ability of a public body as defined in ORS 174.109 to make a conveyance of a nonpossessory interest in condemned property for the purpose of financing acquisition of the property.

(6) A court shall independently determine whether a taking of property complies with the requirements of this section, without deference to any determination made by the public body. If a court determines that a taking of property does not comply with the requirements of this section, the owner of the lot or parcel that is the subject of the condemnation proceeding shall be entitled to reasonable attorney fees, expenses, costs and other disbursements reasonably incurred to defend against the proposed condemnation. [2007 c.1 §2; 2009 c.11 §6]

35.018 Severability. If any portion or portions of chapter 1, Oregon Laws 2007, are declared invalid by a court of competent jurisdiction, the remaining portions of chapter 1, Oregon Laws 2007, shall remain in full force and effect. [2007 c.1 §3]

Note: 35.018 was enacted into law but was not added to or made a part of ORS chapter 35 or any series therein by law. See Preface to Oregon Revised Statutes for further explanation.

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Note: Legislative Counsel has substituted "chapter 1, Oregon Laws 2007," for the words "this 2006 Act" in section 3, chapter 1, Oregon Laws 2007, compiled as 35.018. Specific ORS references have not been substituted, pursuant to 173.160. The sections for which substitution otherwise would be made may be determined by referring to the 2007 Comparative Section Table located in Volume 20 of ORS.

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ORS 105.555¹

Places declared nuisances subject to abatement

(1) The following are declared to be nuisances and shall be enjoined and abated as provided in ORS 105.550 (Definitions for ORS 105.550 to 105.600) to 105.600 (ORS 105.550 to 105.600 not to limit authority of cities or counties to further restrict activities):

(a) Any place that, as a regular course of business, is used for the purpose of prostitution and any place where acts of prostitution or patronizing a prostitute occur;

(b) Any place that is used and maintained for profit and for the purpose of gambling or a lottery, as defined in ORS 167.117 (Definitions for ORS 167.108 to 167.164 and 464.270 to 464.530), by any person, partnership or corporation organized for profit and wherein take place any of the acts or wherein are kept, stored or located any of the games, devices or things that are forbidden by or made punishable by ORS 167.108 (Definitions for ORS 167.109 and 167.112) to 167.164 (Possession of a gray machine);

(c) Any place that has been determined to be not fit for use under ORS 453.876 (Determination that property is not fit for use) and that has not been decontaminated and certified as fit for use under ORS 453.885 (Decontamination of property) within 180 days after the determination under ORS 453.876 (Determination that property is not fit for use); and

(d) Any place where activity involving the unauthorized delivery, manufacture or possession of a controlled substance, as defined in ORS 475.005 (Definitions for ORS 475.005 to 475.285 and 475.752 to 475.980), occurs or any place wherein are kept, stored or located any of the devices, equipment, things or substances used for unauthorized delivery, manufacture or possession of a controlled substance. As used in this paragraph, devices, equipment, things does not include hypodermic syringes or needles. This paragraph does not apply to acts that constitute violations under ORS 475.860 (Unlawful delivery of marijuana) or 475.864 (Unlawful possession of marijuana or marijuana product).

(2) Nothing in ORS 105.550 (Definitions for ORS 105.550 to 105.600) to 105.600 (ORS 105.550 to 105.600 not to limit authority of cities or counties to further restrict activities), 166.715 (Definitions for ORS 166.715 to 166.735) and 167.158 (Lottery prizes forfeited to county) applies to property to the extent that the devices, equipment, things or substances that are used for delivery, manufacture or possession of a controlled substance are kept, stored or located in or on the property for the purpose of lawful sale or use of these items. [1989 c.846 §3; 1989 c.915 §24; 1999 c.168 §7; 2005 c.706 §1; 2005 c.708 §43; 2011 c.151 §6]

105.600¹

ORS 105.550 to 105.600 not to limit authority of cities or counties to further restrict activities

The provisions of ORS 105.550 (Definitions for ORS 105.550 to 105.600) to 105.600 (ORS 105.550 to 105.600 not to limit authority of cities or counties to further restrict activities), 166.715 (Definitions for ORS 166.715 to 166.735) and 167.158 (Lottery prizes forfeited to county) shall not be construed to limit the powers of cities and counties to adopt ordinances and regulations that further restrict the activities declared by ORS 105.555 (Places declared nuisances subject to abatement) to be nuisances provided that no such ordinance or regulation shall affect real or personal property unless it is consistent with the provisions of ORS 105.550 (Definitions for ORS 105.550 to 105.600) to 105.600 (ORS 105.550 to 105.600 not to limit authority of cities or counties to further restrict activities), 166.715 (Definitions for ORS 166.715 to 166.735) and 167.158 (Lottery prizes forfeited to county). [1989 c.846 §11]

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AGENDA REPORT

TO: CITY COUNCIL
FROM: DON POE, PUBLIC WORKS AND MAYOR UNGRICHT
SUBJECT: WASTE WATER SYSTEM
DATE: 12/22/2015

SUMMARY

Public Works has identified problems in our Sewer System.

BACKGROUND

With the rain event we experienced in December a few problems have surfaced in our sewer system.

- 1) The Electric Panel is out dated and needs up dating.
- 2) Plumbing in the recirculation tank has multiple problems; the flanges that the pumps sit on are wearing out. Repair requires the draining of tank and welding new flanges onto the pipes, do to working conditions this is a very costly repair. The relays inside the tank are kicking, which leaves us only 2 pumps in operation. It is recommended by our Electrician to pull these outlet boxes and relays out of the vault and add to the electric panel.
- 3) Ini has seemed to increase. Staff has asked Kings Pumping to report problems with tanks when they are being pumped.

PREVIOUS COUNCIL ACTION

Ongoing discussions.

ALTERNATIVES/FINANCIAL IMPLICATIONS

If able to hold job off until after June, we can budget for the repairs. If we need to perform repairs before June, we will need to do a supplemental budget and use Utility Reserve Fund monies.

STAFF RECOMMENDATION

N/A

EXHIBIT

N/A

PROPOSED MOTION

N/A

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AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE, CITY CLERK
SUBJECT: 2015-2017 PLANNING ASSISTANCE GRANT
DATE: 12/23/2015

SUMMARY

Consider authorizing staff to accept contract for the \$1000.00 2015-2017 Planning Assistance Grant.

BACKGROUND

The Department of Land Conservation and Development offers this grant to cities with populations under 2,500 every two years. Approved uses of the grant are listed in *Section 3. Acceptable use of Grant Funds*, on page 2 of the Grant Agreement. The most common use of the funds is to pay for land use planning services.

The City was awarded the \$1,000.00 2013-2015 Planning Assistance Grant. The money was used to pay Mid-Willamette Valley Council of Governments for Land Use Planning.

The City was awarded the \$1000.00 2011-2013 Planning Assistance Grant. The money was used to pay Mid-Willamette Valley Council of Governments for Land Use Planning.

PREVIOUS COUNCIL/COMMITTEE ACTION

Approved staff submitting the grant.

ALTERNATIVES/FINANCIAL IMPLICATIONS

If the City does not approve the contract we lose \$1000.00.

STAFF RECOMMENDATION

Pass Resolution 02-2016

PROPOSED MOTIONS

I move that the City Council of the City of Falls City approve Resolution 02-2016 authorizing a contract for the Department of Land Conservation and Development \$1000.00 2015-2017 Planning Assistance Grant.

RESOLUTION 02-2016

A RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE City of Falls City AND THE STATE OF OREGON DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT.

FINDINGS:

1. The City of Falls City desires to accept a contract with the State of Oregon Department of Land Conservation & Development for the 2015 – 2017 Planning Assistance Grant of \$1,000.00.

NOW THEREFORE;

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

Section 1. The contract, which is attached hereto and incorporated herein by this reference is hereby approved and adopted by this Resolution.

Section 2. This Resolution was duly PASSED and ADOPTED by the Falls City Council this Fourteenth (14) day of January 2016, and takes affect upon signing by the Mayor.

Approved:

Date

Terry Ungricht, Mayor

Attest:

Date

Domenica Protheroe, City Clerk

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Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD

DEC 21 RECD
Doo



DATE: December 18, 2015
TO: City Planning Assistance Grant Recipient
FROM: Rob Hallyburton, Community Service Division Manager
RE: 2015-2017 Planning Assistance Grant Payment

The department has authorized payment for your jurisdiction's Planning Assistance Grant in the amount of \$1,000. The check and a signed copy of the agreement are enclosed. The grant is funded with state general funds.

Please submit the 2015-2017 Planning Assistance Grant Closeout Report (attached to the grant agreement) on or before April 28, 2017. Please mail your grant closeout report to:

Grant Administrative Specialist
Department of Land Conservation and Development
635 Capitol Street N.E., Suite 150
Salem, Oregon 97301-2524
DLCD.GFGrant@state.or.us

Your closeout report will fulfill the requirements of the grant. This memorandum constitutes acknowledgement of the execution and closeout of the grant.

If you have any questions, please contact me at 503-934-0018.

Enclosure

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STATE OF OREGON
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT



2015-2017 PLANNING ASSISTANCE GRANT

AGREEMENT COVER SHEET	
This cover sheet is informational and not a part of the agreement	
Offer Date: 10/22/2015	Grant No. PA-17-040
Grantee City of Falls City 299 Mill St. Falls City, Oregon 97344	DLCD Grant Manager Larry French, Grants Administrative Specialist 503-934-0054 DLCD.GFGrant@state.or.us
GRANT AMOUNT: \$1,000	CLOSING DATE: April 28, 2017

INSTRUCTIONS – READ CAREFULLY

In order to receive this grant, Grantee must sign this Agreement and scan it and e-mail it to DLCD at DLCD.GFGrant@state.or.us by November 30, 2015. Alternatively, the signed Agreement may be mailed to:

Larry French, Grants Administrative Specialist
Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, OR 97301

If the Agreement is not signed and returned without modification by Grantee by the due date, DLCD may withdraw the grant offer. Upon receipt of the signed Agreement, the DLCD Grant Program Manager will countersign the Agreement and return an electronic file containing the executed Agreement to Grantee with a payment voucher for the grant amount as listed in the Grant Amount box above, to the address provided above.

STATE OF OREGON
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
2015-2017 PLANNING ASSISTANCE GRANT
AGREEMENT

DLCD Grant Number: PA-17-040

City of Falls City

This agreement ("Agreement") is made and entered into by and between the State of Oregon, acting by and through its Department of Land Conservation and Development, hereinafter referred to as "DLCD," and City of Falls City, hereinafter referred to as "Grantee," and collectively referred to as the "Parties."

1. **Effective Date and Availability of Grant Funds.** This Agreement is effective on the date on which every party has signed this Agreement ("Effective Date"). Unless earlier terminated or extended, this Agreement expires April 28, 2017 ("Closing Date"). Grant Funds under this Agreement are available for eligible costs incurred beginning on the Effective Date and ending on the Project End Date provided in Exhibit A.
2. **Agreement Documents.** The Agreement consists of this document and the following pages, all of which are attached hereto and incorporated by reference:
3. **Grant Funds.** The maximum, not-to-exceed, grant amount that the DLCD will pay to Grantee is \$1,000. Disbursements will be made only in accordance with the schedule and requirements contained in this Agreement.

Components of the agreement are listed below:

- Planning Assistance Grant Award Conditions
- Attachment: Closeout Report and Instructions

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**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT PLANNING
ASSISTANCE GRANT AGREEMENT**

AWARD CONDITIONS

Subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and contingent upon funds being appropriated therefore, Grantee agrees to the provisions below.

1. **Acknowledgment.** All reports, studies, and other documents produced in whole or in part under this grant must indicate on the cover or title page an acknowledgment of the financial assistance provided by DLCD.
2. **Final Products.** Grantee shall provide copies of all final products produced under this grant to DLCD upon request. Grantee shall describe final products in the Grant Closeout Report. DLCD may display products on its website.
3. **Acceptable use of grant funds.** Grant funds may be used by Grantee to accomplish and carry out one or more of the following:
 - a. Paying the salary of an employee or the fee of a contractor for day-to-day administration of the Grantee's planning program, including but not limited to: answering planning and zoning questions; providing planning and zoning information; carrying out administrative actions such as zone changes, permits, land divisions, and similar ministerial and quasi-judicial actions; updating application forms; and enforcing local zoning regulations.
 - b. Preparing for meetings such as planning commission, city council, and board of commissioners for planning and zoning related matters. Examples include postage, copying, paper, notices, and other documents.
 - c. Creating, updating, amending, or codifying all or a part of a comprehensive plan, land use regulations, or other planning studies or reports.
 - d. Collecting data and conducting inventories and studies related to comprehensive plan elements, land use regulations, development codes, zoning ordinances.
 - e. Updating and reprinting maps, inventory data, and plan documents.
 - f. Developing and implementing a public facility financing plan.
 - g. Supporting citizen involvement programs and activities.
 - h. Developing and conducting public workshops on planning and zoning.
 - i. Developing, amending, or implementing intergovernmental coordination programs or agreements.
 - j. Developing and implementing a dispute resolution program.
 - k. Training in land use planning for local elected and appointed officials, staff, and citizens on land use planning.
 - l. Purchasing maps, aerial photos, GIS products, or mapping software.
 - m. Other planning activities or products pre-approved by DLCD.
4. **Excluded uses of grant funds:** The grant funds may not be used for office equipment or other types of hardware such as desks, tables, chairs, cabinets, appliances, computers,

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printers, photo copiers, digital equipment, vehicles, outdoor supplies, beautification projects, and other business supplies. Grant funds may not be used by the grantee for legal or administrative costs associated with defending the grantee or other grantees from decisions made by the Land Conservation Development Commission or DLCD. Grant funds may not be used for legal or administrative costs associated with Measure 37 or Measure 49 costs incurred by Grantee.

5. **Closeout report.** Grantee shall submit a Closeout Report to DLCD within thirty (30) days of the Closing Date. The closeout report for Planning Assistance grants is attached to the Agreement.
6. **Subsequent funding.** Eligibility for subsequent funding is contingent upon timely receipt of the Closeout Report by DLCD.
7. **Unexpended Funds.** Grantee will return all unexpended grant funds to DLCD with submission of the Closeout Report.
8. **Payment.** All grant funds will be disbursed upon execution of the Agreement.
9. **DLCD Funds.** DLCD certifies that at the time this grant is written sufficient funds are available and authorized.
10. **Reporting.** At any time during the grant period, when requested by the DLCD grant manager, Grantee shall provide a written report on the status and progress of work performed under this grant.
11. **Penalty.** Payments to Grantee may be withheld, reduced, or reverted if DLCD determines that work performed under the grant is unsatisfactory, based on the best professional judgment of the DLCD Grant Manager, or if one or more terms or conditions of this agreement have not been met.
12. **Indemnity.**
 - a. **General Indemnity.** Subject to Limitation of State of Oregon Constitution and State of Oregon Tort Claims Act. Grantee shall indemnify and defend the State of Oregon and DLCD and their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever, including attorney fees, arising out of, or relating to the acts or omissions of Grantee or its officers, employees, subcontractors, or agents under this Agreement.
 - b. **Indemnity for Infringement Claims.** Subject to Limitation of State of Oregon Constitution and State of Oregon Tort Claims Act. Without limiting the generality of section 12.a, Grantee expressly agrees to defend, indemnify, and hold DLCD, the State of Oregon and their agencies, subdivisions, officers, directors, agents, and employees harmless from any and all claims, suits, actions, losses, liabilities, costs, expenses, including attorney's fees, and damages arising out of or related to any claims that the Product(s) or any other tangible or intangible items delivered to DLCD by Grantee that

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may be the subject of protection under any state or federal intellectual property law or doctrine, or DLCD's use thereof, infringes any patent, copyright, trade secret, trademark, trade dress, mask work, utility design, or other proprietary right of any third party; provided, that State shall provide Grantee with prompt written notice of any infringement claim.

- c. **Control of Defense and Settlement.** Grantee shall have control of the Defense and Settlement of any claim that is subject to sections 12.a or 12.b; however, neither Grantee nor any Attorney engaged by Grantee shall defend the claim in the name of the State of Oregon or any Agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its Agencies, without first receiving from the Oregon Attorney General, in a form and manner determined appropriate by the Attorney General, Authority to Act as Legal Counsel for the State of Oregon, nor shall Grantee settle any claim on behalf of the State of Oregon without the Approval of the Attorney General. the State of Oregon may, at its election and expense, assume its own defense and settlement in the event that the State of Oregon determines that grantee is prohibited from defending the State of Oregon, or is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue and the State of Oregon desires to assume its own defense.

13. **Recovery of Grant Moneys.** Any Grant moneys disbursed to Grantee under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement ("Misexpended Funds") or that remain unexpended on the earlier of termination or expiration of this Agreement must be returned to DLCD. Grantee shall return all Misexpended Funds to DLCD promptly after DLCD's written demand and no later than 15 days after DLCD's written demand. Grantee shall return all Unexpended Funds to DLCD within 14 days after the earlier of expiration or termination of this Agreement."

14. **Termination:**

- a. **DLCD's Right to Terminate at its Discretion.** At its sole discretion, DLCD may terminate this Agreement:
 - i. **For its convenience** upon thirty (30) days' prior written notice by DLCD to Grantee;
 - ii. **Immediately upon written notice** if DLCD fails to receive funding, appropriations, limitations, allotments or other expenditure authority at levels sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, pay for the Product(s) or Task(s) hereunder; or
 - iii. **Immediately upon written notice** if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that the DLCD's financial assistance under this Grant Agreement is prohibited or DLCD is prohibited from paying for the Product(s) or Task(s) hereunder from the planned funding source.

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- b. **DLCD's Right to Terminate for Cause.** In addition to any other rights and remedies DLCD may have under this Agreement, DLCD may terminate this Agreement immediately upon written notice by DLCD to Grantee, or at such later date as DLCD may establish in such notice, or upon expiration of the time period and with such notice as provided below, upon the occurrence of any of the following events:
- i. **Grantee is in default** because Grantee institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis;
 - ii. **Grantee is in default** because Grantee commits any material breach or default of any covenant, warranty, obligation or Agreement under this grant Agreement, fails to perform any of its obligations under this grant Agreement within the time specified herein or any extension thereof, or so fails to pursue its work hereunder as to endanger Grantee's performance under this grant Agreement in accordance with its terms, and such breach, default or failure is not cured within fourteen (14) calendar days after DLCD's notice, or such longer period as DLCD may specify in such notice.
- c. **Grantee's Right to Terminate for Cause.** Grantee may terminate this Agreement with written notice to DLCD upon the occurrence of the following events:
- i. **DLCD is in default** because DLCD fails to pay Grantee any amount due pursuant to the terms of this Agreement, and DLCD fails to cure such failure within thirty (30) calendar days after Grantee's notice or such longer period as Grantee may specify in such notice; or
 - ii. **DLCD is in default** because DLCD commits any material breach or default of any covenant, warranty, or obligation under this Agreement, fails to perform its commitments hereunder within the time specified or any extension thereof, and DLCD fails to cure such failure within thirty (30) calendar days after Grantee's notice or such longer period as Grantee may specify in such notice.
- d. **Return of Property.** Upon termination of this Agreement for any reason whatsoever, Grantee shall immediately deliver to DLCD all of DLCD's property (including without limitation any Product(s) or Task(s) for which DLCD has made payment in whole or in part) that is in the possession or under the control of Grantee in whatever stage of development and form of recordation such property is expressed or embodied at that time. Upon receiving a notice of termination of this Agreement, Grantee shall immediately cease all activities hereunder, unless DLCD expressly directs otherwise in such notice of termination. Upon DLCD's request, Grantee shall surrender to anyone DLCD designates, all documents, research or objects or other tangible things needed to complete the Product(s) or Task(s).
- e. **Termination under Section 14** shall be without prejudice to any claims, obligations, or liabilities either party may have incurred prior to such termination.

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15. **Failure to Comply:** If a party fails to comply with any of the requirements or conditions of this Agreement, the other may, without incurring liability, refuse to perform further pursuant to this Agreement. DLCD shall make no further reimbursement to Grantee and Grantee shall upon demand by DLCD promptly repay DLCD all unexpended grant funds and grant funds expended in breach of this Agreement.
16. **Accounting and Fiscal Records:** Using standard accepted accounting and fiscal records, the Grantee shall maintain records of the receipt and expenditure of all funds subject to this Agreement for a period of six (6) years after the Closing Date, or for such longer period as may be required by applicable law or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later. Accounting records related to this Agreement will be separately maintained from other accounting records.
17. **Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between DLCD (or any other agency or department of the State of Oregon) and Grantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County in the State of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.
18. **Closeout report:** The Grantee shall submit a closeout report to DLCD within thirty (30) days after termination of the grant or the Closing Date of this Agreement whichever is earlier.
19. **Closeout Payment:** Reimbursement up to the total amount of remaining grant funds will be made upon submittal of all required Product(s), up to and including those required for the final reimbursement, and a signed DLCD closeout form acceptable to DLCD. DLCD shall authorize payment to the Grantee within ninety (90) days of such submittal for all required Product(s) or Task(s) that are accepted by the DLCD Grant Manager after review for compliance with the Agreement.
20. **Closeout Penalty:** DLCD reserves the right to reduce or withhold final payment if a closeout report is submitted to DLCD after the thirty (30) days, as referenced in Section 10.
21. **Subsequent funding:** Eligibility for subsequent funding to the Grantee is contingent upon receipt of the closeout report as referenced in Section 17.
22. **Audit:** The Oregon Secretary of State, Attorney General of the State of Oregon and the Director of DLCD or any other duly authorized representative of DLCD shall have access to

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and the right to examine any records of transactions related to this Agreement for six (6) years after the final reimbursement under this Agreement is authorized by DLCD.

23. **Appropriate use of funds:** Grant funds shall not be used for any purpose other than for completing the Project in accordance with the Project Description and Budget in Attachment A.
24. **Amendments:** Amendments must be facilitated by the DLCD Grant Manager. An amendment to this Agreement may be initiated at any time during the grant period, but must be received at the DLCD Salem Office at least ninety (90) days prior to the Closing Date and be signed by all parties on or before sixty (60) days prior to the Closing Date.
25. The persons signing this Agreement represent and warrant that they have the power and authority to enter into this Agreement. By signing the document, Grantee agrees to comply with the terms of this Agreement.

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DLCD Planning Assistance Grant Information and Signature Page

This grant, approved by the Director of DLCD, acting on behalf of the Land Conservation and Development Commission, constitutes an obligation of funds in return for the work described herein. By signing the document, Grantee agrees to comply with the provisions contained in and attached to this Agreement. Upon acceptance by Grantee, the signed Agreement shall be returned to DLCD.

The persons signing this Agreement represent and warrant that they have the power and authority to enter into this Agreement. By signing the document, Grantee agrees to comply with the terms of this Agreement.

Grantee Jurisdiction Name		E-mail Address	
City of Falls City		Mayorungricht@falls-city-oregon.gov	
Mailing Address, City, State, Zip code			
299 Mill Street, Falls City, Oregon 97344			
Telephone Number		Fax Number	
503.787.3631		503.787.3023	
Print Name of Authorized Official For the Grantee		Title	Date
Signature of Authorized Official For the Grantee			
Terry Ungricht		Mayor and City Manager	11/16/2015
Terry Ungricht			
Print Name of Authorized Official for DLCD		Title	Date
Signature of Authorized Official for DLCD			
Rob Hallyburton		Grant Program Manager	12/7/15
Rob Hallyburton			

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AGENDA REPORT

TO: COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: COMMITTEE APPOINTMENTS
DATE: 1/30/2015

SUMMARY

The City has an application to fill a vacancy on the Historic Landmark Commission.

BACKGROUND

Staff received an application from Guy Mack to be re-appointed to the Historic Landmark Commission. Mr. Mack's position on the Commission expired on 12/31/2015 and he would like to keep serving on the Commission. If Council elects to re-appoint Mr. Mack we will still have one vacancy on this Commission.

PREVIOUS COUNCIL ACTION

Council discussed committee appointments at the last meeting.

ALTERNATIVES/FINANCIAL IMPLICATIONS

There are no fiscal impacts.

STAFF RECOMMENDATION

N/A

EXHIBIT

Committee applications.

PROPOSED MOTION

I move the Falls City Council grant its consent to appoint Guy Mack to the Historical Landmark Commission.



Application for Committees

City of Falls City

299 Mill Street, Falls City, Oregon 97344

REC 20 REC'D

Instructions: Fill out both sides of form and submit to City Hall.

Contact Information

Name:	Guy MACH
Street Address:	
Mailing Address:	848 PARIZY ROAD
City/State/Zip Code:	FALLS CITY OR 97344
Home Phone:	503.787.3721
Work Phone:	
E-Mail Address:	grmzuze@gmail.com

Background

Years of Residence in Falls City:	66
Place of Employment:	RETIRED
Occupation:	
Educational Background:	B.S. HISTORY O.S.U.
Prior Civic Activities:	SPRING CLEAN RIVER CLEAN PUBLIC WORKS COMMITTEE BUDGET COMMITTEE HISTORIC LANDMARK COMMISSION

Committees of Interest

Please check all of the following Committees that interest you:

- Budget Review Committee
- Planning Commission
- Parks and Recreation Committee
- Public Works Committee
- Historic Landmark Commission
- Economic Development Committee

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*Please continue to reverse side of form for completion.

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Committees to which you are applying.

LIFETIME RESIDENT WITH MANY YEARS OF VOLUNTEER WORK.
NO SPECIAL SKILLS BUT A STRONG DESIRE TO SEE
FALLS CITY SUCCEED.

Motivation

Discuss your motivation for serving on this Committee.

Really like our LITTLE TOWN

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon.

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Guy R Mach
Signature	Guy R Mach
Date	12/29/2015

Thank you for completing this application form and for your interest in volunteering with us.

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: OLCC LICENSE RENEWALS
DATE: 01/04/2016

SUMMARY

Oregon Liquor Control Commission (OLCC) gives municipalities an opportunity to comment on liquor license renewals.

BACKGROUND

OLCC liquor licenses will expire on March 31, 2016. In Falls City, three businesses have state liquor licenses. Oregon Revised Statute (ORS) 471.166 establishes a process for local governments to make recommendations to the OLCC before a license is renewed. State statutes also require OLCC to notify businesses of the renewal application or processing fees charged by the local community. Falls City has a \$25.00 renewal fee for on and off premise.

In Falls City, there are three businesses that have an OLCC license. They include; Frink's General Store, The Boondocks (off and on premises), and The Bread Board. Staff can cite no reason why Council would request extra time to further investigate the renewal requests or to make an unfavorable recommendation for the businesses.

PREVIOUS COUNCIL ACTION

None.

ALTERNATIVES/FINANCIAL IMPLICATIONS

4 x \$25.00 fee.

STAFF RECOMMENDATION

Staff recommends that Council direct staff to write a renewal recommendation for all three Falls City businesses on the state's list.

EXHIBIT

Exhibit A – OLCC Letter and Business List.

PROPOSED MOTIONS

I move the City Council direct staff to write a liquor license renewal recommendation to OLCC for Frink's General Store, The Boondocks, and The Bread Board.

City of Falls City
FALLS CITY
299 Mill Street
Falls City, OR 97344-9800

RENEWAL NOTIFICATION PROCESS

It's time again for liquor license renewals in your area. Liquor licenses are due to expire **3/31/2016**. Attached is the list of licensees who are required to submit their renewal application to local government for comment. According to our records you charge:

\$25.00 Renewal Fee for ON-PREMISES \$25.00 Renewal Fee for OFF-PREMISES

We told applicants to mail your local government fees to the address on this letter.
PLEASE NOTIFY US IMMEDIATELY IF THE FEE(S) OR ADDRESS ARE INCORRECT

HOW TO MAKE A RECOMMENDATION

You have until **3/3/2016** to make your recommendation. Below are your options for renewals:

RECOMMEND APPROVAL

1. **DO NOTHING.** If you do not submit a recommendation by **3/3/2016**, the OLCC will process the renewal application as a favorable recommendation.

RECOMMEND DENIAL (see additional information on page 2)

1. File an unfavorable recommendation, stating the grounds for the unfavorable (must meet the denial criteria on back of form); OR

Make a written request for additional time to complete an investigation. The request must state: 1) you are considering making an unfavorable recommendation; 2) the specific grounds being considered. **The grounds must be one referenced in Oregon Administrative Rule 845-005-0308(3).** If your request is granted you will be given a 45-day extension to file your unfavorable recommendation. Unfavorable means recommending denial of a license or requesting restrictions be placed on a license.

If you need assistance or would like to discuss a specific application, please contact your local OLCC office for help. Please send renewal recommendation correspondence to OLCC.Renewals@oregon.gov or OLCC License Renewals, P.O. Box 22297, Portland, OR 97269-2297. If you have questions, contact our license renewal section at 503.872.5138 or toll free at 1.800.452.6522 ext 5138.

REASONS WE MAY DENY OR RESTRICT A LICENSE
ORS 471.313(4)(5), OAR 845-005-0320, 845-005-0321, 845-005-0322
845-005-0325, 845-005-0326(4)(5) or 845-005-0355

The following is a list of problems relating to the **APPLICANT** or **BUSINESS** that OLCC can consider to refuse or restrict a license:

1. Applicant has a habit of using alcohol or drugs to excess
2. Applicant makes a false statement to OLCC (must be related to a refusal basis)
3. Applicant has been convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license
4. Applicant has demonstrated poor moral character
5. Applicant has a poor record of compliance when previously licensed by OLCC
6. Applicant is not the legitimate owner of the business
7. The business has a history of serious and persistent problems at this location. The problems can include:

- obtrusive or excessive noise, music or sound vibrations
- public drunkenness
- fights or altercations
- harassment
- unlawful drug sales
- alcohol or related litter

OLCC is not able to consider the following issues when deciding to renew a liquor license:

- lack of parking
- increase in traffic
- too many licenses in a specific area (saturation)
- entertainment type - nude dancing, gambling, live bands, etc.
- increased noise
- zoning issues

Visit www.oregon.gov/olcc/ to see the full text of ORS and OAR referenced above. In order for an unfavorable recommendation from a local government to be valid, the grounds must be found in the license refusal bases of ORS 471.313(4), 471.313(5), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325 or 845-005-0326(4)(5) or the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

District 2 Renewals

License No./ Premises No.		Tradenname/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic. 216852		FALLS CITY HOME TOWN GROCERY	319 N MAIN	
Prem. 13822		UNITED MARKET 777 INC O - OFF-PREMISES SALES	FALLS CITY, OR 97344 503-787-3311	
Lic. 215350		FRINK'S GENERAL STORE	401 N MAIN ST	
Prem. 49261		CATHY L. FRINK O - OFF-PREMISES SALES	FALLS CITY, OR 97344 503-787-3535	
Lic. 227203		FRINK'S GENERAL STORE	319 N MAIN ST	
Prem. 54780		CATHY L. FRINK O - OFF-PREMISES SALES	FALLS CITY, OR 97344 503-787-8036	
Lic. 216057		THE BOONDOCKS	318 N MAIN ST	PO BOX 81
Prem. 37476		LOAJEANS LLC F-COM - FULL ON-PREMISES SALES	FALLS CITY, OR 97344 503-787-2700	FALLS CITY, OR 97344
Lic. 223739		THE BOONDOCKS	318 N MAIN ST	PO BOX 81
Prem. 37476		LOAJEANS LLC O - OFF-PREMISES SALES	FALLS CITY, OR 97344 503-787-2700	FALLS CITY, OR 97344
Lic. 218620		THE BREAD BOARD	404 N MAIN ST	
Prem. 48292		THE BREAD BOARD LLC L - LIMITED ON-PREMISES SALES	FALLS CITY, OR 97344 503-787-1817	

Count for FALLS CITY 6

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: COUNCIL GOALS SETTING SESSION
DATE: 01/04/2016

SUMMARY

Each year Council sets goals before the Budget process begins.

BACKGROUND

Council has discussed the 2016 goals setting session at the last meeting. Council directed staff to set a meeting date and to do the goals setting with just City staff as presenters.

Staff feels that scheduling for two evenings will be sufficient. Staff asks all Councilor's to bring their schedules to the meeting and help set up dates that will be convenient for all Councilors.

PREVIOUS COUNCIL ACTION

None.

ALTERNATIVES/FINANCIAL IMPLICATIONS

None

STAFF RECCOMENDATION

N/A

EXHIBIT

N/A

PROPOSED MOTIONS

N/A

JANUARY MONTHLY REPORT

We experienced a major storm event in December, over 8 inches of rain in one day. The Dutch crossing washed out again, I was in Coos Bay at the budget class, but Public Works was able to coordinate with Weyerhaeuser and get the road open again. We also had a culvert blow out on Bryant and 5th Street, Public Works repaired the street, culvert, and rebuild a washed out driveway. The Governor declared Polk County an emergency site and I worked with Mr. Bender, County Emergency coordinator, to give estimates on the damage that Falls City experienced. When I last talked with Mr. Bender, he did not think we would have the amount of damage to meet the emergency declaration under FEMA rules. I then talked with Mr. Whittaker with the County, he was going to meet with Mr. Bender and show a few road wash outs, with Dutch Creek being one of them, to see if these recurring sites would meet the threshold for FEMA financing to rebuild. This would mean that we could possibly get Federal emergency management dollars to replace the Dutch Creek crossing, fingers crossed.

The Polk County Itemizer had a great article on the possibility of the State Legislature taking up legislation on funding a police officer. They interviewed Representative Gomberg and they committed to researching a bill to be put forward in the 2017 session. We need to keep pressure on that a bill is followed up on, letters to Representative Gomberg would be a huge help.

I also will be meeting with a representative from Regional Solutions, which is a group from the Governor's office that tries to coordinate help to Cities and Counties that are experiencing problems. I will try and encourage them to support, in the Governor's budget would be great, legislation that will fund a police officer. I will also talk with them on code enforcement, sewer, and streets, basically Oregon small City infrastructure problems.

We had the kick off meeting for the Master Water Plan; staff has been very busy gathering information to help the Engineers collect all the information they will need for a successful plan that will guide us for the next 20 years. I notified the USDA to pull the SEARCH grant, it was not a good fit for the Master Water Plan work we are currently doing, but once projects have been decided on by Council, we will resubmit for the environmental studies needed for any construction projects.

I attended a FEMA fire fighter grant class with Lori from the Fire Department. We were planning on submitting grants for new radios and pagers, the departments are getting very old, and a grant for breathing equipment. Talking with Fred, the chief of Southwest and Dallas Fire Departments, he said that he would like to put them in on regional bases. So as of right now, Southwest will be doing the coordinating work on submitting those grants. I still need to try and get with Chief Young to make sure that this is still his preferred way. Applying for the grants

on a regional bases gives us a lot more land area and call numbers, but it does take away the budget advantages we have with funding are own Department. These grants are due by 1/15/2016. I plan to meet with the Department and see about setting up a small group to handle submitting grants. This would allow members of the Department to understand the information needed, help me with the unique language of fire fighters, and give more eyes reviewing the final product before it is submitted. We were able to get the items ordered under the wildland fires grant and the grant administer was happy (so far) with the documentation we provided for repayment. A big part of grants is having the money to pay for the granted items, it sometimes takes a few months to be reimbursed, so we need to try and identify what the Department needs, how much it will cost, and set aside the money in the budget process.

The State of Oregon is running a new service for first time budget officers that will form a group that will work with State Budget employees to help draft the City, County, or District budgets. I applied for one of the spots and was accepted, it was only open to around a dozen applicants. We will be meeting in McMinnville at the end of the month to start the process. While each body has a distinct budget, this group will help make sure that all of the laws are followed in the budgetary process. I am excited to be accepted, it relieves a worry I had with doing my first budget.

While HBH Engineering was out, I had Mike check out the South Main paving project. He was able to give us some ideas on moving forward on the planning. We would like to try and add around \$30,000 to the \$50,000 small city allotment grant and dig out about 150 feet of the street starting at bridge street, bring in new rock, pack the rock, add a water drain, then pave it. The more we are able to do in house the farther we can spread pavement, but it is difficult with just 2 Public Works employees. Then we would like to jump down to the intersection of Leopard Street and lay a fabric down and do a two inch over lay, this intersection is in desperate need, if we don't do something it will crumble away to nothing.

I will be meeting with the new Polk Sheriff on the 8th of January. I will report on the direction of our conversation at the meeting.

MONTHLY EXPENSE REPORT

MAYOR UNGRICHT

12/02/2015: 25 Miles, Monmouth Bank.

12/06-08/2015: 382 Miles, Coos Bay for Budget training.

12/09/2015: 25 Miles, Monmouth Bank.

12/10/2015: 22 Miles, Dallas P/W truck tire repair.

12/11/2015: 47 Miles, Dallas Polk Co. Breakfast, Monmouth Bank.

12/15/2015: 25 Miles, Monmouth Bank.

12/23/2015: 47 miles, Dallas Corky's boots, Monmouth Bank.

12/29/2015: 25 Miles, Monmouth, Bank.

Total Miles 598 Miles x .575 cents = \$343.85

114

December 2015 Staff Report

- Tues 1: Routine water and sewer. Power outage, started generators at water treatment plant. Worked on UV flow meter.
- Wed 2: Routine water and sewer. Cleaned Glaze Cr. intakes. Flow adjustment at water treatment plant. Graveled 6th St.
- Thu 3: Routine water and sewer. Took water and sewer samples. Cleaned UV system. Meeting with engineers from HBH about Water Master Plan.
- Fri 4: Routine water and sewer. Cleaned UV system. Prepped for meter installation.
- Sat 5: Routine water and sewer.
- Sun 6: Routine water and sewer.
- Mon 7: Routine water and sewer. Heavy rain, sewer, water, and streets. Mitchell St. culverts plugged and over the road.
- Tue 8: Routine water and sewer. Heavy rain, Weyerhaeuser unplugged Mitchell St. culverts. Worked on unplugging culvert on Bryant St. and 5th St.
- Wed 9: Routine water and sewer. Went into Glaze Cr. intake. Put Water Treatment Plant online after storm. County jetted out culvert on Bryant St. Repaired drive-way on 5th St. damaged by overflowing culvert.
- Thu 10: Routine water and sewer. Dallas for gas and tire repair. Tire was unrepairable, got a new one from Walmart. Put a new sign on Park St. Water treatment plant flow adjustment.
- Fri 11: Routine water and sewer. Put sign on Park St. after concrete set up. Cleaned UV system at water treatment plant.
- Sat 12: Routine water and sewer.

- Sun 13: Routine water and sewer.
- Mon 14: Routine water and sewer. Dallas for gas, Van Well's for cold patch to repair intersection of S. Main St.
- Tue 15: Routine water and sewer. Hauled gravel and graded West Blvd, First Ave, and Clark St.
- Wed 16: Routine water and sewer. Installed 2" meter at Green Haven RV Park. Delivered shut-offs.
- Thu 17: Routine water and sewer. More heavy rain. Meeting with Weyerhaeuser logging on Chamberlain Rd. Worked on gravel filter at the Water Treatment Plant.
- Fri 18: Routine water and sewer. Made flow adjustment at Water Treatment Plant. Worked on Dutch Cr. intakes and road.
- Sat. 19: Routine water and sewer. Problems at water treatment plant, pump switch over.
- Sun 20: Routine water and sewer.
- Mon 21: Routine water and sewer. Power outage on south side of town. Generator at Carey Ct. Power restored at 12:00pm. Dallas for gas.
- Tue 22: Routine water and sewer. Intakes, didn't have shut-offs because of holidays.
- Wed 23: Routine water and sewer. Ran grader on Montgomery St. Flat tire on dump truck, repaired it. Repaired tail light on dump truck.
- Thu 24: Routine water and sewer. Worked half day, maintenance on equipment. Graded Clark St.
- Fri 25: Routine water and sewer. Holiday.
- Sat 26: Routine water and sewer.
- Sun 27: Routine water and sewer.

Mon 28: Routine water and sewer. Meter readings.

Tue 29: Routine water and sewer. Rereads on meters because of mistakes.
Water treatment plant end of month paperwork,

Wed 30: Routine water and sewer. Finished reading meters. Grading and
graveling roads on north side of town.

Thu 31: Routine water and sewer. Half day. Went to Van Well's for stakes to
mark graves at cemetery.

Library Director Report
December 2014

Attendance total for the public library December 2014: 188. This is broken down into Adults: 109 and Youth: 79 regular hours. Adults and youth participated in a holiday craft project involving teenage mutant ninja turtle ornaments.

This month was unusual in logging closures for training during the computer system conversion (2) and also for the library director's illness (2). The Wagner Library closed for an additional seven days between Christmas and New Years.

At the elementary library, the kindergarden students have started a thematic story segment. I am happy to report that the elementary circulation program has been retrieved.

Linda Johnstone, Library Consultant, Willamette ESD will be concentrating on the elementary school collection and increasing library usage from grade school up in early January. A newly established magazine exchange rack is getting a certain amount of usage. The Library Advisory Board meets on the first Tuesday of the month at 1:30 p.m. A school board member would be welcomed on that committee.

The Wagner Community Library has engaged in conversations re: recruiting an intern from Western Oregon University in early January and has a signed contract for a volunteer courier. Several enrichment activities are under consideration including converting local history documents. The library has also been actively recruiting speakers for the careers event in February. Additionally, to promote clean up efforts, mark your calendars for a 1/31/15 BOOK SALE. The library will be celebrating Dr. Seuss' birthday on 2/28/15.

Respectfully submitted,

Cynthia Hovind
Library Director