

Notice of Public Meeting

City Council Meeting

AGENDA

CITY COUNCIL - CITY OF FALLS CITY, OREGON

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

Thursday July14, 2016 6:00 p.m.

Posted on July8, 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 1-4
B. Approval of May 12, 2016 Council Meeting Minutes.....pages 5-34
C. Approval of June 29, 2016 Work Session Minutes.....pages 35-42
- 5) **Public Comments:** Citizens may address the Council or introduce items for Council consideration on any matters. Council may not be able to provide an immediate answer or response, but may direct staff to follow up on any questions raised. Out of respect to the Council and others in attendance, please limit your comment to five (5) minutes. Please state your name and city of residence for the record.
- 6) **New Business:**
A. Emergency Preparedness Group..... pages 43-64
B. Water Service Connection..... pages 65-69
C. Green Haven RV Park..... pages 70-81
D. Resolution 14-2016, Tap out agreement..... pages 82-93
E. Resolution 15-2016, Radio Communication Services agreement..... pages 94-102
F. Wagner Library Discussion pages 103
G. Notice of violation, 26 and 10 South Main..... pages 104-143
- 7) **Correspondence, Comments, and Ex-Officio Reports**
A. Mayor Report..... pages 144-145
B. Council Reports
 Polk County Sheriff Garton's report.....pages 146
 Fire Department Monthly Report, January through May.....pages 147-149
 Public Works Department Monthly Reportpages 150-151
 Library Monthly Reportpages N/A
- 8) **Council Announcements**
A. Next regular City Council meeting August 11, 2016 at 6:00 p.m.
- 9) **Adjourn**

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City of Falls City
Paid Bills Report
 As of June 8, 2016

	Date	Memo	Account	Class	Amount
Buhler & Meyer CPA's LLP	06/08/2016	May	Accounts Payable		-346.40
	06/08/2016	35% Admin, April	Professional Services	01 GENERAL FUND:01.01 Administrativ	121.24
	06/08/2016	5% Court	Professional Services	01 GENERAL FUND:01.04 Municipal C	17.32
	06/08/2016	10% Street	Professional Services	11 STREET FUND	34.64
	06/08/2016	15% Sewer	Professional Services	13 SEWER FUND	51.96
	06/08/2016	35% Water	Professional Services	20 WATER OPERATING FUND	121.24
					0.00
Total Buhler & Meyer CPA's LLP	06/08/2016	INV# 201605231726, 4203	Accounts Payable		-740.00
	06/08/2016	INV# 201605231726 May	Streets Maintenance/Repair	11 STREET FUND	300.00
	06/08/2016	INV#4203, fire truck repair	Equipment Maintenance/Repair	01 GENERAL FUND:01.07 Fire Departr	440.00
					0.00
City of Dallas	06/08/2016	inv#2303694	Accounts Payable		-1,610.26
	06/08/2016	70% inv#2303694, 911	911 Fee - Fire Department	01 GENERAL FUND:01.07 Fire Departr	1,127.18
	06/08/2016	30% inv#2303694	911 Fee - Law Enforcement	01 GENERAL FUND:01.01 Administrativ	483.08
					0.00
Total City of Dallas	06/08/2016	Statement 05 31	Accounts Payable		-55.16
	06/08/2016	Statement 05 31	Vehicle Maintenance/Repair	13 SEWER FUND	55.16
					0.00
City of Salem	06/08/2016	16-12734	Accounts Payable		-20.00
	06/08/2016	16-12734	Lab Analysis Services	20 WATER OPERATING FUND	20.00
					0.00
Total Dallas Auto Parts	06/08/2016	104158	Accounts Payable		-95.00
	06/08/2016	104158	Equipment Rental	20 WATER OPERATING FUND	95.00
					0.00
Edge Analytical	06/08/2016	May	Accounts Payable		-3,895.00
	06/08/2016	May	Professional Services	20 WATER OPERATING FUND	3,895.00
					0.00
Total Edge Analytical	06/08/2016	INV 0120297, 0121153	Accounts Payable		-155.75
	06/08/2016	INV 0120297	Maintenance Supplies	20 WATER OPERATING FUND	129.95
	06/08/2016	0121153	Equipment Maintenance/Repair	01 GENERAL FUND:01.03 Parks	25.80
					0.00
General Rental Center of Dallas	06/08/2016	1516353	Accounts Payable		-308.00
	06/08/2016	inv. 1516353 COG Land Use	Professional Services	01 GENERAL FUND:01.01 Administrativ	308.00
					0.00
Total General Rental Center of Dallas	06/08/2016	66-201605	Accounts Payable		-41.00
	06/08/2016	50% Lien service -66-201605	Professional Services	13 SEWER FUND	20.50
	06/08/2016	50% Lien service -66-201605	Professional Services	20 WATER OPERATING FUND	20.50
					0.00
Total HBH Consulting Engineering L & L Equipment	06/08/2016	C066908	Accounts Payable		-86.12
	06/08/2016	20% C066908	Vehicle Operation	11 STREET FUND	17.22
	06/08/2016	20% C066908	Vehicle Operation	13 SEWER FUND	17.22
					51.68

City of Falls City
Paid Bills Report
 As of June 8, 2016

Date	Memo	Account	Class	Amount
Total Petro Card				
06/08/2016	May Expenses	Accounts Payable		0.00
06/08/2016	May Expenses	Travel/Meeting Expense		-192.24
			01 GENERAL FUND:01.01 Administrativ	192.24
				0.00
Total Terry Ungricht				
06/08/2016	Invoice #72020140992	Accounts Payable		-435.00
06/08/2016	Fire truck inspections, Invoice #7202014	Equipment Maintenance/Repair	01 GENERAL FUND:01.07 Fire Departm	435.00
				0.00
Total UL LLC				
Verizon Wireless				
06/08/2016	9765970589	Accounts Payable		-37.95
06/08/2016	may	Telephone	01 GENERAL FUND:01.01 Administrativ	18.97
06/08/2016	May	Telephone	20 WATER OPERATING FUND	18.98
				0.00
Total Verizon Wireless				
Walter E. Nelson Co.				
06/08/2016	Inv. 37162	Accounts Payable		-117.70
06/08/2016	Community Center 37162	Maintenance Supplies	01 GENERAL FUND:01.01 Administrativ	117.70
				0.00
Total Walter E. Nelson Co.				
Xerox Corporation				
06/08/2016	084844999	Accounts Payable		-189.24
06/08/2016	65% Use, inv084844999	Operational Supplies	01 GENERAL FUND:01.01 Administrativ	123.00
06/08/2016	10% Use	Operational Supplies	11 STREET FUND	18.92
06/08/2016	10% Use	Operational Supplies	13 SEWER FUND	18.92
06/08/2016	15% Use	Operational Supplies	20 WATER OPERATING FUND	28.40
				0.00
Total Xerox Corporation				
A Team Locksmiths, Inc				
06/21/2016	Wk order # 6287	Accounts Payable		-148.00
06/21/2016	re-key storage shed	Community Center Maint/Repairs	01 GENERAL FUND:01.01 Administrativ	148.00
				0.00
Total A Team Locksmiths, Inc				
Cascade Columbia Distribution Company				
06/21/2016	Invoice 668872, 669488	Accounts Payable		-1,152.46
06/21/2016	invoice 668872, 669488	Chlorine Supplies	20 WATER OPERATING FUND	1,152.46
				0.00
Total Cascade Columbia Distribution Company				
CenturyLink				
06/21/2016	multiple phone bills June	Accounts Payable		-420.37
06/21/2016	June	Telephone	01 GENERAL FUND 01.01 Administrativ	183.28
06/21/2016	June	Telephone	20 WATER OPERATING FUND	64.59
06/21/2016	June	Telephone	01 GENERAL FUND 01.07 Fire Departm	172.50
				0.00
Total CenturyLink				
City of Coos Bay				
06/21/2016	201605/201606	Accounts Payable		-172.62
06/21/2016	Charter franchise negotiation, 201605/20	Attorney/Special Council	01 GENERAL FUND 01.01 Administrativ	172.62
				0.00
Total City of Coos Bay				
Consumers Power Inc				
06/21/2016	Account # 1155301	Accounts Payable		-164.47
06/21/2016	June Power	Power/Heat	20 WATER OPERATING FUND	164.47
				0.00
Total Consumers Power Inc				
Edge Analytical				
06/21/2016	16-12730	Accounts Payable		-198.00
06/21/2016	16-12730	Lab Analysis Services	13 SEWER FUND	198.00
				0.00
Total Edge Analytical				
MANOP				
06/21/2016	A272478-in, B013679-in	Accounts Payable		-324.50

City of Falls City
Paid Bills Report
 As of June 8, 2018

Date	Memo	Account	Class	Amount
06/21/2016	A272478-in.	Power/Heat	01 GENERAL FUND:01.01 Administrativ	282.04
06/21/2016	B013679-in	Vehicle Maintenance/Repair	01 GENERAL FUND:01.07 Fire Departm	42.46
				0.00
06/21/2016	multiple accounts, 21091561-006 2	Accounts Payable		-1,459.70
06/21/2016	June	Power/Heat	01 GENERAL FUND:01.07 Fire Departm	336.97
06/21/2016	June	Power/Heat	01 GENERAL FUND:01.01 Administrativ	118.10
06/21/2016	June	Power/Heat	01 GENERAL FUND:01.03 Parks	65.92
06/21/2016	June	Power/Heat	13 SEWER FUND	257.39
06/21/2016	June	Street Lights	11 STREET FUND	626.38
06/21/2016	June	Power/Heat	20 WATER OPERATING FUND	54.94
				0.00
06/21/2016	Acct# 19659466666	Accounts Payable		-301.50
06/21/2016	June 35%	Postage & Freight	13 SEWER FUND	105.52
06/21/2016	June 50%	Postage & Freight	20 WATER OPERATING FUND	150.75
06/21/2016	June 15%	Postage & Freight	01 GENERAL FUND:01.01 Administrativ	45.23
				0.00
06/21/2016	60430	Accounts Payable		-220.00
06/21/2016	4th Qtr 2015-2016 INV#60430	Intergovernmental Services	01 GENERAL FUND:01.07 Fire Departm	220.00
				0.00
06/21/2016	35405	Accounts Payable		-646.00
06/21/2016	INV- 35405	Attorney/Special Council	01 GENERAL FUND:01.01 Administrativ	646.00
				0.00
06/21/2016	Account Number: 4798 5312 1498 1146	Accounts Payable		-481.36
06/21/2016	supplies	Office Supplies	01 GENERAL FUND:01.01 Administrativ	352.64
06/21/2016	supplies	Maintenance Supplies	11 STREET FUND	52.32
06/21/2016	quick book renewal, supplies	Maintenance Supplies	20 WATER OPERATING FUND	76.40
				0.00
06/21/2016	June statement	Accounts Payable		-385.74
06/21/2016	Residential lift pump	Wastewater Projects	13 SEWER FUND	365.74
				0.00
06/21/2016	69336	Accounts Payable		-30.00
06/21/2016	Inv: 69336	Lab Analysis Services	20 WATER OPERATING FUND	30.00
				0.00
06/29/2016	Refund on utility account 856, 103 Centr	Accounts Payable		-2.65
06/29/2016	Refund on utility account 856, 103 Centr	Utility Rebates and Incentives	20 WATER OPERATING FUND	2.65
				0.00
06/29/2016	Refund on utility account 461, 515 1st A	Accounts Payable		-12.79
06/29/2016	Refund on utility account 461, 515 1st A	Utility Rebates and Incentives	20 WATER OPERATING FUND	12.79
				0.00
06/29/2016	refund utility account 450, 440 Ellis Siret	Accounts Payable		-1.00
06/29/2016	refund utility account 450, 440 Ellis Siret	Utility Rebates and Incentives	20 WATER OPERATING FUND	1.00
				0.00

Total MNOP

Pacific Power

Total Pacific Power
 Pitney Bowes

Total Pitney Bowes
 Polk County Sheriff's Office

Total Polk County Sheriff's Office
 Speer Hoyt LLC

Total Speer Hoyt LLC
 US Bank Visa

Total US Bank Visa
 Valley Electric Company, LLC

Total Valley Electric Company, LLC
 Waterlab Corp

Total Waterlab Corp
 21st Mortgage Corp

Total 21st Mortgage Corp
 Dozer Smith

Total Dozer Smith
 Kim Graham

Total Kim Graham
 Patrick Hund

City of Falls City
Paid Bills Report
 As of June 8, 2016

Date	Memo	Account	Class	Amount
06/29/2016	Refund on utility account 569, 281 Fairm	Accounts Payable		-2.35
06/29/2016	Refund on utility account 569, 281 Fairm	Utility Rebates and Incentives	20 WATER OPERATING FUND	2.35
				0.00
06/29/2016	Refund utility account 746, 439 Chamber	Accounts Payable		-14.48
06/29/2016	Refund utility account 746, 439 Chamber	Utility Rebates and Incentives	20 WATER OPERATING FUND	14.48
				0.00
06/29/2016	June 1379171250	Accounts Payable		-1.81
06/29/2016	June 1379171250-85%	Telephone	01 GENERAL FUND 01.01 Administrativ	1.54
06/29/2016	June 1379171250-15%	Telephone	20 WATER OPERATING FUND	0.27
				0.00
06/29/2016	16-14176	Accounts Payable		-120.00
06/29/2016	16-14176	Lab Analysis Services	13 SEWER FUND	120.00
				0.00
06/29/2016	lawn mower repair	Accounts Payable		-130.92
06/29/2016		Equipment Maintenance/Repair	01 GENERAL FUND 01.03 Parks	130.92
				0.00
06/29/2016	C072048	Accounts Payable		-106.60
06/29/2016	20% C072048	Vehicle Operation	11 STREET FUND	21.32
06/29/2016	20% C072048	Vehicle Operation	13 SEWER FUND	21.32
06/29/2016	60% C072048	Vehicle Operation	20 WATER OPERATING FUND	63.96
				0.00
06/29/2016	A-16063	Accounts Payable		-25.00
06/29/2016	A-16063	Professional Services	01 GENERAL FUND 01.03 Parks	25.00
				0.00
07/01/2016	attached receipts	Accounts Payable		-15.07
07/01/2016	printer cart.	Office Supplies	20 WATER OPERATING FUND	14.99
07/01/2016	underage in till	Miscellaneous	20 WATER OPERATING FUND	0.08
				0.00
07/01/2016	invoices, 11060461, 11060511	Accounts Payable		-75.96
07/01/2016	invoices, 11060461, 11060511	Maintenance Supplies	11 STREET FUND	75.96
				0.00
				0.00

Total Patrick Hund
 Terry & LV Castleberry

Total Terry & LV Casleberry
 CenturyLink Business Services

Total CenturyLink Business Services
 Edge Analytical

Total Edge Analytical
 John Deere Financial

Total John Deere Financial
 Petro Card

Total Petro Card
 Royal Flush Portables, Inc

Total Royal Flush Portables, Inc
 Petty Cash

Total Petty Cash
 Van Well Building Supply

Total Van Well Building Supply

TOTAL

City of Falls City
City Council Regular Meeting
Meeting Minutes
Thursday June 9, 2016
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

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

Mayor Ungricht called the meeting to order at 6:00 PM.

1) Roll Call

Clerk Hewitt took roll call. Councilor Bishop arrived at 6:08 pm.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire Agenda

A motion was made by Councilor Melin and seconded by Councilor Meier to adopt the entire agenda. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

4) Consent Agenda

Valley Electric payment was for Cliff Lauder's electrical protection updates for pump stations. Street sweeping done by the City of Dallas is billed quarterly, thus its absence in this packet. City Attorney's charges are included under the heading Spear Hoyt LLC, for \$494.00. Mayor Ungricht will forward the attorney's statement to Councilor Drill along with the most recent invoice from COG for Land Use planning as she requested.

A motion was made by Councilor D. Sickles and seconded by Councilor Meier to adopt the Consent Agenda. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

5) Public Comments

None

6) New Business

A. 2016-2017 Budget Adoption Resolution 08-2016

Mayor Ungricht proceeded with the Public Hearing for state revenue sharing Funds for the Fiscal Year 2016-2017 and read the following script:

This public hearing is an opportunity for any member of the public to comment on or make requests regarding how State Revenue Sharing Funds will be spent in the 2016-2017 Fiscal Year beginning July 1, 2016. State Revenue Sharing Funds are a share of certain revenues of the State of Oregon that shall be apportioned among and distributed to the cities of this state for general purposes.

I will open the public hearing for State Revenue Sharing at 6:06 pm.

Public Comments: none

Hearing none, I will close the public hearing for state revenue sharing at 6:07 pm.

Councilor Bishop arrived at 6:08 pm.

A motion was made by Councilor Meier and seconded by Councilor D. Sickles that the City Council of the City of Falls City approve Resolution 08-2016, a resolution of the City Council of Falls City, Oregon declaring the City's election to receive state revenues, adopting the budget, making appropriations and levying taxes for the City of Falls City, Oregon for Fiscal Year 2016-2017. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

Councilor Drill commended Mayor Ungricht on his outstanding effort producing the budget.

B. Water Master Plan update

Mayor Ungricht introduced Natalie Jennings, PE, Project Manager, and Mike Henry of HBH Consulting Engineers, Inc. Ms. Jennings presented prioritized preliminary recommendations for the Water Master Plan. HBH and staff continue to seek out the best alternative solutions to incorporate into the Water Master Plan.

1. Zero- Ten years: Distribution system- Data shows current pressures within the system range between 13-132 psi. Optimum pressure range is between 30-80 psi. This can be corrected by re-piping areas, strategic incorporation of pressure reducer valves, additional gravity fed pipe and possibly an additional pump station depending on what options are deemed best.

The city presents a unique geographic challenge not present in most cities. Either side of the city is high and very low in the middle. The river crossing with water pipe presents another difficult challenge. It will need determined if the city would rather maintain a pump station or invest in another river crossing. Ms. Jennings added there are pros and cons to both options of water supply. Further work will be done to identify the best solution.

Fire-flow was analyzed by taking the preliminary data model of pressure down to a minimum of 20-psi when a hydrant is opened at any point in the system. By dropping the pressure down to 20-psi there is essentially zero fire-flow due to the present range of 13-132-psi. Although water will flow from the hydrant, state regulations require that a minimum of 20-psi be maintained throughout the entire system at any given connection point while a hydrant is open. Most cities do not have the wide range of pressure Falls City possesses. HBH is working to address this problem.

Ms. Jennings said her understanding was that the Fire Department took water from the river instead of the system to avoid this problem. Mayor Ungricht and Don Poe corrected the misunderstanding and explained the pump trucks themselves act to sustain the 20-psi fire-flow when attached to the water system through a hydrant.

Ms. Jennings added this was part of the issue with water mains breaking. The pressure differentials cause a water hammer within the system damaging weakened areas of pipe causing leaks and breaks during and even days after a fire. This problem will need to be fixed.

Asbestos cement pipes used in the system are aged and brittle. During the 1970's this material was thought to be superior technology, unfortunately it does not have the longevity hoped. This is a regional problem for cities.

2. Intakes- Glaze Creek appears in good condition as a water intake source. Although there is a very long pipeline feeding the treatment plant, it is performing well and remains adequate. HBH sees no reason to alter it at this point. Ms. Jennings proposes moving the Teal Creek intake downstream or drilling a well adjacent to the creek to act as a water supply source. The surface water would filtrate through the ground into the well. The Oregon Water Resource Department views this latter action to be the same as current use. It would simply entail transferring the water rights.

Mike Henry elaborated on the well option. Wells have been drill and gravel added to create a gravel land filtration system. Water flows by gravity into the well through the gravel lands, cleansing it resulting in the elimination of turbidity. More research will be done into this type of system during the next several weeks. Location of a well would depend on available area and type of soil geology. Mr. Henry noted HBH would like to protect the city's water rights and provide the city with an emergency backup water source in case a problem should arise with either of the intakes.

The last option would be to install a well on site at the Treatment Plant. This would serve as a water source should the intakes fail or turbidity becomes a problem.

3. Water Treatment Plant- There is minor concrete damages that will need to be repaired before they worsen and present a major problem. Minor replacement of chlorine piping would make it more efficient. The design was not ideal when built. Don Poe has given recommendations to improve flow and efficiency. With Mr. Poe's input, HBH feels they can provide the desired improvements.

Line looping to provide improved water quality could be addressed when installing/replacing water meters. HBH recommends budgeting for a percentage of individual water meter replacements each year and along with that, looping the lines. This process will be less expensive and invasive by performing improvement alterations over an extended period.

4. Future improvements- Water storage is the least of the city's priorities. Existing storage is adequate for the city's current and projected needs. It would be redundant to add additional storage. In addition, there is no desirable location to place a second reservoir with in the city. As it is currently, the difference in elevation from one side of the city to the other is 150 feet or translates to 65-psi. The present reservoir is experiencing disinfection problems due to long-term storage, which creates problems chlorine by-products. In this situation, HBH recommends less storage is better and does not advise the installation of a second reservoir.

Ms. Jennings invited questions. Council had none and thanked Ms. Jennings for her presentation. Mr. Henry offered some insight to the river crossing option. He said while it may seem redundant, it is in the city's best interest to have more than one crossing to deliver water to the north side of the city. In Mr. Henry's opinion, the Dayton Street footbridge is not a reliable water source delivery. HBH will be considering the best and most cost effective option. This may be replacing or repairing Dayton Street footbridge and depends on further findings.

Mayor Ungricht suggested The Dalles bridge design, which carries their city water supply. It is a pillar with steel upper and would be an inexpensive solution. Mayor Ungricht offered to send photos to HBH. Councilor Drill requested to receive copies also.

Council thanked Natalie Jennings and Mike Henry of HBH for the Water Master Plan update presentation.

C. Resolution 09-2016 Agreement with Oregon Emergency Management

Councilor Drill and Mayor Ungricht share concern with OEM's wording in contract. Essentially the city is responsible for funding and FEMA will reimburse the city should the funds be available. If the funds are unavailable, the city would be responsible for the monies spent not the OEM. Mayor Ungricht stated that all grant contracts have the same wording and FEMA does come through with funding but only after trying to block the reimbursement. He has met with FEMA and the County, and is currently in negotiations with the County who will be handling and overseeing the repair for Dutch Creek Crossing. Mayor Ungricht reassured Council the monies have been set aside. He also added that new operational procedures in effect place final approval steps to Denton, Texas, not locally. This presents a challenge.

Mayor Ungricht further explained that FEMA will cover 75% and an IFA will cover the remaining 25% of funding needed to fix Dutch Creek Crossing. FEMA does not care if the city or county applies for the grant. IFA on the other hand, requires the small city to be the primary handling funds. The County has an engineer who is familiar with FEMA projects and is aware of Mayor Ungricht's concerns. They are working on ways to address the situation. The first step is to conduct an environmental engineering study to look into replacement with existing materials. It is known this type of fix will not work long term, and FEMA representatives locally have already guaranteed 75% of funding up front due to this factor. In the event, the city does not like the results from the environmental engineering study, that would be an appropriate time to back out. Although he has some concern with the new process, Mayor Ungricht stressed that this is the only opportunity to gain funding to fix the Crossing.

Councilor Drill expressed reserve in signing the contract. She said there were many red flags in the contract. Mayor Ungricht asked if she was willing to turn down the \$225,000.00 to repair the crossing. Councilor Drill inquired if there was time to table the agreement and have concerns answered. She was not sure the money was worth the risk. Mayor Ungricht reassured Council that this agreement is to protect the OEM and there is no risk to the city at this point. FEMA will be dealt with on a national level and this is where the risk lies. Mayor Ungricht added that Council will still have opportunities to decide how far to proceed. Should Mayor Ungricht have further concerns, he will share them with Council.

Mayor Ungricht said he was interviewed regarding the new FEMA process to protect public funds. His response was that small cities should not have to spend 70% more on a project to satisfy FEMA regulations. That, he said, is not protecting public funds. He reiterated the shared concerns, and clarified this contract agreement was to draw the funding in order to keep negotiating. If Council chooses not to enter into this agreement, the city withdraws from emergency funding.

A motion was made by Councilor D. Sickles and seconded by Councilor Bishop that the City Council of the City of Falls City approve Resolution 09-2016, a resolution adopting an agreement between the city of Falls City and the Oregon Office of Emergency Management for the management of funds through FEMA. Motion carried 5-1-0. Ayes: Lori Jean Sickles, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop Nays: Jennifer Drill

D. Resolution 10-2016 IFA Grant

A motion was made by Councilor Melin and seconded by Councilor Meier that the City Council of the City of Falls City approve Resolution 10-2016, a resolution entering into a Finance contract with the State of

Oregon Infrastructure Finance authority for a grant of \$2,360.00 to be used toward an income survey. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

E. Resolution 11-2016 Volunteer Insurance Coverage

Councilor L. Sickles left at 6:24 pm, returning in time to cast her vote at 6:35 pm.

A motion was made by Councilor D. Sickles and seconded by Councilor Melin that the City Council of the City of Falls City approve resolution 11-2016 a resolution updating volunteer insurance coverage and listing volunteer events. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

F. Resolution 12-2016 Auditor Contract

Councilor D. Sickles suggested using a different auditor every five to seven years to maintain a transparency and ensure the audits are conducted to standard. Mayor Ungricht agreed it is good practice.

A motion was made by Councilor Meier and seconded by Councilor Melin that the City Council of the City of Falls City approve Resolution 21-2016, a resolution updating volunteer insurance coverage and listing volunteer events. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

G. Wagner Trust Fund

Mayor Ungricht did a self-audit on the Wagner Trust fund to fully understand the budgeting trail. Previous City Manager Amber Mathiesen had set up the fund. Her successor John Hanken did not fully understand the fund process and over budgeted. Some of the funds were transferred, but not all. Because of this audit, Mayor Ungricht found that the city owes the library fund \$22,442.52. This payment would come out of the general fund bringing the library fund balance up to date.

Because Mayor Ungricht budgets for a city manager position each year, funds are available to transfer to the Wagner Trust fund. This transfer will not impose a burden on city. Next year the library fund will be a stand-alone fund. Meaning, either the money will be there for library needs or it will not.

Mayor Ungricht apologized he did not correct the issue when it was identified in the budgeting process. However, he is pleased it is now rectified and next year will go smoothly and properly.

On this same subject, it is noted that the FCSD enters into contracts every 5 years with CCLR. This next contract will be for only 1 year. Cynthia Hovind, the prior librarian quit as of June 1, 2016 due to talk of the library closing. The open position is advertised and interviews will be held June 27, 2016 at beginning at 8am. Please let Jack Thompson or Amy Houghtaling know if any Councilors would like to attend, and of course, we have Councilors Meier and Melin who sit on the library board.

The School Board meeting will take place June 21, 2016 when Mr. Thompson will discuss a joint meeting with the School Board and Council. Mayor Ungricht and Mr. Thompson of FCSD have been meeting and plan to discuss the viability of the library. Mayor Ungricht asked Council to offer dates they would be available after June 21 to schedule a joint meeting on this issue with the School Board.

Councilor D. Sickles clarified the School Board meets at 5:30 pm for their Executive Session and 6:30 pm for the regular meeting.

The date agreed up on was June 29, 2016 at 6pm at the Community Center. Mayor Ungricht will forward the request to Mr. Thompson.

H. Resolution 13-2016, Land Use Contract

Councilor Drill had some reservation in signing a two-year contract and clarified with Mayor Ungricht that either party could cancel with a 30 day written notice. Councilor Bishop noted cancelling a contract with COG was not something one would generally want to do. Mayor Ungricht agreed and reminded Council of many benefits offered by COG including lower planning rates, grant application assistance and that the rates for land use planning would be locked-in for two years.

A motion was made by Councilor D. Sickles and seconded by Councilor Bishop that the City Council of the City of Falls City approve resolution 13-2016, a resolution establishing a contract for land use planning services with Mid-Willamette Valley Council of Governments. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

Correspondence, Comments and Ex-Officio Reports

A. Mayors Report

Sheriff Garton presented his update report. Two weeks ago, the PCSO held a couple presentations at the Elementary and High schools for drug prevention and awareness. They plan to meet again next week and follow up with the next steps to maintain the education program. Recently the Sheriff entered into an agreement with National Child Safety Council that provides funding for supplies through solicitation of businesses for those types of programs. There has been a very positive response.

24-hour coverage will be returning in two weeks, as will POINT. Four police officers are due to graduate June 10, 2016. Sheriff Garton added that every city has added a body to POINT as well as OSP. There will be some new people also and should be up and operational by July 1, 2016.

Sheriff Garton invited questions from Council. Mayor Ungricht let Sheriff Garton know he has put out a proposal to Dallas to enter into an IGA for court services. This would provide a court for the Sheriff's office to cite to when helping the city with ordinance violations. Sheriff Garton is currently halfway into reviewing our Municipal Code with state code for overlapping ordinances he may cite. Sheriff Garton was confident it could be workable to help the city.

Councilor Drill asked if there has been an increase in the online reporting. Sheriff Garton replied that there has been no activity in approximately two to three weeks. He added that it ebbs and flows. PCSO may get three to four per day for two weeks, then nothing for a while. There is really no way to predict the reporting.

Mayor Ungricht said the month of July will probably be a two-page newsletter and he will resubmit the blurb on how to do online reporting to the PCSO. Sheriff Garton would like more citizens reporting. He said if they do not have the information, they could not formulate a game plan to address what is taking place. Whether it is a crime or not, the call and information is documented and put into their system until a course of action can be determined. Examples of calls could be concerns with squatters or kids using marijuana.

Neighborhood watch has not scheduled another meeting. Mayor Ungricht will try to get more citizen interest. Councilor Drill will follow up with Amy Houghtaling.

Councilor Meier said he hears of many things that go unreported that should have been reported. He asked Sheriff Garton what percentages of calls come from the Green Haven RV Park. Sheriff Garton replied 25 to 50%. Some are frequent repeat calls, but do not escalate to the point of arrest and can be frustrating.

At one point Mr. Bowman was actively moving to evict people from the park. As for the rumor of turning it into a 55 and older park, Mayor Ungricht said that rumor has not been confirmed. Sheriff Garton agreed a 55 and older would be helpful. He added PCSO does handle eviction processes.

There are no patterns or countywide concerns to report at this time. If a public concern arises, it will be posted on the PCSO Facebook page and their official website. Council thanked Sheriff Garton for coming and presenting his update.

An LOC ballot was provided for Council review and input. The LOC Board of Directors and eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2017 session. Twenty-nine legislative objectives have been identified as set forth in the ballot and legislative recommendation materials. Because these objectives span a variety of issues and differ in the potential resourced required to seek achievement, it is desirable to prioritize them to ensure focused efforts in needed areas.

Each city is asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the Leagues 2017 Legislative agenda. Deadline for response is July 22, 2016.

The Steele property donation is now at the appraisal stage. Dr. Steele's tax attorney advised an official appraisal was necessary. Staff requested three bids with the cheapest being \$2400.00. Mayor Ungricht has also reached out to Joanne, who previously worked at the property when it was operating as the Luckiamute Clinic. She is with a non-profit organization running free clinics and it may be possible to reopen a clinic at the same location. This has not been confirmed and is simply informational. Mayor Ungricht asked Council's direction. Consensus of Council was to proceed with the appraisal.

The parks grant has moved through the first stage of the application process standing at number eleven of thirty-seven. It now goes before the Historical Preservation Commission and then onto the OPRD Board of Directors. There is currently \$4 million in grant funds to give out. We are number eleven in line for \$18,000.00 of those funds. The grant still needs to proceed through the last two processes. This will free up monies in the Revolving Loan fund with the County.

Mayor Ungricht has met with the engineer drawing up the plans for the paving work on South Main. It is hoped that by the end of July or the first part of August to be lay pavement from Bridge Street to just past the First Christian church.

Councilor Drill expressed interest on behalf of residents of Carey Court for an overlay during the paving process. Mayor Ungricht will relay that message to the engineer and keep her informed.

Not all of the funds set aside for the South Side project were needed for the winning bid. The engineer for the paving project will also be looking at the basketball court in the Lower Park and a

few other places in town and submit bids. Mayor Ungricht would like to keep some of the left over funds in reserve. The main reason is for equipment replacement such as the 1963 road grader. It currently leaks oil and is at the end of its lifespan.

Staff will be extremely busy preparing for the audit in the first part of August. Along with that, there is the Fiscal Year closeout, records retention and budget work to be completed.

Another source of funding was found for Dayton Street Bridge; however, that did not go through. Mayor Ungricht has contacted IFA and USDA in attempt to leverage the sewer crossing it bears as a means of gaining funds. If funds are not secured this way, it will be included in the Water Master plan.

RFP for City Engineer scoring process has been hindered by holidays and summer vacations. A meeting has been scheduled for 6 pm Wednesday June 15, 2016 to go over the RFP scoring. He noted to Council that a special meeting may need to be called to gain acceptance on hiring as soon as possible because expertize may be needed for the FEMA environmental Impact Study on the Dutch Creek Crossing project. Mayor Ungricht extended apologies to the submitting engineers for the delay.

The upcoming income survey has met some resistance already. Council could help by talking to residents and dispelling negative rumors. The questions are not specific amounts, but ranges of income. Personal information will not be asked on the survey. Mayor Ungricht stressed this is a last opportunity for grant money to improve and expand our sewer system.

Spring Clean operated with twenty-five volunteers this year. The event started out slowly due to Republic services not having enough dumpsters on site and an equipment failure. Unfortunately, some people went home due to the delay. No tonnage has been reported yet, but it is thought that it was as much or more than last year.

Several Council positions are open. Positions that terminate on December 31, 2016 are the office of Mayor Ungricht, Dennis Sickles' seat, Julee Bishop's seat and Gerald Melin's seat. Applications to apply or reapply may be obtained from the clerks at City Hall.

Mayor Ungricht asked Council to approve the trade of the old Ford Van to Cliff Lauder in exchange for the work he performed making the South Main Street drainage vault. This issue was discussed previously by Council and well received. The van was valued at \$1000.00.

A motion was made by Councilor Meier and seconded by Councilor L. Sickles that the City Council of the City of Falls City to direct Mayor Ungricht to transfer the title of the 1980 Ford Van, that was deemed surplus by Resolution 2010-09, to Cliff Lauder for the labor on making a drain vault on South Main. Motioned carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop.

B. Council Reports

Councilor Melin reported on the EDC Committee progress. They discussed housing for the weekend of the 2017 Solar Eclipse tourism. An option they are looking into is Air B & B, which homeowners can sign up with to rent out rooms. He mentioned a tent/hammock hybrid invention that keeps you

off the ground and protected from the elements. The Committee is also researching the legalities and keeping very busy.

Councilor Meier said he took a cruise through the Green Haven RV Park. He described the scene there as one of a homeless camp in Portland. According to the City's Municipal Code, RV's must be moved every 180 days, which has not been enforced by the Park. RV's and trailers must also be licensed legally according to Oregon Vehicle Code.

Councilor D. Sickles asked for clarification on that moving an RV from point A to point B within the Park. This does not satisfy Code. Mayor Ungricht and Clerk Protheroe have been reviewing land use code in relation to Green Haven RV Park and will have a report at the following Council meeting in July where it will be discussed further. Mayor Ungricht sees several ways to help the Bowman's clean up their business property.

Green Haven dates back to the 1990's and one of the problems associated with land use in Falls City, is that the records were not always kept or properly handled. Mayor Ungricht did not feel comfortable answering further questions and assured Council a factual report would be presented at the July meeting for their review.

Councilor Drill inquired to the status of the July 3 celebration. Mayor Ungricht said no one has come to City Hall expressing interest in its organization.

Councilor Drill has the water-filtration system order form for use with the Emergency Preparedness Plan. There will be an Emergency Preparedness meeting before the July Council meeting and is yet to be scheduled. At this meeting, the Emergency Preparedness Survey results will be reviewed and Councilor Drill will have a status report for Council.

Mayor Ungricht's understanding was that Councilor Drill was originally tasked with the duty of providing Council with a document. He asked if the Emergency Preparedness was now a committee and if so, should it following Public Meeting Law and its requirements? There was some discussion among Council as to what constituted a committee and appointment of such.

Councilor Drill agreed to give meeting dates in advance for posting and that meeting minutes shall be kept for the Emergency Preparedness meetings if needed and deemed necessary. This will be clarified by staff.

7) Council Announcements

8) Adjourn

The meeting adjourned at 7:50 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk Hewitt

**2016 Spring Clean
Volunteers!**

Name	Area Served
We had a total of 25 volunteers. Volunteers hauled junk from 23 homes.	
John Creekmore	Tires
Sam Miller	Tires
Lori Albert	Tires
Cie Lynch	Tires
Don Scott	Tires
Jay Epperson	Tires
Karl (Corky Wagner	Tires
Terry Jordan	Tires
Daniel Hammon	Cleaned up trash at the Michael Harding Park!
Mark Jacques	Volunteer Hauler
Guy Mack	Volunteer Hauler
Kirby Frink	Volunteer Hauler & equipment
Bernie Frink	Volunteer Hauler
Jack Sylsberry and crew, EJ's Property Property Cleaning	Volunteer Hauler
Bo Johnson	Volunteer Hauler
Polk County Crew of Five	Unloaded junk, senior/disabled Junk Hauler AND weed wacked the corner of Terrace Street
Charollet Ungricht	Traffic control
Amy Houghtaling and daughters	Pizza Cook
Don Poe	Backhoe Operator
JoHanna Hewit	Volunteer (city staff) Traffic control, Volunteer Hauler Coordinator, Volunteer desk
Domenica Protheroe	Volunteer (city staff) Traffic control, County Crew Coordinator, Volunteer desk
Mayor Ungricht	Yard and traffic control, volunteer coordinator



City of Falls City Notice of Open City Council Positions

Posted on Wednesday June 1, 2016

NOTICE IS HEREBY GIVEN that the General Election will be held on Tuesday, November 8, 2016 at which time the legal voters of the City of Falls City will be entitled to vote for candidates for the following positions.

Open Positions	Term	Terms begins	Terms run through
Mayor (Position currently held by Terry Ungricht)	Two years	January 1, 2017	December 31, 2018
Council Position (Position currently held by Dennis Sickles)	Four years	January 1, 2017	December 31, 2020
Council Position (Position currently held by Julee Bishop)	Four years	January 1, 2017	December 31, 2020
Council Position (Position currently held by Gerald Melin)	Four Years	January 1, 2017	December 31, 2020

Petitions are available at City Hall, 299 Mill Street, Falls City, Oregon 97344. Completed petitions can be filed no sooner than **Wednesday June 1, 2016 at 10:00 AM** and filed no later than **Wednesday August 24, 2016 by 1:00 PM** at Falls City City Hall.

Election information may be obtained at City Hall or on the city website at www.fallcityoregon.gov



1201 Court Street NE, Suite 200 • Salem, Oregon 97301
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org

June 6, 2016

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2017 session. They have identified 29 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2017 legislative agenda. After your city council has had the opportunity to review the 29 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2017 session. **The deadline for response is July 22, 2016.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2017 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance to cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.
Sincerely,

Michael J. McCauley
Executive Director

INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2017.
2. Simply place an **X** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **July 22nd** via mail, fax or e-mail to:

Paul Aljets
League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, OR 97301
Fax – (503) 399-4863
paljets@orcities.org

Thank you for your participation.

City of: _____

Please mark 4 boxes with an X that reflect the top 4 issues that your city recommends be the priorities for the League's 2017 legislative agenda.

Legislation

Community Development

A. Needed Housing Assistance Program

B. Natural Hazard Land Use Reform

C. DOGAMI Disaster Mapping

D. Floodplain Technical Assistance

Energy

E. Green Energy Technology Requirement

F. Funding Public Energy Projects

G. Updates to Oregon Energy Code

Finance and Taxation

H. Property Tax Reform - Market Value / Local Control

I. Property Tax Reform - Fairness and Equity

J. Local Lodging Tax

K. Nonprofit Property Tax Exemption

L. Marijuana and Vaping Taxes

General Government

M. Restore Recreational Immunity

N. Increase Local Liquor Fees

O. Marijuana Legalization Implementation

P. Mental Health Investments

Q. Qualification Based Selection

Human Resources

R. Subsidy for Retiree Health Insurance Repeal

S. PERS Reform

T. Arbitration Reform

U. Veterans Preference Clarifications

Telecommunications

V. Rights of Way

W. Franchise Fees

X. 9-1-1 Emergency Communications

Y. Technology Funding

Transportation

Z. Transportation Funding and Policy Package

Water/Wastewater

AA. Funding Water System Resilience

BB. Enhanced Prescription Drug Take-Back

CC. Water Supply Development Fund

Community Development

Legislation	Background
<p>A. <u>Needed Housing Assistance Program</u></p> <p>Create state grants and technical assistance to cities working to develop housing development programs directed at new or innovative means of providing housing solutions for low-income or senior populations.</p>	<p>Cities are looking for new ways to serve the needs of a variety of people needing housing options and putting more resources toward housing projects. However, there is a need for state resources and assistance in implementing these programs. Funds that cities could access could be used to assist in land purchases for leasing for long-term low income housing, incentives for creating single story housing for seniors, tiny housing development, and planned developments that serve a range of incomes. Technical assistance to other cities should help a city determine what programs or planning options are available tools to help cities reach the goals set in the comprehensive plan.</p>
<p>B. <u>Natural Hazard Land Use Reform</u></p> <p>Create process for communities to move the UGB from an identified hazard area to resource lands and planning for replacing significant urban areas lost after a natural disaster.</p>	<p>As science has better located some hazards areas and as regulations impact the expected development of other areas, cities need to find ways to respond more efficiently to address long-term planning for development. This requires a simplification of the process for changing the location of development, including adding new areas to the UGB, to account for lost development capacity. There also needs to be a streamlined process for a city to identify areas of new development should a disaster remove a large portion of the buildable land supply if a disaster should strike.</p>
<p>C. <u>DOGAMI Disaster Mapping</u></p> <p>Increase funding for DOGAMI to complete comprehensive disaster mapping of cities, including landslide and floodplain risk identification, and natural hazard related evacuation planning for additional potential risks such as tsunami or wildfire inundation.</p>	<p>The Oregon Department of Geology and Mineral Industries (DOGAMI) provides a number of technical resources to cities to identify hazards that could impact development. The department is also an integral partner in creating plans for the emergency response for many disasters that could occur in the state. Increasing funds for comprehensive maps will help with long-term planning for hazard mitigation, resilience, and survival.</p>
<p>D. <u>Floodplain Technical Assistance</u></p> <p>Provide DLCD funding for technical assistance to cities implementing required changes to floodplain development management practices from FEMA.</p>	<p>Because of the recent release of the Biological Opinion from the National Oceanic and Atmospheric Administration Fisheries Service related to the National Flood Insurance Program's potential to impact endangered species, there is a need for cities to receive significant assistance in implementing any changes required by the Federal Emergency Management Agency. As the federal process moves forward, the state must provide resources to help cities update comprehensive plans and development codes. This issue will have a number of impacts and assistance in the form of model codes, staff resources, grants, and other expertise will be necessary for cities trying to implement any changes or additional work.</p>

Energy

Legislation	Background
<p><u>E. Changes to 1.5 Percent Green Energy Technology Requirement</u></p> <p>Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or community solar projects.</p>	<p>Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.</p> <p>Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will work to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment. As an example, a city could use the funds on a community solar project to benefit low-income residents rather than being required to invest in solar generation at the site of the public building project.</p>
<p><u>F. Funding for Public Energy Projects</u></p> <p>Support enhanced incentives for public energy projects including grants for technical assistance, feasibility studies and resource recovery projects for energy and fuel generation.</p>	<p>There are programs that exist in Oregon for the purpose of incentivizing energy projects including renewable energy generation, alternative fuel vehicles, and energy efficiency. Programs such as the Business Energy Tax Credit (BETC), which was discontinued in 2014, and the State Energy Loan Program have been important tools for incentivizing energy projects for local governments. However, as a result of scrutiny over the administration of these incentives including private loan defaults, these programs are either no longer available, such is the case with the BETC program, or are at risk of being discontinued. It is critical for municipalities to have ongoing access to incentive opportunities as energy projects can be difficult to pencil-out and even more difficult for smaller communities to finance. The state of Oregon should take into consideration that loans for public energy projects, including cities, are lower-risk and should not be penalized in light of recent scrutiny. In addition, investments in these projects often result in environmental, social and economic benefits including long-term savings for taxpayers and reductions in greenhouse gas emissions.</p> <p>The League will work to enhance funding, including grants for technical assistance and feasibility studies for communities that currently do not have access to resources. The League will also advocate for incentives for energy and fuel generation projects. Examples of projects that warrant funding incentives include methane capture for fuel or energy generation, investments in community solar projects, renewable energy generation, and energy efficiency improvements.</p>

Energy (Continued)

Legislation	Background
<p data-bbox="125 296 695 325">G. <u>Require Updates to Oregon Energy Code</u></p> <p data-bbox="125 363 695 562">Require the Oregon Building Codes Division (BCD) to engage in more frequent review of the state's energy code to reduce greenhouse gas reductions and ensure that Oregonians can more affordably and efficiently heat their homes and businesses.</p>	<p data-bbox="711 296 1474 840">Oregon's statewide energy code for commercial and residential buildings is an important tool for achieving greenhouse gas reductions through decreased energy consumption while helping to ensure that Oregonians are able to more efficiently and affordably heat their homes and businesses. Federal law requires each state to certify that their state energy code is equivalent to federal model energy codes. While Oregon was once a leader in energy code adoption and implementation, the state is now in a position of falling behind the federal code. This is due, in large part, to a decision made by the Oregon Building Codes Division in 2013 which changed the code cycle from a three-year update to a six-year update. Major code changes, including adoption of national codes, will now occur every six years with minor changes occurring every three years. This change will impact Oregon's ability to keep pace with federal standards and new technologies in energy efficiency.</p> <p data-bbox="711 877 1474 1339">The League will work to support efforts to align new construction building codes with the state's climate goal timelines. In addition, the League will support efforts to establish a periodic review schedule to ensure that Oregon more frequently updates the state energy code in order to reflect federal code requirements. Also, the League will encourage the state to set specific targets for increased energy efficiency in residential and commercial building construction with specific goals for increasing energy efficiency standards for affordable housing projects and increasing use of net-zero and passive house building requirements. Finally, the League will work to require BCD to make regular reports back to the legislature to update on energy code implementation and goals.</p>

Finance and Tax

Legislation	Background
<p>H. <u>Property Tax Reform – Market Value / Local Control</u></p> <p>A legislative constitutional referral to reform the property tax system:</p> <ul style="list-style-type: none"> a) to achieve equity, transitions to a market based property tax valuation system; and b) to restore choice, allows local voters to adopt tax levies and establish tax rates outside of current constitutional limits in their taxing jurisdictions. 	<p>Property taxes are regulated largely by Measure 5 (1990) and Measure 50 (1997), as provided in the Oregon Constitution. Measure 50 established a new method for assessing property, discounting the assessment at 10 percent of the real market value and calling this assessed value. Assessed value is capped at an annual growth limit of 3 percent. As a state total, due to the limits and market changes, the gap between real market value and assessed value has now grown to nearly 25 percent over the past 20 years. This gap varies widely on a property by property basis, creating considerable property tax inequities for properties that sell for similar prices in a city. In short, Oregon property taxes have become disassociated from real market value and the result is considerable inequity.</p> <p>For FY 2014-15, 60 percent of cities, 97 percent of counties, and 89 percent of school districts had some compression. This means that the Measure 5 caps of \$5 per \$1000 for education and \$10 per \$1000 for general government on real market value have been exceeded in most taxing jurisdictions. The caps are over 25 years old and were set low as voters were anticipating a sales tax to be coupled with it. Voters can no longer vote for the services they desire due to these caps. With looming PERS costs increases, paying for services with the present restrictions will become very difficult in some cities.</p>
<p>I. <u>Property Tax Reform – Fairness and Equity</u></p> <p>A bill that pursues statutory modifications to the existing property tax system that enhances the fairness and adequacy of the current system.</p>	<p>There are some adjustments to the property tax process and calculations that can be done statutorily. These include altering the changed property ratio statute and the statutory discount given to property owners who pay their taxes by November 15th. New property is added to the tax rolls using a county-wide ratio (assessed value to real market value) for determining the discount to apply to the real market value and that could be changed statutorily to a city-wide ratio in taxing districts who elect the change.</p>

Finance and Tax (Continued)

Legislation

J. Local Lodging Tax

A lodging tax bill, the outcome of which, would:

- a) Provide jurisdictions greater flexibility to spend local lodging tax revenue to plan for and provide services and infrastructure related to tourism;
- b) Reduce or eliminate the required reimbursement charge that a lodging tax collector is allowed to retain for filing a local lodging tax return; and
- c) Improve efficiency and collection of local lodging taxes in cooperation with the state.

Background

State law restricts how local lodging tax revenues may be expended. Post 2003, any new taxes or any tax increase requires a 70 percent revenue dedication to tourism promotion or tourism-related facilities. In addition, state statute provides that cities may not lower the actual percentage of lodging tax revenues that were dedicated to tourism prior to 2003. This means that cities have varied percentages of restricted local lodging taxes revenues. These numbers are arbitrary as they were set based on circumstances in 2003 that have often greatly changed. In addition, the legislative history shows that the legislature intended to provide some revenue flexibility and provide that certain infrastructure (roads, sewer lines, etc.) would qualify as tourism-related but the statutes need revision and clarification.

State law requires local governments to provide a 5 percent collector reimbursement charge if they impose a new lodging tax or tax increase after January 1, 2001. This is a deduction from the taxes that would otherwise be due. The state also provides a 5 percent collector reimbursement charge for state lodging taxes. In addition, local governments that had a reimbursement charge, must continue it. Thus, cities have very different reimbursement requirements—some are at zero, others are at 5 percent, and some are in between. When coupled with the state deduction, the deduction seems too generous.

The Oregon Department of Revenue now collects state lodging taxes throughout the state and could collect and enforce local lodging taxes at the same time if given statutory authority. Local governments could then enter into voluntary agreements with the state to delegate the collection. This option could make collection much more efficient and cost-effective for some local governments. In addition, cities continue to struggle with collections and auditing, particularly from online companies and private home rentals (through Airbnb, etc.) and this area of the law could be improved.

Finance and Tax (Continued)

Legislation	Background
<p>K. <u>Nonprofit Property Tax Exemption</u></p> <p>Clarify and reform the statutory property tax exemption provided to nonprofit entities to address cost-benefit concerns for the continued full exemption in light of cost of city services provided to nonprofits and the changing services and business models of some nonprofit entity types.</p>	<p>Nonprofit organizations that are charitable, literary, benevolent or scientific are provided a property tax exemption that will cost more than \$194 million in the 2015-17 biennium. In addition, exemptions for the property of nonprofit religious organizations costs more than \$113 million for the biennium. For many cities, much of the city is exempt from property taxes due to the public property exemption and these nonprofit exemptions. This includes hospitals, nursing homes, etc.</p> <p>The Legislature has formed a work group to look at the nonprofit property tax exemption issue as the nature and number of nonprofits is changing and the administration of the exemption has become complex for county tax assessors. Nonprofit entities require significant services, including transportation, water, sewer, police, fire, etc. Thus, the legislature is looking at property taxes more as a service tax and considering how the full exemption could be adjusted to have nonprofits pay for their fair share of costs of services or otherwise meet a benefit test for continuing an exemption.</p>
<p>L. <u>Marijuana and Vaping Taxes</u></p> <p>Defend against restrictions and preemptions regarding local marijuana and vaping taxes and advocate for appropriate state shared revenue levels and distribution formulas for state marijuana taxes and potential vaping taxes.</p>	<p>There are no revenue use restrictions on local marijuana taxes, but the local marijuana tax rate is capped at 3 percent. There are no restrictions on local governments imposing a vaping tax. The state has not imposed a tax on vaping products to date but is considering a tax. Often when the state imposes a tax (for example, cigarette or liquor), the state preempts local governments from also imposing a tax.</p> <p>10 percent of state marijuana taxes will be distributed to cities after state administrative costs. Distributions will be made per capita for revenues received prior to July 1, 2017. After July 1, they will be distributed based on the number of the various marijuana licenses issued in a city. Cities that prohibit establishments for recreational marijuana producers, processors, wholesalers or retailers will receive no state shared revenue. Likewise, cities that prohibit a medical marijuana grow site or facility will receive no state shared revenue.</p>

General Government

Legislation	Background
<p>M. <u>Restore Recreational Immunity</u></p> <p>Cities should enjoy protection from unreasonable litigation when offering recreational opportunities to the public.</p>	<p>ORS 105.682 grants that a land owner is not liable for any personal injury, death or property damage that arises out of the use of their land for recreational purposes as long as no fee is charged in order to access that property. This statute allows cities to operate parks and trails without fear of lawsuit.</p> <p>However, in the recently decided Oregon Supreme Court case, <i>Johnson v Gibson</i>, It was held that even though the landowner may be immune from liability, their employees are not. As a result, two employees of the City of Portland were found liable for injuries sustained by a jogger in a park, employees who are indemnified by their employer.</p> <p>The practical effect of this ruling is that the immunity previously enjoyed by cities that allowed for robust park development have been eroded to the point of being non-existent. This priority directs LOC staff to seek to amend the ORS 105.682 to restore that immunity.</p>
<p>N. <u>Increase Local Liquor Fees</u></p> <p>Cities play an important role in the review and investigation of liquor license applicants and should be able to recoup costs associated with that role.</p>	<p>ORS 471.166 allows cities to adopt fees that are “reasonable and necessary to pay expenses” associated the review and investigation of liquor license applicants. However, the same statute limits the amounts of those fees to between \$25 and \$100 depending on the license or approval being sought by the applicant.</p> <p>This priority is to pursue changes to this statute that allow cities to recoup the actual costs associated with performing their role in the liquor licensing process and allowing for periodic increases.</p>

General Government (Continued)

Legislation	Background
<p>O. <u>Continue Marijuana Legalization Implementation</u></p> <p>Allow for civil enforcement of marijuana laws. Ensure equitable distribution of marijuana shared revenues. Eliminate limitations on shared revenue use.</p>	<p>One of the promises made by marijuana legalization advocates is that illicit sales and production of marijuana would shift into a legalized and regulated market. This has occurred to a large extent but many producers and retailers continue to seek the financial benefits or participation in the marijuana industry while avoiding the inconvenience of its regulatory framework. This priority seeks legislation that gives the Oregon Liquor Control Commission (OLCC) the same civil and administrative authority to prevent unlicensed sales and production of marijuana as it has in regards to liquor.</p> <p>Beginning in 2017, state shared revenue from marijuana will be distributed to cities based in the number of OLCC licensed commercial marijuana entities exist in their jurisdiction. This priority is to alter that arrangement so that is it distributed on a per capita basis to ensure equitable distribution among cities that are incurring costs.</p> <p>Measure 91 required that money distributed by the state to cities be used exclusively for costs associated with marijuana legalization. Tracking a dollar through a city's general fund and determining if a service was related to marijuana is inefficient if not impossible, and is not imposed for the receipt of liquor revenue. This priority is to advocate for legislation that removes this burden.</p>
<p>P. <u>Protect Mental Health Investments Made in 2015</u></p> <p>Oregon made significant and strategic investments in protecting and caring for the mentally ill in 2015 that should be maintained.</p>	<p>The Legislature increased access to mental health care and expanded existing, proven programs designed to de-escalate police contacts with the mentally ill. Those programs could be vulnerable in a difficult budget environment made challenging by increased PERS rates.</p> <p>This priority is defensive in nature and seeks to preserve investments that are improving the lives of mentally ill Oregonians.</p>
<p>Q. <u>Remove Qualification Based Selection Mandate</u></p> <p>Cities should be allowed to consider cost when making initial contract award decisions when hiring architects and engineers.</p>	<p>Cities are currently required to use a procurement method that prevents the consideration of cost when contracting with architects and engineers for public improvements. Instead, cities must base their initial selection for these services based solely on qualifications and can only negotiate the price after an initial selection is made.</p> <p>This mandate is not a cost effective means for procuring services and is poor stewardship of the public's dollars. This priority is to seek the removal of this mandate.</p>

Human Resources

Legislation	Background
<p>R. <u>Repeal Requirement to Subsidize Retiree Health Insurance</u></p> <p>Public employers should not subsidize the health insurance of former employees when reasonable, cost competitive options exist.</p>	<p>ORS 243.303 mandates that local governments provide retirees with access to health insurance and requires that they be placed in the same risk pool as active employees. As retirees are approximately 2.5 times more expensive to insure than active employees this mandate results in employers and current employees subsidizing the health insurance costs of former employees. This subsidization, according to the Government Accounting Standards Board, must be shown on an audit as long term liability, thus creating an inaccurate perception of a city's financial condition. Further, this requirement could be described as anachronistic as individuals are now able to purchase health insurance under the Affordable Care Act.</p> <p>This priority is to eliminate ORS 243.303 from Oregon's laws.</p>
<p>S. <u>PERS Reform</u></p> <p>PERS benefits should be adjusted where legally allowable and investments should be maximized to ensure a sustainable and adequate pension system.</p>	<p>The PERS unfunded liability stands at \$22 billion and employer rates are anticipated to approach 30 percent of payroll in the coming biennium. Rates are expected to remain at that level for the next twenty years. This is not sustainable.</p> <p>This priority is to seek any equitable changes to benefits that will reduce employer rates while not pursuing options that are legally tenuous or counterproductive. Additionally, changes are to be sought to the investment portfolio that will maximize returns through improved risk management and efficiencies.</p>

Human Resources (Continued)

Legislation	Background
<p data-bbox="115 275 397 310">T. <u>Arbitration Changes</u></p> <p data-bbox="115 346 738 415">Public employers should have greater influence over the disciplining of their employees.</p>	<p data-bbox="776 275 1474 520">Currently under the Public Employee Collective Bargaining Act, contested employee discipline matters must be submitted to an outside arbitrator for adjudication. Decisions by arbitrators are binding unless the conduct was a violation of public policy as defined by the state, there was serious criminal conduct or an egregious inappropriate use of force.</p> <p data-bbox="776 556 1474 592">This priority is to seek the following changes to the statute:</p> <ul data-bbox="836 592 1474 940" style="list-style-type: none"><li data-bbox="836 592 1474 661">• Arbitrator decisions should also comply with local policies;<li data-bbox="836 661 1474 730">• Decisions should comply with policies related to any inappropriate use of force a;<li data-bbox="836 730 1474 835">• Arbitrator decisions should recognize all criminal misconduct related to employment not just “serious”;<li data-bbox="836 835 1474 940">• Employer disciplinary decisions as it regards employees who are supervisors as defined by the EEOC and BOLI should be given more weight.
<p data-bbox="115 968 560 1003">U. <u>Veterans Preference Clarifications</u></p> <p data-bbox="115 1039 755 1144">Requirements that veterans be given preference in public sector hiring should be clear and unambiguous for the benefit of veterans and employers.</p>	<p data-bbox="776 968 1474 1178">The State of Oregon requires and the League agrees that honorably discharged veterans deserve special consideration in public sector hiring. However, statutes describing how this is to be accomplished are unclear and ambiguous. Vague statutes do not serve the interests of employers or veterans.</p> <p data-bbox="776 1213 1474 1381">This priority seeks a clear definition of “preference” in the statute, ensure that recently separated veterans receive the consideration necessary for them to successfully enter the workforce and establishes clarity as to when the preference is to be applied.</p>

Telecommunications, Cable & Broadband

Legislation	Background
<p>V. <u>Rights of Way</u></p> <p>Oppose legislation that preempts local authority to manage public rights-of-way and receive compensation for their use.</p>	<p>In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of franchise fee and rights-of-way management authority discussions, proposals to restriction to this authority arise. These include a statewide franchise policy and revenue collection system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority, the ability to enter into agreements with service providers either by agreement/contract or ordinance and to derive revenues from business fees charged to users of public rights-of-way.</p>
<p>W. <u>Franchise Fees</u></p> <p>To ensure market fairness and equity, prepare legislation for possible introduction repealing ORS 221.515 (HB 2455 -7 in 2013, and HB 2172 in 2015) to remove franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers but not to competitive local exchange carriers.</p>	<p>Oregon statute currently contains a discrepancy between how cities collect franchise fees from incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). ORS 221.515 limits cities collecting franchise fees from ILECs to a maximum of 7 percent of revenues derived from dial-up services, which represents only a portion of ILEC total revenues due to the addition of a broader array of customer services. There is no such rate cap or revenue restriction on CLECs, hence the discrepancy. In the past the League has worked with CLECs to “level the playing field.” Repeal of ORS 221.515 would accomplish that.</p>
<p>X. <u>9-1-1 Emergency Communications</u></p> <p>Support legislation enhancing the effectiveness of the state’s emergency communications system through an increase in the 9-1-1 tax and/or a prohibition of legislative “sweeps” from accounts managed by the Oregon Office of Emergency Management.</p>	<p>The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 (HB 3317). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax (HB 4055). As concerns mount with regard to disaster preparedness and recovery and as new upgrades to communications technology becomes available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities. Additional funding is needed and the practice of periodically sweeping funds out of the state’s emergency management account for other uses should cease. It is worthy of note that the practice of “sweeps” disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.</p>

Telecommunications, Cable & Broadband (Continued)

Legislation	Background
<p>Y. <u>Technology Funding</u></p> <p>Seek additional funding to assist for cities in:</p> <ul style="list-style-type: none"> • Increasing high speed broadband deployment and close the digital divide. • Purchasing upgraded emergency management communications equipment. • Providing local match money for federal funding programs, such as high speed broadband deployment. 	<p>The deployment of broadband throughout the state of Oregon is critical to economic development, education, health and the ability of citizens to link with their governments. Additional funding, from various sources, including the state and federal government, needs to be allocated for this purpose. The need becomes even more acute when consideration is given to the certainty of a major seismic event. Often federal assistance comes with the requirement of a state or local match which is problematical for cities. A state mechanism for providing matching fund assistance would be helpful to those communities seeking to take control of their broadband destiny.</p>

Transportation

Legislation

Z. Comprehensive, Multi-modal Transportation Funding and Policy Package

The League of Oregon Cities proposes that transportation infrastructure be raised to the same level of importance as other utilities, and be funded at a level capable of maintaining appropriate standards of operation and service. Therefore, the League will help draft and advocate for a comprehensive, inter-modal and statewide transportation funding and policy package that:

1. Provides a significant increase in resources available for the preservation and maintenance of city streets by:
 - Substantially increasing the state gas tax and licensing and registration fees.
 - Indexing the state gas tax.
 - Continuing efforts to identify and implement alternative funding mechanisms (VMT, tolling, public-private partnerships, etc.).
 - Disaster resilience and seismic upgrades for all transportation modes.
 - The completion of transportation projects begun but not yet completed due to lack of funding or changes in funding criteria.
 - Providing additional funding for voluntary jurisdictional transfer.
 - Funding transportation enhancements such as bike-ped facilities.
 - Increasing funding for the statutory Special City Allotment program while maintaining the 50%-50% ODOT/city split.
 - Repealing the referral requirement (2009 Jobs and Transportation Act) on cities seeking to create/increase local gas tax.
2. Addresses statewide needs relating to intermodal transportation through:
 - Additional funding for transit operations and capital projects.
 - Additional funding for freight rail capital projects and operations (*ConnectOregon*, short-line rail and transload facilities).

Background

Maintenance and preservation needs have outpaced the resources available for streets, roads and highways. In its March, 2016 Infrastructure Survey Report the League identifies a \$3.7 billion capital need for highway and non-highway transportation projects (\$2.6 billion highway / \$1.1 billion non-highway). In addition, the report shows, for the 120 cities that participated, an aggregated street budget shortfall for operations and maintenance of approximately \$217 million per year. Safety and disaster resilience were cited as major challenges and needs by most cities. Cities also expressed support for a voluntary jurisdictional transfer program (the sensible alignment of highway facilities and management responsibility) provided the availability of adequate funding to facilitate the transfer and to maintain the asset.

Given the threat that inadequate funding represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets. Notwithstanding its emphasis on the need to preserve and maintain existing streets, the League of Oregon Cities agrees that the state's transportation system and the policy and funding programs that support it must be multimodal and statewide in scope. The League will therefore work to pass legislation in 2017 that addresses funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing address such issues as:

- Connectivity and capacity (especially truck mobility/rail)
- Safety for all users across all modes
- Resiliency and recovery (seismic retrofit across all modes)
- Jobs and economic development
- Impact on climate change
- Active transportation and public health
- Transportation access available on an equitable basis to all Oregonians
- Continuing and extending *ConnectOregon*
- Ensuring adequate new revenues for program/equipment such as the Oregon Department of Motor Vehicles technology upgrade
- Creative solutions to ongoing challenges (dedicated non-roadway fund, increased local authority to fund transit, bike-ped funding, etc.)

- **Additional funding for passenger rail operations, equipment and capital projects (federal matching money and AMTRAK Cascades).**

3. Does not:

- **Preempt local government ability to self-generate transportation revenues for street maintenance and preservation.**
- **Change the dedication of State Highway Fund dollars to highway, road and street projects contained in Article 8, Section 3a of the Oregon Constitution.**
- **Reduce cities 20% share of the State Highway Fund.**
- **Create unfunded mandates requiring cities to undertake specific programs, such as greenhouse gas reduction scenarios.**
- **Further complicate the planning and regulatory process that currently governs the project delivery process.**

- **Maximizing local benefits of the federal FAST Act in Oregon**

Water & Wastewater

Legislation	Background
<p data-bbox="121 254 597 281">AA. <u>Funding for Water System Resilience</u></p> <p data-bbox="121 321 737 554">Secure dedicated funding for water and wastewater system resilience and emergency preparation. This would include additional funds to plan for and upgrade water systems to increase seismic resiliency and funding to better position communities to better prepare for water supply shortages due to drought, climate change or other emergency scenarios.</p>	<p data-bbox="781 254 1474 625">In general, Oregon’s drinking water and wastewater systems are woefully underprepared for a catastrophic earthquake event. Restoration of water supply following such an event is critical for fire suppression, first aid, and for human health and safety. In 2013, the Oregon Resilience Plan provided estimates for service recovery of water and wastewaters systems in the event of a Cascadia earthquake under current infrastructure conditions. According to the plan, the estimated the timeframe for service recovery in the valley ranges from one to twelve months. For the coast, service recovery is estimated between one to three years.</p> <p data-bbox="781 665 1474 963">In addition to risks associated with significant natural disaster events, recent drought conditions in Oregon have demonstrated the need for emergency supply planning and coordination with other water users to better address water supply challenges. It is critical that communities are able to acquire alternative and back-up water supplies from multiple sources in order to better prepare for supply shortages or emergency situations, such as natural disasters or supply contamination.</p> <p data-bbox="781 1003 1482 1205">The League will work to identify and secure low-interest loans or grants to seismically upgrade drinking water and wastewater system infrastructure and to help ensure that these systems are more resilient and better positioned to respond to water supply shortages resulting from drought, climate change, natural disasters, or other system failures.</p>

Water & Wastewater (Continued)

Legislation	Background
<p>BB. <u>Promote an Enhanced Prescription Drug Take-Back</u></p> <p>Advocate for enhanced prescription drug take-back program funding and additional collection locations to reduce contamination of water from unwanted prescription drugs.</p>	<p>Unused prescription drugs are problematic from both a public health and safety perspective as well as from a water quality perspective. Drug take-back programs help to ensure that unused prescription drugs are properly disposed of which keeps them from being abused, keeps them out of the hands of children, and keeps them from entering Oregon's waterways. Unwanted prescription drugs are often flushed down the toilet and despite wastewater treatment systems, y can end up contaminating lakes, streams and rivers. In 2014, U. S. Drug Enforcement Administration (DEA) expanded the types of locations allowed to accept unwanted medications including retail pharmacies and drug manufacturers. Prior to 2014, drug-take back programs were primarily supported through police department drop boxes. The challenge in expanding prescription drug take-back programs is now focused on the cost of transporting unused drugs from the take-back location to the disposal site and in educating the public about responsible disposal opportunities.</p> <p>The League will work with a variety of stakeholders, including public health advocates, to identify additional funding mechanisms to increase drug take-back collection locations across Oregon. Funding should support the transportation and responsible disposal of unused prescription drugs. Funds should also be dedicated for enhanced education of disposal opportunities and the establishment of convenience standards to ensure that all Oregonians have reasonable access to drug take-back locations.</p>
<p>CC. <u>Increased Funding for Water Supply Development</u></p> <p>Support additional water supply funding through the state's Water Supply Development Account.</p>	<p>According to a survey conducted by the League, Oregon's water and wastewater infrastructure needs for cities alone are estimated to be \$9 billion over the next twenty years. In addition, the survey identified 66 percent of respondent cities as being in need of additional water supply storage. The 2015 drought highlighted the need for additional investments in water supply infrastructure, including storage and water delivery system efficiencies. Additional storage project investments are not only critical for adequate drinking water supply, they are an important tool for supplementing streamflows and habitat restoration.</p> <p>The League will work to secure additional funding for existing water supply development programs. This includes support for feasibility grants and for the state's Water Supply Development Account which provides funding for water supply storage, reuse, restoration and conservation projects.</p>

City of Falls City
City Council Work Session Meeting Minutes
Thursday June 29, 2016
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

Staff Present: Domenica Protheroe, City Clerk

Falls City School District Board present: Jamie Kidd, President, and Robert Young Vice President

Falls City School District Staff Present: Jack Thompson, Superintendent, and High School Principal; Art Houghtaling, K-8 Principal; Debbie Pavon, Assistant Business Manager

Mayor Ungricht called the meeting to order at 6:09 PM.

1) Roll Call

Councilor Bishop and Councilor L. Sickles absent.

2) Joint Meeting with the Falls City School District to Discuss Library Viability

The Library Board had attempted to form a library district two years ago. At that time, several surrounding cities expressed interest forming a library district. Since then all surrounding cities had pulled out. As a result, the effort to form a Library District stalled. Mayor Ungricht distributed an agenda report (Exhibit A). He estimated that the remaining balance of the Wagner Library Funds was approximately at \$137,113, which would provide three years of funding for the library. The 2015-2016 fiscal year audit would verify the amount.

The group discussed possible funding sources for the Wagner Library such as grants, bonds, and a library district. The group agreed that a library district with the same boundaries as the school district was the only option that would offer a sustainable revenue source. The group determined that the Library Board and the Library Director would be responsible for the placement of a Library District Measure on November 2017 ballot. The Library Board would place the measure before both the Falls City City Council and the Falls City School District Board for their review and approval prior to submitting the measure to Polk County for inclusion on the November 2017 ballot.

The group agreed that public education and outreach was critical. The group encouraged the creation of Friends of the Library group. Both Falls City School District and the Falls City Council would place the Wagner Library on their agendas each month. The Falls City Council and Falls City School Board would hold two well-advertised joint meetings in 2016. The first joint meeting would be held on September 20, 2016 at 5:30 PM at the High School. The second joint meeting would be held on December 13, 2016 at 5:30 PM.

The group agreed that the library would be closed June 2018 if the Library District measure were defeated. This would allow the remaining library funds to be preserved for a library in the future.

Jack Thompson introduced Andy Rommel. Mr. Rommel had been invited to the meeting in order to provide full disclosure for the support and funding for the library because he recently offered the job as Library Director.

3) Adjourn

The meeting adjourned at 7:00 pm.

Attested:

_____ Mayor Terry Ungricht

_____ City Clerk Protheroe

AGENDA REPORT

TO: COUNCIL
FROM: MAYOR TERRY UNGRICHT
SUBJECT: WAGNER TRUST FUND
DATE: 05/18/2016

SUMMARY

Working on the 2016-17 budget some discrepancies on the balance of the Wagner Trust Fund came up.

BACKGROUND

The Wagner Trust was terminated on March 13, 2014 to help fund the Public Library while the Library Board, City Council, and Falls City School Board looked for ways to keep the library open. The Library Board was tasked to work with other area Communities to set up a Library District that would self-fund Public Libraries.

Unfortunately, while there was interest from different Cities in working together to form a Library District the other Cities have withdrawn their interest. The Library Board is looking into setting up a District with in the Falls City School District boundaries. While I was drafting up the 2016-17 Budget it came to my attention that the City had possibly transferred more funds from the Wagner Fund then was spent out. The Exhibit explains where we are at in the fund and what I would like to set up for the next budget to protect these funds into the future.

PREVIOUS COUNCIL ACTION

Motioned to petition the court to terminate the Wagner Trust. Joint meeting that resulted in the Wagner Library operating agreement with the Falls City School District.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Audit results in the city using General Fund revenue to pay \$22,442.52 of the contracted Librarian fees for 2016-17.

STAFF RECCOMENDATION

N/A

EXHIBIT

- 1) Letter on Wagner Trust Fund.
- 2) Resolution and agreement setting up Wagner Library Contract.

WAGNER TRUST FUND

The Wagner Trust was terminated by Court Order on March 13, 2014 at 8:30 pm. There was an appeal of this court order so balance of funds was frozen until the appeal was heard. Money was held out of trust to fund the termination and appeal.

On June 18, 2014 there was a partial release of funds to the City of \$85,000.00, there was some funds held over until all legal costs were paid out. On September 4, 2014 there was the balance of the funds released to the City of \$29,708.62, this total closed out the Trust Fund. (Exhibit 1)

So there was a total of \$114,708.62 released to the City from the Trust, \$91,767 to the 80% fund and \$22,941.62 to the 20% fund.

Falls City received the trust funds during the transition from City Administer Mathieson who put the 2014-15 budget together before the release of funds, so the 14-15 figures were a best guess estimate. We then had an interim Manager that put the numbers together for the 2015-16 budget and was not familiar with all costs and terms of the fund. I noticed a problem when putting the 2016-17 budget together and went with the audited numbers until the 2016 audit, which is scheduled for the first part of August. I will recommend that we set this fund up in the 2017-18 budget as a special revenue fund; this will allow the combining of the 20% and 80% fund and to pay for Library services straight out of the fund, rather than transferring to the General fund. This will allow future managers to know exactly where the money can be spent and give an accurate accounting of the money spent for Library services. This will also allow for the protection of the library funds if Council and the School Board decide to temporarily close the Library, it will keep the funds targeted for re-opening a Library if the citizens do not accept funding a Library District, or if the Library Board decides not to pursue a Library District.

The June 2013 (before the closing of the fund) audited figures for 2012/2013 Budget year showed actual balances of \$96,385 and \$10,603 in each fund. In the 2014 Audit (after money had been released) the funds showed balances of \$168,258 and \$28,571. If the audited balance from 2013 is added to the released amount; 80% fund, $96,385 + 91,767 = 188,152$, 20% fund, $10,603 + 22,941.62 = 33,544$. The audited figures for 2015 shows a balance of 124,773 and 34,635.

So with no spending factored in, we are showing -\$63,419 in the 80% and +\$1091 to the 20% at the start of the 2016-17 budget year. Spending for the 2014-2015 budget year was 14,550.52 and spending for 2015-2016 budget year there is \$49,776.33 spent out to the School for a total of \$ 64,326.85. Subtracting the \$64,326.85 money spent in 2014-15 and 2015-16 from what should be in the fund, $188,152 - 64,326.85 = 123,825.15 - 1091$, credited to the 20%

=122,734.15, a difference of 2,038.85 to the starting balance of 124,773 of the 2015-16 budget document.

The starting balance should have been \$126,811.85 for the 2015-16 budget minus the spending for 15-16, \$49,776.33, giving a starting fund figure for 2016-17 of \$77,035.52 versus the 54,593 shown. The City owes the library fund \$22,442.52. The City will pay the first \$22,442.52 out of the General fund. Depending on the costs of librarian for this budget year, and paying the first \$22,442.52 out of the General, the starting figure for 2017-18 will be correct.

To recap, starting fund balance for the 80% fund should have been \$77,035.52 and the 20% fund stays at the 34,635. Combining the funds and setting up a special revenue fund for the 2017-18 budget will have a starting fund balance of $\$77,035.52 + 34,635 = \$111,670.52$ minus funds spent this budget year above the \$22,442.52 owed.

RESOLUTION 17-2014

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

FINDINGS:

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

NOW THEREFORE,

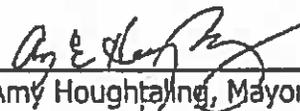
THE COMMON COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

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

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

Approved:

8/14/14
Date



Amy Houghtaling, Mayor

Attest:
8/14/14
Date



Amber Mathiesen
City Administrator/Recorder

INTERGOVERNMENTAL AGREEMENT

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

FCSD and City hereby agree to the following:

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

Duties and Responsibilities of FCSD:

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

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

Duties and Responsibilities of City:

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

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

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

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

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

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

Termination of Agreement:

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

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

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

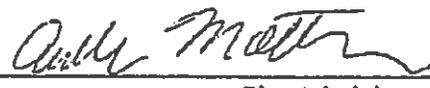
4. Unanticipated Event or Emergency of FCSD. In the event FCSD determines the library space is required by FCSD for additional unanticipated instructional space, or is not available based on an unanticipated event or emergency, it has the right to unilaterally terminate this Agreement with at least ten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

AGREED:

Falls City School District

City of Falls City

By: 
Larry Stokes, Board Chair

By: 
_____, City Administrator

Dated: 8-19-14

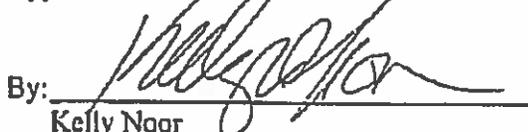
Dated: 8/25/14

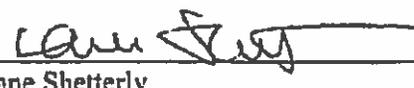
By: 
Jack Thompson, Superintendent

Dated: 8-19-14

Approved as to form:

Approved as to form:

By: 
Kelly Noor
Attorney for Falls City School District

By: 
Lane Shetterly
City Attorney

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AGENDA REPORT

TO: CITY COUNCIL
FROM: JoHanna Hewitt, City Clerk through Mayor Ungricht
SUBJECT: Emergency Preparedness Meetings- Oregon Public Meeting Law
DATE: 6/24/2016

SUMMARY

Open government or “sunshine” laws benefit both government and the public. These laws originated in the early 1970’s due to growing public unhappiness with government secrecy. This resulted in every state including the District of Columbia to enact laws requiring government to conduct its business openly rather than behind closed doors. Openness by government leads to greater trust and credibility with its citizens by permitting them to observe information-gathering and decision-making processes. Citizens gain by having access to the process of deliberation and can in turn influence its deliberations.

A “public body” is any state, regional, or local governmental board, department, commission, council, bureau, committee, statute, administrative rule, order, intergovernmental agreement, bylaw or other official act. Public agencies contracting with private bodies may require a private body to comply with the law for pertinent meetings.

Who is covered:

A “public body” is any state, regional, or local governmental board, department, commission, council, bureau, committee, subcommittee, or advisory group created by the state constitution, statute, administrative rule, order, intergovernmental agreement, bylaw or other official act.

A “governing body” is two or more members of a public body who have the authority to make decisions for or recommendations to a public body on policy or administration. A group without power of decision is a governing body when authorized to make recommendations to a public body, but not when the recommendations go to individual public officials.

Example:

- A school board must meet in public.
- So must most advisory committees that the school board creates, such as a budget committee.
- However, if the school board chair asks several business leaders to meet with him to discuss future building needs, that meeting may be held in private.

Private bodies, such as non-profit corporations do not have to comply with public meetings law, even if they receive public funds, contracts with governmental bodies or perform public services.

BACKGROUND

Oregon's Public Meeting Law, enacted in 1973 ensure sure all meetings of governing bodies covered by the law are open to the public. This includes meetings called just to gather information for subsequent decisions or recommendations.

This law also requires the public shall be given notice of the time and place of meeting and that meetings be accessible to everyone, including persons with disabilities.

The Public Meetings Law guarantees the public the right to view government meetings, but not necessarily to speak at them. Governing bodies set their own rules for citizen participation and public comment.

Falls City allows for public comments at all Council and Committee meetings after the Agenda and Consent Agendas have been motioned.

PREVIOUS COUNCIL ACTION N/A

STAFF RECOMMENDATION

According to the Falls City Municipal Code, the Mayor and Council officially form a committee and or commission by resolution. The formation of an Emergency Preparedness group, its discussions and its decisions made by parties at these meetings are not officially recognized as a governing body and are non-sanctioned by the City of Falls City. The Emergency Preparedness meetings are therefore not subject to the Public Meeting laws unless a quorum of Council or other officially recognized committee members are present.

In the event of a quorum, of either Council or other committee members, recorded minutes shall be kept following Oregon's Public Meeting Law.

Council may wish to consider forming an Emergency Preparedness Committee by resolution.

Committee rules and structure may differ, however all are subject to:

- Establishment by Council
- Appointment by Mayor with Council consent
- Terms of service
- Filling of Vacancies
- Residence requirements
- Meeting frequency
- Purpose of committee
- Compensation
- Rules and regulation

All aspects must comply with the Falls City Charter, Falls City Municipal Code and State Law. The Public Works Committee example listed below, as with all Falls City committees are formed by resolution of Council.

Falls City Municipal Code of Ordinances excerpt:

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32.03 PUBLIC WORKS COMMITTEE

32.03.010 Public Works Committee established.

32.03.020 Membership qualifications.

32.03.030 Terms of Office; Vacancies and Removal

32.03.040 Meetings.

32.03.050 Purpose.

32.03.060 Compensation of members.

32.03.070 Rules and regulations.

32.03.010 Public Works Committee Established

The public works committee is hereby established. The committee shall be composed of seven members appointed by the mayor, with the consent of the council. The public works committee members shall elect, at their first regular meeting, a chairperson, vice chairperson and secretary from their membership. Thereafter, the committee shall elect a chairperson at its first meeting each year, to serve for the calendar year and until the chairperson's successor has been elected; provided, however, that no member shall serve more than two consecutive terms as chairperson.

32.03.020 Membership Qualifications

Members of the public works committee must reside in the city at the time of their appointment and at all times during their term in office.

32.03.030 Terms of Office; Vacancies and Removal

Public works committee members shall hold office for four years, except when filling the unexpired portion of a vacancy in office. Any vacancies in the committee shall be filled by appointment by the Mayor, with the consent of the council. A member of the committee who is absent from two consecutive meetings without the approval of the committee is presumed to be in nonperformance of duty and the council may remove the member from the committee and declare the position vacant.

32.03.040 Meetings

Four members of the committee shall constitute a quorum. When a quorum is present, the concurrence of a majority of the members present shall be required to decide any matter. It shall meet at least twice per year, at such times and places as may be fixed by the chairperson, or as directed by the city council. If necessary, members may attend a meeting of the committee by conference call in accordance with state law.

32.03.050 Purpose

The purpose of the public works committee shall be to advise the city council regarding matters in the water, sewer, streets, transportation, bridges, trails planning, acquisition, construction and maintenance, grants acquisition, volunteer coordination, improvements, and the following tasks:

Falls City, OR Code of Ordinances

American Legal Publishing Corporation 16

- A. Review and make recommendations on public works projects.
- B. Advise on utility or street systems development charge rate analysis and recommendations.
- C. Advise on city utility use procedures.
- D. Advise on city budget for operation and capital improvements.
- E. Troubleshoot capital and maintenance projects.
- F. Utility rules and policy recommendations.

In addition, the board may advise the council on any matter upon which the council requests guidance.

32.03.060 Compensation of Members

The public works committee members shall receive no compensation for their services. The public works committee members shall have no authority to make any expenditure on behalf of the city, or obligate the city for payment of any sums of money. However, they may make recommendations to the city council from time to time regarding expenditures and/or obligations.

32.03.070 Rules and Regulations

The committee may adopt rules and regulations to conduct its affairs, which rules and regulations shall be consistent with the laws of the state of Oregon, Falls City Charter and city of Falls City code and ordinances.

EXHIBIT A- Oregon Public Meeting Law

EXHIBIT B- Sample resolution

PROPOSED MOTION N/A

Protecting the public's right to know

A QUICK REFERENCE GUIDE TO OREGON'S PUBLIC MEETINGS LAW

For local and state officials, members
of Oregon boards and commissions, citizens,
and non-profit groups

This guide is published as a public service by
Open Oregon: a Freedom of information Coalition
and the Oregon Attorney General's office.



A Time Saving Reference

This guide is brought to you free of charge as a joint project between Open Oregon: A Freedom of Information Coalition and Oregon Attorney General Hardy Myers. Funding for this booklet came from the National Freedom of Information Coalition through a grant from the John S. and James L. Knight Foundation.

How to Use This Guide

This summary is intended as a quick reference to the Oregon Public Meetings Law. The entire law may be found in Oregon Revised Statutes 192.610 to 192.690. Additional information may be obtained by sending an e-mail request to info@open-oregon.com or visiting www.open-oregon.com

For a comprehensive analysis of the law, refer to the latest edition of the Attorney General's Public Records and Meetings Manual, available for a nominal fee by calling (503) 378-2992 or writing to Department of Justice, Administrative Services, 1162 Court Street NE, Salem, Oregon 97301-4096.

What is Open Oregon?

Open Oregon: A Freedom of Information Coalition is a non-profit educational and charitable organization with a single purpose: to assist and educate the general public, students, educators, public officials, media and legal professional to understand and exercise:

- Their rights to open government.
- Their rights and responsibilities under the Oregon public meetings and records laws.
- Their rights under the federal Freedom of Information Act.

Open Oregon is a 501(c)(3) non-profit corporation.

The Spirit of Oregon's Public Meetings Law

The Value of Openness

Understanding the letter of the Public Meetings Law is critical. Equally important is understanding and committing to the spirit of that law. Public bodies should approach the law with openness in mind. Open meetings help citizens understand decisions and build trust in government. It is better to comply with the spirit of the law and keep deliberations open.

*"Government accountability depends
on an open and accessible process."*

•

Hardy Myers
Oregon Attorney General

"Public bodies must conduct business
in public - it's really that simple."

•

Bill Bradbury
Oregon Secretary of State
Honorary Co-Chair, Open Oregon

"Oregon needs to protect its tradition
of openness."

•

Dave Frohnmayr
President, University of Oregon
Honorary Co-Chair, Open Oregon

Oregon's Public Meetings Law

“Open government” or “sunshine” laws originally were enacted nationwide in the early 1970s because of growing public unhappiness with government secrecy. As a result, every state and the District of Columbia enacted laws requiring government to conduct its business openly, rather than behind closed doors.

Open government laws benefit both government and the public. Citizens gain by having access to the process of deliberation - enabling them to view their government at work and to influence its deliberations. Government officials gain credibility by permitting citizens to observe their information-gathering and decision-making processes. Such understanding leads to greater trust in government by its citizens. Conversely, officials who attempt to keep their deliberations hidden from public scrutiny create cynicism, erode public trust and discourage involvement.

Policy

Oregon's Public Meetings Law was enacted in 1973 to make sure that all meetings of governing bodies covered by the law are open to the public. This includes meetings called just to gather information for subsequent decisions or recommendations.

The law also requires that the public be given notice of the time and place of meetings and that meetings be accessible to everyone, including persons with disabilities.

The Public Meetings Law guarantees the public the right to view government meetings, but not necessarily to speak at them. Governing bodies set their own rules for citizen participation and public comment.

Who is covered?

Because questions often arise about what groups must comply with the public-meetings law, it is useful to look at the definitions in the law. The law says that any "governing body" of a "public body" is required to comply. It offers these definitions:

- A "public body" is any state, regional, or local governmental board, department, commission, council, bureau, committee, subcommittee, or advisory group created by the state constitution, statute, administrative rule, order, intergovernmental agreement, bylaw or other official act.
- A "governing body" is two or more members of a public body who have the authority to make decisions for or recommendations to a public body on policy or administration. A group without power of decision is a governing body when authorized to make recommendations to a public body, but not when the recommendations go to individual public officials.

Example

- *A school board must meet in public.*
- *So must most advisory committees that the school board creates, such as a budget committee.*
- *But if the school board chair asks several business leaders to meet with him to discuss future building needs, that meeting may be held in private.*

Private bodies, such as non-profit corporations, do not have to comply with the public-meetings law, even if they receive public funds, contract with governmental bodies or perform public services.

Example

- *A school district contracts with Regence BlueCross BlueShield of Oregon to provide health insurance for district employees. The BlueCross BlueShield board of directors is not required to meet in public.*

Public agencies contracting with private bodies may require a private body to comply with the law for pertinent meetings. Federal agencies are not subject to Oregon's Public Meetings Law.

What is a Public Meeting?

A public meeting is the convening of any governing body for which a quorum is required to make or deliberate toward a decision on any matter, or to gather information. Decisions must be made in public, and secret ballots are prohibited. Quorum requirements may vary among governing bodies.

Example

- *A county commission's goal-setting retreat is a public meeting if a quorum is present and they discuss official business.*
- *A training session for the commissioners is not a public meeting, unless a quorum is present and the commissioners discuss official business.*
- *A staff meeting absent a quorum of commissioners, whether called by a single commissioner or a non-elected official, is not a public meeting.*

Meetings accomplished by telephone conference calls or other electronic means are public meetings. The governing body must provide public notice, as well as a location where the public may listen to or observe the meeting.

Governing bodies must hold their meetings within the geographic boundaries of their jurisdiction. However, a governing body may meet elsewhere if there is an actual emergency requiring immediate action or to hold a training session, when no deliberation toward a decision is involved.

Example

- *A library board is free to rotate meetings at different libraries in its district, but it may not meet outside its district.*

Federal and state law requires that meetings be held in places accessible to individuals with mobility and other impairments.

What is Exempt from the Law?

On-site inspections, staff meetings and gatherings of associations to which a public body or its members belong are not considered public meetings. Chance social gatherings are not considered meetings as long as no official business is discussed.

Example

- *Three out of five city councilors inspect a new landfill site. Their inspection does not constitute a public meeting, unless they deliberate toward a decision on a city matter.*
- *Later, the three city councilors attend a League of Oregon Cities conference. Again, this is not a public meeting, unless the councilors discuss official city business.*
- *That evening, the three councilors chat during a concert intermission. As long as they talk about the music, this is not a public meeting. But if they stray into discussion of official city business, then it is.*

Also exempt from the Public Meetings Law are:

- Meetings of state or local lawyers assistance committees.
- Meetings of medical peer review committees.
- Meetings of multidisciplinary teams reviewing child abuse and neglect fatalities.
- Judicial proceedings. However, see Oregon Constitution, Section 10.
- Review by the Workers' Compensation Board and the Employment Appeals Board of hearings on contested cases.
- Meetings of the Energy Facility Siting Council when it reviews and approves security programs.
- The Oregon Health and Science University regarding presidential selection process, sensitive business matters, or meetings of faculty or staff committees.
- Mediation by the agricultural mediation service program.

For some entities, the deliberation process alone is exempt, although information-gathering and decision-making must be public. This applies to the State Board of Parole, the Psychiatric Security Review Board, and state agencies conducting hearings on contested cases under the Administrative Procedures Act.

Notice of Meetings

Governing bodies must give notice of the time, place and agenda for any regular, special or emergency meeting.

Public notice must be reasonably calculated to give actual notice to interested persons and media who have asked in writing to be notified of meetings and general notice to the public at large.

Governing bodies wishing to provide adequate notice should strive to provide as much notice as possible to ensure that those wishing to attend have ample opportunity – a week to 10 days for example.

At least 24-hour notice to members of the governing body, the public and media is required for any special meeting, unless the meeting is considered an emergency meeting. Appropriate notice is required for emergency meetings and should include phone calls to media and other interested parties. Notice for emergency meetings must also cite the emergency.

A meeting notice must include a list of the principal subjects to be considered at the meeting. This list should be specific enough to permit citizens to recognize matters of interest. However, discussion of subjects not on the agenda is allowed at the meeting.

Example

The State Board of Higher Education plans to discuss building new college campus in Burns. An agenda item that says "Discussion of public works" would be too general. Instead, the agenda should say something like "Discussion of proposed Burns campus."

Executive Sessions

Governing bodies are allowed to exclude the public - but generally not the media - from the discussion of certain subjects. These meetings are called executive sessions.

Executive sessions may be called during any regular, special or emergency meeting. A governing body may set a meeting solely to hold an executive session as long as it gives appropriate public notice. Notice requirements for executive sessions are the same as for regular, special or emergency meetings. However, labor negotiations conducted in executive sessions are not subject to public notice requirements.

Notice of an executive session must cite the specific law that authorizes the executive session. This authorization also must be announced before going into the executive session.

Governing bodies may formally specify that the media not disclose information that is the subject of the executive session. Governing bodies should not discuss topics apart from those legally justifying the executive session. Media representatives may report discussions that stray from legitimate executive session topics and are not required to inform the governing body when they intend to do so.

No final action may be taken in executive session. Decisions must be made in public session. If a governing body expects to meet publicly to make a final decision immediately after an executive session, it should try to announce the time of that open session to the public before the executive session begins.

Example

• City councilors meet in executive session to discuss the city manager's performance. A local reporter attends. During the meeting, the councilors discuss whether the city should put a bond measure on the next ballot. The reporter may write a story on the council's bond-measure discussion, because that discussion was not allowed under the executive session rules. The reporter may not write about the city manager's performance.

Executive Sessions Criteria

Executive sessions are allowed only for very limited purposes. Those include:

- 1. To consider the initial employment of a public officer, employee or staff member, but not to fill a vacancy in an elected office, or on public committees, commissions or advisory groups.** These sessions are allowed only if the position has been advertised, standardized procedures for hiring have been publicly adopted, and the public has had an opportunity for input on the process. Executive sessions are not allowed to consider general employment policies.
- 2. To consider dismissal, discipline, complaints or charges against a public official, employee, official, staff or individual agent, unless that person requests a public hearing.**
- 3. To review and evaluate the job performance of a chief executive officer, or other officer or staff member, unless that person requests an open hearing.** Such evaluation must be pursuant to standards, criteria and policy directives publicly adopted by the governing body following an opportunity for public comment. The executive session may not be used for the general evaluation of agency goals, objectives, programs or operations, or to issue any directive to personnel on the same.
- 4. To deliberate with persons designated to conduct labor negotiations.** The media may be excluded from these sessions.
- 5. To conduct labor negotiations if both sides request that negotiations be in executive session.** Public notice is not required for such meetings.
- 6. To consider records that are exempt by law from public disclosure.**
- 7. To consult with counsel concerning litigation filed or likely to be filed against the public body.** Members of the media that are a party to that litigation, or represent a media entity that is a party, may be excluded.
- 8. To consult with persons designated to negotiate real property transactions.**

9. To discuss matters of trade when the governing body is in competition with other states or nations.
10. To negotiate with a private person or business regarding public investments.
11. To discuss matters of medical competency and other matters pertaining to licensed hospitals.
12. To consider information obtained by a health professional regulatory board or State Landscape Architect Board as part of an investigation of licensee or applicant conduct.
13. To discuss information relating to the security of: a nuclear power plant; transportation of radioactive materials; generation, storage or conveyance of electricity, gas hazardous substances, petroleum, sewage or water; and telecommunications and data transmission.

Media at Executive Sessions

Media representatives must be allowed to attend executive sessions, with three exceptions. Media may be excluded from:

- Strategy discussions with labor negotiators.
- Meetings to consider expulsion of a student or to discuss students' confidential medical records.
- Meetings to consult with counsel concerning litigation to which the media or media representative is a party.

A governing body may require that specific information not be reported by the media. This should be done by declaration of the presiding officer or vote. In the absence of this directive, the executive session may be reported. Any discussion of topics apart from those legally justifying the executive session may be reported by the media.

The media also is free to report on information gathered independently from executive session, even though the information may be the subject of an executive session.

Example

• A reporter attends the executive session on the city council's discussion of the city manager's performance. Afterwards the reporter asks a councilor what she thinks of the city manager's performance. She shares her criticism. The reporter may use that interview to develop a story, even though the reporter first heard the information at the executive session.

Minutes

Written, sound, video or digital recording of minutes are required for all meetings.

The meetings law says minutes must be made available within a "reasonable time" after each meeting, but does not specify the time. Generally, this time frame should not exceed three weeks. Minutes must be preserved for a "reasonable time." This is generally interpreted to be at least one year. Minutes of many governing bodies are subject to records retention rules and schedules established by the State Archivist.

Minutes must indicate:

- Members present
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
- The result of all votes by name of each member (except for public bodies consisting of more than 25 members). No secret ballots are allowed.
- The substance of discussion on any matter.
- A reference to any document discussed at the meeting.

Minutes are not required to be a verbatim transcript and the meeting does not have to be tape recorded unless so specified by law. Minutes are public record and may not be withheld from

the public merely because they will not be approved until the next meeting. Minutes of executive sessions are exempt from disclosure under the Oregon Public Records Law.

Governing bodies are allowed to charge fees to recover their actual cost for duplicating minutes, tapes and records. A person with a disability may not be charged additional costs for providing records in larger print.

Enforcement

County district attorneys or the Oregon Attorney General's Office may be able to answer questions about possible public meetings law violations, although neither has any formal enforcement role and both are statutorily prohibited from providing legal advice to private citizens.

Any person affected by a governing body's decision may file a lawsuit in circuit court to require compliance with or prevent violations of the Public Meetings Law. The lawsuit must be filed within 60 days following the date the decision becomes public record.

The court may void a governing body's decision if the governing body intentionally or willfully violated the Public Meetings Law, even if the governing body has reinstated the decision in a public vote. The court also may award reasonable legal fees to a plaintiff who brings suit under the Public Meetings Law.

Complaints of executive session violations may be directed to the Oregon Government Ethics Commission, 3218 Pringle Road SE, Suite 220, Salem OR, 97302-1544; 503-378-5105, for review, investigation and possible imposition of civil penalties.

Members of a governing body may be liable for attorney and court costs both as individuals or as members of a group if found in willful violation of the Public Meetings Law.

For additional copies of this guide or information about Open Oregon, contact:

Open Oregon: A Freedom of information Coalition
PO Box 172, Portland, Oregon 97207-0172
info@open-oregon.com
www.open-oregon.com

Additional resources:

- **Oregon Attorney General's Public Records and Meetings Manual**, available by calling 503-378-2992 or writing to Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096; www.doj.state.or.us/oregonians/pubs.shtml
- **Oregon Revised Statutes 192.610 to 162.690**, the Oregon Public Meetings Law, available in most libraries and on the internet at www.leg.state.or.us.
- **Oregon Newspaper Publishers Association**, 503-624-6397. Offers legal advice to member newspapers and general information about public records and meetings requirements; www.orenews.com
- **League of Oregon Cities**, 1201 Court St. NE, Salem, OR 97301. 503-588-6550; www.orcities.org
- **Association of Oregon Counties**, 1201 Court St. NE, Salem, OR 97301. 503-585-8351; www.aocweb.org
- **Oregon School Boards Association**, 1201 Court St. NE, Salem, OR 97301. 503-588-2800; www.osba.org
- **Special Districts Association of Oregon**, PO Box 12613, Salem, OR 97301-0613, 503-371-8667; www.sdao.com

Open Oregon Board of Directors

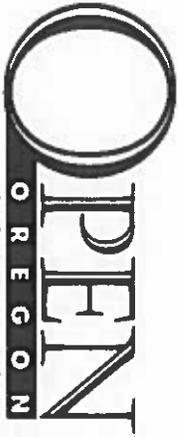
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President, University of Oregon
- Bill Bradbury, Oregon Secretary of State

Directors:

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The Associated Press
- Lisa Phipps, Vice President, Mayor,
Rockaway Beach
- Kenneth Lewis, Treasurer,
Portland Attorney
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- Tim Gleason, Dean, University of
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- Laurie Hieb, Executive Director, Oregon
Newspaper Publishers Association
- Gail Holmes, League of Women Voters
- Phil Keisling, Former Oregon Secretary
of State, Pro DX
- Kevin Neely, C&E Systems
- Norman Turrill, League of Women Voters



A Freedom of Information Coalition

P.O. Box 172

Portland, Oregon 97207-0172



Protecting the public's right to know

RESOLUTION 13-2015

A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON ESTABLISHING AN ECONOMIC DEVELOPMENT COMMITTEE TO EVALUATE AND MAKE RECOMMENDATIONS TO THE COUNCIL FOR GUIDANCE ON WAYS TO BRING IN EMPLOYMENT, ENCOURAGE NEW BUSINESSES, AND ENCOURAGE SPECIAL EVENTS.

FINDINGS:

1. Goal # 4, Item 1, of the 2015 Council Goals is to create an Economic Development Committee.
2. The Mayor and Council values input of its citizens
3. To increase the viability and stability of the economy of Falls City as a rural residential and commercial center.
4. There will be a total solar eclipse on August 21, 2017 and Council would like to weigh the possibilities of creating an event to draw tourist.

**NOW THEREFORE,
THE COMMON COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS
FOLLOWS:**

Section 1. The Economic Development Committee is hereby established as follows:

- A. The Economic Development Committee shall be comprised of no more than seven members all of whom shall be residents of the City.
- B. The City shall solicit applications for the Economic Development Committee from members of the public.
- C. There will be two members of the City Council and 5 members appointed by City Council.
- D. The Committee will keep minutes per the Oregon Public Meetings Law.

Section 2. The Economic Development Committee has the following duties and responsibilities:

- A. To solicit citizen input regarding these issues by public forums or other processes.
- B. To keep Council informed of direction of discussions.
- C. To prepare a final report by February 9, 2017 or before.
- D. Committee will be deemed void after final report is submitted.

Section 3. Minimum Attendance Requirements:

- A. It is expected that appointed members should attend each meeting. Should a member fail to attend two (2) consecutive meetings, that member shall be deemed to have vacated his or her position.
- B. A Majority of the Committee shall constitute a quorum.

Section 4. All meetings of the Economic Development Committee shall be noticed and open to the public. The public shall be encouraged to submit verbal and written comments to the Committee. The Committee shall have minutes of each meeting, which minutes shall be promptly recorded with City Staff and such records will be open to the public for inspection.

Section 5. This Resolution was duly PASSED and ADOPTED by the Falls City Council this Tenth (10) day of December, 2015, and takes effect upon signing by the Mayor.

Introduced and adopted December 10, 2015:

12-11-2015
Date

Terry Ungricht, Mayor

Attest:
12/11/2015
Date

Domenica Protheroe, City Clerk

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AGENDA REPORT

TO: CITY COUNCIL
FROM: JOHANNA HEWITT, CITY CLERK THROUGH MAYOR UNGRICHT
SUBJECT: WATER SERVICE CONNECTION APPLICATION- OUTSIDE OF CITY LIMITS
DATE: 06/21/2016

SUMMARY

An application for new water service was submitted to serve a 20.84-acre property located at 20700 Parry Road, outside of Falls City limits. The property, a former alpaca ranch with 15 acres in mature timber is currently on the real estate market.

The adjacent property at 20560 Parry Road borders city limits and utilizes Falls City water service. The applicant property's main dwelling and outbuilding is located quite a long distance from the 20560 Parry Road service area and is not supplied by a city owned right-of-way. An easement and/or encroachment permit would be required.

Many variables are involved when considering an outside of city limits connection and may not be conducive to utility funding.

Public Works has determined there is not enough pressure in the system to support this additional connection due to high elevation. An additional pump station would be necessary and an extension of mainline closer the property location at city expense.

Mayor Ungricht spoke with the property owners some time ago. They stated a supply problem with their well. However, Berry Creek runs through the property. It is possible drilling another well or obtaining water rights from Berry Creek to alleviate excessive draw on the well may be a solution to the owners.

BACKGROUND

Chapter 51 of the Falls City Municipal Code outlines policy for water usage and connections. Customers within city limits have preference in times of shortage. Only Council may approve connections outside of city limits. (Municipal Code- Chapter 51.03)

Municipal Code- Chapter 51.03 Water:

51.03 Service Area

The area served by the Water Department shall be all that area included within the corporate limits of the city, And any other contiguous and neighboring territory as the City Council shall, from time to time, deem necessary to serve.

(Ord. 98-471, passed 5-4-1988)

51.04 Description of Service

(D) *Classes of Service.* The classes of service shall be residential, commercial, standby, fire, and contract.

- 1) Inside city limits or **outside city limits;** and
- 2) Classes:

- a) **Residential service.** Residential services shall consist of all services for domestic purposes, single-family dwellings, homes and municipal purposes;
- b) **Commercial Service.** Commercial services shall consist of those services where water is used for commercial services, such as businesses and multi-family dwellings;

(G) *Service Preference.* In cases of shortage of supply, the Water Department reserves the right to give preference in the matter of furnishing service to customers and interest of the Water Department from the standing of public convenience or necessity. Water service to users outside of the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits.

(Ord. 98-471, passed 5-4-1998)

51.06 Main Extension

(B) *Outside the city limits.* Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall be a minimum of six-inch pipe of a material specified by the city and become the property of the Water Department at the time of installation. Extensions outside the city limits shall be installed by the Water department or by contractors approved by the Water Department. The installation procedures and materials used shall be in accordance with current City and/or State Health department standards. Subdividers for newly partitioned properties will assumed all costs of main extensions with the approval of the City Council.

51.07 Service Connection

(F) *Length of service line.* Where the main line is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of service line does not exceed the width of the right-of-way. Where the main line is on an easement or publicly owned property other than designated rights-of-way, the service shall be installed to the boundary of the easement or public property by the Water Department, provided the length of the service does not exceed 100 feet. If, in either case cited herein, the length of service line to the meter location exceeds the maximum stated, 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%.

Resolution No. 98-06 setting rates and fees as adopted on 1-6-1998, until superseded, in which case it shall mean the most recent resolution of the City Council setting rates and fees.

PREVIOUS COUNCIL/COMMITTEE ACTION N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

All costs go to the applicant including but not limited to the main extension, meter, backflow device, easements (if needed) etc. (Municipal Code- 51.06 B) In case of water shortage, water services outside city limits can be shut off, as priority is given to specific users inside city limits. (Municipal Code 51.04 G)

Several considerations would need to be reviewed:

- The city does not own the right-of-way outside city limits; easements and /or a county encroachment permit would be required.
- Public Works may have further thoughts or requirements.
- Use category would need to be assessed to determine if they are a commercial operation, and if so, would they be charged commercial (resident outside city limits) rate.
- If the water would be used only in the case of a drought, then the connection may not be beneficial to either the property owner or the city due to the preference priority given to users within city limits in the event of a water shortage.
- If connection is only seasonal for irrigation or livestock purposes, there would be minimum revenue to the water fund.

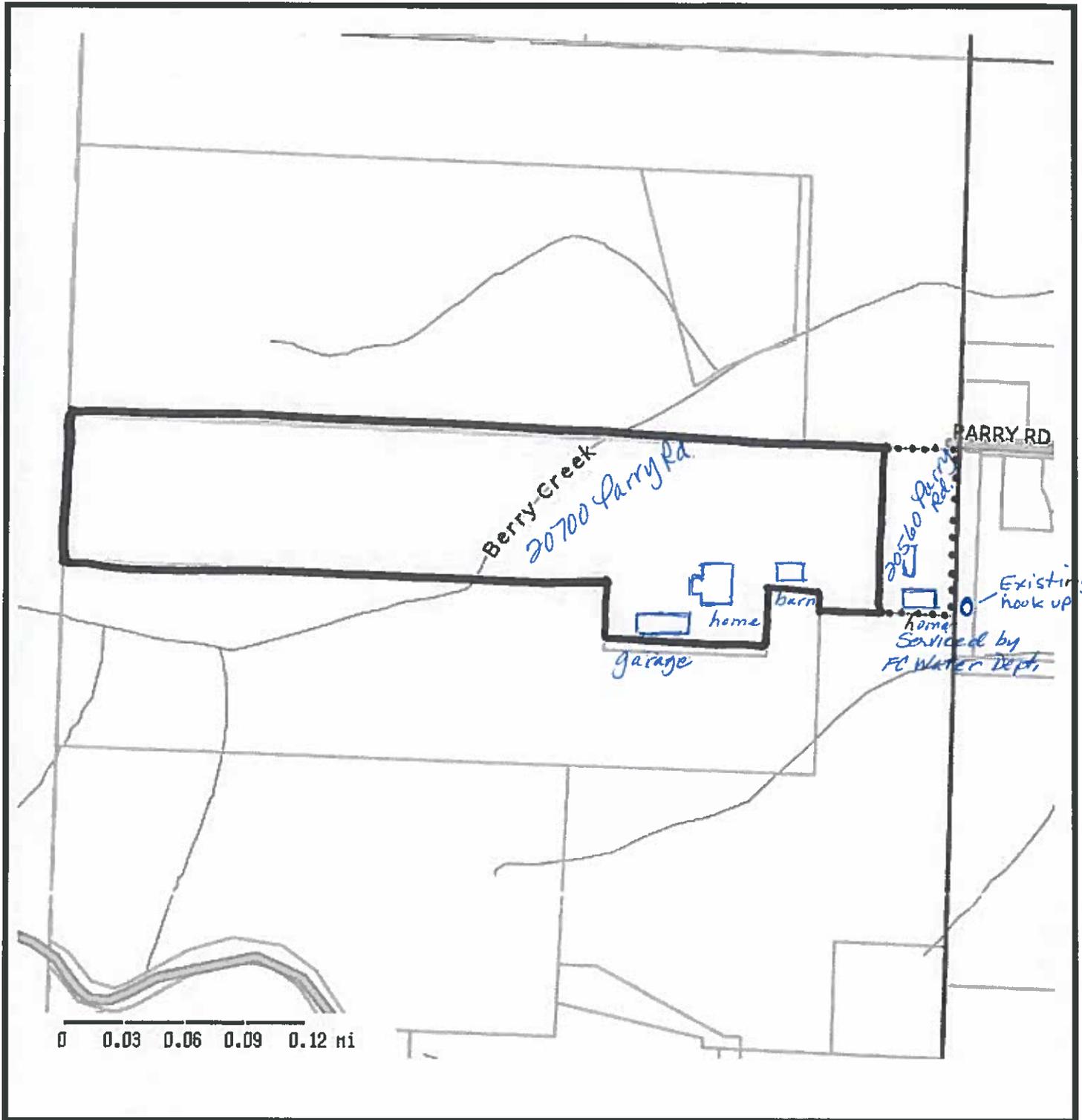
STAFF RECCOMENDATION N/A

EXHIBIT A- Polk County Web Maps v.2.0

PROPOSED MOTIONS N/A

Polk Co Map

Exhibit A



Polk County Web Maps v. 2.0

Disclaimer: This map was produced using Polk County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation.

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Printed 06/21/2016



City of Falls City
Application for Utility Service

Account# _____

SERVICE ADDRESS: 20700 Parry Rd. Falls City, OR
House Number and Street Name

START DATE: _____

APPLICATION BY TENANT(S):

I/We hereby make application for the use of City Water and Sewer Facilities, and agree to comply with all of the Code of Ordinances** that govern the use of those facilities. I/we acknowledge that the property owner/manager will receive a copy of my utility bill.

[Redacted]

Print Name of Tenant(s)

[Redacted]

Signature of Tenant(s)

20700 Parry Rd.
Mailing Address

[Redacted]

Phone No. (Primary)

Falls City, OR 97344
City State ZIP

Phone No. (Alternate)

IF UTILITY SERVICE WILL BE IN THE TENANT'S NAME, THE PROPERTY OWNER/AGENT MUST PROVIDE THE FOLLOWING INFORMATION AND SIGN THIS CERTIFICATION.

I/We hereby either make application, or acknowledge the above application by our tenant(s) for the use of City Water and Sewer Facilities, and agree to comply with all the Code of Ordinances** that govern the use of those facilities. I certify that I am the owner of, or one of the owners of the premises, or that I am an authorized agent, or one of the authorized agents of the owner(s), with express authority to bind the owner(s) to the objectives set forth in Chapter 13.05 of the Falls City Municipal Code. I understand and agree that I am liable for unpaid tenant(s) charges as the service address owner/agent of record.

[Redacted]

Print Name(s) of Owner(s) or Authorized Agent(s)

Account #

[Redacted]

Signature of Owner(s) or Authorized

20700 Parry Rd.
Mailing Address

[Redacted]

Phone No. (Primary)

Falls City, OR 97344
City, State ZIP

[Redacted]

Phone No. (Alternate)

Indicate Use of Property: Residential [X] Commercial _____ Other (Describe) _____
A change in non-residential use and/or occupancy may require business registration and/or land use permits.

Accounts are due and payable on the 15th of each month. Past due accounts are charged a penalty on the 26th of each month. Service will be disconnected, with notice, if account is 30 days past due. Disconnected services are required to pay a reconnection fee and full account balance prior to reconnection.

** Copies of Applicable Sections of the Code of Ordinances available upon request



FOR OFFICE USE ONLY -

Application Received: [Signature] 9/9/2015 City Representative: _____

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AGENDA REPORT

TO: CITY COUNCIL
FROM: CLERK PROTHEROE, THROUGH MAYOR UNGRICHT
SUBJECT: REVIEW OF THE CONDITIONAL USE PERMIT FOR GREEN HAVEN RV PARK
DATE: 06/24/2016

SUMMARY

Review Green Haven RV Park, LLC Conditional Use Permit, DEQ Permit, Polk County RV Park Permit, review of applicable nuisance violations and provide findings to City Council.

BACKGROUND:

Green Haven RV Park operates a 40 space RV Park approved by a Falls City Site Design Permit, Variance, and Conditional Use Permit (Land Use Decision) granted by City Council in 1997. The 1997 Conditional Use Permit was modified in 2005 to allow RVs to stay for a longer period (maximum of 180 days).

Additionally, Green Haven RV Park has a DEQ Permit File# 110171 for a Conditional Water Pollution Control Facilities Permit 5600. The DEQ Permit is for an on-site septic permit to serve a 40 space RV park. Lastly, Green Haven RV Park has a Polk County Development Tourist RV Park Permit# 2710032 for 40 Units under OAR 333-0311-Oregon Public Health Operation and Maintenance of State Park.

STAFF REVIEW OF THE CONDITIONAL USE PERMIT FOR THE GREEN HAVEN RV PARK

RVs serving as a residence evaluated under Conditional Use Permit 05-01 (Modified) dated June 23, 2005 (Exhibit A)

Condition 1 and 2:

1. Recreational vehicles (RVs) are permitted to stay at the Applicant's RV Park for a maximum of 180 days (six months) because they are temporary living quarters. After 180 days, consecutive or intermittent within a twelve-month period, the Applicant shall have the RV removed from the Applicant's RV Park.
2. Recreational vehicles (RVs) that have left the Applicant's park may then re-enter, but must be established in a different RV space than was previously occupied during the previous 180-day tenancy.

Findings: The last report documenting the movement of RVs submitted to City Hall is dated July 1, 2012 for moves that occurred on December 2011.

Staff met with Mr. Dick Bowman and Mr. Mike Bowman to review the conditions of CUP 05-01. The Bowman's thought that the City Council had waived the requirement to move RVs in January 2011. They felt the requirement would hurt the business.

Background: In December 2011, a resident of the RV Park had requested that the City Council waive the requirement for RVs to leave the park every 180 day during Public Comments. At the January 2012 City Council meeting Mayor Houghtaling informed the resident of the requirement

for RVs to leave the park every 180 days, and if they return, they must move to a different spot. (Exhibit C - Excerpts of City Council Minutes from December 2011 and January 2012)

(NOTE: The 1997 Decision allowed a maximum occupancy period limited to 90 days, consecutive or intermittent, within a 12 month period by an individual, group or RV Unit and provided that these terms be made a part of the Statement of Operation.)

Resolution: The City requested that RVs move by July 31, 2016 and if RVs return to the park, they will be assigned a new space number. The City supplied forms to document the movement. Mr. Bowman reported lease end dates differ. They felt the requirement to move RVs every 180 days would hurt business.

Going forward, staff requested RVs move every 180 days and with reports filed at the City.

Population Reporting Note: Mr. Bowman has continued to file park population reports as of June 30 and December 31. Mid-Willamette Council of Governments uses the non-identifying report when preparing Portland State University Annual Housing Questioners. PSU uses the information to determine the Preliminary and Certified Population of Falls City. In turn, this population figure is used to determine state revenue sharing amounts. **The next reporting date is as of June 30, 2016 for Green Haven RV Park.** New forms were provided to Green Haven RV Park.

3. **Condition:** The terms of Conditions 1 and 2 of this Decision shall be made a part of the Statement of Operations for the Applicant's RV Park. The Applicant shall submit a copy of the revised and updated Statement of Operations to the City of Falls City within 30 days of the signing of this Decision.

Findings: Statement of Operation on file at City Hall is dated 4/30/2002.

Response: Staff requested a copy of the most recent Statement of Operations.

4. **Condition:** Except as modified by this Decision, all development on the subject property shall conform to the plans approved by the City Council and the conditions set forth in the City Council Decision for land use file numbers CUP 97-0021, SDR 97-0023 and VAR 97-0022, approved November 3, 1997.

City Council approved a Site Design Review (SDC 97-0023) and Conditional Use Permit (CUP 97-021) to allow the creation for a 40 space Recreational Vehicle Park. On June 15, 2016 staff counted the number of RVs in the park.

Findings: RVs were counted on two different dates.

6/22/2016 Count

- Thirty-five (35) RVs serving as a living quarters in approved spaces
- Five (5) official spaces were empty
- One (1) RV appeared to be a living quarters at the beginning of the park in an unofficial space (this would bring the count to 36)
- A tent and a roughly constructed and tarped enclosure were visible on a side at the front of the property

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- Seven (7) RV were stored on the property: Four (4) as you enter the property on the left, and three (3) RVs in a storage area at the rear of the property situated below RV spaces and the manufactured home.

6/16/2016 Count

- Invalid: On this visit staff counted 41 or 42 RVs because RV used for storage were counted in the total. Additionally, two (2) RVs were visible in a storage area at the rear of the property situated below RV spaces and the manufactured home.

Additional areas of staff review:

1. City Council added the following requirement to CUP 05-01 in a signed letter from the City Clerk dated 7/29/2005: The RV Parks guests check in/out records per vehicle identification number (VIN) to City Hall for review, the names are to be excluded.

Findings: Files do not show evidence of such reports. Staff created a new form that includes a space for the VIN #.

2. **Review of Nuisance Ordinance for the storage of RVs:**

Findings: Falls City Municipal Code Chapter 90.14 NUISANCES AFFECTING PUBLIC HEALTH limits storage of RV to one RV. Additionally, the RV must have a current license, if required to be licensed under State Law.

(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)

(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)

Resolution: RVs in storage should be removed.

3. **Review of DEQ permits:** Water Pollution Control Facility Permit (Feb 1999) WPCF Application #990737, and Water Quality File #110171, and Conditional Water Pollution Control Facilities Permit 5600.

Findings: The DEQ Permit is for on-site septic permit to serve a 40 space RV park. On June 10, 2016 DEQ reported no violations upon review of the 2015 Discharge Monitoring Report.

4. Review of Polk County Development Tourist RV Park Permit# 2710032 for 40 Units under OAR 333-0311 Oregon Public Health Operation and Maintenance of State Park.

Findings: On June 10, 2016 Jim Solvedt, Polk County Environmental Health Supervisor and an Oregon Registered Professional Sanitarian reported that the RV Park does a good job with their bathroom facility sanitation reports. Occasionally a tenant clogs up the toilets or starts to accumulate too much stuff around their RV Space which he cites as a violation on the Recreational Park Inspection Report. The bathroom facility is inspected twice monthly.

PREVIOUS COUNCIL ACTION

06/09/2016 City Council discussed issues at the park and directed staff to report at the July City Council Meeting.

12/12/2011 and 01/09/2012 Mayor Houghtaling informed a resident of the park that RVs are required to exit the park every 180 days. (Exhibit C)

06/23/2005 - Conditions listed under the Falls City Conditional Use Permit 05-01 (Modified) (Exhibit A)

11/3/1997 – Council issued a Land Use Decision on three separate land use applications with conditionally allowed the creation of a 40 space RV Park in the Commercial Industrial Zone. (Exhibit B)

- A. Conditional Use Permit 97-0021 – conditional allowed a 40 space RV park.
- B. Site Design Review, SDR 97-0023 – allowed the creation of a 40 space RV Park
- C. Variance, VAR 97-0022 – variance from the minimum RV space size of 1,500 sqf to 1,000 sqf, and an increase to the maximum allowable occupancy period from 14 days to 90 days.

In addition, the City Council amended the Ordinance 421 (Zoning and Development Code) to list RV Park as a conditional use within the Commercial Industrial Zone, and to define RV spaces.

ALTERNATIVES/FINANCIAL IMPLICATIONS N/A

STAFF RECOMMENDATION

- Verify receipt of 6/30/2016 report of the population of the RV Park.
- Verify that trailers are moved out of the park by 7/31/2016 and required reporting is submitted.
- Provide Code Enforcement officer, once hired, with conditional use permit requirement in order to monitor CUP 05-01 going forward. Code Enforcement Officer to monitor the amount of RVs stored at the RV Park and current registration.

EXHIBIT

Exhibit A - Notice of City Council Decision dated 06/20/2005 CUP 05-01 (modification) Green Haven RV Park, LLC

Exhibit B - Notice of City Council Decision dated 11/3/1997 for the Site Design Review (SDR 97-0021), Conditional Use Permit (CUP 97-0021), and Variance (VAR 97-0022).

Exhibit C - Excerpts of City Council Minutes from December 2011 and January 2012

PROPOSED MOTION - None

Exhibit A

CITY OF FALLS CITY

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

NOTICE OF CITY COUNCIL DECISION

NATURE OF APPLICATION: Modification of the Conditional Use Permit (CUP) for the Green Haven RV Park (RV Park) to extend stays within the park to 24 months (two years). The current CUP for the RV Park permits guests to stay a total of 90 days, consecutive or intermittent, within a 12-month period.

APPLICABLE CRITERIA: Falls City Zoning and Development Ordinance, Article 3, Section 5.030.

PROPERTY LOCATION: South of the Little Luckiamute River, a property the majority of which borders Lombard Street to the east, South Main Street to the north, and Church Street to the west, at 200 Church Street, Falls City, Oregon (T08W, R6W, Section 21BC, Tax Lots 4800 and 5700).

APPLICANT/OWNER: Green Haven RV Park, LLC

ZONE DESIGNATION: Commercial-Industrial (CI)

COMP. PLAN DESIGNATION: Commercial

FILE NUMBERS: CUP 05-01 (Modification)

DATE OF DECISION: June 20, 2005

DECISION

The City Council of Falls City, Oregon **approved** by a 4-2 vote the above application based on the findings contained in the Staff Report and developed at the public hearing. The approval is a modification of that which the applicant requested. The approval is subject to the conditions of development listed below.

NOTE: For purposes of these conditions, "Applicant" refers to the Owner, Applicant and Developer, their successors and assigns.

The Applicant has the burden to demonstrate compliance with all conditions of approval. The city does not authorize physical development of the property except as specified herein. All development on the property must be consistent with approved plans.

Failure of the Decision to list a particular permit, condition, term, or restriction shall not relieve the Applicant of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions. The City of Falls City shall not waive, modify, or amend by omission from the Decision any matter or thing required under the existing ordinances of the City of Falls City.

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6-23-05
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For purposes of this Decision, the Applicant's recreational vehicle (RV) park means a plot of land upon which two or more RV sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes. This definition conforms to the definition of "Recreational Vehicle Park" in Oregon Administrative Rules (OAR) Chapter 918, Division 650.

"Temporary," as used in OAR Chapter 918, Division 650, as well as this Decision, in the definition of "recreational vehicle," means a time period of six months (180 days) or less.

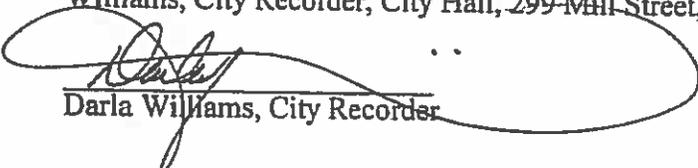
1. Recreational vehicles (RVs) are permitted to stay at the Applicant's RV Park for a maximum of 180 days (six months) because they are temporary living quarters. After 180 days, consecutive or intermittent within a twelve-month period, the Applicant shall have the RV removed from the Applicant's RV Park.
2. Recreational vehicles (RVs) that have left the Applicant's park may then re-enter, but must be established in a different RV space than was previously occupied during the previous 180-day tenancy.
3. The terms of Conditions 1 and 2 of this Decision shall be made a part of the Statement of Operations for the Applicant's RV Park. The Applicant shall submit a copy of the revised and updated Statement of Operations to the City of Falls City within 30 days of the signing of this Decision.
4. Except as modified by this Decision, all development on the subject property shall conform to the plans approved by the City Council and the conditions set forth in the City Council Decision for land use file numbers CUP 97-0021, SDR 97-0023 and VAR 97-0022, approved November 3, 1997.

THIS DECISION IS OFFICIAL UNLESS APPEALED TO THE OREGON LAND USE BOARD OF APPEALS (LUBA) AS PROVIDED IN THE OREGON REVISED STATUTES (ORS). An aggrieved party may appeal this Decision by filing a written notice of intent to appeal with LUBA within 21 days of the Council's written Decision (by 5:00 P.M. on July 14, 2005).

Information concerning appeal to LUBA can be attained at LUBA, 250 Winter Street NE, Salem, OR, 97301; 403-373-1265.

The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

If there are any questions regarding this application or the appeal process, please contact Darla Williams, City Recorder, City Hall, 299 Mill Street, Falls City, OR 97344, 503-787-3631.


Darla Williams, City Recorder

June 23, 2005

Date

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Exhibit-B

OFFICIAL NOTICE OF CITY COUNCIL DECISION

SITE DESIGN REVIEW
CONDITIONAL USE PERMIT
VARIANCE APPLICATION
MOBILE HOME PLACEMENT APPLICATION

November 3, 1997

APPLICANT: Richard and Patricia Bowman

REQUEST: To review the application for a Site Design Review to allow the creation of a 40 space Recreational Vehicle (RV) Park. To consider an application for a Conditional Use Permit to allow the creation of a 40 space Recreational Vehicle (RV) Park. To consider a variance request on minimum Recreational Vehicle space size and Maximum Occupancy Period for the proposed Recreational Vehicle Park.

ZONE: C-I (Commercial-Industrial)

LOCATION: NE Corner of Lombard Street and Main Street, also referred to as Tax Map 8-6W-21BC, Tax Lots 4800 and 5700.

CRITERIA: Article 3, Sections 9.030, 9.040 and 9.050, and Article 4, Section 11.030.

DECISION: On November 3, 1997, the Falls City Council voted to approve the requested permits subject to the following conditions:

Site Design Review

1. Approval is subject to the final terms of modifications to Ordinance No. 421 currently pending and which are being processed in conjunction with this application.
2. The water main proposed to service the site shall be a continuous loop from the water main located on Lombard Street through the property connecting to the water main located at South Main Street. A 10' wide easement shall be dedicated to the City for utility purposes if required by the City Administrator.
3. The developer shall submit evidence of sewer system approval by county

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Exhibit

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and state officials to the City Administrator prior to the issuance of a building permit.

4. Detailed plans for the collection and disposal of storm water shall be reviewed and approved by the Oregon Department of Environmental Quality (DEQ). Evidence of DEQ approval shall be submitted to the City Administrator prior to granting occupancy of the facility.
5. The developer shall prepare engineered plans for full width improvements of Church Street to contain a 32' wide roadway (asphalt or asphaltic concrete), a 6' concrete sidewalk and 1' curb and gutter along the east side of the street. Construction of all improvements to Church Street shall be completed and approved by the City prior to the issuance of a building permit. If traffic utilizes Vine Street to access the site, the applicant shall construct full width improvements to Vine Street, from the subject property to Bridge Street, as required for Church Street.
6. The applicant shall submit detailed plans for the development of parking spaces within the RV Park that comply with the provisions of Subsection 11.030(D)(1) of Article 4 of Ordinance No. 421.
7. Water and electrical hook-ups shall be provided to no fewer than 10 RV spaces within the park. Installation of the hook-ups shall be subject to review and approval by the City Administrator.
8. The applicant shall submit engineered plans for the development of a 24'x50' driveway constructed of asphalt or asphaltic concrete for review and approval by the City Administrator. Construction of driveway improvements shall be complete prior to the issuance of an occupancy permit for use of the facility.
9. The applicant shall construct a 6' tall sight obscuring fence or plant a sight obscuring hedge around the perimeter of the developed park area.
10. Prior to the issuance of the occupancy permit, the developer shall submit evidence that all applicable rules and regulations of state regulatory agencies have been satisfied.
11. The applicant has sole responsibility for full compliance with each condition of approval.
12. Site Design approval is subject to the approval of the requested variances.
13. Final engineered development plans shall be submitted for review and approval by the City Council.

Conditional Use Permit

1. Approval is subject to the final terms of modifications to Ordinance No. 421 currently pending and which are being processed in conjunction with this application.
2. The water main proposed to service the site shall be a continuous loop from the water main located on Lombard Street through the property connecting to the water main located at South Main Street. A 10' wide easement shall be dedicated to the City for utility purposes if required by the City Administrator.
3. The developer shall submit evidence of sewer system approval by county and state officials to the City Administrator prior to the issuance of a building permit.
4. Detailed plans for the collection and disposal of storm water shall be reviewed and approved by the Oregon Department of Environmental Quality (DEQ). Evidence of DEQ approval shall be submitted to the City Administrator prior to granting occupancy of the facility.
5. The developer shall prepare engineered plans for full width improvements of Church Street to contain a 32' wide roadway (asphalt or asphaltic concrete), a 6' concrete sidewalk and 1' curb and gutter along the east side of the street. Construction of all improvements to Church Street shall be completed and approved by the City prior to the issuance of a building permit. If traffic utilizes Vine Street to access the site, the applicant shall construct full width improvements to Vine Street, from the subject property to Bridge Street, as required for Church Street.
6. The applicant shall submit detailed plans for the development of parking spaces within the RV Park that comply with the provisions of Subsection 11.030(D)(1) of Article 4 of Ordinance No. 421.
7. Water and electrical hook-ups shall be provided to no fewer than 10 RV spaces within the park. Installation of the hook-ups shall be subject to review and approval by the City Administrator.
8. The applicant shall submit engineered plans for the development of a 24'x50' driveway constructed of asphalt or asphaltic concrete for review and approval by the City Administrator. Construction of driveway improvements shall be complete prior to the issuance of an occupancy permit for use of the facility.
9. The applicant shall construct a 6' tall sight obscuring fence or plant a sight

obscuring hedge around the perimeter of the developed park area.

10. Prior to the issuance of the occupancy permit, the developer shall submit evidence that all applicable rules and regulations of state regulatory agencies have been satisfied.

11. The applicant has sole responsibility for full compliance with each condition of approval.

12. The Statement of Operation will be approved by the City prior to the issuance of an occupancy permit for use of the facility.

13. Approval is subject to approval of the requested variances.

Variance - Minimum Space Size

1. Approval is subject to the adoption of an ordinance amending Article 4, Section 3 and Article 4, Section 11.030(a) of Ordinance No. 421 by the City Council.

Variance - Maximum Occupancy Period

Approval of the variance is granted to increase for a maximum occupancy period limited to a total of 90 days, consecutive or intermittent, within a 12 month period by any individual, group or RV unit and provided that these terms be made a part of the Statement of Operations.

Mobile Home Placement Permit

1. The applicant shall file evidence with the City Administrator that all ANSI standards applicable to this request are met.

2. The applicant shall be required to install the home on a permanent foundation or place skirting around the perimeter of the home prior to occupancy.

APPEAL: A final decision by the City Council may be appealed to the Land Use Board of Appeals.

Addendum to Conditions for Bowman RV Park

Adopted Zoning Ordinance Amendments Regarding Conditional Use Permits and Locational Standards

Section 3 of Article 4 of Ordinance No. 421 is amended by adding the following subsection:

3.045 Conditional Uses

The following conditional uses may be permitted in the CI zone, when approved pursuant to Article 3, Section 9.030

- A. A recreational vehicle park and/or campground facility, subject to the provisions of Article 4, Section 11.030.

Subsection 11.030(A) of Article 4 of Ordinance No. 421 is amended to read.

Locational Standards: Recreational parks and campground facilities should be located on a site taking access from a street classified as a collector or arterial on the Transportation Map in the Comprehensive Plan.

Article 3, Section 9.030, is amended by adding the following subsection:

- E. Continued compliance with terms and conditions of an approved conditional use permit, and adherence to the approved plans, shall be required. Any departure from the terms and conditions of approval shall constitute a violation of this ordinance. The City Administrator or his/her designee may conduct periodic reviews of compliance and, upon sufficient complaints or other evidence of violations, may call up the permit for review by the Planning Commission and Council. After public notice and public hearing as provided in Section 3.020, the City may alter the terms and conditions of the permit, up to and including revocation of the permit. After public notice and public hearing, the holders of a conditional use permit may request a modification of terms and conditions or transfer of the permit to another PERSON.

Green Haven EXHIBIT C

City Council Minutes December 12, 2011 Public Comments

Paul Morgan asked what charter, order or mandate requires residents of Green Haven Trailer Park to move every six months? Mr. Morgan stated that the requirement to move creates a hardship on residents of the trailer park and supplied several examples. Councilor Volkmann provided background of the Conditional Use Permit. The business was established as a transient campground, and the Conditional Use Permit was granted based on requirements for a transient campground. Staying at a camp site for more than six months does not fit the approved use of the property. Councilor Volkmann added that the Conditional Use Permit would need to be inspected to understand the requirements of the Permit, and the background for each requirement (e.g., management of waste, or the volume of people). Mr. Morgan asked if this could be changed. Councilor Volkmann stated that the details of the Conditional Use Permit would be examined. Mr. Morgan stated that he would return for an update.

City Council Minutes January 9, 2012 Public Comments

Paul Morgan asked Council to report on their findings for why residents must move their trailers every six months at the Green Haven RV Park. Mayor Houghtaling reported that on June 23, 2005 the Council determined that: Recreational vehicles (RVs) are permitted to stay at the Applicant's RV Park for a maximum of 180 days or 6 months, because they are temporary living quarters. After 180 days, consecutive or intermittent within a twelve-month period, the Applicant shall have the RV removed from the Applicant's RV Park. Recreational vehicles (RV's) that have left the Applicant's park may then re-enter, but must be established in a different RV space than was previously occupied during the previous 180-day tenancy. Mr. Morgan asked who was enforcing this rule and why the rule is not enforced at other RV Parks; he also asked how he could change the requirement. Councilor Volkmann stated that enforcement falls under the City Council and clarified that RV parks in areas outside of Falls City are enforced by the municipality where they are located. City Attorney Shetterly stated that it may take an amendment to the Development Code. Councilor Ferguson stated that in the past the City received a sheet of paper itemizing the movement of trailers every six months. Mayor Houghtaling stated that Green Haven RV Park continues to require RV's to move every six months and Councilor Volkmann added that the movement of RV is a condition of their permit. Council considered adding Green Haven RV Park to the February City Council Agenda. Councilor Volkmann observed that the owners of the property have not requested this change, adding that the City may be better served working directly with the owners and thanked Mr. Morgan for his comments.

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Resolution 14-2016, IGA for Tap-out communication system service
Date: July 5, 2016

Summary

Falls City has an intergovernmental agreement with Polk County for tap out Communication System Services; this resolution will renew the contract for a year.

BACKGROUND

Falls City Fire Department currently has an intergovernmental agreement with Polk County for Communication System Services; this amends the agreement for the next physical year. This allows the fire Department channel access and maintenance on radios.

Previous Council Action

Council approved resolution 2013-13 and resolution 07-2015 for the same services.

ALTERNATIVES/FINANCIAL IMPLICATIONS

This allows Falls City Fire Department to use the Polk County radio channels for emergency services and provides maintenance.

STAFF RECOMMENDATION

Adopt Resolution.

EXHIBITS

Resolution 14-2016 and attachment A and B.

PROPOSED MOTIONS

I move that the City Council of the City of Falls City adopt resolution 14-2016, A RESOLUTION OF THE CITY OF FALLS CITY APPROVING AN EXTENSION TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN POLK COUNTY EMERGENCY MANAGEMENT AND THE CITY OF FALLS CITY FOR TAP-OUT COMMUNICATION SYSTEM.

RESOLUTION 14-2016

A RESOLUTION OF THE CITY OF FALLS CITY APPROVING AN EXTENSION TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN POLK COUNTY EMERGENCY MANAGEMENT AND THE CITY OF FALLS CITY FOR TAP-OUT COMMUNICATION SYSTEM SERVICES.

Findings:

1. The City of Falls City desires to contract with Polk County Emergency Management for Tap-Out Communication System Services.
2. Polk County Emergency Management is agreeable to providing such services.

NOW THEREFORE,

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

Section 1. The City Council of the City of Falls City approves the Extension to the Intergovernmental Agreement with Polk County Emergency Management for the provision of Tap-Out communication services as presented in Exhibit A and Exhibit B.

Introduced and adopted July 14, 2016:

Date

Terry Ungricht, Mayor

Attest:

Date

Domenica Protheroe, City Clerk

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AMENDMENT #2

To

Polk County – Intergovernmental Agreement

Radio Communication System (Tap-Out Channel)



WHEREAS, Polk County and Falls City Fire previously entered into a Radio System Intergovernmental Agreement on July 1st, 2014 (executed on July 23, 2014) for the use of its Communication System; and

WHEREAS, both parties mutually entered into an extension "Amendment #1" of said agreement for an additional one (1) year term through and including June 30th, 2016;

WHEREAS, Polk County and Falls City Fire now desire to further extend this Agreement for an additional one (1) year term, through and including June 30th, 2017;

NOW THEREFORE, in consideration of the mutual benefits and obligations set for herein, the parties agree as follows:

- 1) The termination date for the Intergovernmental Agreement (Contract No 15-110) is extended through and including June 30th, 2017; and
- 2) Except as specifically modified by this Amendment #2, the terms and conditions of the Intergovernmental Agreement (Contract No 13-136) remain in full force.
- 3) Radio System charges including contingency fund monies will be charged in accordance to the Polk County Radio System Charges (attachment "A") that has been reviewed and approved by the user agencies.

IN WITNESS WHEREOF the parties have caused this Amendment #2 to be signed in their respective names by their duly authorized representatives as of the dates set forth below: (see page 2 of 2)

Exhibit A

POLK COUNTY SIGNATURE SECTION

APPROVAL RECOMMENDED BY:

APPROVED BY:

Sheriff / Director of Emergency Date
Management

County Administrative Officer Date

Emergency Manager and Date
Communications/Site Manager

LEGAL APPROVAL:

BOARD APPROVAL:

Polk County Legal Counsel Date

Board of Commissioners - Chair Date

FALLS CITY FIRE - SIGNATURE SECTION

APPROVAL RECOMMENDED BY:

APPROVED BY:

Agency Chief (Fire/Police) Date

City Manager / Board Chair Date

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Contracts (if required) Date

Legal Counsel (if required) Date

Polk County Radio System Charges (2016~2017)

2016/17 Fiscal Year
Tap/Out and System Charges

	Tap-Out Charge	System Charge	Quarterly Bill Rate	Yearly (Total)
P.C.S.O.		\$ 33,376.43	\$ 8,344.11	\$ 33,376.43
Independence P.D.		\$ 10,022.27	\$ 2,505.57	\$ 10,022.27
Monmouth P.D.		\$ 10,877.94	\$ 2,719.49	\$ 10,877.94
Dallas P.D.		\$ 16,219.71	\$ 4,054.93	\$ 16,219.71
GRT		\$ 5,022.11	\$ 1,255.53	\$ 5,022.11
Dallas Fire	\$ 1,679.69	\$ 12,437.68	\$ 3,529.34	\$ 14,117.37
S.W. Fire	\$ 742.68	\$ 5,499.37	\$ 1,560.51	\$ 6,242.06
Polk 1 Fire	\$ 2,406.74	\$ 17,821.27	\$ 5,057.00	\$ 20,228.01
Falls City Fire	\$ 106.10	\$ 785.62	\$ 222.93	\$ 891.72
Marion County Fire	\$ 6,022.43		\$ 1,505.61	\$ 6,022.43
Keizer Fire	\$ 3,668.74		\$ 917.19	\$ 3,668.74
Spring Valley Fire	\$ 112.24		\$ 28.06	\$ 112.24
Polk P.P.		\$ 791.37	\$ 197.84	\$ 791.37
Polk P.W.		\$ 14,415.91	\$ 3,603.98	\$ 14,415.91

INTERGOVERNMENTAL AGREEMENT

Polk County and Falls City Fire (Fire Department)

THIS AGREEMENT is made and entered into by and between Polk County, Oregon, a political subdivision of the State of Oregon, by and through its Sheriff's Office – Emergency Management, hereinafter referred to as "Polk EM", and the City of Falls City, by and through its Fire Department, hereinafter referred to as "Fire Agency".

WHEREAS, Fire Agency desires to contract with Polk EM to maintain the Regional Fire Tap-out System for its fire department. (System is defined in section 10. See attachment 2 and 3 for system diagram)

WHEREAS, Polk EM is agreeable to providing such services as set forth in this agreement; now therefore,

IT IS HEREBY AGREED as follows:

1. Duration

- 1.1 **Effective Date.** This agreement is effective July 1st, 2014 and terminates at 11:59 p.m. on June 30, 2015. (coincides with current Polk County maintenance contract)
- 1.2 **Termination.** Either party upon 90 days written notice to the other party may terminate this Agreement. Termination under this paragraph shall not affect any obligations or liabilities accrued prior to such termination.

2. Scope of Agreement

2.1 IT IS MUTUALLY AGREED THAT:

- 2.1.1 Polk EM will provide Fire Agency with use of its regional Fire Tap-Out Communication System.
- 2.1.2 Fire Agency agrees to abide by the terms of use provided under this Agreement.
- 2.1.3 All parties must mutually agree before allowing any other users of this system. Non-authorized entities may only use this channel for emergency communications assisting our authorized users.
- 2.1.4 The agreement timeline will remain in alignment with the current and future maintenance contracts that Polk County maintains.

Exhibit B

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2.2 POLK EM AGREES TO:

- 2.2.1 Provide Fire Agency with access and use of its Regional Tap-Out Communication System.
- 2.2.2 Be solely responsible for the operation and control of the Communication System, including the management of the sub components of the Tap-Out Radio System as outlined in section 10.
- 2.2.3 Provide all maintenance and necessary repairs to its Communication Infrastructure System as outlined in section 10 including 24/7 on call service.
- 2.2.4 Insure that any new user of the Tap-Out Communication System does not negatively impact the functioning of the system.
- 2.2.5 Maintain FCC authorizations as required for the Radio System.

2.3 FIRE AGENCY AGREES TO:

- 2.3.1 Insure all radios using Communication System meet the standards of Polk EM Radio Communication System now and when future expansion occurs.
- 2.3.2 Use only devices compatible with Tap-Out Communication System.
- 2.3.3 Maintain the Fire Agency's Radio fleet in good working order and in full compliance with all applicable FCC rules and regulations.

3. Compensation

3.1 Fire Agency agrees to pay Polk EM the amounts set forth below:

3.1.1 \$119.82 annually (\$29.96 quarterly) for use of the Tap-Out Radio System. This amount is based on the formula that includes infrastructure usage, rents/leases, utilities, maintenance contracts, engineering/technical support costs, licensing, and population according to WVCC's yearly report. This data will be available by the end of the 1st quarter of the calendar year. (See entire system charges in attachment 3, titled "TAP-OUT Maintenance Charges")

3.2 Quarterly payments in the amount listed under section 3.1.1 shall be paid on the first day of each quarter. (Jan 1st, April 1st, July 1st, and October 1st.)

3.3 Charges will be re-calculated based on population shifts during the 1st quarter of each year. The population model used will be the WVCC reported

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numbers currently being used by the user agencies at WVCC. The overall cost for the entire TAP-OUT system will be re-adjusted at the beginning of the maintenance contract – usually either a two or three contract.

4. Partnership

- 4.1 Polk EM is not, by virtue of this Agreement, a partner or joint venture with Fire Agency in connection with activities carried out under this Agreement, and shall have no obligation with respect to Fire Agency's debts or any other liabilities of each and every nature.

5. Non-Appropriation

- 5.1 In the event sufficient funds shall not be appropriated for payment of consideration under this agreement, and if either party does not have funds legally available for consideration from other sources, then either party may terminate this Agreement in accordance with Paragraph 1.2.

6. Hold Harmless

- 6.1 Polk EM agrees to use reasonable best efforts to maintain the communications system and component parts, and providing that Polk EM performs accordingly, Fire Agency agrees to hold harmless and indemnify Polk EM against any claims relating to maintenance of the Communications System or component parts.

7. Attorney Fees

- 7.1 In the event an action, lawsuit or proceeding, including appeal therefrom, is brought for failure to observe any of the terms of this Agreement, each party shall be responsible for its own attorney fees, expenses, costs and disbursements for said action, lawsuit, proceeding or appeal.

8. Assignment

- 8.1 This Agreement is binding on each party, its successors, assigns and legal representatives, and may not, under any circumstance, be assigned or transferred by either party.

9. No Waiver of Claims

- 9.1 The failure to enforce any provision of this Agreement shall not constitute a waiver by either party to that or any other provision of this Agreement.

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10. Entire Agreement

10.1 Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s) signed by both parties.

10 System Definition

10.1 The Tap-Out System is comprised of several components located at several tower locations within the two Counties. The "System" is limited to a single channel referred to as "Central 1" (Tap-Out). This agreement covers the maintenance of this channel and all sub-components that allows for communication at all tower locations. Maintenance responsibility covers up to the point of demarcation at the WVCC and Cordon Road dispatch points. It does not cover any mobile, portable radios, paging devices, or dispatch console equipment.

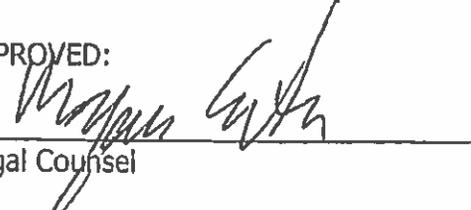
DATED this 23 day of July, 2014

BOARD OF COUNTY COMMISSIONERS
FOR POLK COUNTY, OREGON


Bob Wolfe, Polk County Sheriff


Craig Pope, Chair

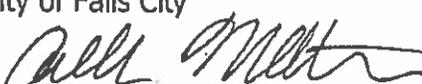
APPROVED:


Legal Counsel

DATED this 12 day of June, 2014


Bob Young - Fire Chief

City of Falls City


City Manager

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TAP-OUT Maintenance Charges

(Valid from July 1st, 2014 to June 30th 2015)

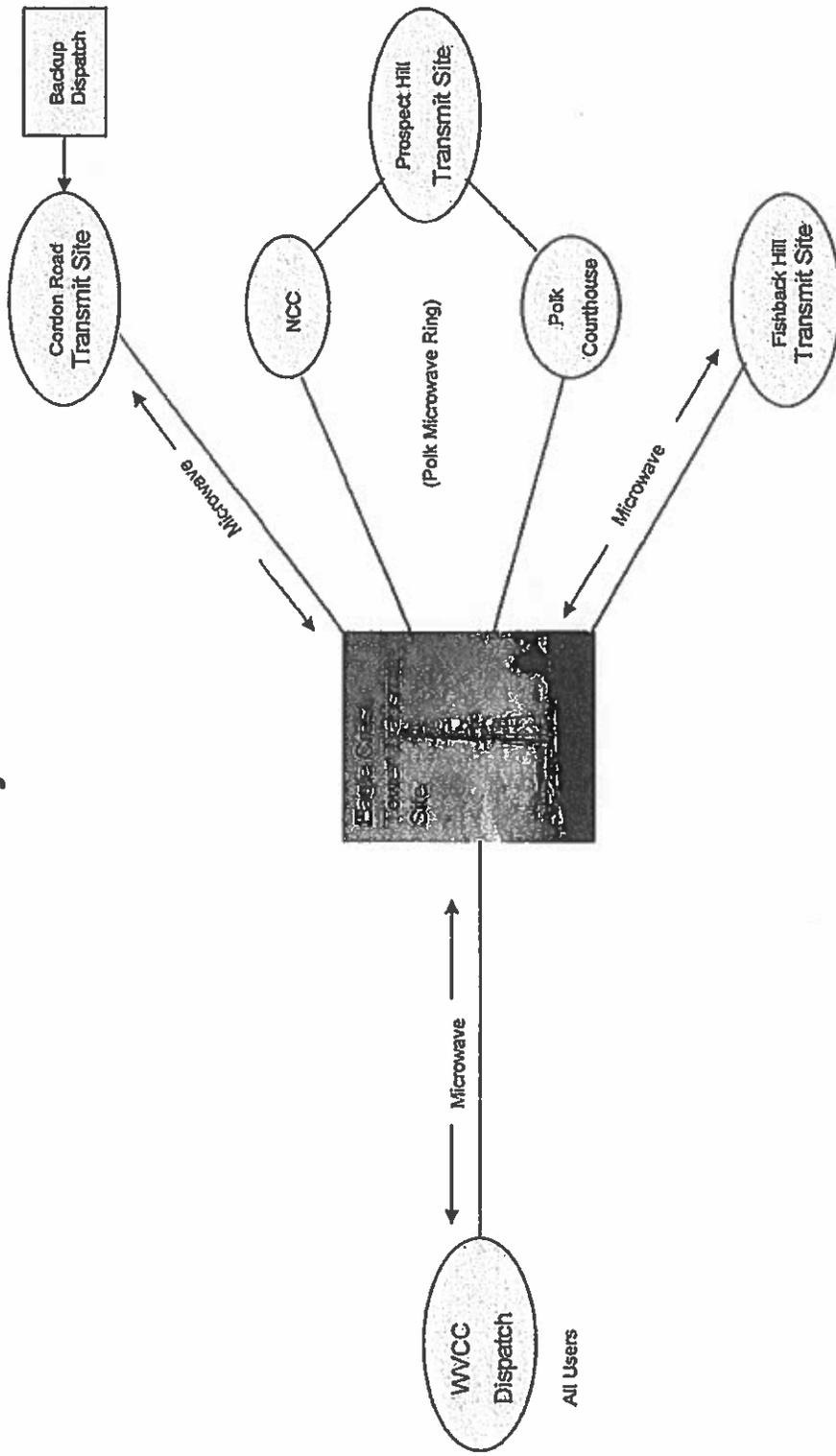
Agency	Citizens Served (WVCC #'s)	Percentage of Population	Optional Quarterly Charge	Yearly Agency Charges
Dallas Fire	14697	11%	\$ 464.89	\$ 1,859.56
Polk 1 Fire	21442	17%	\$ 678.25	\$ 2,712.98
S.W. Fire	6375	5%	\$ 201.65	\$ 806.61
Falls City Fire	947	1%	\$ 29.96	\$ 119.82
Kelzer Fire	32640	25%	\$ 1,032.46	\$ 4,129.83
Marion County Fire	51062	40%	\$ 1,615.18	\$ 6,460.70
Spring Valley Fire	972	1%	\$ 30.75	\$ 122.98
Total Served	128135	100%	\$ 4,053.12	\$ 16,212.49

Tower Rental Charges None
 Annual Maint. Charges \$ 14,738.63
 Other Charges -
 Contingency 10% \$ 1,473.86

 Sum of all Charges \$ 16,212.49

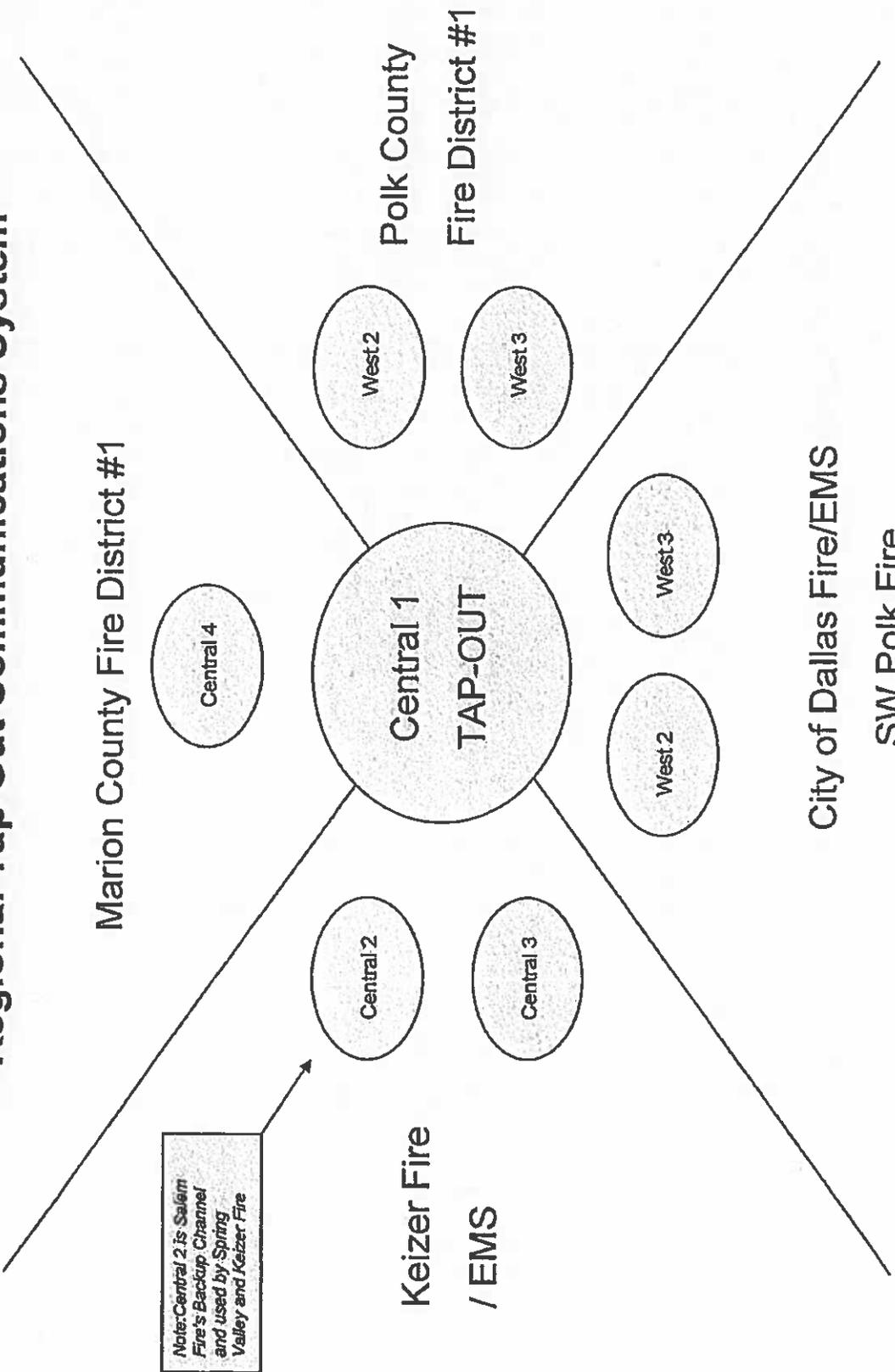
91

Regional Tap-Out Communications System



92 Wednesday, May 21, 2014

Regional Tap-Out Communications System



93 Wednesday, May 21,
2014

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Resolution 15-2016, IGA Radio Communication
Date: July 5, 2016

Summary

Falls City has an intergovernmental agreement with Polk County for Radio Communication Services, this resolution will amend the contract for the next year.

BACKGROUND

Falls City Fire Department currently has an intergovernmental agreement with Polk County for Radio Services, this renews the agreement for the next physical year.

Previous Council Action

Council approved resolution 2013-12 and resolution 06-2015 for the same services.

ALTERNATIVES/FINANCIAL IMPLICATIONS

This allows Falls City Fire Department to use the Polk County Sherriff's radio communication service.

STAFF RECOMMENDATION

Adopt Resolution.

EXHIBITS

Resolution 15-2016 and attachment A and B.

PROPOSED MOTIONS

I move that the City Council of the City of Falls City adopt resolution 06-2015, A RESOLUTION OF THE CITY OF FALLS CITY APPROVING AN EXTENSION TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN POLK COUNTY AND THE CITY OF FALLS CITY FOR RADIO COMMUNICATION SYSTEM SERVICES.

RESOLUTION 15-2016

A RESOLUTION OF THE CITY OF FALLS CITY APPROVING AN EXTENSION TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN POLK COUNTY AND THE CITY OF FALLS CITY FOR RADIO COMMUNICATION SYSTEM SERVICES.

Findings:

1. The City of Falls City desires to contract with Polk County Sheriff for Radio Communication System Services.
2. Polk County Sheriff is agreeable to providing such services.

NOW THEREFORE,

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

Section 1. The City Council of the City of Falls City approves the Extension to the Intergovernmental Agreement with Polk County Sheriff for the provision of radio communication services as presented in Exhibit A and Exhibit B.

Introduced and adopted July 14, 2016:

Date

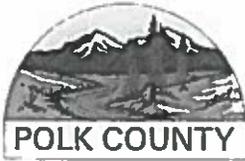
Terry Ungricht, Mayor

Attest:

Date

Domenica Protheroe, City Clerk

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AMENDMENT #2

To

Polk County – Intergovernmental Agreement
Radio Communication System



WHEREAS, Polk County and Falls City Fire previously entered into a Radio System Intergovernmental Agreement on July 1st, 2014 (executed on July 23, 2014) for the use of its Communication System; and

WHEREAS, both parties mutually entered into an extension "Amendment #1" of said agreement for an additional one (1) year term through and including June 30th, 2016;

WHEREAS, Polk County and Falls City Fire now desire to further extend this Agreement for an additional one (1) year term, through and including June 30th, 2017;

NOW THEREFORE, in consideration of the mutual benefits and obligations set for herein, the parties agree as follows:

- 1) The termination date for the Intergovernmental Agreement (Contract No 15-117) is extended through and including June 30th, 2017; and
- 2) Except as specifically modified by this Amendment #2, the terms and conditions of the Intergovernmental Agreement (Contract No 13-143) remain in full force.
- 3) Radio System charges including contingency fund monies will be charged in accordance to the Polk County Radio System Charges (attachment "A") that has been reviewed and approved by the user agencies.

IN WITNESS WHEREOF the parties have caused this Amendment #2 to be signed in their respective names by their duly authorized representatives as of the dates set forth below: (see page 2 of 2)

Exhibit A

POLK COUNTY SIGNATURE SECTION

APPROVAL RECOMMENDED BY:

APPROVED BY:

Sheriff / Director of Emergency Management Date

County Administrative Officer Date

Emergency Manager and Communications/Site Manager Date

LEGAL APPROVAL:

BOARD APPROVAL:

Polk County Legal Counsel Date

Board of Commissioners - Chair Date

FALLS CITY FIRE - SIGNATURE SECTION

APPROVAL RECOMMENDED BY:

APPROVED BY:

Agency Chief (Fire/Police) Date

City Manager / Board Chair Date

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Contracts (if required) Date

Legal Counsel (if required) Date

Polk County Radio System Charges (2016~2017)

2016/17 Fiscal Year
Tap/Out and System Charges

	Tap-Out Charge	System Charge	Quarterly Bill Rate	Yearly (Total)
P.C.S.O.		\$ 33,376.43	\$ 8,344.11	\$ 33,376.43
Independence P.D.		\$ 10,022.27	\$ 2,505.57	\$ 10,022.27
Monmouth P.D.		\$ 10,877.94	\$ 2,719.49	\$ 10,877.94
Dallas P.D.		\$ 16,219.71	\$ 4,054.93	\$ 16,219.71
GRT		\$ 5,022.11	\$ 1,255.53	\$ 5,022.11
Dallas Fire	\$ 1,679.69	\$ 12,437.68	\$ 3,529.34	\$ 14,117.37
S.W. Fire	\$ 742.68	\$ 5,499.37	\$ 1,560.51	\$ 6,242.06
Polk 1 Fire	\$ 2,406.74	\$ 17,821.27	\$ 5,057.00	\$ 20,228.01
Falls City Fire	\$ 106.10	\$ 785.62	\$ 222.93	\$ 891.72
Marion County Fire	\$ 6,022.43		\$ 1,505.61	\$ 6,022.43
Keizer Fire	\$ 3,668.74		\$ 917.19	\$ 3,668.74
Spring Valley Fire	\$ 112.24		\$ 28.06	\$ 112.24
Polk P.P.		\$ 791.37	\$ 197.84	\$ 791.37
Polk P.W.		\$ 14,415.91	\$ 3,603.98	\$ 14,415.91

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INTERGOVERNMENTAL AGREEMENT

Polk County and Falls City (Fire Department)

THIS AGREEMENT is made and entered into by and between Polk County, Oregon, a political subdivision of the State of Oregon, by and through its Sheriff's Office, hereinafter referred to as "Sheriff", and the City of Falls City, by and through its Fire Department, hereinafter referred to as "City".

WHEREAS, City desires to contract with Sheriff for a Radio Communication System for its fire department.

WHEREAS, Sheriff is agreeable to providing such services as set forth in this agreement; now therefore,

IT IS HEREBY AGREED as follows:

1. Duration

- 1.1 Effective Date. This agreement is effective July 1, 2014 and terminates at 11:59 p.m. on June 30, 2015.
- 1.2 Termination. Either party upon 90 days written notice to the other party may terminate this Agreement. Termination under this paragraph shall not affect any obligations or liabilities accrued prior to such termination.

2. Scope of Agreement

2.1 IT IS MUTUALLY AGREED THAT:

- 2.1.1 Sheriff will provide City with use of its Communication System.
- 2.1.2 City agrees to abide by the terms of use provided under this Agreement.
- 2.1.3 City may remain on Sheriff's Communication System as long as the City's use does not unreasonably interfere with other authorized users of the Communication System.

2.2 SHERIFF AGREES TO:

- 2.2.1 Provide City with access and use of its Communication System.

Exhibit B

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- 2.2.2 Be solely responsible for the operation and control of the Communication System, including the management of the VHF 150 MHz Simulcast Radio System.
- 2.2.3 Provide all maintenance and necessary repairs to its Communication Infrastructure System.
- 2.2.4 Insure that any new users of the Communication System do not negatively impact the functioning of the system.
- 2.2.5 Maintain FCC authorizations as required for the Radio System.

2.3 CITY AGREES TO:

- 2.3.1 Inform Sheriff of the type and serial number of each radio using the system.
- 2.3.2 Insure all radios using Sheriff's Communication System meet the standards of Sheriff's Radio Communication System now and when future expansion occurs.
- 2.3.3 Use only Sheriff's radio programs compatible with Sheriff's Communication System.
- 2.3.4 Insure the sole user of the Communication System is the City. City shall not allow any other use of the Communication System, except in emergency situations where City needs to communicate with another City unit.
- 2.3.5 Prior to using the system, adopt standard operating procedures compatible with Sheriff's Office procedures, which insure the systems availability when needed.
- 2.3.6 Maintain the City's Radio fleet in good working order and in full compliance with all applicable FCC rules and regulations.

3. Compensation

3.1 City agrees to pay Sheriff the amounts set forth below:

3.1.1 \$ 775.52 annually (\$193.88 quarterly) for use of the Radio System. This amount is based on the formula that includes infrastructure usage, rents/leases, utilities, maintenance contracts, engineering/technical support costs, licensing, and population according to WVCC's report. This data will be available by the end of the 1st quarter of the calendar year.

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3.2 Quarterly payments in the amount listed under section 3.1.1 shall be paid on the first day of each quarter. (Jan 1st, April 1st, July 1st, and October 1st.)

4. Partnership

4.1 Sheriff is not, by virtue of this Agreement, a partner or joint venture with City in connection with activities carried out under this Agreement, and shall have no obligation with respect to City's debts or any other liabilities of each and every nature.

5. Non-Appropriation

5.1 In the event sufficient funds shall not be appropriated for payment of consideration under this agreement, and if either party does not have funds legally available for consideration from other sources, then either party may terminate this Agreement in accordance with Paragraph 1.2.

6. Attorney Fees

6.1 In the event an action, lawsuit or proceeding, including appeal therefrom, is brought for failure to observe any of the terms of this Agreement, each party shall be responsible for its own attorney fees, expenses, costs and disbursements for said action, lawsuit, proceeding or appeal.

7. Assignment

7.1 This Agreement is binding on each party, its successors, assigns and legal representatives, and may not, under any circumstance, be assigned or transferred by either party.

8. No Waiver of Claims

8.1 The failure to enforce any provision of this Agreement shall not constitute a waiver by either party to that or any other provision of this Agreement.

9. Entire Agreement

9.1 Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s) signed by both parties.

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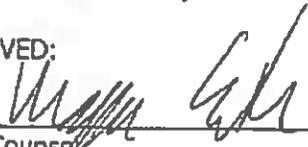
DATED this 23 day of July, 2014

BOARD OF COUNTY COMMISSIONERS
FOR POLK COUNTY, OREGON


Bob Wolfe, Polk County Sheriff


Craig Pope, Chair

APPROVED:


Legal Counsel

DATED this 12 day of June, 2014


Bob Young - Falls City Fire Chief

CITY OF FALLS CITY


City Manager



AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Wagner Library
Date: July 5, 2016

Summary

The City Council and Falls City school district had a joint work session on June 29, 2016.

BACKGROUND

The minutes from the work session are in this packet explaining what was decided to move forward on a library district. It was agreed that the new librarian and library board would be responsible for researching and bringing a Library District measure to the School Board and Council for approval to be on the November 2017 Ballot.

It was encouraged that friends of the Library group be created to help educate the Public of the need of the measure to ensure long term operation of the library. If the measure does not pass, the group agreed that the library would be shut down in June 30, 2018

Previous Council Action

Approval of joint operations agreement with Falls City School District.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Library District formed by June 2018 or library would be closed. This will leave a portion of the Wagner Trust Funds available for opening a library if the measure fails.

STAFF RECOMMENDATION

Council needs to work on a strategy for educating the Community on the need for the Library District.

EXHIBITS

N/A

PROPOSED MOTIONS

N/A

AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE THROUGH MAYOR UNGRICHT
SUBJECT: NOTICE OF VIOLATION – 26 SOUTH MAIN STREET AND 10 SOUTH MAIN STREET
DATE: 07/06/2016

SUMMARY

City Hall received a lengthy complaint for 26 South Main Street and 10 South Main Street. Please note, that unlicensed vehicles and a camper parked on 10 South Main Street are from 26 South Main Street. Notices of Violations have been prepared for both addresses.

BACKGROUND

Staff prepared a Notice of Violation listing the code violations for each property (Exhibit A Notice of Violation for 26 South Main Street and Exhibit B Notice of Violation for 10 South Main Street). Municipal Code Chapter 90, Section 29 requires that Council makes a determination of the Nuisance prior to posting a Notice of Violation. **

Municipal Code Chapter 90: Nuisances, 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 the nuisance.

(NOTE: ** Section 18. Weeds and Noxious Vegetation Notice of Violation may be approved by the city manager/code enforcement officer (authorized representative or their designee) under the Nuisance Code)

PREVIOUS COUNCIL ACTION None.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Take no action, the resulting cost of which is unknown.

STAFF RECOMMENDATION

Allow staff to post the Notice of Violation at 26 South Main Street and 10 South Main Street and send copies to the owners of records.

EXHIBIT

Exhibit A – Notice of Violation 20160706A 26 South Main Street

Exhibit B – Notice of Violation 20160706B 10 South Main Street

PROPOSED MOTION

I move that the City Council of the City of Falls City hereby determines that a nuisance has been found to exist at 26 South Main Street and 10 South Main Street and authorizes staff to post notices and send copies of the notice by registered mail to the owners of the properties at the last known address.



City of Falls City, Oregon
 299 Mill Street, Falls City, Oregon 97344

www.fallscityoregon.gov
 Phone: 503.787.3631
 Facsimile: 503.787.3023

Notice of Violation

DATE OF REPORT: July 6, 2016 DATE POSTED: July 15, 2016
 CASE NUMBER: 20160706B
 VIOLATION(S): Vehicle(s) abandoned/ inoperable/ expired tags
 PROPERTY OWNER: Bruce Garrett and Dawn Taylor
 ADDRESS/LOCATION: 10 South Main Street
 MAP/TAX LOT: 08621BC01700
 ZONING: R Residential
 SURROUNDING USES: Residential

COMPLAINT

07/02/2016 Vehicles with expired registrations spilling over from 26 South Main Street parked on vacant lot addressed at 10 South Main Street.

INVESTIGATION RESULTS

Site visit performed 07/06/2016.

- Accumulation junk vehicles.
- Jeep License Plate VZF 767 tags expired in 2007 parked in public view. Vehicle has storage trailer attached. Junk stored in both the Jeep and the trailer.
- Partially disassembled vehicle Idaho License Plate 1G 188M tags too faded to read, parked in public view on neighboring vacant lot at 10 South Main Street. Vehicle has flatbed trailer(s) attached.
- Storage of camper visible from the right-of-way (ROW).

CODE VIOLATIONS NOTED

Falls City Municipal Code Chapter 90.27 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

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- 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.

FALLS CITY MUNICIPAL CODE CHAPTER 90.28 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.

(D) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these charges. (Ord. 411, passed 6-4-1985)

CORRECTION REQUEST

The condition in which the property at 10 South Main Street has been found is in violation of the aforementioned codes, and must be brought into compliance. The City Council of the City of Falls City has determined that a nuisance has been found to exist at 10 South Main Street. Please note, that 26 South Main Street has been issued a Notice of Violation that includes a list of vehicles stored at 10 South Main Street.

City code allots the time period of 10 days (Municipal Code 90.30(1) for the removal of the nuisance or show that no nuisance exists. Therefore, please begin efforts to bring the property in question into compliance no later than July 26, 2016. Failure to comply with this request may result in City Abatement (Exhibit A).

Exhibit B – Photos taken on July 6, 2016.

Thank you for your cooperation in complying with city requirements. If you have any questions or concerns, please feel free to contact the City of Falls City (503) 787-3631.

Mayor Ungricht _____ Date: _____

Clerk Protheroe _____ Date: _____

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Exhibit A – Abatement of Nuisance(s):

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.
- (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.
- (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.

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.

Exhibit B

July 6, 2016 Photographs of

26 South Main Street and

10 South Main Street

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Polk County Real Property Assessment Overview

FOR ASSESSMENT YEAR 2016

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

Mailing Name GARRETT BRUCE A & TAYLOR DAWN R Agent In Care Of Mailing Address 5135 WAYMIRE RD DALLAS, OR 97338	Account Status Active Legal Description See record.
Property Class 190 RMV Class 190	Unit Info 17168-1 View Floorplan

Situs Addresses

10 MAIN ST S FALLS CITY, OR 97344

Value Summary					
Code Area		AV	RMV	MAV	RMV Exception
5701	Land		\$53,410		Land \$0
	Improvements		\$0		Improvements \$0
Code Area Total		\$53,360	\$53,410	\$53,360	\$0
GRAND TOTAL		\$53,360	\$53,410	\$53,360	\$0

Land Breakdown					
Code Area	Plan Zone	Vaue Source	Size	Land Class	
5701	R	Market	1.02	acres	
	R	Residential Site	1.00	acres	
Code Area Total			2.02		
GRAND TOTAL			2.02		

Tax Information				
Tax Account		Tax Year	Code Area	Original Tax Due
295853		2015	5701	575.85

This tax information does not include adjustments or corrections. Please contact the Tax Office for additional information.

City, School Districts, and Fire Districts		
Code Area	District Name	Type
5701	FALLS CITY	CITY
	CHEMEKETA COMMUNITY COLLEGE	SCHOOL
	FALLS CITY SD 57	SCHOOL
	FALLS CITY SD 57 LOCAL OPTION	SCHOOL
	WILLAMETTE ESD	ESD

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

Sales History					
Date	Document (Source ID)	Type	Price	Grantor (Seller)	Grantee (Buyer)
31-Oct-2007	2007-16799	WD	\$109,500	COX MICHAEL	GARRETT BRUCE A & TAYLOR DAWN R
10-Aug-2007	2007-16798	QC		COX MICHAEL & TYLER BEVERLY JO (LAPP)	COX MICHAEL



Account 295853 Map 08621BD01700 Code Area - Tax ID 5701-295853

Notations				
Code Area	Notation	Years	Value	Tax
5701	100 YEAR FLOOD PLAIN			

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



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7/6/2016

Jeep



7/6/2016

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Hobbs

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7/06/2016



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Notice of Violation

DATE OF REPORT: July 6, 2016 DATE POSTED: July 15, 2016
 CASE NUMBER: 20160706A
 VIOLATION(S): Condition of property attracts rats, debris or multiple recreational vehicles stored on private property, accumulation of debris and rubbish, attractive nuisance, accumulation of objects, inoperative RV, storage of RV vehicles, vehicle(s) abandoned/ inoperable/ expired tags, stagnant water, unlicensed outdoor business
 PROPERTY OWNER: Tom Peters and Cullison Shirley Ann, ET AL
 ADDRESS/LOCATION: 26 South Main Street
 MAP/TAX LOT: 0862BD01600
 ZONING: R Residential
 SURROUNDING USES: Residential

COMPLAINT

07/02/2016 Excessive garbage covering the property. Multiple junk vehicles are worked on, disassembled and engines revved as if it were a commercial property and not a residential neighborhood. Vehicles with expired registrations, unlicensed and uninsured RV parked on city right-of-way, and neighboring vacant lot at 10 South Main Street. Property is a hazard: metal piles, vehicle oil, gas, trip hazards, piles of trash and debris. Concern about contamination of the Little Luckiamute River.

INVESTIGATION RESULTS

Site visit performed 07/06/2016.

- Accumulation of debris, rubbish, objects, lumber, scrap metal, junk vehicles.
- Condition of property attractive to rats, and provides shelter to rats.
- Open boxes and containers.
- Inoperable and unlicensed Swinger RV parked in public view and on public right-of-way (ROW).
- Chevy Blazer License Plate YFZ 870 tags expired in 2015 parked in public view and on public right-of-way (ROW).
- Chevy Truck License Plate RCF 945 tags expired in 2013 parked in public view and on public right-of-way (ROW).
- Two additional inoperable vehicles parked behind Chevy Truck in driveway and in public view.
- Jeep License Plate VZF 767 tags expired in 2007 parked in public view on neighboring vacant lot at 10 South Main Street. Vehicle has storage trailer attached. Junk stored in both the Jeep and the trailer.
- Partially disassembled vehicle Idaho License Plate 1G 188M tags too faded to read, parked in public view on neighboring vacant lot at 10 South Main Street. Vehicle has flatbed trailer(s) attached.
- Storage of two recreational vehicles visible from the right-of-way (ROW).

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- Unguarded scrap metal scattered on property that may be attractive, dangerous, and accessible to children.
- Unguarded trailer filled with scrap metal (horse shoes) on public right-of-way, that may be attractive, dangerous and accessible to children.
- Unguarded lift station on property that may be attractive, dangerous and accessible to children.
- Unguarded lumber scattered on property that may be attractive, dangerous, and accessible to children.
- Unguarded ladder leaning over debris pile on the east side of property that may be attractive, dangerous, and accessible to children.
- Unlicensed outdoor business.
 - Lift station visible from public right-of-way
 - Partially disassembled vehicle Idaho License Plate 1G 188M tags too faded to read, has for sale sign posted

CODE VIOLATIONS NOTED

Falls City Municipal Code Chapter 90.12. 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:

- (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.

Falls City Municipal Code Chapter 90.14 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:

(2) **NUISANCES AFFECTING PUBLIC HEALTH.** 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) **NUISANCES AFFECTING PUBLIC HEALTH.** 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.

(8) **NUISANCES AFFECTING PUBLIC HEALTH.** 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)

Falls City Municipal Code Chapter 90.16

(1) ATTRACTIVE NUISANCES. 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.

Falls City Municipal Code Chapter 90.19 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.

Falls City Municipal Code Chapter 90.23 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 consisting of vegetable matter.

Falls City Municipal Code Chapter 90.27 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.

FALLS CITY MUNICIPAL CODE CHAPTER 90.28 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.

(D) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these charges.

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(Ord. 411, passed 6-4-1985)

CORRECTION REQUEST

The condition in which the property at 26 South Main Street has been found is in violation of the aforementioned codes, and must be brought into compliance. The City Council of the City of Falls City has determined that a nuisance has been found to exist at 26 South Main Street.

City code allots the time period of 10 days (Municipal Code 90.30(1)) for the removal of the nuisance or show that no nuisance exists. Therefore, please begin efforts to bring the property in question into compliance no later than July 26, 2016. Failure to comply with this request may result in City Abatement (Exhibit A).

Exhibit B – Photos taken on July 6, 2016.

Thank you for your cooperation in complying with city requirements. If you have any questions or concerns, please feel free to contact the City of Falls City (503) 787-3631.

Mayor Ungricht _____ Date: _____

Clerk Protheroe _____ Date: _____

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Exhibit A – Abatement of Nuisance(s):

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.
- (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.
- (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.

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(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.

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.

Exhibit B

July 6, 2016 Photographs of

26 South Main Street and

10 South Main Street

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Polk County Real Property Assessment Overview

FOR ASSESSMENT YEAR 2016

ASSESSMENT QUESTIONS: (503) 623-8391 *** TAX QUESTIONS: (503) 623-9264

NOT OFFICIAL VALUE

Mailing Name	CULLISON SHIRLEY ANN ET AL	Account Status	Active
Agent		Legal Description	See record.
In Care Of			
Mailing Address	35 SHELDON AVE FALLS CITY, OR 97344	Property Class	101
		RMV Class	101
		Unit Info	17167-1
			View Floorplan

Situs Addresses

26 MAIN ST S FALLS CITY, OR 97344

Value Summary

Code Area		AV	RMV	MAV	RMV Exception
5701	Land		\$25,860		Land \$0
	Improvements		\$28,350		Improvements \$0
	Code Area Total	\$50,360	\$54,210	\$50,360	\$0
	GRAND TOTAL	\$50,360	\$54,210	\$50,360	\$0

Land Breakdown

Code Area	Plan Zone	Value Source	Size	Land Class
5701	R	Residential Site	11,764.00 sq ft	
		Code Area Total	11,764.00	
		GRAND TOTAL	11764	

Improvement Breakdown

Stat Class 121 | Residence | One story

Site	Building	Code Area	Year Built	Sq Ft	Image
1	1	5701	1906	1,022	View Improvement Image
First Floor - 1,022 sq ft		[Forced Air Heating]			
1 Dining Room	1 Living Room	1 Kitchen	3 Bedroom		
1 Full Bath	1 Fireplace				

Stat Class 300 | Farm bldg | GP SHED

Site	Building	Code Area	Year Built	Sq Ft	Image
1	2	5701		154	No Improvement Image

Stat Class 300 | Farm bldg | GP SHED

Site	Building	Code Area	Year Built	Sq Ft	Image
1	3	5701		216	No Improvement Image

Tax Information

Tax Account	Tax Year	Code Area	Original Tax Due
295840	2015	5701	558.04

This tax information does not include adjustments or corrections. Please contact the Tax Office for additional information.

125

City, School Districts, and Fire Districts

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

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

Sales History

Date	Document (Source ID)	Type	Price	Grantor (Seller)	Grantee (Buyer)
22-Mar-2006	2006-4682	B&S		CULLISON SHIRLEY	CULLISON SHIRLEY ANN ET AL
28-Dec-2005	2005-22259	WD	\$53,000	FEDERAL NATIONAL MORTGAGE ASSOCIATION	CULLISON SHIRLEY
28-Jun-2005	2005-10773	WD	\$81,101	CHASE HOME FINANCE, LLC	FEDERAL NATIONAL MORTGAGE ASSOCIATION
28-Jun-2005	2005-10772	TRS	\$81,101	LITTLETON JASON L & BARBARA E	MORTGAGE ELECTRONIC REG SYSTEMS INC
07-Sep-2001	2001-12035	WD		BERRINGER JAMES L & CONNIE J	LITTLETON JASON L ET AL, AGT
06-Sep-2001	2001-12036	WD		HOLBROOK MELVYN L, TRUST ET AL	LITTLETON JASON L & BARBARA E
03-Sep-1996	1997-4470 (333-996)	DC		BERRINGER JAMES L & CONNIE J	LITTLETON JASON L ET AL, AGT
01-Sep-1992	-		\$17,183		
18-Aug-1992	-		\$25,000		
16-Jul-1992	-		\$22,000		

124

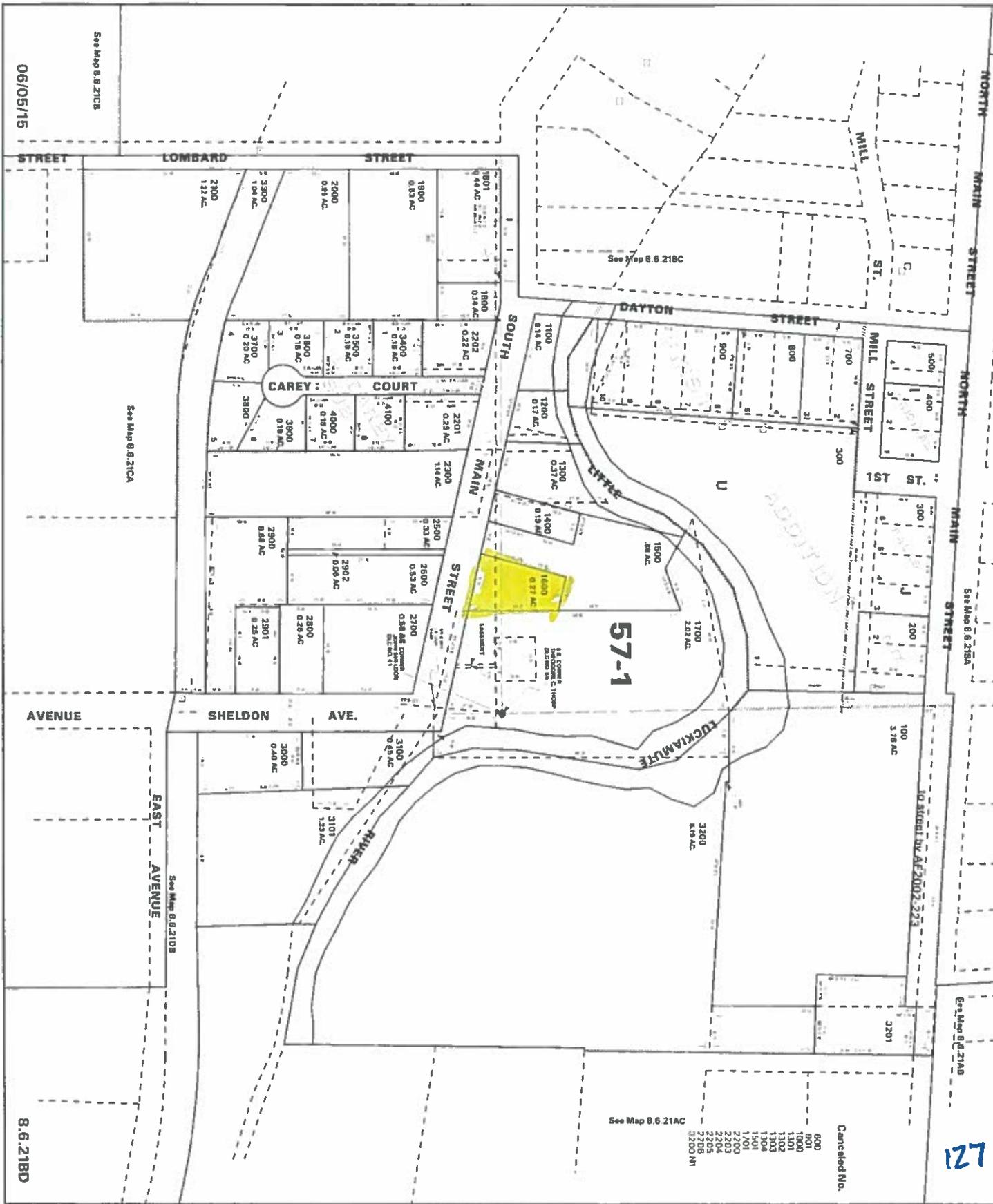
Disclaimer: The information presented on this report was generated to support county business. The county makes every effort to keep this information current and accurate. However, the county is not responsible for errors, misuse, omissions, or misrepresentations. Please contact the Assessor's Office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

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

SE1/4 NW1/4 SEC. 21 T8S R6W WM
POLK COUNTY
Scale 1" = 100'

8.6.21BD

121



See Map 8.6.21CB

See Map 8.6.21CA

See Map 8.6.21DB

See Map 8.6.21AC

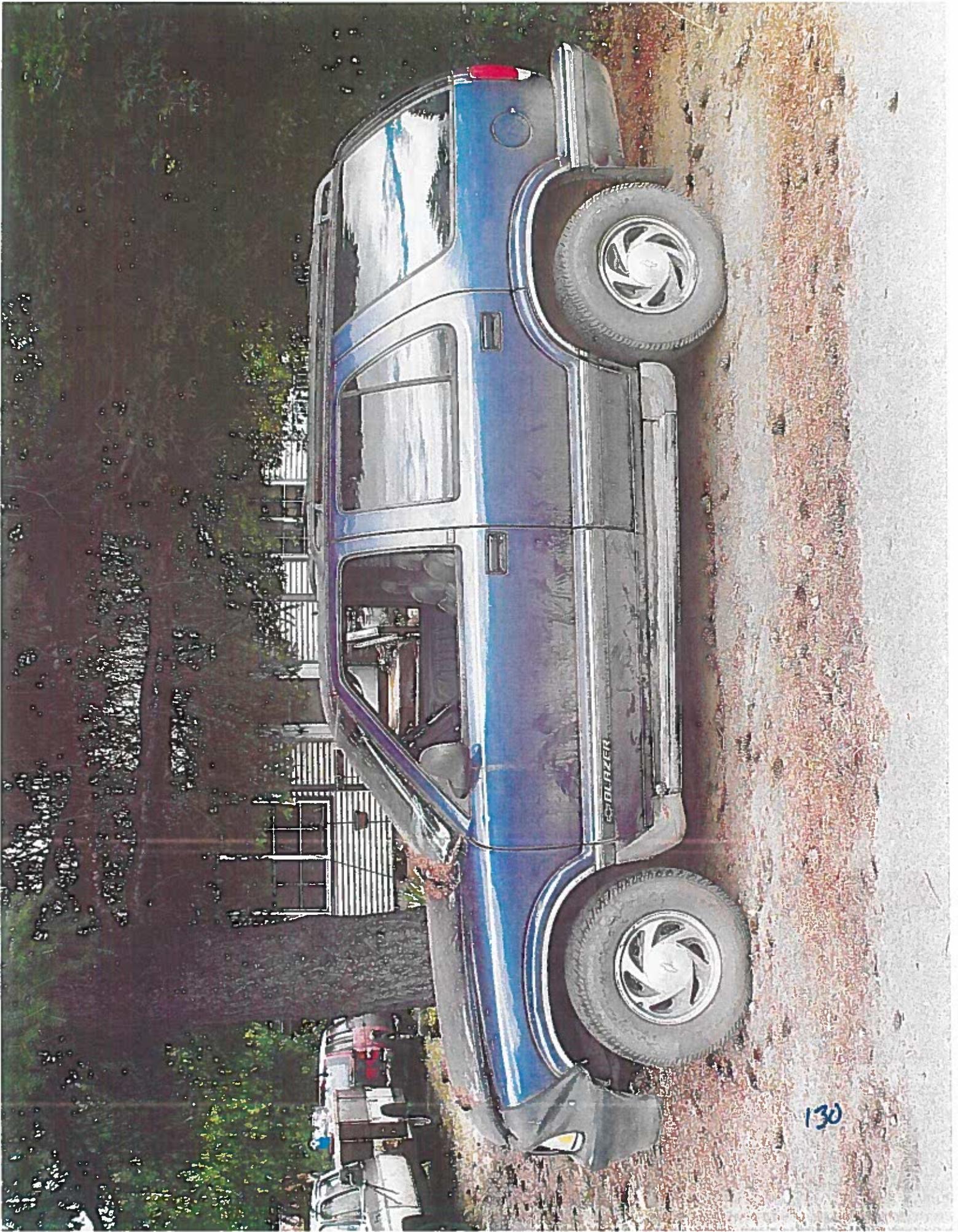
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SWINGER

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7/6/2016

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7/6/2016

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7/6/2016

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7/6/2016

7/6/2016



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7/6/2016

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Jeep



7/6/2016

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7/10/2016

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7/06/2016



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**Mayor's Report,
July 14, 2016 Council Meeting**

It has been a busy Month for all of City staff.

Public Works brought on number three filter at the water plant; we will take down number two for cleaning towards end of summer. They were able to take pressure readings around town for the Master Water Plan, added the new instruments and calibrated them for the Water Plant. We were able to pump the recirculation tank at the sewer facility and not breach the football field. Repairs they had made to the gravity bellows seem to have the flow to the field working more efficiently. We have started on the process of installing the new drain on South Main. We have spent the last year identifying areas that have not had proper maintenance over the last decade and setting up the projects. Unfortunately we only have a small window to get major projects accomplished, so Don and Corky have been extremely busy on all the extras while still accomplishing the day to day operations of the City. We did add a part time Public Works worker to help alleviate some of their work load. Make sure to thank them for their service, they are going beyond the call of duty.

Office staff has been busy closing out the end of year reports, setting up operations for the next fiscal year, and getting all the information ready for the Audit that is scheduled for the first part of August. We were able to get approval on the engineering for the South Main project and have been working with PSU on the income survey. Hopefully everyone on the sewer system has received and returned the survey.

The 2nd of July parade and barbeque was a success, thanks to Laura Britton and The Boondocks for organizing and sponsoring. We cooked 100 hamburgers and 120 hot dogs for the turnout in the lower park. It was nice to see the children enjoying themselves and the adults visiting.

Polk County has drafted an IGA to take over the managing of the FEMA culvert project on Dutch Creek. It is being reviewed by our Attorney, and then forwarded to IFA and FEMA for their approval. I am hoping that it will be all approved for Council approval by this meeting. We should be paving by August on South Main, it will really make that street look nice. The Water Master Plan is being held back until the middle of October, I thought it would be best if they were able to experience the flows at the end of summer on Teal and Glaze Creeks. We still have work to be done on the most cost effective way to control our pressure problems, but everything seems to be looking good. We will need volunteers to train for the door to door portion of the income study, let me know if you are interested or have suggestions on whom to recruit. I still hope to have this done by the end of August so we can go out for funding on the sewer project by October.

Election packets are ready for pick up for everyone interested in running for City office, petitions need to be filed at City Hall by August 30. Dennis, Julee, and Gerald's Council seats are up along with the Mayor position.

MONTHLY EXPENSE REPORT

MAYOR UNGRICHT

06/01/2016: 64 Miles, Corvallis, Bank, supplies for Spring Clean.
06/06/2016: 25 Miles, Monmouth, Bank.
06/07/2016: 25 Miles, Monmouth, Bank.
06/09/2016: 25 Miles, Monmouth, Bank.
06/10/2016: 32 Miles, Dallas/Monmouth, file budget with County, Bank.
06/15/2016: 25 Miles, Monmouth, Bank.
06/20/2016: 25 Miles, Monmouth Bank.
06/21/2013: 20 Miles, Dallas, Forbes plumbing.
06/22/2016: 32 Miles, Dallas meet with County on FEMA, Monmouth Bank.
06/24/2016: 20 Miles, Dallas Polk Breakfast.
06/27/2016: 72 Miles, 9710 Wheatland Rd N, Salem, OR 97303, cold patch.
06/28/2016: 25 Miles, Monmouth Bank.
06/30/2016: 25 Miles, Monmouth Bank.
07/05/2016: 65 Miles, Salem, supplies for road project.
07/06/2016: 25 Miles, Monmouth Bank.

505 Miles x .54 = \$272.70

\$39.99, reimburse to Don Poe for purchasing chain.

\$272.70 + 39.99 = \$312.69

June 2016 Falls City Stats

Falls City Calls for Service							
911 Hangup	1	DOA	0	Hit and Run	0	Susp Activity	1
Accident	0	Driving Comp	1	Menace	0	Susp Person	2
Animal	2	Domestic Dist	11	Misc Crime	1	Susp Vehicle	3
Area Check	1	Drug	1	Mental	0	Theft	3
Assault	1	FIR	3	Ord Vio	1	Tow	0
Assist Other Agency	6	Fire/EMS	1	Open Door	0	traffic assist	0
ATL (attempt to locate)	0	Follow up	2	proowler	0	Traffic Stops	5
Burglary	2	Found Prop	1	runaway	1	Trespass	2
Citizen Contact	7	Fraud	0	sex offense	2	Warrant	0
Civil Paper Service	6	Gen Disturb	0	Shots Fired	0	Welfare Check	4
Criminal Mischief	1	Harassment	3	Stolen Veh	1	Unclass	0

Falls City Calls for Service	76	Of the FC Calls for Service	16	involved crimes
Total Calls for Service (county wide)	1617	FC Cases Cleared by Arrest	8	50.0% clearance
Falls City % of Total Calls	4.7%	Total Arrests in Falls City	10	17.9% of total arrests

Total Service Calls (Polk County)	1617	Crimes Occ	37.7%
Of the calls for service (county wide)	130	Juvenile Arrests	5 (county wide)
Cases Cleared by arrest	49	Juvenile Arrests	4 (Falls City)
Total Arrests (county wide)	56	(only true crimes reported here)	
Comparisons (01/01/15 to 06/30/15 vs 01/01/16 to 06/30/16)			
Last year we cleared 53 cases by arrest vs. 113 this year (+113% change)			
Last year 31 people were arrested compared to 95 this year (+296%)			

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Falls City Fire Department

Jan/Feb/March/April 2016

January Calls, 2016

- ❖ Medic - 3 (Sw) / 14 (FC) = 17 total
- ❖ Fire - 3 (Sw) / 0 (FC) = 3 total
- ❖ Rescue/MVA - 0 (SW) / 0 (FC) = 0 total
- ❖ Public Service - 1 (SW) / 0 (FC) = 1 total
- ❖ Drills - Fire - 4, Medic - 2
 - Total number of SWF calls were (7) / FC (14)
 - Looking back...total calls for January 2014 were (14)!**

****Number of Volunteers on the roster as of 01/31/16 - (31)**

F.C. Volunteer Association Points of Interest :

- 01/05 - Lori and Terry attended the AFG workshop at DPSSST

February Calls, 2016

- ❖ Medic - 0 (Sw) / 12 (FC) = 12 total
- ❖ Fire - 0 (Sw) / 0 (FC) = 0 total
- ❖ Rescue/MVA - 2 (SW) / 0 (FC) = 2 total
- ❖ Public Service - 1 (SW) / 0 (FC) = 1 total
- ❖ Drills - Fire - 4, Medic - 2
 - Total number of SWF calls were (2) / FC (12)
 - **Number of Volunteers on the roster as of 02/29/16 - (31)**

March Calls, 2016

- ❖ Medic - 0 (Sw) / 7 (FC) = 7 total
- ❖ Fire - 0 (Sw) / 0 (FC) = 0 total
- ❖ Rescue/MVA - 1 (SW) / 1 (FC) = 2 total
- ❖ Public Service - 1 (SW)

- ❖ *Drills - Fire - 4, Medic - 2*
- *Total number of SWF calls were (2) / FC (8)*

****Number of Volunteers on the roster as of 03/31/16 - (31)**

F.C. Volunteer Association Points of Interest :

- *03/12 - Pyro class at Western Display Fireworks*
- *03/13 - Burn to learn on Barnhart Rd.*

April Calls, 2016

- ❖ *Medic - 3 (Sw) / 7 (FC) = 10 total*
- ❖ *Fire - 3 (Sw) / 1 (FC) = 4 total*
- ❖ *Rescue/MVA - 3 (SW) / 3 (FC) = 6 total*
- ❖ *Public Service - 0 (SW) / 3 (FC) = 3 total*
- ❖ *Drills - Fire - 4, Medic - 2*
- *Total number of SWF calls were (9) / FC (20)*
- Looking back...total calls for April 2014 were (18)!*

****Number of Volunteers on the roster as of 04/30/16 - (31)**

F.C. Volunteer Association Points of Interest :

- *04/19 - FC community night was a big hit. Many resources and businesses showed up to provide info on programs and services available to families and a wonderful dinner was served to all. FCFD raffled off a fire extinguisher, a first aid kit, and a smoke/carbon monoxide alarm.*

Falls City Fire Department

May 2016

May Calls, 2016

- ❖ *Medic - 6 (Sw) / 13 (FC) = 19 total*
- ❖ *Fire - 2 (Sw, recalls)*
- ❖ *Rescue/MVA - 1 (Sw)*
- ❖ *Public Service - 1 (Sw) / 5 (FC) = 6 total*
- ❖ *Drills - Fire - 4, Medic - 2*
 - *Total number of SWF calls were (10)*

***Number of Volunteers on the roster as of 05/31/16 - (31)*

F.C. Volunteer Association Points of Interest :

- *5/3/16 Our Honor Guard member attended the annual Fallen Law Officer Memorial held at DPSST*
- *5/4/16 Unanimous decision by FCFD Association members to not put on the annual fireworks show this year.*
- *Election of officers took place.*

PUBLIC WORKS STAFF REPORT JUNE, 2016

Thursday, 6/2 Lead investigation on Alan, chorine delivery at WTP, put Teal CR. On line.,

Friday, 6/3 Working at WTP, weather is turning very hot, preparation for city wide clean up.

Saturday, 6/4 Routine sewer, working at WTP, flow adjustment, mill lot helping with clean up.

Sunday, 6/5 Routine sewer, water plant, flow adjustments and checks though out the day.

Monday, 6/6 Put number three filter on line, W/O disconnect 101 South Main.

Tuesday, 6/7 Water service repair on Sheldon Ave. relay out wet WTP, put in temporary pump.

Wednesday, 6/8 Did waste water report DEQ, working on Consumer Confidence report for drinking water, for OR. Health Department, City customers.

Thursday, 6/9 Finish back filling 233 Sheldon Ave. pressure test for water master plan.

Friday, 6/10 Park and sewer, weed eating, reconnect, 101 South Main.

Saturday, 6/11 Routine water and sewer.

Sunday, 6/12 Routine sewer, called out for water leak, 130 Montgomery, called for locate.

Monday 6/13 Repaired water service, 130 Montgomery.

Tuesday, 6/14 Ran grader, reports WTP.

Wednesday, 6/15 W/O sewer, complaint dead grass around tank.

Thursday, 6/16 Sewer samples, tier problems, bought on for generator, delivery water shut off notices.

Friday, 6/17 Ran grader, W/O water reconnect, Lewis St.

Saturday, 6/18, Sunday, 6/19 Routine water and sewer.

Monday, 6/20 work at WTP.

Tuesday, 6/21 WTP new instruments, did physical shut offs.

Wednesday, 6/22 Reconnect customers.

Thursday, 6/23 Called out power outage, generators, for sewer, Hach did calibration on new instruments, meter reading.

Friday, 6/24 Finish meters, rereads.

Saturday, 6/25, Sunday, 6/26 Routine water and sewer.

Monday, 6/27 Starting storm drain project, South Main and Bridge St.

Tuesday, 6/28 South Main street project.

Wednesday, 6/29 Sur- Flow pumping company, pump out the city recirculation tank and Fair Oaks lift station, had relay put in wet pit WTP.

Thursday, 6/30 Clean up glass, from vandalism, on basketball back board.