

Notice of Public Meeting City Council Meeting

AGENDA

CITY OF FALLS CITY, OREGON

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

Thursday November 9, 2017 6:00 p.m.

Posted on November 3, 2017

1.) Call to Order

A) Roll Call: Terry Ungricht, Mayor____ Dennis Sickles ____ Lori Jean Sickles____
Jennifer Drill ____ Tony Meier____ Charlie Flynn ____ Clifford Lauder ____

2.) Pledge of Allegiance

3.) Motion to Adopt the Entire Agenda

4.) Consent Agenda: Motion Action Approving Consent Agenda Items

- A. Approval of the Billspages 1-4
- B. Approval of September 14, 2017 Council Meeting Minutespages 5-22

6.) 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.

7.) New Business:

- A. 2nd reading Ordinance 549-2017, Code Enforcement.....pages 23-25
- B. 2nd reading Ordinance 550-2017, Master Water Plan Adoption.....pages 26-27
- C. Resolution 21-2017, Fees for City Services,pages 27-36
Public Hearing for fees increase.
- D. Calendar for Library Closing.....pages 37-43
- E. Resolution 24-2017, Master Parks Plan.....pages 44-47
Public Hearing, Plan separate from packet, on website and at City Hall for review
- F. Mayor Resignation and replacement process.....pages 48-54
- G. Resolution 23-2017, CIS Recognized volunteers.....pages 54-58
- H. Resolution 25-2017, Park Host agreement.....pages 59-64
- I. Back Flow Testing.....pages 65-71
- J. Notice of violation 26 S Main.....pages 72-100

8.) Correspondence, Comments, and Ex-Officio Reports

- A. Mayor Report.....pages 101-102
- B. Council Reports
 - Polk County Sheriff Garton's report.....pages
 - Fire Department Monthly Report, January through May.....pages
 - Public Works Department Monthly Reportpages
 - Library Monthly Reportpage

8) Council Announcements

- A. Next regular Council Meeting, December 14, 2017 6:00 pm.

9) Adjourn

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

Paid Bills Report
As of October 9, 2017

	<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
AllSafe Fire & Security					
	10/09/2017	Invoice 30733	Accounts Payable		-219.44
	10/09/2017	Invoice # 30733. Batteries for Security S	Community Center Maint/Repairs	01 GENERAL FUND:01.07 Fire Departm	109.72
	10/09/2017	Invoice 30733	Community Center Maint/Repairs	01 GENERAL FUND:01.01 Administrativ	109.72
					0.00
Total AllSafe Fire & Security					0.00
Backflow Management INC.					
	10/09/2017	Inv. 8921	Accounts Payable		-430.00
	10/09/2017	Inv. 8921 Cross Connection Training	Education/Training/Dues	20 WATER OPERATING FUND	430.00
					0.00
Dallas Auto Parts					
	10/09/2017	09.30.2017	Accounts Payable		-187.64
	10/09/2017	Supplies	Maintenance Supplies	11 STREET FUND	153.25
	10/09/2017	E122	Maintenance Supplies	01 GENERAL FUND:01.07 Fire Departm	21.40
	10/09/2017	09.30.2017	Maintenance Supplies	20 WATER OPERATING FUND	12.99
					0.00
Total Dallas Auto Parts					0.00
Edge Analytical					
	10/09/2017	17-27704, 17-27703	Accounts Payable		-49.00
	10/09/2017	17-27704, 17-27703	Lab Analysis Services	20 WATER OPERATING FUND	49.00
					0.00
Total Edge Analytical					0.00
Falls City Fire Association					
	10/09/2017	October	Accounts Payable		-916.66
	10/09/2017	October	Point System	01 GENERAL FUND:01.07 Fire Departm	916.66
					0.00
Total Falls City Fire Association					0.00
King's Pumping Service					
	10/09/2017	405 Mitchell st.	Accounts Payable		-963.00
	10/09/2017	405 Mitchell st.	Tank Pumping	13 SEWER FUND	963.00
					0.00
Total King's Pumping Service					0.00
L & L Equipment					
	10/09/2017	09.30.2017	Accounts Payable		-38.24
	10/09/2017	Trimmer String	Maintenance Supplies	20 WATER OPERATING FUND	38.24
					0.00
Total L & L Equipment					0.00
Les Schwab					
	10/09/2017	21632373	Accounts Payable		-205.43
	10/09/2017	21632373. Dump truck Tire	Equipment Maintenance/Repair	11 STREET FUND	205.43
					0.00
Total Les Schwab					0.00
Net Assets Corporation					
	10/09/2017	66-201709	Accounts Payable		-11.00
	10/09/2017	Lien Search. INV. 66-201709	Professional Services	20 WATER OPERATING FUND	11.00
					0.00
Total Net Assets Corporation					0.00
Office Craft					
	10/09/2017	M99-5790	Accounts Payable		-43.89
	10/09/2017	M99-5790	Copier Lease/Maintenance	01 GENERAL FUND:01.01 Administrativ	43.89
					0.00
Total Office Craft					0.00
Petro Card					
	10/09/2017	C237427	Accounts Payable		-178.79
	10/09/2017	20% C237427	Vehicle Operation	11 STREET FUND	35.75
	10/09/2017	20%	Vehicle Operation	13 SEWER FUND	35.75
	10/09/2017	60%	Vehicle Operation	20 WATER OPERATING FUND	107.29
					0.00
Total Petro Card					0.00
Westech Engineering					
	10/09/2017	23037	Accounts Payable		-378.00

Paid Bills Report
As of October 9, 2017

	<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Total Westech Engineering	10/09/2017	23037, WTP Sand filters	Professional Services	20 WATER OPERATING FUND	378.00
Williamson & Aebi, LLP					0.00
	10/09/2017	October	Accounts Payable		-482.40
	10/09/2017	35% October	Professional Services	01 GENERAL FUND:01.01 Administrativ	168.84
	10/09/2017	5%	Professional Services	01 GENERAL FUND:01.04 Municipal Cc	24.12
	10/09/2017	10%	Professional Services	11 STREET FUND	48.24
	10/09/2017	15%	Professional Services	13 SEWER FUND	72.36
	10/09/2017	35%	Professional Services	20 WATER OPERATING FUND	168.84
Total Williamson & Aebi, LLP					0.00
CenturyLink					
	10/21/2017	multiple phone bills October	Accounts Payable		-437.90
	10/21/2017	October	Telephone	01 GENERAL FUND:01.01 Administrativ	185.94
	10/21/2017	multiple phone bills October	Telephone	20 WATER OPERATING FUND	71.63
	10/21/2017	multiple phone bills October	Telephone	01 GENERAL FUND:01.07 Fire Departm	180.33
Total CenturyLink					0.00
CIS Trust					
	10/21/2017	Park Camping, Eclipse, inv# FLC-12017-1	Accounts Payable		-462.50
	10/21/2017	Park Camping, Eclipse, inv# FLC-12017-1	Accounts Payable	01 GENERAL FUND:01.02 City Council	462.50
Total CIS Trust					0.00
Consumers Power Inc					
	10/21/2017	Account # 1155301	Accounts Payable		-149.30
	10/21/2017	October Power	Power/Heat	20 WATER OPERATING FUND	149.30
Total Consumers Power Inc					0.00
CUSI					
	10/21/2017	U22048	Accounts Payable		-538.75
	10/21/2017	Water Statements, U22048	Maintenance Supplies	20 WATER OPERATING FUND	538.75
Total CUSI					0.00
Department of Administrative Services					
	10/21/2017	membership, invoice #ARQ17530	Accounts Payable		-200.00
	10/21/2017	membership, invoice #ARQ17530	Operational Supplies	01 GENERAL FUND:01.07 Fire Departm	100.00
	10/21/2017	membership, invoice #ARQ17530	Operational Supplies	01 GENERAL FUND:01.01 Administrativ	100.00
Total Department of Administrative Services					0.00
Edge Analytical					
	10/21/2017	17-29225, 17-29228, 17-27709, 17-2770	Accounts Payable		-465.00
	10/21/2017	17-29225, 17-29228, 17-27709	Lab Analysis Services	20 WATER OPERATING FUND	267.00
	10/21/2017	17-27706	Lab Analysis Services	13 SEWER FUND	198.00
Total Edge Analytical					0.00
Ferguson Waterworks					
	10/21/2017	Inv. 0604743, 0607966, 0608551	Accounts Payable		-4,902.35
	10/21/2017	Inv. 0604743, 0607966, 0608551	Church-System Maintenance/Repair	20 WATER OPERATING FUND	4,902.35
Total Ferguson Waterworks					0.00
Hach Company					
	10/21/2017	10661133	Accounts Payable		-354.89
	10/21/2017	10661133, Chlorine card ch-17	System Maintenance/Repair	20 WATER OPERATING FUND	354.89
Total Hach Company					0.00
Mid Willamette Valley COG					
	10/21/2017	inv 1718123	Accounts Payable		-592.50
	10/21/2017	inv 1718123 Land use	Council of Governments Planning	01 GENERAL FUND:01.01 Administrativ	592.50
Total Mid Willamette Valley COG					0.00
Pacific Power					

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	<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Total Pacific Power	10/21/2017	multiple accounts, 21091561-006 2	Accounts Payable		-1,572.59
	10/21/2017	October	Power/Heat	01 GENERAL FUND:01.07 Fire Departm	412.44
	10/21/2017	multiple accounts, 21091561-006 2	Power/Heat	01 GENERAL FUND:01.01 Administrativ	126.92
	10/21/2017	multiple accounts, 21091561-006 2	Power/Heat	01 GENERAL FUND:01.03 Parks	71.05
	10/21/2017	multiple accounts, 21091561-006 2	Power/Heat	13 SEWER FUND	260.29
	10/21/2017	multiple accounts, 21091561-006 2	Street Lights	11 STREET FUND	640.05
	10/21/2017	multiple accounts, 21091561-006 2	Power/Heat	20 WATER OPERATING FUND	61.84
					0.00
Pitney Bowes					
	10/21/2017	8000-9000-0969-9830	Accounts Payable		-301.50
	10/21/2017	Postage 20%	Office Supplies	01 GENERAL FUND:01.01 Administrativ	60.30
	10/21/2017	30%	Office Supplies	13 SEWER FUND	90.45
	10/21/2017	50%	Office Supplies	20 WATER OPERATING FUND	150.75
					0.00
River-Bend Sand & Gravel					
	10/21/2017	2512545	Accounts Payable		-1,420.50
	10/21/2017	2512545, upper park pad	Building Maintenance & Repair	01 GENERAL FUND:01.03 Parks	1,420.50
					0.00
Speer Hoyt LLC					
	10/21/2017	INV. 41879	Accounts Payable		-836.00
	10/21/2017	INV. 41879	Attorney/Special Council	01 GENERAL FUND:01.01 Administrativ	836.00
					0.00
Sunbelt Rentals					
	10/21/2017	72757811-0001	Accounts Payable		-738.48
	10/21/2017	72757811-0001, roller and sweeper for F	Equipment Maintenance/Repair	11 STREET FUND	738.48
					0.00
US Bank Visa					
	10/21/2017	Account Number: 4798 5312 1498 1146	Accounts Payable		-694.74
	10/21/2017	Food for SOLVE event and Park dedicati	Miscellaneous	01 GENERAL FUND:01.03 Parks	148.42
	10/21/2017	mailing and shovels	Maintenance Supplies	20 WATER OPERATING FUND	96.46
	10/21/2017	rain gear	Maintenance Supplies	20 WATER OPERATING FUND	149.98
	10/21/2017	website	Computer Software	01 GENERAL FUND:01.01 Administrativ	299.88
					0.00
CenturyLink Business Services					
	11/01/2017	November 1423200069	Accounts Payable		-2.04
	11/01/2017	November 14232000697-.85%	Telephone	01 GENERAL FUND:01.01 Administrativ	1.73
	11/01/2017	November 1423200069-15%	Telephone	20 WATER OPERATING FUND	0.31
					0.00
City of Dallas					
	11/01/2017	INV#02385	Accounts Payable		-495.32
	11/01/2017	INV#02385, Oil, shop labor	Equipment Maintenance/Repair	01 GENERAL FUND:01.07 Fire Departm	495.32
					0.00
Complete Wireless Solutions					
	11/01/2017	91486	Accounts Payable		-62.50
	11/01/2017	Radio service, 91486	Equipment O&M	01 GENERAL FUND:01.07 Fire Departm	62.50
					0.00
Edge Analytical					
	11/01/2017	17-27709	Accounts Payable		-205.00
	11/01/2017	17-27709	Lab Analysis Services	20 WATER OPERATING FUND	205.00
					0.00
Falls City Fire Association					
	11/01/2017	17-27709	Accounts Payable		-205.00
	11/01/2017	17-27709	Lab Analysis Services	20 WATER OPERATING FUND	205.00
					0.00

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As of October 9, 2017

	<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Total Falls City Fire Association	11/01/2017	November	Accounts Payable	01 GENERAL FUND:01.07 Fire Departm	-916.66
MNOP	11/01/2017	November	Point System		916.66
					0.00
Total MNOP	11/01/2017	A306107-IN	Accounts Payable	11 STREET FUND	-719.33
OHA Cashier	11/01/2017	A306107-IN	Vehicle Operation		719.33
					0.00
Total MNOP	11/01/2017	Annual Certification for Wagner and Poe	Accounts Payable	20 WATER OPERATING FUND	-420.00
OHA Cashier	11/01/2017	Annual Certification for Wagner and Poe	Administrative costs		420.00
					0.00
Total OHA Cashier	11/01/2017				
Petro Card	11/01/2017	C242918	Accounts Payable	11 STREET FUND	-105.44
	11/01/2017	20% C242918	Vehicle Operation	13 SEWER FUND	21.10
	11/01/2017	20%	Vehicle Operation		21.10
	11/01/2017	60%	Vehicle Operation	20 WATER OPERATING FUND	63.24
					0.00
Total Petro Card					
Pitney Bowes Global Financial Services LL	11/01/2017	Acct# 3304626194	Accounts Payable	13 SEWER FUND	-196.80
	11/01/2017	October 35% Inv 3304626194	Postage & Freight	20 WATER OPERATING FUND	68.88
	11/01/2017	October 50%	Postage & Freight		98.40
	11/01/2017	October 15%	Postage & Freight	01 GENERAL FUND:01.01 Administrativ	29.52
					0.00
Total Pitney Bowes Global Financial Services LL					
Valley Electric Company, LLC	11/01/2017	10.25.2017	Accounts Payable	13 SEWER FUND	-1,335.36
	11/01/2017	rewire tank pump	System Maintenance/Repair		685.54
	11/01/2017	Park host site	Building & Improvements Ops	01 GENERAL FUND:01.03 Parks	649.82
					0.00
Total Valley Electric Company, LLC					
Van Well Building Supply	11/01/2017	2 Invoices	Accounts Payable	13 SEWER FUND	-82.91
	11/01/2017	12703801	Maintenance Supplies		53.94
	11/01/2017	12671211	Maintenance Supplies	20 WATER OPERATING FUND	28.97
					0.00
Total Van Well Building Supply					
Verizon Wireless	11/01/2017	9793332790	Accounts Payable	01 GENERAL FUND:01.01 Administrativ	-38.01
	11/01/2017	November	Telephone		19.00
	11/01/2017	9793332790	Telephone	20 WATER OPERATING FUND	19.01

City of Falls City
City Council Regular Meeting Minutes
October 12, 2017 6:00 PM
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

Staff Present: Cody Decamp, City Recorder, JoHanna Birr, City Clerk, Don Poe, Public Works Supervisor

Mayor Ungricht called the meeting to order at 6:03 pm.

1) Roll Call

Clerk Birr took roll call. Councilor L. Sickles was absent. Councilor Drill left the room at 6:23pm and returned at 6:23pm.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire Agenda

A motion was made by Councilor D. Sickles and seconded by Councilor Flynn to adopt the entire agenda. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

4) Consent Agenda

A motion was made by Councilor Flynn and seconded by Councilor Lauder to adopt the Consent Agenda with addition of Item K: Committee Appointment to Public Works and Item L: Master Water Plan Ordinance 550-2017. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

5) Public Comments

Michael Lehnert is owner of 268 6th St. Falls City, Oregon. He and his father Richard Lehnert have the property up for sale. They believe the City is hindering the sale due to land use requirements such as lot line adjustments. Tina Thompson of 700 Hopkins is interested in purchasing the property to develop. She contends that eight of seventeen lots are unusable due to wetlands and is shown on Polk County maps as All parties are trying to conform to the City Codes but are feeling discouraged. Mayor Ungricht requested M. Lehnert's contact information and will refer him to Council of Governments for further explanation of land use laws and requirements pertaining to lot line adjustments etc. The City is not opposed in any way; however, certain criteria must be met under the current code. Council thanked all parties for their input. M. Lehnert left his contact information with Clerk Birr.

Ron and Woody Carey requested Council's approval to hook up to an existing City sewer connection serving 400 Alan St., which is currently serving Jesse Mercer's household with a 1,500-gallon tank. Lot 201 is an adjacent vacant lot owned by R. Carey. Woody Carey is seeking funding and needs confirmation that a connection is possible in order to secure the funds.

At the time of the tank installation by R. Carey, the design with three connections was approved by the existing Council and allowed under state law. Don Poe, Supervisor of Public Works confirmed, but added current Department of Environmental Quality requires a three bedroom or less home to be served by a tank 1,500-gallons minimum. A four bedroom or more home requires at least a 3,000-gallon tank.

The Carey's contend that because the tank was installed and ported with three connection stubs that it is still allowable to connect another home to. They then referred council attention to a letter with

attachments provided by W. Carey citing the Falls City Zoning and Development Code section 2.200 General Development Standards, specifically 2.200.01 C- Lots of Record. (Exhibit A)

Fred Bolton, former City Engineer, was responsible for the design of the system, and for the Dayton Street Bridge project. Dayton Street Bridge carries a sewer line underneath it. Both of Bolton's designs were inadequate and failing. Carey Court Subdivision design was approved by Bolton. The lift-stations are not adequate for repair access and have cost the city a large amount of money to maintain.

R. Carey reportedly spoke to Tim Hedrick of DEQ and was told the agency can only recommend cities follow their rules, not mandate. However, the City is required to follow DEQ rules as written in the Oregon Administrative Rules and Oregon Revised Statutes.

After much discussion, Councilor Drill asked the Carey's what the main issue coming before Council was. They sought written Council approval to connect to City sewer for lot 201. Mayor Ungricht referred them to the Zoning and Development Code Chapter 50 Sewer, current procedures in place and added the future build would be required to hook into City sewer but not necessarily on that particular tank.

R. Carey directly asked Clerk Birr if this discussion would be recorded with the City. Clerk Birr replied "Absolutely". Council thanked Ron and Woody Carey.

6) New Business

A. 2016/17 Audit

The 2016/17 Audit draft has been received. The City was corrected on two items. The first in Administration as one line item was over. The other item was Water with one line item over. There appeared to be a discrepancy in a loss of revenue in water by almost \$10,000.00. Staff researched the situation and found Luckiamute Domestic Water Co-op used less water than the previous year resulting in less revenue. The city was happy with the draft with a minor change.

B. LOC Handout

This was informational material on meetings and Legislative, Administrative and Quasi-Judicial decisions. This is helpful to Council as they act as Planning Commission.

C. Water Bond Final Savings

The loan transfer has been completed. The final savings over the life of the bond is computed to be \$148,868.41.

D. New Business License

Ted Hake has submitted a new business license as TH Consulting. It is agricultural based. The Falls City Municipal Code requires Council approval for all new business licenses.

A motion was made by Councilor Drill and seconded by Councilor Meier to approve the business license for 88 Boundary St. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

E. Ordinance 549-2017 Enforcement of City Ordinances

Rose Bajorins has been hired part time to act as Code Enforcement Officer. The first priority is to create procedures for privately owned properties and bank owned properties, as they are separate procedures. The City Attorney suggested the City adopt an ordinance allowing administration to hire a Code Enforcement Officer. This will add a Chapter 10.19 to the Municipal Code.

6

A motion was made by Councilor Drill and seconded by Councilor Meier that the City Council of the City of Falls City read the Ordinance 549-2017 by title only for the first time, an Ordinance providing for the enforcement of City ordinances and declaring an emergency. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

F. Resolution 20-2017 2017-2019 Grant Young Memorial Planning Assistance Grant

This is a \$1,000.00 grant offered by the Department of Land Conservation and Development to city with population under 2,500 every two years. The most common use of the grant is to pay for land use planning services.

A motion was made by Councilor Drill and seconded by Councilor Meier that the City Council Adopt Resolution 20-2017 A resolution authorizing an agreement between the City of Falls City and the State of Oregon Department of Land Conservation & Development, and authorize the Mayor to sign and submit the grant application. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

G. Resolution 21-2017, Detailing Fees For City Services

This item was tabled for further Council review.

H. Resolution 22-2017, extending Worker's Compensation Coverage to Volunteers of the City

This resolution will provide limited worker's comp coverage to the new camp host at the George Kitchen Upper Park. It was noted there was a scrivener's error: Section labeled as "4" should actually be "Section 7". This will be corrected on final document.

A motion was made by Councilor D. Sickles and seconded by Councilor Lauder that the City Council Adopt Resolution 22-2017 A resolution extending Worker's Compensation Coverage to volunteers of the City of Falls City, and repealing prior resolutions. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

I. Backflow Testing

The backflow installation and testing have historically been the responsibility of the homeowner. The City would like to relieve financial stress from homeowners by taking ownership of the devices. The current Backflow Testing Fee charged to active and inactive services would be eliminated and an increase of \$4.00 applied. In reality, this would only amount to a difference of \$1.75 in a given water bill. Council voiced an agreement for the change.

It is estimated by Rick Evens, the current City contracted backflow tester, that approximately 20 meters will not pass testing this year. The City will be responsible for replacement, installation and maintenance on backflows alleviating financial burden on customers.

In addition, Jay Epperson will be attending Cross Connection training in the near future. This will save the City money for required audits by the state. Currently they are required every three years. Employee training would cause the audits to be pushed out to every five years.

A motion was made by Councilor Meier and seconded by Councilor Flynn that the City Council change the current backflow procedure from customer ownership and responsibility to City ownership and for staff to provide a resolution to remove the current \$2.25 testing fee and to raise the base water fees by \$4.00. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

J. Revision of Sheriff Office Procedures

In 2008, the Oregon state senate passed a bill, SB 111, requiring Governing Bodies to review and comment on revisions to policies adopted by law enforcement agencies that provide services in their

community. The Polk County Sheriff's Office is looking to revise their policy regarding procedures for the "Intentional Use of Deadly Physical Force Response Plan".

A motion was made by Councilor Lauder and seconded by Councilor Flynn that the City Council approve the revisions on use of deadly force as presented by the Polk County Sheriff's Office. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

K. Committee Appointment

Jennifer Drill has applied for membership on the Public Works Committee. (Exhibit B)

A motion was made by Councilor D. Sickles and seconded by Councilor Lauder that the City Council consent to appoint Jennifer Drill to the Public Works Committee. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

L. Ordinance 550-2017 Water Master Plan Adoption 1st Reading

Council adopted the Water Master Plan Draft in February of 2017. It requires final approval of Oregon Housing Authority (OHA) and Oregon Water Resources Department (OWRD). With clarification of Berry Creek water rights and minor changes to the document, both OWRD and OHA have issued approval. (Exhibit C)

A motion was made by Councilor Drill and seconded by Councilor Meier that the City Council read the Ordinance 550-2017 for the first time by title only. "Ordinance No. 550-2017 an Ordinance of the City of Falls City Adopting a Water Master Plan for the City of Falls City, Oregon. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

7) Correspondence, Comments and Ex-Officio Reports

A. Mayors Report

8) Council Announcements

Councilor Drill announced the Annual Christmas Tree lighting would be held December 2nd, at the Gospel Mountain Fellowship lot. Councilor Drill has attended Polk County Commissioner meetings and said that property taxed will decrease when the bond levy is paid off. She believes it will be reduced by \$0 .47 on the dollar.

City Recorder DeCamp noted a correction for the required public hearing posting time-frame for library closing and will research further.

Sheriff's Report

No representatives from the Sheriff's Office were present.

Library Report

The library report was submitted late and issued as a handout to Council. (Exhibit D)

9) Adjourn

The meeting adjourned at 7:12 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk JoHanna Birr

8

Exhibit A

10/16/2017

Woody Carey
18425 Falls City Rd,
Dallas, Oregon, 97338
503-983-1738

City of Falls City
Falls City, Oregon

Mayor and Council,

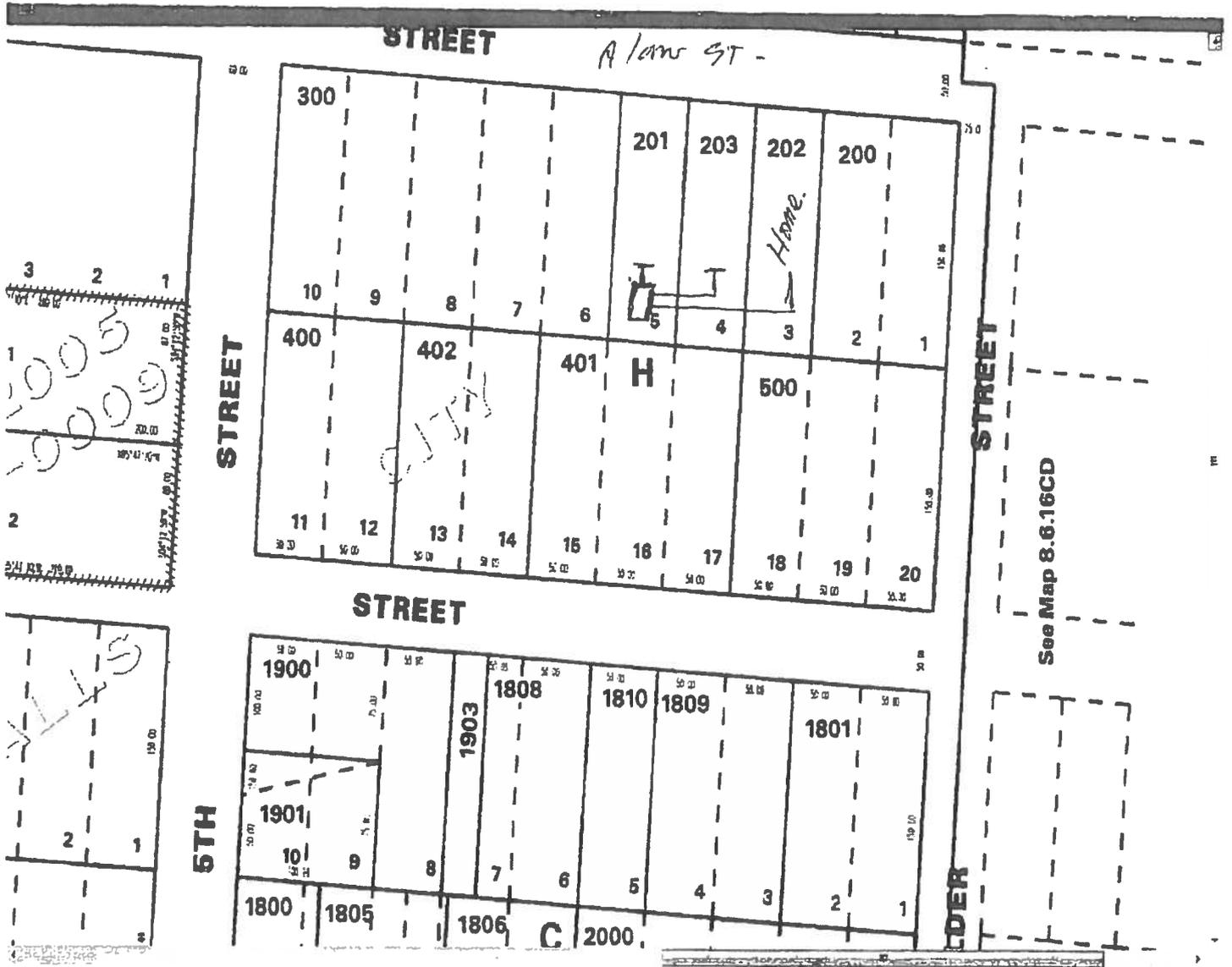
This letter is to verify that I have been placed on the October 12th 2017 Council meeting agenda as requested last week. It is my understanding that the Council makes all final decisions. I therefore request that the City distribute to the Council members the official City records pertaining to the sewer easement, tank installation and hookups extended to lots 201,202,203 (as built) previously known as 400 Alan st, Falls City which was later changed to 405 Alan st. by Falls City.

This installation and tank sizing for lots 201,202 and 203 were approved and inspected by the public works superintendent and the city engineer. Sewer lines were extended from the septic tank to each lot and capped off as directed (as built) and approved by City Council.

The entire system and infrastructure was paid for and installed by R.L. Carey Construction at the time of installation. I am not requesting a judicial, quasi judicial or variance or other review as this is an outright use and I need to verify and receive approval for the sewer hookup. My intent is to place a new home on lot 201.

Thanks,

Woody Carey.



See Map 8.6.16CD

2.200 GENERAL DEVELOPMENT STANDARDS

2.200.01 LOTS OF RECORD

- A. A lot or parcel is a legal lot of record for purposes of this Ordinance when the lot conforms to all zoning requirements, Subdivision Ordinance requirements, and Comprehensive Plan provisions, if any, in effect on the date when a recorded separate deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract.
- B. A lot or parcel, which is a separate legal lot or parcel prior to the adoption of this provision, shall remain a separate legal lot regardless of ownership.
- C. The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use is commenced. Non-conforming lots of record are exempt from lot area, lot width, and street frontage requirements. However, no dwelling shall be built on an existing lot less than 3,000 square feet in area.

2.200.02 AUTHORIZATION OF SIMILAR USE

The Planning Commission may permit, in a particular instance, a use not listed in this Ordinance providing the use is of the same general type and impact on adjoining properties as the uses permitted by this Ordinance.

2.200.03 STRUCTURE HEIGHT EXCEPTIONS

- A. Public, quasi-public or public service buildings, including hospitals, educational institutions, and schools, may be erected to a height not exceeding 60 feet, and churches or temples may be erected to a height not exceeding 75 feet, provided the required yards are increased by one foot for each foot of additional building height above the height regulations for the zone.
- B. Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and other similar objects not used for human occupancy may exceed the structure height restrictions of this Ordinance.

2.200.04 SOLAR APPARATUS AND SOLAR ACCESS

- A. The use of solar energy systems, including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating shall be a permitted use within all zones, whether as a part of a structure or incidental to a group of structures nearby.
- B. Solar collectors, and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the height limitation in residential

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Memo

June 20, 2005

City of Falls City
Falls City, Oregon

re: R-L Carey Subdivision Falls City

This memo is issued in response to a request by Ron Carey to summarize the following vital issues regarding R L Carey Subdivision.

1. The Subdivision has been completed to City standards and fully complied with the contract between the City of Falls City and Ron Carey. A letter of completion was issued to the City of Falls City by the City Engineer, Fred Bolton.
2. The Subdivision is zoned for residential use.
3. All lots are buildable and available for residential use as outlined in the construction contract and in compliance with applicable City, County and State Law.
4. The contract between the City and Ron Carey deems that "The City's sole obligation under this agreement shall be to connect the R. L. Carey Subdivision as a whole to the City sewer system at such time as the City Engineer finds that all required improvements are complete, or substantially complete. This obligation is contingent upon (1) completion of the connections up to City right-of-way as approved by the City Engineer and (2) the legal availability of the connections(s) under county, state and federal laws then in effect."
5. The City of Falls City Council, at its June 2005 Council meeting, determined that each lot owner in the R L Carey Subdivision shall pay the City an inspection / hookup fee in the amount of \$250.00 for water and \$250.00 for sewer.
6. All conforming building permit applications shall be submitted for review by the City Zoning and Development Committee Chairman and will be signed off within ~~five~~ 10 days. The applicant will then submit plans to Polk County; the City's designated building official.

It is the intent of the City of Falls City to uphold all agreements in relation to the R L Carey Subdivision. The City is eager to facilitate and encourage its successful completion. A copy of this memo is to be placed in the R L Carey Subdivision file at City Hall. A copy of this document is to be given to anyone requesting information regarding the R L Carey Subdivision.

Approved by vote of Falls City Council this 1st day of August 2005 at its regularly scheduled Council Meeting.

Passed by vote of Council
 on 8/1/05
 Vote 3 - 0
 Yes No
 Mayor 8/1/05
 12
 8/1/05
 12

Exhibit B

AGENDA REPORT

TO: COUNCIL
FROM: JOHANNA BIRR, CITY CLERK THROUGH MAYOR UNGRICHT
SUBJECT: COMMITTEE APPOINTMENTS
DATE: 10/10/2017

SUMMARY

The City has received an application to fill a vacancy on the Public Works Committee.

BACKGROUND

The City has received an application for a committee appointment from Jennifer Drill regarding the Public Works Committee. As per the City Charter, the Mayor appoints committee members with the consent of Council.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

There are no fiscal impacts.

STAFF RECOMMENDATION

N/A

EXHIBIT

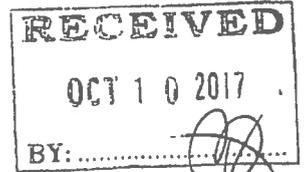
Committee application.
Committee members with term expiration date.

PROPOSED MOTION

I move the Falls City Council grant its consent to appoint Jennifer Drill to the Public Works Committee.



Exhibit A



Application for Committees

City of Falls City

299 Mill Street, Falls City, Oregon 97344

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

Contact Information

Name: Jennifer Drill
 Street Address: 136 Carey Ct
 Mailing Address: Same
 City/State/Zip Code: Falls City, OR 97344
 Home Phone: [REDACTED]
 Work Phone: [REDACTED]
 E-Mail Address: [REDACTED]

Background

Years of Residence in Falls City: 28 years
 Place of Employment: Homemaker
 Occupation: [REDACTED]
 Educational Background: H.S.
 2 yrs college
 Prior Civic Activities: City Councilor
 Garden club
 Parks and Rec
 F.A.C.C.S.
 HS Volleyball Coach
 Booster Club

Committees of Interest

Please check all of the following Committees that interest you:

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

~~Economic Development Committee~~ 14

* See page 2.

Special Skills or Qualifications

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

City Council
Robert Young Construction

Motivation

Discuss your motivation for serving on this Committee.

To continue to help serve my community and to be able to know and understand the different areas of operations in our city

Special Notice

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

Agreement and Signature

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

Name (printed)

Signature

Date

Jennifer M Dink

10/9/17

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

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City Council, Commission, and Committee Members

- 1.) City Council
- 2.) Parks and Recreation Committee
- 3.) Public Works Committee
- 4.) Budget Review Committee
- 5.) Historic Landmark Commission
- 6.) Planning Commission

1.) City Council

- | | | |
|----|----------------------------------|-----------------------|
| 1. | Mayor Terry Ungricht | Term ends: 12/31/2018 |
| 2. | Council President Dennis Sickles | Term ends: 12/31/2020 |
| 3. | Lori Jean Sickles | Term ends: 12/31/2018 |
| 4. | Jennifer Drill | Term ends: 12/31/2018 |
| 5. | Anthony (Tony) Meier | Term ends: 12/31/2018 |
| 6. | Charlie Flynn | Term ends: 12/31/2020 |
| 7. | Cliff Lauder | Term ends: 12/31/2020 |

2.) Parks and Recreation Committee

- | | | |
|----|-----------------------------|-----------------------|
| 1. | Janelle Anzalone (Chair) | Term ends: 12/31/2018 |
| 2. | Dennis Sickles (Vice Chair) | Term ends: 12/31/2018 |
| 3. | Jennifer Drill (Secretary) | Term ends: 12/31/2018 |
| 4. | Lori Jean Sickles | Term ends: 12/31/2018 |
| 5. | John Hawkins | Term ends: 12/31/2018 |
| 6. | Jim Partridge | Term ends: 12/31/2020 |
| 7. | Janet Propp | Term ends: 12/31/2020 |

3.) Public Works Committee

- | | | |
|----|-----------------------------|-----------------------|
| 1. | Mitchell Padilla (Chair) | Term ends: 12/31/2018 |
| 2. | Mike McConnell (Vice Chair) | Term ends: 12/31/2018 |
| 3. | Guy Mack (Secretary) | Term ends: 12/31/2018 |
| 4. | Mayor Terry Ungricht | Term ends: 12/31/2018 |
| 5. | Open | Term ends: 12/31/2018 |
| 6. | Cliff Lauder | Term ends: 12/31/2020 |
| 7. | Tony Meier | Term ends: 12/31/2020 |

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4.) Budget Review Committee

1-7. City Council and Mayor (All seven members)

In addition, seven residents:

- | | | |
|----|--------------------|-----------------------|
| 1. | Debera Ellis | Term ends: 12/31/2017 |
| 2. | Guy Mack | Term ends: 12/31/2017 |
| 3. | Steve Dixon | Term ends: 12/31/2017 |
| 4. | Dawn Taylor | Term ends: 12/31/2017 |
| 5. | Johnathan Ungricht | Term ends: 12/31/2018 |
| 6. | Amy Houghtaling | Term ends: 12/31/2018 |
| 7. | Patti Sample | Term ends: 12/31/2019 |

5.) Historic Landmark Commission

- | | | |
|----|------------------------------|-----------------------|
| 1. | Amy Houghtaling (Vice Chair) | Term ends: 12/31/2018 |
| 2. | Guy Mack (Secretary) | Term ends: 12/31/2019 |
| 3. | Randolph Osman | Term ends: 12/31/2018 |
| 4. | Bruce Garrett | Term ends: 12/31/2018 |
| 5. | Rose Bajorins | Term ends: 12/31/2018 |
| 6. | Open | Term ends: ----- |
| 7. | Open | Term ends: ----- |

6.) Planning Commission

- | | | |
|----|---------------|-----------------------------------|
| 1. | Tracy Young | |
| 2. | Rose Bajorins | Appointed 2016 (Serves 2016-2019) |
| 3. | Open | |
| 4. | Open | |
| 5. | Open | |
| 6. | Open | |
| 7. | Open | |

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: ORDINANCE 550-2017 WATER MASTER PLAN ADOPTION
DATE: 10/12/2017

SUMMARY

The Water Master Plan has been reviewed by OHA and OWRD and has received approval.

BACKGROUND

Falls City contracted with HBH Engineering to perform the Master Water Plan. Council approved the document at the February Council meeting to submit for OHA and OWRD approval. We have finally received approval, OHA approved their part of the plan in April and OWRD requested changes to the document and clarification on Berry Creek Water Rights and has issued their approval.

Falls City has had multiple meetings on the plan; three with the contracted Engineer in attendance, the draft plan has been on the City's website, and has been available at City Hall for public review. We will adopt the plan by Ordinance at two meetings to allow for Public comments.

The adoption of the plan will allow staff to close out the IFA grant and to start seeking funding for the projects identified as priority one. I do not believe we will be able to accomplish the full project funding request for the 2018 construction season, but we hope to have all of the engineering completed with project bid documents ready for the 2019 construction season.

PREVIOUS COUNCIL ACTION

Adopted contract between the City and HBH Engineering for the Master Water Plan in December 2015. Public meetings held with engineer present in June 2016 and February 2017. Adopted plan for State review February 2017.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Adopt to close out IFA grant, \$20,000.

STAFF RECOMMENDATION

Adopt Ordinance 550-2017.

EXHIBIT

Water Master Plan on City website for Council and Public viewing. Hard copy provided to Councilors that request it. (must be returned to City Hall)

Exshibit A – Ordinance

Exhibit B – OHA concurrence letter date April 19, 2017.

Exhibit C – OWRD final order approving water management Plan.

PROPOSED MOTION

I move the City Council of the City of Falls City read the Ordinance 550-2017 for the first time by title only. "ORDINANCE NO. 550-2017 AN ORDINANCE OF THE CITY OF FALLS CITY ADOPTING A WATER MASTER PLAN FOR THE CITY OF FALLS CITY, OREGON;

Ex: B



PUBLIC HEALTH DIVISION
Drinking Water Services

Kate Brown, Governor

APR 24 2017

Oregon
Health
Authority

800 NE Oregon Street, #640
Portland, OR 97232-2162
Phone: 971-673-0191
Fax: 971-673-0694
www.healthoregon.org/DWP

April 19, 2017

Natalie Jennings, PE
HBH Consulting Engineers
501 E. First St.
Newberg, OR 97132

Re: **2017 Master Plan (PR#17-2017)**
City of Falls City (PWS ID#00297)
Concurrence with Master Plan

Dear Ms. Jennings:

Thank you for your submittal to the Oregon Health Authority's Drinking Water Services (DWS) of plan review information for the Master Plan for the City of Falls City. On April 5, 2017, our office received a copy of the February 2017 Water System Master Plan. A plan review fee of \$4125 was received on February 17, 2017.

The Master Plan represents a 20-year planning horizon out to the year 2035. The plan includes a system description, future demand estimates and CIP project lists with cost estimates. Upon review of the Master Plan, it appears the criteria listed in Oregon Administrative Rules (OAR) 333-061-0060(5) have been met.

If you have any questions, please feel free to call me at (971) 673-0191.

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Gentry".

Carrie Gentry, PE
Regional Engineer
Drinking Water Services

cc: Terry Ungricht, Mayor, City of Falls City

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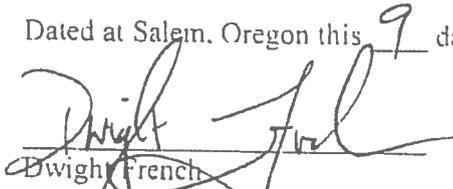
7. The plan includes 5-year benchmarks for implementation of: Annual water audits; requiring meters on all customer connections; and bill customers based, in part, on the quantity of water metered at the service connection.
8. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs:
 - a. Annual Water Audit
 - i. In the next five years, the City develop will methods to quantify water used for sampling and flushing activities.
 - b. System-wide Metering and Maintenance
 - i. In the next two years, will install a meter to the Upper Park connection and disconnect the Fay Wilson Park connection.
 - ii. In the next three years, the City will develop and begin implementation of a plan to replace all customer meters over the next 25 years, replacing 20% of the system's meters every 5 years.
 - iii. In the next five years, the City will investigate the option of installing meters at the point of diversion for each source.
 - c. Leak Detection
 - i. In the next two years, the City will develop and implement a program to inspect the entire distribution system every 5 years.
 - d. Line Replacement
 - i. In the next five years, the City will develop and implement a program to prioritize and begin distribution line replacements identified in Appendix A of the plan.
 - e. Public Education
 - i. In the next five years, the City will offer free leak detection tests to residential customers who suspect a leak. City staff will help determine the location of the leak if the leak is outdoors.
 - ii. In the next five years, the City will develop free brochures with conservation information including tips on water saving irrigation techniques, methods to reduce consumption indoors, and a list of helpful websites. These brochures will be available at City Hall and will be included annually with water billings.
9. The plan identifies the Little Luckiamute River, Albert Teal Spring, Rattling Spring, Berry Creek, Boughey Creek, Glaze Creek, and Teal Creek as the source of the City's water rights.

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Other Requirements for Plan Submittal:

5. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the City from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this 9 day of October, 2017.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: OCT 12 2017

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act, 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

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Exhibit D

Library Director's Report

October 2017

- **Attendance** for the month of September was 56 adults and 55 children (111 total). 67 (60%) were there for research related activity.
- Elementary school library was moved to new location in multi-purpose room. Now 2 rooms with newly constructed wall.
- Have been working on my annual Halloween decoration/mask for the elementary school kids. They get a big kick out of this project.

Andy Rommel – Library Director

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AGENDA REPORT

TO: CITY COUNCIL
FROM: TERRY UNGRICH, MAYOR
SUBJECT: ORDINANCE 549-2017 ENFORCEMENT OF CITY ORDINANCES, 2ND READING
DATE: 10/24/2017

SUMMARY

Falls City staff and Council have been working on new procedures for Code Enforcement.

BACKGROUND

The Falls City Council and Staff have been working on procedures to enforce the City Municipal and Zoning Codes. Council adopted an agreement to contract our Court out to the City of Independence and we have finally filled the part time position of Code Enforcer.

The first duty of staff is to make sure we are following our enforcement procedures according to our Ordinances and building cases that will with stand challenges in Court. The City Attorney felt to further complete the process we should adopt an addition to our Municipal Code detailing the authority to designate code enforcement officers.

The City budgeted limited funds to enforcement; but we are starting to build procedures for tracking complaints, drafting complaints, and issuing citations. I have a question in front of the City Attorney on if we can start the process; contact with property owner, issuing the complaint with a time limit on property owner abating the complaint or approach staff to work out a schedule, if no reply at the end of the time limit issuing a citation to attend court. Then at that point if we can bring the abatement by City to Council. Depending on his reply we might want to explore changing some of our code, unless Council wants us to wait and bring the written investigation to Council for permission to move forward.

I am attaching Nuisance Enforcement Procedures drafted by the City Attorney with the addition of the Abatement procedure from our Code.

PREVIOUS COUNCIL/COMMITTEE ACTION	N/A
ALTERNATIVES/FINANCIAL IMPLICATIONS	N/A
STAFF RECOMMENDATION	adopt motion

EXHIBITS a) Ordinance 549-2017
 b) Code Enforcement procedures by code.

PROPOSED MOTIONS

I move the City Council of the City of Falls City read the Ordinance 549-2017 by title only for the Second time, an Ordinance PROVIDING FOR ENFORCEMENT OF CITY ORDINANCES AND DECLARING AN EMERGENCY.

ORDINANCE NO. 549-2017

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

The City of Falls City, Oregon ordains as follows:

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

§ 10.19 Code Enforcement Officer

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

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

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

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

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

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

AYES: NAYS: ABSTAIN: ABSENT:

24

Passed by the Falls City Council and signed by the Mayor this ____ day of _____.

Terry Ungricht, Mayor

Attest:

Domenica Protheroe, City Clerk

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: ORDINANCE 550-2017 WATER MASTER PLAN ADOPTION
DATE: 10/24/2017

SUMMARY

The Water Master Plan has been reviewed by OHA and OWRD and has received approval.

BACKGROUND

Falls City contracted with HBH Engineering to perform the Master Water Plan. Council approved the document at the February Council meeting to submit for OHA and OWRD approval. We have finally received approval, OHA approved their part of the plan in April and OWRD requested changes to the document and clarification on Berry Creek Water Rights and has issued their approval.

Falls City has had multiple meetings on the plan; three with the contracted Engineer in attendance, the draft plan has been on the City's website, and has been available at City Hall for public review. We will adopt the plan by Ordinance at two meetings to allow for Public comments.

The adoption of the plan will allow staff to close out the IFA grant and to start seeking funding for the projects identified as priority one. I do not believe we will be able to accomplish the full project funding request for the 2018 construction season, but we hope to have all of the engineering completed with project bid documents ready for the 2019 construction season.

PREVIOUS COUNCIL ACTION

Adopted contract between the City and HBH Engineering for the Master Water Plan in December 2015. Public meetings held with engineer present in June 2016 and February 2017. Adopted plan for State review February 2017. Passed first reading of Ordinance.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Adopt to close out IFA grant, \$20,000.

STAFF RECOMMENDATION

Adopt Ordinance 550-2017.

EXHIBIT

Exhibit A – Ordinance

PROPOSED MOTION

I move the City Council of the City of Falls City read the Ordinance 550-2017 for the **second time** by title only. "ORDINANCE NO. 550-2017 **AN ORDINANCE OF THE CITY OF FALLS CITY ADOPTING A WATER MASTER PLAN FOR THE CITY OF FALLS CITY, OREGON;**

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Ordinance 550-2017

AN ORDINANCE OF THE CITY OF FALLS CITY ADOPTING A WATER MASTER PLAN FOR THE CITY OF FALLS CITY, OREGON;

FINDINGS

- 1) The City of Falls City contracted with HBH Engineering to develop a Water Master Plan for Falls City.
- 2) HBH Engineering developed and presented a Water Master Plan.
- 3) The Plan was reviewed by City Staff and City Council for presenting to Oregon Health Authority and Oregon Water Resource Department for agency approval.
- 4) The Plan received Oregon Health Authority and Oregon Water Resource Department approval.

NOW THEREFORE THE CITY OF FALLS CITY ORDAINS AS FOLLOWS:

- 1) The City Council for the City of Falls City hereby adopts the Master Water Plan prepared by HBH Engineering, dated September 2017, as the Master Water Plan for the City of Falls City.
- 2) Effective Date. The City Council for the City of Falls City completed its first reading of Ordinance 550-2017 on October 12, 2017; with a second reading on November 9, 2017, the City of Falls City notes that this Ordinance becomes effective after 30 days of the second reading, and therefore this Ordinance will be in full force and effect December, 11, 2017 upon signing of the Mayor.

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

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

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

AYES: NAYS: ABSTAIN: ABSENT:

Terry Ungricht, Mayor

ATTEST _____
Cody Decamp, City Clerk

27

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: RESOLUTION 21-2017, DETAILING FEES FOR CITY SERVICES
DATE: 10/24/2017

SUMMARY

Council adopts city services fees and with the adoption of Ordinance 528-2017 there were new land use fees that need to be adopted.

BACKGROUND

Council tabled this to study fee increases at the October meeting. It was brought up at the last meeting that returned check fees were different, we were looking at the old fee schedule which charged \$25.00, under the new schedule they are \$35.00. I have added an explanation on the new fee schedule noting what changes were made.

Council sets fees for services that the City provides. With the adoption of Ordinance 528-2017 there are new categories in our Land Use applications that need fees assigned to them. Staff also reviewed all of our current fees and raised some to reflect current costs and corrected other fees to add clarity.

The changed fees are noted in the resolution and the new fee schedule showing all fees charged is exhibit A.

PREVIOUS COUNCIL ACTION

Passed resolution 2013-06 setting fees.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Clarifies the fees and brings some costs closer to what is historically charged for those services.

STAFF RECOMMENDATION Pass the Resolution.

Public Hearing

Mayor:

This public Hearing (per ORS 294.160) is an opportunity for any member of the public to comment on or make requests regarding the proposed Resolution setting fees for Land Use applications that were adopted under Ordinance 528-2017, increasing cost of permits for land use items specified in the Resolution, standardizing administrative billing rates, and raising the returned check fee.

I will open the public hearing for raising the City service fees at _____pm.

Public Comments;

I will close the Public Hearing for raising City service fees at _____pm.

EXHIBIT

Exhibit Resolution 21-2017, Exhibit A – fee schedule, Exhibit B – 2013 fee schedule

PROPOSED MOTIONS

The City of Falls City resolves as follows; Adopt Resolution 21-2017 A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, SCHEDULE OF FEES FOR CITY SERVICES AND REPEALING PAST RESOLUTIONS ADOPTING FEE SCHEDULES ADOPTED.

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RESOLUTION 21-2017

A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, SCHEDULE OF FEES FOR CITY SERVICES AND REPEALING PAST RESOLUTIONS ADOPTING FEE SCHEDULES ADOPTED.

Findings:

1. The City of Falls City Council has in the past approved charges for city services; and
2. Certain Fees charged by the City are intended to cover the cost of providing specific services and products to the public without being subsidized by and depleting the city's resources; and
3. The adoption of Ordinance 528-2017 introduced new Land Use Application types for Property Line Adjustment, Property Line Adjustment with Discretion, Historic Landmark Certificates of Appropriateness (COA), Designation of a Historic Resource to the Local Landmark Register, Removal of a Historic Resource from the Local Landmark Register; and
4. Building permit fees were specified with additional text added for clarity; and
5. Certain fees were added for clarity and visibility: billable hourly rate for administration, public works and city manager; and
6. Site Design Review fees were categorized for clarity and visibility; and
7. Certain fees were increased to reflect the cost of providing the service: Home Occupation Permit, Subdivision, Planned Unit Development, Manufactured Home Park, Right of Way Encroachment Permit; and
8. There was a need to standardize administrative billing rates for the City Manager, Administration, and Public Works; and
9. Fence Permit fee removed to reflect current practices; and
10. Pursuant to ORS 294.160, the Council held a public hearing on October 12, 2017 to consider public comment on the proposed procedural changes and the fee increases; and
11. The Falls City Council has determined that the rates and charges set forth in this resolution are appropriate and in the best interest of the City.

NOW THEREFORE, THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

28

Section 1. The City Council adopts the fee schedule as outlined in "Exhibit B" Falls City General Fee Schedule.

Section 2. Resolution 2013-06 and all other conflicting fee schedules are repealed on the effective date of this resolution. All other resolutions and parts of resolutions relating to land use and administration related charges not repealed or amended expressly or by implication by resolution shall continue in full force and effect.

Section 3. This Resolution was duly PASSED and ADOPTED by the Falls City Council and takes effect upon signature of Mayor.

ADOPTED BY THE FALLS CITY COUNCIL ON THIS _____ DAY OF _____ 2017.

VOTE: AYE _____ NAY _____ ABSTAIN _____ ABSENT _____

Approved:

Date

Terry Ungricht, Mayor

Attest:

Date

Domenica Protheroe, City Clerk

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Exhibit A

City of Falls City General Fee Schedule Resolution 21-2017

General Fees

Administrative

Photocopies - black & White	\$ 0.25	per page (20 plus pages \$.15 per page)
Photocopies - color	\$ 0.75	per page
Faxes - Incoming and outgoing	\$ 2.00	first page, \$1.00 each additional page
Audio or video media	\$ 5.00	or actual cost if greater
Lien Search fee	\$ 35.00	
Utility Account Payment Report	\$ 5.00	
Centennial Coins - Silver	\$ 20.00	
Centennial Coins - Bronze	\$ 10.00	
Returned Check Fee	\$ 35.00	
* Vehicle Towing - administration fee	\$ 100.00	Does not include fees charged by the towing agency
* Administration Hourly Billing Rate	\$ 28.00	or actual cost if greater
* Public Works Hourly Billing Rate	\$ 32.00	or actual cost if greater
* City Manager Hourly Billing Rate	\$ 40.00	or actual cost if greater
* added cost to reflect code		

Business License

Home occupation, no employees	\$ 50.00	
Home occupation, with employees	\$ 75.00	
Commercial	\$ 100.00	
Temporary	***	Same fee as business licenses categories

Public Records Requests

Research and compilation or supervision of inspection for requests exceeding 15 minutes. Includes level 2 and level 3 records requests.	\$ 25.00	Per hour or actual cost if greater, plus cost of materials and postage.
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Cemetery Plots

Plot Purchase	\$ 500.00	
After Hours Grave Marking	\$ 250.00	

Park Fees

Gazebo Rental	\$ 20.00	
Booth Space - Individual/ Non Profit	\$ 15.00	
Booth Space - Commercial Business/For Profit	\$ 60.00	

Community Center Fees

Deposit	\$ 100.00	
Community Center Room	\$ 50.00	
Community Center Room With Kitchen	\$ 75.00	
Chair Rental	\$ 1.00	each
Table Rental	\$ 5.00	each

Liquor License Applications

New License	\$ 25.00	
Renewal	\$ 25.00	
Temporary or Change of Operation	\$ 25.00	

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**City of Falls City General Fee Schedule
Resolution 21-2017**

Building Permt Plans Check

(*) Residential addition, remodel or		
* accessory structure	\$ 75.00	or actual cost if greater
* (*) Residential Zone Construction	\$ 150.00	or actual cost if greater
* (*) Commercial Zone Construction	\$ 250.00	or actual cost if greater
* Manufactured Home Installation	\$ 150.00	or actual cost if greater
* Triplex, apartment, townhouse and condominium		
* require a Site Plan Review		
* moved from Miscellaneous		

Land Use

Group 1: Type 1-A (Administrative Ministerial Action)

Access Permit	\$ 50.00	or actual cost if greater
Home Occupation Permit		
Type A	\$ 75.00	or actual cost if greater (Raised \$25.00)
Type B	\$ 100.00	or actual cost if greater (New for commercial)
Property Line Adjustment	\$ 250.00	or actual cost if greater
Sign Permit	\$ 50.00	or actual cost if greater
Certificate of Appropriateness (COA) (Historic Preservation Officer)	\$ 50.00	or actual cost if greater (New per Land use decision)

Group 1: Type I-B (Planning Commission Ministerial Action)

Partition	\$ 800.00	or actual cost if greater
Site Design Review		
A. Residential Structure	\$ 400.00	or actual cost if greater (updated to reflect code)
B. Commercial Structure	\$ 800.00	or actual cost if greater (updated to reflect code)
C. Public Structure	\$ 600.00	or actual cost if greater
D. Severe Development Limitation Area	\$ 600.00	or actual cost if greater
Temporary Hardship Dwelling Application	\$ 250.00	or actual cost if greater
Flood Plain Development Permit	\$ 500.00	or actual cost if greater
Property Line Adjustment with discretion	\$ 250.00	or actual cost if greater (New requested by COG will monitor for cost)

Group 1: Type II (Procedure/Administrative)

Code interpretation (standalone applicaion)	\$ 300.00	or actual cost if greater
Modifiaion to approval of a land use action	\$ 300.00	or actual cost if greater
Partition Plat Modification	\$ 300.00	or actual cost if greater

Group 1: Type III (Procedure/Quasi-Judicial Planning Commission or Historic Landmarks Commission)

Conditional Use Permit	\$ 850.00	or actual cost if greater
Variance		
A. Setback	\$ 250.00	or actual cost if greater
B. Standards	\$ 800.00	or actual cost if greater
Subdivision	\$ 2,000.00	whichever is greater plus \$100 per additional lot over 4 or actual cost
Manufactured Home Park	\$ 2,000.00	whichever is greater (Raised \$500.00) plus \$100 per additional lot over 4 or actual cost
Planned Unit Development	\$ 2,000.00	whichever is greater (Raised \$500.00)

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**City of Falls City General Fee Schedule
Resolution 21-2017**

Comprehensive Plan Map Amendment involving five (5) or fewer adjacent land owners	\$ 1,000.00	or actual cost if greater
Any Type II application referred by staff due to determination of Type II criteria not met	\$ 800.00	or actual cost if greater
Certificate of Appropriateness (COA) Historical Landmark Commission)	\$ 150.00	or actual cost if greater (landuse Decision)
Designation of a Historic Resource to the Local Landmark Register (Historic Landmark Commission)	\$ 150.00	or actual cost if greater (landuse Decision)
Removal of a Historic Resource from the Local Landmark Register (Historic Landmark Commission)	\$ 100.00	or actual cost if greater (landuse Decision)

Group 1: Type IV (Action Procedure/Legislative)

Text amendments to the Comprehensive Plan	\$ 1,000.00	or actual cost if greater
Text amendments to the Zoning and Development Code (ordinance)	\$ 1,000.00	or actual cost if greater
Enactment of a New Comprehensive Plan or Zoning and Development Text	\$ 1,000.00	or actual cost if greater
Comprehensive Plan Map Amendment (involving more than 5 adjacent landowners or non-adjacent land owners)	\$ 1,000.00	or actual cost if greater
Zone Change	\$ 1,000.00	or actual cost if greater
Annexation	\$ 2,000.00	or actual cost if greater

Group 2: Miscellaneous Fees

Pre-Application Conference	\$ 300.00	or actual cost if greater
Vacation or Dedication	\$ 1,000.00	or actual cost if greater
Land Use Verification Letter	\$ 150.00	or actual cost if greater
Guest RV Permit	\$ 25.00	per 30 day period or portion thereof, limit of 90 days administrator may also require surity bond/insurance
Right of Way Permit (Encroachment)	\$ 200.00	riders (Raised \$50.00)
Parking Permit (City Property)	\$ 10.00	per day
Temporary Hardship Annual Renewal	\$ 25.00	or actual cost if greater (Added per code)
Transcripts	\$ 150.00	or actual cost if greater
Appeal of Administrative Decision (no hearing)	\$ 150.00	or actual cost if greater
Appeal of Administrative Decision (hearing required)	\$ 400.00	or actual cost if greater
Appeal of Planning Commission	\$ 400.00	or actual cost if greater
Appeal of Historic Landmarks Commission	\$ 400.00	or actual cost if greater

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EXHIBIT B

Old fee schedule

City of Falls City General Fee Schedule

Resolution 2013-06

General Fees

Administrative

Photocopies - black & White	\$0.25	per page (20 plus pages \$.15 per page)
Photocopies - color	\$0.75	per page
Faxes - Incoming and outgoing	\$2.00	first page, \$1.00 each additional page
Audio or video media	\$5.00	or actual cost if greater
Lien Search fee	\$35.00	
Utility Account Payment Report	\$5.00	
Centennial Coins - Silver	\$20.00	
Centennial Coins - Bronze	\$10.00	
Returned Check Fee	\$25.00	+ 10 ⁰⁰

Business License

Home occupation, no employees	\$50.00	
Home occupation, with employees	\$75.00	
Commercial	\$100.00	
Temporary		*** Same fee as business licenses categories

Public Records Requests

Research and compilation or supervision of inspection for requests exceeding 15 minutes. Includes level 2 and level 3 records requests.	\$25.00	Per hour or actual cost if greater, plus cost of materials and postage.
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Vehicle Towing-Administrative Fee

\$100.00 Does not include fees charged by the towing agency

Cemetery Plots

Plot Purchase	\$500.00	
After Hours Grave Marking	\$250.00	

Park Fees

Gazebo Rental	\$20.00	
Booth Space - Individual/ Non Profit	\$15.00	
Booth Space - Commercial Business/For Profit	\$60.00	

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City of Falls City General Fee Schedule

Resolution 2013-06

General Fees continued

Community Center Fees

Deposit	\$100.00
Community Center Room	\$50.00
Community Center Room With Kitchen	\$75.00
Chair Rental	\$1.00 each
Table Rental	\$5.00 each

Liquor License Applications

New License	\$25.00
Renewal	\$25.00
Temporary or Change of Operation	\$25.00

Land Use Fees

Group 1: Type 1-A (Administrative Decisions)

Access Permit	\$50.00	or actual cost if greater
Home Occupation Permit	\$50.00	or actual cost if greater
Lot Line Adjustment	\$250.00	or actual cost if greater
Sign Permit	\$50.00	or actual cost if greater

Group 1: Type I-B (Administrative Decisions and /or Planning)

Partition	\$800.00	or actual cost if greater
Sight Design Review		
A. Accessory Structure	\$250	or actual cost if greater
B. Manufactured Structure	\$400	or actual cost if greater
C. Site Built Structure	\$400	or actual cost if greater
D. Commercial Structure	\$800	or actual cost if greater
Temporary Hardship Dwelling Application	\$250	or actual cost if greater
A. Temporary Hardship Annual Review	\$25	or actual cost if greater
Flood Plain Development Permit	\$500.00	or actual cost if greater

Group 1: Type II (Procedure/Administrative)

Code interpretation	\$300	or actual cost if greater
Modification to Approval	\$300	or actual cost if greater
Partition Plat Modification	\$300	or actual cost if greater

Group 1: Type III (Procedure/Quasi-Judicial)

Conditional Use Permit	\$850	or actual cost if greater
Variance		
A. Setback	\$250	or actual cost if greater
B. Standards	\$800	or actual cost if greater
Subdivision	\$1,500	plus \$100 per additional lot over 4 or actual cost whichever is greater

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City of Falls City General Fee Schedule

Resolution 2013-06

Land Use Fees continued

Manufactured Home Park	\$1,500	plus \$100 per additional lot over 4 or actual cost whichever is greater
Planned Unit Development	\$1,500	plus \$100 per additional lot over 4 or actual cost whichever is greater
Historic Buildings and Sites (application as Designated landmark exempt)	\$300	or actual cost if greater
Comprehensive Plan Map Amendment involving five (5) or fewer adjacent land owners	\$1,000	or actual cost if greater
Any Type 2 application referred by staff due to determination of Type 2 criteria not met	\$800	or actual cost if greater

Group 1: Type IV (Action Procedure/Legislative)

Text amendments to the Comprehensive Plan	\$1,000	or actual cost if greater
Text amendments to the Zoning and Development Code (ordinance)	\$1,000	or actual cost if greater
Enactment of a New Comprehensive Plan or Zoning and Development Text	\$1,000	or actual cost if greater
Comprehensive Plan Map Amendment (involving more than 5 adjacent landowners or non-adjacent land owners)	\$1,000	or actual cost if greater
Zone Change	\$1,001	or actual cost if greater
Annexation	\$2,000	or actual cost if greater

Group 2: Miscellaneous Fees

City Plans Check for Building Permit Applications		
A. Residential addition, remodel or accessory structure	\$75	or actual cost if greater
B. Residential Construction	\$150	or actual cost if greater
C. Commercial Construction	\$250	or actual cost if greater
Pre-Application Conference	\$300	or actual cost if greater
Appeal of Administrative Decision (no hearing)	\$150	or actual cost if greater
Appeal of Administrative Decision (hearing required)	\$400	or actual cost if greater
Transcripts	\$150	or actual cost if greater
Appeal of Planning Commission	\$400	or actual cost if greater

Moved to Building Permit Plan ct.

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City of Falls City General Fee Schedule

Resolution 2013-06

Land Use Fees continued

Appeal of Historic Landmarks Commission	\$400	or actual cost if greater
Vacation or Dedication	\$1,000	or actual cost if greater
Land Use Verification Letter	\$150	or actual cost if greater
Guest RV Permit	\$25	per 30 day period or portion thereof
Right of Way Permit (Encroachment)	\$150	administrator may also require surity bond/insurance riders
Parking Permit (City Property)	\$10	per day
Fence Permit	\$50.00	or actual cost if greater

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AGENDA REPORT

TO: CITY COUNCIL
FROM: CODY DECAMP
SUBJECT: CLOSING OF WAGNER PUBLIC LIBRARY
DATE: OCTOBER 27, 2017

SUMMARY

On October 12th, 2017 Council motioned to close the Wagner Public Library on June 30, 2018.

BACKGROUND

Council directed staff to begin the process of closing the Wagner Public Library on June 30, 2018. In the discussion there was talk about the Library Advisory Board's desire to keep the library open over the summer for a reading program that would extend the library closure to September 30, 2018.

After contacting Principal Art Houghtaling it was confirmed that there had been some discussion from the Board about keeping the library open until the end of summer for the reading program. However, staff has been unable to track down any formal decision by the Falls City School Board to keep the library open over the summer. Amy Houghtaling from the Library Advisory Board noted that the children's summer programming is very well attended and will be sorely missed in the community. We are hoping to hear a proposal from the School Board.

Chemeketa Cooperative Regional Library Service and the State Librarian were also contacted and it was determined that changing the closing date of the library would not require the city to take any more procedural action than what is already stated in ORS 357.621, but if we receive a proposal on extending the closing date and Council directs staff to change the date we will modify the closure date as directed by Council.

PREVIOUS COUNCIL ACTION

Listed above

ALTERNATIVES/FINANCIAL IMPLICATIONS

If the library is closed on September 30, 2018 it would cost the city an estimated \$12,000 under the current agreement with the School.

STAFF RECOMMENDATION

N/A

EXHIBITS

- 1) Closure Calendar
- 2) Letter notifying School Board
- 3) IGA between School and City

PROPOSED MOTION

I move that the City Council of Falls City adopt the library closure calendar for closing the Public Library on June 30, 2018 following ORS 357.621

**CLOSING OF WAGNER PUBLIC LIBRARY SCHEDULE
2017-2018**

On October 12, 2017 City Council motioned to close the Wagner Public Library. Oregon State law requires cities to follow ORS 357.621 when deciding to close a public library.

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

- | | | |
|----|--|--------------------------------------|
| 1. | <u>First Public Notice</u> of Public Hearing, in a newspaper of general circulation in the area of two successive weeks.
(NOTE: 2 times. Not more than thirty (30) days prior to hearing.) | December 1, 2017
December 8, 2017 |
| 2. | <u>Second Public Notice</u> of Public Hearing, in a newspaper of general circulation in the area of two successive weeks.
(NOTE: 2 times. Not more than thirty (30) days prior to hearing.) | March 23, 2018
March 30, 2018 |
| 3. | 1 st Public Hearing at 6:30 PM
2 nd Public Hearing at 6:30 PM | January 11, 2018
May 10, 2018 |
| 4. | Library Closure | June 30, 2018 |

Exhibit 2



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

**OFFICE OF THE MAYOR
AND CITY MANAGER
TERRY UNGRICH**

October 27, 2017

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

Greetings Art,

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

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

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

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

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

Thank you


Terry Ungricht

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Exhibit 3

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,

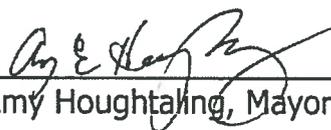
THE COMMON COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

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

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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

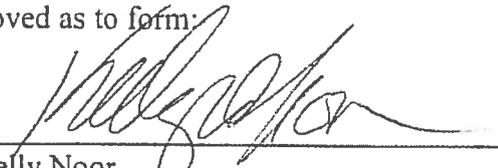
By: 
Larry Stokes, Board Chair

Dated: 8-19-14

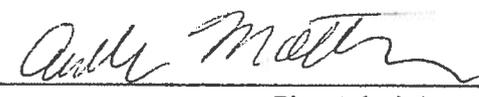
By: 
Jack Thompson, Superintendent

Dated: 8-19-14

Approved as to form:

By: 
Kelly Noor
Attorney for Falls City School District

City of Falls City

By: 
_____, City Administrator

Dated: 8/25/14

Approved as to form:

By: 
Lane Shetterly
City Attorney

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AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE, CITY CLERK, THROUGH MAYOR UNGRICHT
SUBJECT: PUBLIC HEARING FOR RESOLUTION 24-2017 PARKS MASTER PLAN AND CONSIDER ADOPTION
DATE: 10/27/2017

SUMMARY

The Park and Recreation Committee and staff developed a City of Falls City Parks Master Plan as directed by City Council. The Park and Recreation Committee approved the Parks Master Plan and made a recommendation to City Council to adopt the Plan on October 18, 2017.

BACKGROUND

The Parks and Recreation Committee fulfilled one of its primary duties by presenting the first Falls City Parks Master Plan to the City Council for consideration. The planning period for the Parks Master Plan is 20 years (2017-2037).

The Plan's motto "*bit by bit, little by little, step by step*" acknowledges known funding constraints for which new funding strategies outlined in Chapter 10 mitigate. The Plan recommends the creation of a new Parks and Recreation Reserve Fund to account for the accumulation of funds raised through new strategies. The Plan pinpoints the importance of volunteer and service organizations contributions. The Plan acknowledges needs to better assure public health and safety. The plan outlines a strategy to combat vandalism. The Plan calls for park improvements that ensure that parks are accessible to everyone and in compliance with ADA requirements, where possible.

The Parks Master Plan includes a Capital Improvement Plan that will rely on new sources of revenue along with grants, donations and volunteers. The Capital Improvement Plan does not provide a schedule for public improvements because the implementation of each recommended project will depend on grants, donations, and the approval for new revenue sources.

The Park Master Plan can be revised in future years through a Resolution of City Council.

PREVIOUS COUNCIL ACTION

2014	City Council Goal: Complete Parks Master Plan
2015-2017	City Council Goal: Create a Parks Master Plan
2016	Council directed the Parks and Recreation Committee and staff to create a local parks and recreation facility plan.

ALTERNATIVES/FINANCIAL IMPLICATIONS

The adoption of the Parks Master Plan does not provide authorization to spend funds for park improvements. Authorization to spend money for park improvements will occur though the annual

budget process along with the need to seek City Council approval to apply for grants and accept grant awards.

STAFF RECOMMENDATION Adopt Resolution 24-2017

EXHIBITS

Exhibit A – Resolution 24-2017 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FALLS CITY ADOPTING A PARKS MASTER PLAN FOR THE CITY OF FALLS CITY, OREGON

Exhibit B – City of Falls City Parks Master Plan (separate from Packet)

Exhibit C – City of Falls City Parks Master Plan Appendices A, B, C, D, E, F (separate from Packet)

The proposed Parks Master Plan can be viewed in full on www.fallscityoregon.gov on the Parks Master Plan Project web page and as an attachment to the November 9, 2017 City Council meeting Packet.

A hard copy of the Plan is available for review at City Hall at 299 Mill Street, Falls City, Oregon 97344 during normal business hours.

PUBLIC HEARING SCRIPT

Mayor:

This public Hearing is an opportunity for any member of the public to comment on the proposed Parks Master Plan.

The first Parks Master Plan for the City of Falls City was prepared by the Parks and Recreation Committee and staff at the direction of the City Council. No grant funds were used to fund the project.

The Parks and Recreation Committee and staff utilized surveys, newsletter articles, public meetings, Falls City website, and the Parks Master Plan Open House to successfully collaborate with the goal of achieving better and more acceptable decisions.

I will open the Public Hearing for the parks Master Plan at _____pm.

Public Comments:

I will close the Public Hearing for the proposed Parks Master Plan at _____pm.

PROPOSED MOTION

I move the City Council of the City of Falls City adopt Resolution 24-2017 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FALLS CITY ADOPTING A PARKS MASTER PLAN FOR THE CITY OF FALLS CITY, OREGON.

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RESOLUTION 24-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FALLS CITY ADOPTING A PARKS MASTER PLAN FOR THE CITY OF FALLS CITY, OREGON

FINDINGS:

1. City Council goals have called for a Park Master Plan since 2014.
1. The City of Falls City Comprehensive Plan states the following goal for Recreational Needs:

GOAL: To provide the necessary facilities, activities and programs to fulfill the recreational needs of community citizens and visitors from surrounding areas.
2. Municipal Code Chapter 32, Section 02, Subsection 050 defines the purpose of the Parks and Recreation Committee as follows:

The purpose of the parks and recreation committee shall be to advise the city council regarding matters in the parks and recreation service area, including parks, cemeteries, athletic facilities, trails planning, acquisition, construction and maintenance, grants acquisition, volunteer coordination, improvements, and review, and make recommendations on parks and recreation projects.
3. The City Council of the City of Falls City directed the Parks and Recreation Committee and staff to write a local park and recreation facility plan in 2016.
4. The Parks and Recreation Committee and staff conducted a detailed physical inventory of land currently used for recreation within the city limits.
5. The Parks and Recreation Committee and staff utilized surveys, newsletter articles, public meetings, Falls City website and the Parks Master Plan Open House to successfully collaborate with the goal of achieving better and more acceptable decisions.
6. The Parks and Recreation Committee evaluated improvements using quantified methods that resulted in a list of park improvements that support recreational trends, desires, and community needs.
7. The Parks and Recreation Committee members and staff successfully fulfilled their duty by writing the first Parks Master Plan for the City of Falls City.
8. The Parks and Recreation Committee approved the Parks Master Plan and made a recommendation to the City Council to adopt the plan at the October 18, 2017 Park and Recreation Committee Meeting.

9. The City Council conducted a public hearing to consider the Parks Master Plan on November 9, 2017, at which time the public was given full opportunity to be present and heard on the matter.

NOW THEREFORE, THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. The adoption of the Falls City Parks Master Plan, as provided in Exhibit A.

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

ADOPTED BY THE FALLS CITY COUNCIL ON THIS _____ DAY OF _____ 2017.

VOTE: AYE _____ NAY _____ ABSTAIN _____ ABSENT _____

Approved:

Date

Terry Ungricht, Mayor

Attest:

Date

Domenica Protheroe, City Clerk

AGENDA REPORT

TO: CITY COUNCIL
FROM: TERRY UNGRICH, MAYOR
SUBJECT: RESIGNATION LETTER
DATE: OCTOBER 30, 2017

SUMMARY

With serving as both City Manager and Falls City Mayor I have discussed with Council the time constraints in serving in both capacities and my thoughts that we would be better served with two people holding these jobs.

BACKGROUND

I was elected to serve the community as Mayor in the November 2014 election and was appointed by Council to serve as the City Manager per our Charter in June of 2015. I was reelected as Mayor in the November 2016 election and retained the title of City Manager.

I have discussed with Council and the citizens of the Community of the time constraints of performing both positions and of my feelings that the Mayor position was not being fully carried out for our community. With the increased land use and my being required to serve on the Planning Commission it has hampered our City in allowing me to be more involved in answering and helping with land development. We have been fortunate that City Clerk Domenica Protheroe has been able to perform these tasks to keep me as City Manager isolated from developing land use applications.

In preparation of Dominica's retirement, in order for me to actively promote land use development, and for the Mayor to have the most time available to represent our Community, I feel it is best for me to resign as Mayor, effective November 10, 2017.

Under Section 31, Vacancies, item 8 of the Falls City Charter there will be a declared vacancy with acceptance of my resignation. Under Section 32, Filling Vacancies, the Council has 60 days to appoint a new Mayor. Under our Charter the Council President fills the Mayor position until the Council fills the vacancy.

In the past we have taken applications from the Community of qualified/interested citizens to fill the vacancy (Exhibit 2 and 3 shows process). Council needs to review the questions and add any **before** the packet is developed for the special meeting. Council needs to decide a closing date for applications and a meeting date to interview the candidates. We could accept applications until November 29th and convene the December 14th meeting early to vote on the new Mayor. If we do this I would suggest not swearing in the new Mayor until Friday the 15th, it would be unfair to the successful candidate to have to run the regular Council meeting with no preparation. But as long as Council develops a plan to sit a new Mayor by January 10th, 2018 we will be in compliance of our Charter.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

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STAFF RECOMMENDATION

N/A

EXHIBITS

- 1) Resignation letter
- 2) Selection process
- 3) Interview questions

PROPOSED MOTION (Sample)

I move that the City Council of Falls City accept the resignation of Mayor Ungricht for the office of Mayor of the City of Falls City effective November 10, 2017.

I move the City Council of Falls City accept applications for the Mayor vacancy until November 29, 2017 and convene a meeting to perform interviews and vote to sit a new Mayor on December 14, 2017 at 5:30 pm for swearing in on December 15, 2017.

Exhibit 1

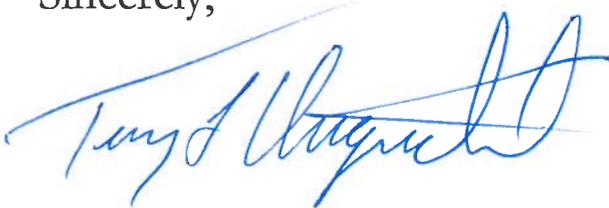
October 30, 2017

To Falls City Council

Please accept this as my letter of resignation effective November 10, 2017 from the office of Falls City Mayor. With the duties of City Manager I believe it is in the best interest of Falls City to appoint a new Mayor, this will allow the new Mayor to take on the duties of attending the local Mayor's meetings and better represent the office then the time I am able to spend in this position.

It has been an honor in serving the citizens of Falls City, I appreciate the faith that the citizens showed by voting me into the position in the last two elections.

Sincerely,



Terry Ungricht
Mayor
City of Falls City

FALLS CITY COUNCIL VACANCY SELECTION PROCESS

I. Application deadline: _____. The council vacancy has been announced and applications are currently being solicited. Applications will be accepted until 5:30 p.m., _____. After that date and time, no further applications will be accepted or considered.

II. Candidate Forum: _____ – Special meeting

1. All Councilors will have been supplied with applicants' packets/application forms and the process outlined in this document in advance of the Forum.
2. The interview will be held in "Candidate Forum" fashion in the Community Center. All applicants will be seated in front of the Council. The Mayor will act as Moderator.
3. Applicants will draw numbers randomly, 1-thru-5 prior to the start of the meeting. This will determine the order in which the prepared questions are asked and also determine the seating arrangement, from #1 on the left as viewed from the Moderator's seat, to the highest number on the right.
4. There will be prepared questions deemed to be relevant to service on the Council. Applicants will draw a number 1-thru-12 which will determine which question they will answer.
5. Each applicant will be limited to 2 minutes to address any question asked. This will be timed by the staff who will indicate a 30-second warning before the expiration of time. The Moderator will cut the applicant off at the end of 2 minutes.
6. After the applicant who draws the number "1" answers their question, the floor will be turned over to the remaining applicants by the Moderator to see if they also want to address the question. The applicants wishing to speak will be called upon by the Moderator until all applicants have had the opportunity to speak once on the question on the floor. No applicant will be allowed to speak more than once in answer to any particular question. This step will be repeated for all applicants.
7. After all prepared questions have been answered, the floor will be thrown open for each Councilor to pose one question each to either the panel or any specific applicant. The Moderator will assure that each applicant is allowed the opportunity to answer each of these questions in turn.
8. After all questions have been answered, each applicant may make a closing statement starting with Applicant #1 and proceeding to the rest of the Applicants in

order, from low to high. Each closing statement is limited to 2 minutes under the rules listed above.

III. Vacancy Selection: _____ – Regular meeting.

Inasmuch as Section 18 of the Falls City Charter requires that the vacancy be filled by a majority of the “majority of the council members then remaining in office,” that means that the appointment will require at least 3 votes. The first candidate to achieve 3 votes will be the candidate appointed to the Council. In the event of a tie vote, the Mayor may cast the deciding vote.

The Selection Procedure is as follows:

1. That selection will be made during the regular Council meeting on _____.
2. Each Councilor will be distributed a ballot with the names of all the applicants on it. There will also be a blank space for each Councilor to write his or her own name on the ballot. (The Oregon Public Meetings Law provides that this process must not be by secret ballot).
3. After the ballots have been distributed to the Councilors, the Mayor will open up the floor for any discussion regarding the procedures or comments regarding the applicants. It would be appropriate at this time for any Councilor to discuss the merits of any or all of the applicants and/or to declare what their vote will be and why.
4. Each Councilor will then fill out their ballot indicating their selection of one of the applicants to fill the vacant position. They will also write their own name on the ballot in the space provided.
5. The ballots will be gathered, the results read aloud by the Clerk and the outcome summarized. Each Councilor’s name will be read out loud in conjunction with their vote, for example, “Councilor Smith votes in favor of Mrs. Jones.” At the end, the Clerk will announce the summarized results. For example, “Mrs. Jones has received 3 votes, Mr. Quick has received 1 vote and Mr. Elmer has received 1 vote.” In that example, the Mayor would then declare that Mrs. Jones has won the appointment to the Council by the necessary margin.
6. In the event that none of the applicants receives the necessary 5 votes, then a second written ballot will be taken using the exact same procedures as in round one of the balloting. That is, distribution of the ballots, then a discussion period followed by the voting by ballot.
7. If after 2 rounds of ballot voting no applicant has yet received the required 3 votes, the Mayor will declare a 10-minute recess.

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8. Following the recess, the Mayor will open up the floor to a motion from any of the Councilors to appoint a particular person from the list of applicants to fill the open position. For example, "I move that Mrs. Jones be appointed to fill the vacant Council seat." (It would not be proper to say, "I move to nominate Mrs. Jones to fill the vacant Council seat."). The motion will require a second. A roll-call vote will then be taken on the motion. If the motion receives 3 or more votes, then that applicant will be appointed to the open position. If not, then the floor will again be opened for another motion, and so forth until either an applicant receives the necessary votes or it is clear that there is a stalemate.
9. If the stalemate described in paragraph 8, above, the Council may institute modified procedures such as elimination rounds where applicants who get few, if any, votes are eliminated from contention.

Exhibit 3

City Council Interview Questions:

1. Why do you want to be a City of Falls City Council member?
2. What do you believe, in your background, training and experience qualifies you to manage the affairs of a city of 1,000 people?
3. What experience related to city government would you bring to the City Council?
4. With the budget shortfall, because of reduced revenues (gas tax for example) what are your solutions to meet the demand for ever increasing services and cost and maintenance of infrastructures?
5. What do you believe are the major issues/priorities/needs and concerns of particular importance to the city and how would you address them?
6. What is your vision for Falls City and how do you plan to implement that vision as a council member?
7. What do you believe to be the top concerns of the business community and what role does local government participate in that? *(alt: What can the City do to help local businesses address their major concerns?)*
8. What are your ideas for improving the livability for the citizens of Falls City?
9. What do you see as the major issue facing the City and how will you propose to address it?
10. What do you feel is the biggest strength of the community?
11. What do you feel is the biggest challenge facing the community?
12. What is your involvement (*volunteer activities*) in the (*civic affairs of the*) community?

AGENDA REPORT

TO: CITY COUNCIL
FROM: TERRY UNGRICH, MAYOR
SUBJECT: RESOLUTION 23-2017
DATE: 10/30/2017

SUMMARY

The Mayor is resigning at the November 9, 2017 meeting and will not be covered under the current CIS volunteer coverage resolution.

BACKGROUND

With the resignation of the Mayor we need to update the CIS volunteer worker compensation coverage Resolution. I was covered under the elected officials clause of the volunteer Resolution but will not be covered after the resignation is accepted and a new Mayor has been appointed by Council.

The only change is to section 4, with the addition of item D, City Manager. I will have to track hours performed as the Manager to provide to CIS, they will then code it to the proper Department and there will be a slight increase in our worker compensation fees.

PREVIOUS COUNCIL/COMMITTEE ACTION Passed Resolution 22-2017 extending workers compensation coverage to volunteers.

ALTERNATIVES/FINANCIAL IMPLICATIONS

STAFF RECOMMENDATION Pass motion

EXHIBITS

- a) Resolution 23-2017

PROPOSED MOTIONS

I move that City Council of the City of Falls City adopt resolution 23-2017, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FALLS CITY EXTENDING WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF FALLS CITY, AND REPEALING PRIOR RESOLUTIONS.**

RESOLUTION NO. 23-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FALLS CITY EXTENDING WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF FALLS CITY, AND REPEALING PRIOR RESOLUTIONS.

WHEREAS, the City of Falls City elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on CIS payroll schedule, and verified at audit:

Section 1. Public Safety Volunteers

An assumed monthly wage \$1500.00 will be used for public safety volunteers in the following volunteer positions:

- a. Firefighter
- b. Emergency medical personnel
- c. Ambulance drivers

Section 2. Volunteer boards, commissions, and councils for the performance of administrative duties.

An aggregate assumed annual wage of \$2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are:

- a. City Council
- b. Planning Commission
- c. Historic Landmarks Commission
- d. Public Works Committee
- e. Parks and Recreation Committee
- f. Budget Committee
- g. Economic Development Committee

Section 3. Manual labor by elected officials.

An assumed monthly wage of \$800 per month will be used for public officials for the performance of non-administrative duties other than those covered in paragraph 2 above:

List duties:

- a. Flagging
- b. Assist Public Works Employees
- c. Monthly set up of Council Chambers
- d. Assist with the City Wide Spring Clean Event
- e. Inspect of street signs

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- f. Cleanup of the historic jail building

Section 4. Non-public safety volunteers

All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed:

- a. Parks and recreation
- b. Public works
- c. Park host
- d. City Manager

Section 5. Public Events

Volunteers at the following public events will be covered under workers' compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation:

- a. City Wide Spring Clean
- b. 3rd of July Celebration
- c. Annual Easter Egg Hunt
- d. Annual SOLVE Cleanup Event

Section 6. Community Service Volunteers/Inmates

Court-mandated community service workers/inmates on work release may be covered for workers' compensation benefits by the sentencing court. Coverage will be determined prior to work inception and stipulated to in writing between the City of Falls City and the respective sentencing court. The sentencing court will keep track of their hours and have their assumed payroll reported in Class Code 7720V using Oregon minimum wage

4. Other Volunteers

Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work provided that City of Falls City:

- a. Provides at least two weeks' advance written notice to CIS underwriting requesting the coverage
- b. CIS approves the coverage and date of coverage
- c. CIS provides written confirmation of coverage

City of Falls City agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and make them available at the time of a claim or audit to verify coverage.

Section 8. Resolution 22-2017 is repealed on the effective date of this resolution.

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AGENDA REPORT

TO: CITY COUNCIL
FROM: TERRY UNGRICH, MAYOR
SUBJECT: RESOLUTION 25-2017 PARK HOST FOR GEORGE KITCHIN PARK
DATE: NOVEMBER 2, 2017

SUMMARY

Council directed staff to build a park host site at George Kitchin Park and to recruit a host.

BACKGROUND

As reported at the last Council meeting Councilor Lauder has finished the concrete pad, the electrician has installed the service, and Public Works has finished the Water and Sewer connections. Council adopted a volunteer resolution covering the volunteer host.

Staff has drafted a Volunteer Service Agreement that has been accepted by the City attorney and a Resolution adopting the agreement. Staff has also drafted an Exhibit A document for Council reference, this document will change with negotiations of the chosen Park Host and acceptance by the City Attorney and CIS insurance (Exhibits A and B).

PREVIOUS COUNCIL ACTION

above

ALTERNATIVES/FINANCIAL IMPLICATIONS

Will increase electrical costs

STAFF RECOMMENDATION

Adopt Resolution 25-2017

EXHIBITS

- 1) Resolution 25-2017
- B) Volunteer Service agreement
- C) Draft of Attachment A as an example

PROPOSED MOTION

I move that City Council of the City of Falls City adopt resolution 25-2017, A RESOLUTION ESTABLISHING A VOLUNTEER SERVICE AGREEMENT AND INSURANCE WAIVER FOR A PARK HOST AT THE GEORGE KITCHIN PARK AND ALLOWING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR A PARK HOST

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Exhibit 1

RESOLUTION 25-2017

A RESOLUTION ESTABLISHING A VOLUNTEER SERVICE AGREEMENT AND INSURANCE WAIVER FOR A PARK HOST AT THE GEORGE KITCHIN PARK AND ALLOWING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR A PARK HOST

Findings:

1. Falls City has experienced vandalism in the City Parks.
2. The Falls City Council and the Falls City Parks and Recreation Committee have instructed staff to set policies for a Park Host to help monitor our Parks.
3. Falls City staff working with the City Attorney has developed an agreement and procedures for recruiting a Park Host volunteer.
4. The Falls City Manager will have the responsibility and authority to enter into an agreement and attachment to the agreement specifying Park Host duties.

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

Section 1. The attached agreement (Exhibit 1) is adopted covering the Volunteer Service and insurance waiver.

Section 2. The City Manager has authority to enter into a specific duties agreement to be signed by the Park Host and attached as Exhibit B to the adopted agreement.

Section 3. This Resolution shall be effective immediately upon passage.

Date

Terry Ungricht, Mayor

Attest:

Date

Domenica Protheroe, City Clerk

EO

Exhibit A

FALLS CITY PARKS AND RECREATION DEPARTMENT Volunteer Service Agreement and Insurance Wavier for Park Host

As a volunteer volunteering for the City of Falls City, you need to understand the scope of your hosting duties and the extent that you are covered by the City of Falls City's insurance for liability and personal injury.

Recitals

- A. The City owns and operates a George Kitchin Park. The Park provides temporary accommodation for travelers.
- B. In order to maintain existing facilities and provide service to Park users, the City elects to have a volunteer "Park Host" reside at the Park.
- C. The Park Host position is a volunteer position. The Park Host will operate under the direction of the City Manager and interact on a daily basis with various City staff.

Section

- 1) Host duties will be set by the City with input from the volunteer and will be made attachment A of this document.
- 2) The parties acknowledge and agree that the Park Host is not an employee of the City. The parties further acknowledge and agree that the Park Host is exempt from minimum wage and hour requirements pursuant to ORS 653.020 as a volunteer campground host, as well as pursuant to applicable provisions of the FLSA.
 - The Park Host declares that he or she is motivated by civic, charitable and humanitarian reasons and has no expectations of any monetary compensation.
 - The Park Host acknowledges and agrees that he or she is solely responsible for any taxes associated with compensation provided pursuant to this Agreement. The City will not pay any taxes or withhold for tax purposes any portion of any compensation provided to the Park Host pursuant to this Agreement.
 - The parties acknowledge and agree that this Agreement does not create an employment relationship between the Park Host and the City, its officials, employees, agents, or contractors.
 - The City will provide worker's compensation insurance for the Park Host during the term of this Agreement. The Park Host is not entitled

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to any other benefits, including but not limited to retirement and health insurance benefits, except as provided in this Agreement.

- 3) Due to the nature of your hosting assignment you are required to pass a criminal back ground check and a driver's record check may also be required depending on agreed on tasks.
- 4) You will be protected from civil liability for injuries or damage to the person or property of others, subject to the following conditions:
 - You are performing work on your assigned duties.
 - You perform your assigned tasks in good faith, and do not act in a manner that is reckless or with the intent to unlawfully inflict harm to others.

The conditions and limits of this protection are as stated in the Oregon Tort Claims Act, ORS 30.260-300.

- 5) If you use your personal vehicle in the course of your tasks, you are required to have automobile liability insurance to provide for coverage of accidents involving the vehicle.
- 6) Limited Workers Compensation Insurance is provided by the City under the City's volunteer coverage. Coverage can only be provided to authorized volunteers that have signed the volunteer agreement form provided by the City and only covers injuries incurred while performing authorized tasks.
- 7) Anytime you are involved in accident or exposed to a potential liability situation while performing assigned host tasks, you must inform the City as soon as possible.
- 8) Volunteer agrees to:
 - Be a visible representative of the City at the Park.
 - Review Park rules.
 - Report Emergency situations to the City Manager or Law Enforcement or Emergency Personal as situation requires.
 - Provide proof of vaccinations for approved accompanying pets.
 - Understand and demonstrate safety practices to City prior to performing any volunteer task or assignment.
- 9) City of Falls City agrees to furnish Electricity, Water, and Sewer to host site for no cost during months of May through October. If Host to stay at site during Winter City and Host agree to negotiate any increase in Electricity associated with heating.
- 10) Either party may terminate this Agreement for any reason upon 15 days written notice to the other party. Either party may terminate this

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Agreement for violation of any of the terms or conditions of this Agreement effective upon delivery of written notice to the other party.

- 11) In the event of any termination, Park Host shall remove all personal property from City property within 10 days of receipt of notice of termination if termination is initiated by the City and within 20 days of the date of termination, if termination is initiated by the Park Host.

Park Host Information:

Name _____, Telephone # _____

Mailing Address _____

2nd Person if applicable;

Name _____, Telephone # _____

Mailing Address _____

Parties agree to Park Host agreement and duties listed under attachment A by the below signatures.

City of Falls City, Manager

Park Host(s)

Date

Date

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Exhibit B

EXHIBIT A TO VOLUNTEER SERVICE AGREEMENT FOR PARK HOST

The undersigned agree to the terms and duties listed below detailing the expectations of the City of Falls City from the volunteer Park Host. If the listed duties are not performed to the City of Falls City's standards the Volunteer Service agreement can be terminated.

- The Park Host will reside in the designated spot on the grounds of the George Kitchin Park.
- Not more than Two (2) persons will be allowed to reside in the Park Hosts trailer/motorhome on an ongoing basis.
- The Park Host will supply his/her own recreational vehicle for his or her exclusive occupancy, to be placed in a recreational vehicle parking space designated by the City.
- The RV space assigned to the Park Host will not be used for any commercial purpose, including but not limited to garage sales or posting an automobile for sale without prior written permission from the City Manager.
- The Park Host will be solely responsible to obtain and maintain renter's insurance and/or liability insurance for the Park Host's personal recreational vehicle, automobile(s), and personal property. The City will not be responsible for any loss or damage that occurs to the Park Host's personal recreational vehicle or other personal property while it is located on City property.
- The Park Host is expected to be familiar with City policies and procedures.
- The Park Host will be required to close the Park Gates from Dusk to Dawn, unless there is an approved reservation changing Park usage times for an event.
- The Park Host will notify the City Manager of any absences that will affect the host duties.
- Essential functions of the Park Host include bending, twisting, the ability to lift up to 22 pounds (10 kg.) and other similarly light duties.
- The duties of the Park Host shall include some janitorial duties such as cleaning and stocking of toilet paper in the public restrooms and emptying trash receptacles in the City Parks.
- The Park Host will comply with all applicable local, state and federal laws and regulations, applicable to this Agreement.
- The Park Host plays a key role in customer service for the City. Expectations are that the Park Host will be friendly, considerate, and responsive to the needs of the City's guests, and customers. Professional conduct and a presentable appearance are required of the Park Host at all times.
- The Park Host is responsible for the behavior of the Park Host's invitees and guests while they are on City property. The Park Host is responsible for ensuring that the Park Host's invitees and guests do not disrupt City activities or City guests, or violate City policies.
- The Park Host is not law enforcement and should not confront situations that could turn violent or that pose a danger. The volunteer should instead contact law enforcement and retreat to a safe location.
- The Park Host is required to track time spent on duties for worker compensation insurance purposes.

If the Park Host does not abide by the terms of the agreement or Exhibit A it will result in the cancellation of the agreement and immediate removal of all personal property and the return of any equipment or keys that is furnished to the host.

Signature(s) of Park Host(s) accepting and agreeing to all listed duties.

_____ Dated _____

UH

AGENDA REPORT

TO: CITY COUNCIL
FROM: TERRY UNGRICH, MAYOR
SUBJECT: BACK FLOW TESTING
DATE: 10/03/2017

SUMMARY

The Council motioned for staff to change the current backflow procedure from customer ownership and responsibility to City ownership and for staff to provide a resolution to remove the current \$2.25 testing fee and to raise the base water fees by \$4.00.

BACKGROUND

In researching Chapter 52 of the Municipal Code, Cross Connection Control, 52.01 Item C, it is clear of the property ownership of the back flow devices. I felt that we needed an opinion from the City Attorney before we took customer property. Ross agreed that if we just motioned to take ownership this would be considered "taking" and did not recommend we do this. He also brought up that the devices might be on the customers private property and require an easement.

Ross did offer a couple of suggestions;

- 1) We could up the fees and create a fund to help customers that have to replace the backflows. This would still require a licensed plumber to do the install.
- 2) We could raise the fees and budget to replace so many each year; this would require permission from the property owner and a contract with a local plumber to perform the install.
- 3) We could raise the fees and as they are bad ordered we could offer the customer the choice of turning the device over to the City with an easement for the City to repair or they could repair themselves.

Staff believes that item 1 and 2 does not meet the intent of the Council or Public Works Committee and would be a burden on our limited staffing. Item 3 could be a possibility but would take research on setting up a process of having an easement ready to go as soon as the device is bad ordered; if this takes much time it would defeat the purpose.

EXHIBIT

- 1) Municipal Code Chapter 52

Motion:

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CHAPTER 52: CROSS-CONNECTION CONTROL

Section

52.01 General provisions

52.02 Definitions

52.03 Administration

52.04 Requirements

Falls City, OR Code of Ordinances

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52.05 Degree of hazard

52.06 Existing backflow devices

52.07 Periodic testing

52.08 Oregon Administrative Rules adopted

52.09 Effective date

§ 52.01 GENERAL PROVISIONS.

(A) *Purpose.*

- (1) To protect the public potable water supply served by the City Public Works Department from the possibility of contamination or pollution by isolating, within its customer's internal distribution system, the contaminants or pollutants which could backflow or backsiphon into the public water system;
- (2) To promote the elimination of, or control of, existing cross-connections, actual or potential, between the potable water system and source or non-potable water or other hazardous substances; and
- (3) To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connections.

(B) *Authority.*

- (1) The Federal Safe Drinking Water Act of 1974, the statutes of the state, including, but not limited to, the State Drinking Water Quality Act of 1981, and Oregon Administrative Rules encompassed by O.A.R. 333-061-0005 through 333-061-0098, give the water supplier the primary responsibility of preventing water from unapproved sources, or any other substances, from entering the public potable water system; and
- (2) The City Charter and ordinances of the city, including, but not limited to, §§ 51.01 through 51.20, as may be amended.

(C) *Responsibility.*

- (1) Water suppliers are responsible for taking all reasonable precautions to assure that the water delivered to water users does not exceed maximum contaminant levels, to assure that water system facilities are free of public health hazards, and to assure that water system operation and maintenance are performed as required. In order to prevent contamination or pollution of the city water system due to the backflow or backsiphonage of contaminants or pollutants through the water service connections, all owners and water users shall be responsible for installing, maintaining, repairing, inspecting, and testing approved backflow preventer devices on all water service connections or at any other connection where a cross-connection is possible in the judgment of the Administrator or the cross-connection control staff.
- (2) The owner or water user shall, within 90 days of notification, install and have tested by a certified tester an approved backflow preventer device(s) for all new and existing water service connections. All backflow preventer devices shall be inspected and tested

once per year, or more frequently as determined by the Administrator or the cross-connection control staff, by a certified inspector and tester. All installations, inspections, testing, maintenance, and repairs shall be at the expense of the owner or water user. In the event of an emergency where the imminent contamination of the water supply is possible, the Falls City, OR Code of Ordinances

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cross-connection control staff may make any repairs to a device as are necessary; the owner or water user shall be responsible for paying for any parts.

(3) Failure, refusal, or inability on the part of the owner or water user to install, have tested and inspected, and maintain the device or devices within 90 days of notification shall constitute grounds for summary discontinuation of water service to the premises until the device has been properly installed, inspected, tested, and/or maintained. (Ord. 97-464, passed 3-3-1997; Ord. 476, passed 1-10-2000) Penalty, see § 10.99

§ 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The Administrator of the Health Division of the Department of Human Resources, or his or her designee.

APPROVED. Accepted by the city as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

AUXILIARY WATER SUPPLY. Any water supply, on or available, to the premises other than the purveyor's will be considered as an **AUXILIARY WATER SUPPLY**.

BACK PRESSURE. Any elevation of pressure in the downstream piping system (by pumping, elevation of piping, steam or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

BACKFLOW. The undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable supply of water from any source or sources.

BACKFLOW PREVENTER. An assembly or means designed to prevent backflow or backsiphonage.

(1) **AIR GAP.** A physical separation between free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An **APPROVED AIR GAP** shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel; in no case be less than one inch.

(2) **ATMOSPHERE VACUUM BREAKER.** A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure on a water system.

(3) **DOUBLE CHECK VALVE ASSEMBLY.** An assembly of two independently operating spring-loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of the check valve.

(4) **PRESSURE VACUUM BREAKER.** A device consisting of one or more spring-loaded check valves and an independently operating air inlet valve installed as a unit between two tightly closing shut-off valves on each side of the check valves and properly located test cocks for testing. The air inlet valve is internally loaded to the open position.

(5) **REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER.** A

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device consisting of two independently acting, spring-loaded check valves separated by a spring-loaded differential pressure relief valve. This device shall be installed as a unit between two tightly closing shut-off valves and properly located test cocks for the testing of the check valves and relief valves.

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BACKSIPHONAGE. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of the pressure in the potable water supply system.

CONTAMINANT. Any physical, chemical, biological, or radiological substance or matter in water.

CROSS-CONNECTION. Any link or channel between the public water supply and piping or fixtures which carry other water or other substances.

CROSS-CONNECTION CONTROL STAFF. The person(s) designated by the city to administer and enforce the city water system's cross-connection control program.

DISTRIBUTION SYSTEM. The network of pipes and other facilities which are used to distribute water from the source, treatment, transmission, or storage facilities to the water user.

DIVISION. The Health Division of the State Department of Human Resources.

OWNER. Any person who has legal title to, or license to operate or habitat in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

PERMIT. A document issued by the utility which allows the use of a backflow preventer.

PERSON. Any individual, partnership, company, public or private corporation, political subdivision or agency of the State Division, agency or instrumentality of the United States, or any other legal entity.

UTILITY. City water section of the Public Works Department.

WATER SERVICE ENTRANCE (CONNECTION). The point in the owner's water system beyond the sanitary control of the utility; generally considered to be the outlet end of the water meter and always before any unprotected branch.

WATER USER. Any customer or person utilizing water from the city water system.

(Ord. 97-464, passed 3-3-1997; Ord. 476, passed 1-10-2000)

§ 52.03 ADMINISTRATION.

(A) The utility will operate a cross-connection control program to include the keeping of necessary records, which fulfills the requirements of the Division's cross-connection regulations.

(B) The owner shall allow his or her property to be inspected, when given reasonable notification and during reasonable times, for possible cross-connections and shall follow the provisions of the utility's program, and the Division's regulations if a cross-connection is identified.

(Ord. 97-464, passed 3-3-1997) Penalty, see § 10.99

§ 52.04 REQUIREMENTS.

(A) *Utility.*

(1) On new installations, the utility will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, will issue permit, and perform inspection.

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(2) For premises existing prior to the start of this program, the utility will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary.

(a) Ordinarily 90 days will be allowed for the correction; and

(b) This 90-day period may be shortened depending on the degree of hazard or the history of the device.

(3) The utility will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

(4) The utility will inform the owner by letter of any failure to comply, within ten working days of the first re-inspection.

(a) The utility will allow an additional 15 days for the correction.

(b) At the end of the additional 15 days, a second re-inspection will be made to determine if corrections have been made.

(c) If corrections have not been made, the utility will inform the owner by letter that the water service to the owner's premises will be terminated five days from the date of this notice.

(d) In the event that the owner informs the utility of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the utility, but in no case will exceed an additional 30 days.

(5) If the utility determines at any time that a serious threat to the public health exists, the water services will be terminated immediately.

(6) The utility shall have on file a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.

(B) *Owner.*

(1) The owner shall be responsible for the elimination or isolation of all cross-connections on his or her premises.

(2) The owner, after having been informed by a letter from the utility, shall, at his or her expense, install, maintain, and test or have tested any and all backflow preventers on his or her premises.

(3) The owner shall correct any malfunctions of the backflow preventer which is revealed by periodic testing.

(4) The owner shall inform the utility of any proposed or modified cross-connections and also any existing cross-connections of which the owner is aware but has not been found by the utility.

(5) The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners shall not tamper with backflow devices.

(6) The owner shall install backflow preventers in a manner approved by the utility.

(7) The owner shall install only backflow preventers approved by the Health Division.

(8) Any owner having a private well or other private water source must have a

permit if the well or source is cross-connected to the utility's system. Permission to cross-connect may be denied by the utility. The owner may be required to install a backflow Falls City, OR Code of Ordinances

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preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the utility's system.

(9) In the event the owner installs plumbing to provide potable water for domestic purposes which is on the utility's side of the backflow preventer, the plumbing must have its own backflow preventer installed.

(Ord. 97-464, passed 3-3-1997) Penalty, see § 10.99

§ 52.05 DEGREE OF HAZARD.

(A) The utility recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of an approved backflow prevention device.

(B) The term *DEGREE OF HAZARD* shall mean either a polluttional (nonhealth-low) or contamination (health-high) hazard and is derived from the evaluation of conditions within a system.

(Ord. 97-464, passed 3-3-1997)

§ 52.06 EXISTING BACKFLOW DEVICES.

(A) Any existing backflow preventer shall be allowed by the utility to continue in service unless the degree of hazard is such as to supersede the effectiveness of the preventer, or result in an unreasonable risk to public health.

(B) Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow device must be replaced with an approved device suitable for that degree of hazard.

(Ord. 97-464, passed 3-3-1997)

§ 52.07 PERIODIC TESTING.

(A) All testable backflow devices shall be tested and inspected at least annually.

(B) Periodic testing shall be performed by a certified tester from a list provided by the utility. This testing will be done at the owner's expense.

(C) Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair, the device will be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires the continuity.

(D) Backflow prevention devices will be tested more frequently than specified in division (A) above if the utility feels that there is a history of test failures. Cost of additional Falls City, OR Code of Ordinances

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testing will be borne by the owner. Any circumstance not covered by this chapter or any of the authorities in § 52.01(B) shall be left to the judgment of the Administrator or designee.

(Ord. 97-464, passed 3-3-1997)

§ 52.08 OREGON ADMINISTRATIVE RULES ADOPTED.

The city hereby adopts Oregon Administrative Rules as outlined in Chapter 333, Subsection 42-200 through 42-245, as may be amended.

(Ord. 97-464, passed 3-3-1997)

§ 52.09 EFFECTIVE DATE.

In as much as it is necessary for the immediate preservation of the public health, peace, and safety of the city, to enact this chapter, an emergency is hereby declared to exist, and this chapter shall become effective on 4-1-1997.

(Ord. 97-464, passed 3-3-1997)

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: NOTICE OF VIOLATION – 26 SOUTH MAIN STREET
DATE: 11/02/2017

SUMMARY

City Hall received a lengthy complaint for 26 South Main Street.

BACKGROUND

Staff prepared a Notice of Violation listing the code violations for the property (Exhibit A Notice of Violation for 26 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 send copies to the owners of records.

EXHIBIT

Exhibit A – Notice of Violation 20160706A 26 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 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.

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City of Falls City, Oregon

www.fallscityoregon.gov

299 Mill Street, Falls City, Oregon 97344

Phone: 503.787.3631

Fax: 503.787.3023

Notice of Violation

DATE OF REPORT: October 4, 2017 DATE POSTED: _____

CASE NUMBER: 20160706A

VIOLATION(S): Condition of property attracts rats due to accumulation of debris and rubbish. Scrapped out recreational vehicles stored on residentially zoned property. Junk travel trailer parked in city right of way along with inoperable vehicles. City records show no business license for this property or this owner. Vehicle lift in view of street indicates unlicensed outdoor business. Rusted metal trailer in city right of way filled with scrap appliances with a large appliance balanced haphazardly of the edge poses IMMENENT THREAT to the residents of Falls City. Attractive nuisances of empty vehicles are also a danger to children in the area.

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

NOTE: Unless such nuisances are removed, the city may abate the nuisance and the cost of abatement shall be a lien against the property or otherwise charged to the owner.

ALSO: The city has the option of filing a citation in municipal court where then the owner will have to appear in court and be subject to a fine of up to \$1000.00 a day that the violation continues. See exhibit A for the codes.

There also exist multiple violations of the city development code. See Exhibit C.

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

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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, 09/22/17, 10/03/17

- Accumulation of debris, rubbish, objects, lumber, scrap metal, junk vehicles as seen from rear and East side of property.
- Condition of property attractive to rats, and provides shelter to rats.
- Open boxes and containers.
- Chevy Blazer License Plate YFZ 870 appears to be an inoperable vehicle, sometimes up on the lift, now parked in the street as of latest photo.
- Inoperable Jeep, License Plate VZF 767 tags expired in 2007 parked in back of property
- Unguarded scrap metal scattered on property that may be attractive, dangerous, and accessible to children.
- Unguarded rusted trailer with tires going flat filled with scrap metal (unsecured large appliances, one in imminent danger of toppling over) on public right-of-way, that may be attractive, dangerous and accessible to children and passers-by.
- Unguarded junked travel trailer Oregon License Plate R588885 with expired tags in public right of way.
- 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.
- Unlicensed outdoor business.
 - Lift station visible from public right-of-way
 - Partially disassembled vehicle Idaho License Plate 1G 188M, license presently covered by for sale sign, 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). Debris or multiple recreational vehicles stored on private property. Accumulations of debris, rubbish, manure, or other refuse located on private property not removed within fifteen (15) days, or storage of more than one (1) recreational vehicle on private property. (Ordinance 99-473, 10/25/1999)
- (3) Stagnant water. Any pool of water, that is without a proper inlet or outlet, that, if not controlled will be a breeding place for mosquitoes and other similar insect pests. 74

(8). Recreational vehicles. Storage of any recreational vehicle that is not mobile or is not currently licensed, if required to be licensed by the Oregon Vehicle Code when operated on public highways; private property on that more than one (1) recreational vehicle is stored; or habitation in any recreational vehicle, on public or private property, without a permit as provided for in Ordinance No. 521, article 4, Section 8.110. (Ordinance 99-473, 10/25/1999)

(9) Unlicensed outdoor business. Private property on that [sic] 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 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. 75

- 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 vehicles 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.

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(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.

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 _____ . Failure to comply with this request may result in City Abatement: (Exhibit A).

- Exhibit B - Photos taken 9/22/17-10/03/17**
- Exhibit C – Development Code Violations**
- Exhibit D – Google Map, Tax map, property assessment overview**

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: _____
Rose Bajorins, Code Enforcement Officer _____ 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 Assessor's 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.

Section 35. VIOLATION – PENALTIES. Violation of Sections 3 through 28 shall be punishable upon conviction by a fine not to exceed \$500.00 for a non-continuing violation and a fine of not more than \$1,000 for a continuing offense. Upon the Municipal Court Judge’s judgment “Final Judgment” or the issuance of a “Default Judgment” for failure to request a hearing regarding an ordinance violation, additional fines may be assessed at a rate not to exceed \$1000.00 per day for each day an ordinance violation continues. Documentation of a continuing violation may consist of photographic and supplemental reports. The Municipal Court Judge shall have discretion to revise upward or downward to fines based on such factors as non-compliance, partial compliance or acceptance of a court ordered compliance agreement. A continuing offense and subsequent proposed fine “Notice of Intent to Assess a Penalty and Opportunity for a Hearing” may also result from failure to comply with a City Ordinance following the receipt of an official “Warning Letter”.

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

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

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

4. A “Notice of Intent to Assess a Penalty and Opportunity for a Hearing” may be issued to violators of City Ordinance in lieu of a citation. Violators/Respondents will be given 21 days in which to request a hearing. The Municipal Court of Falls City will hear all cases in a timely manner. A “Final Judgment: will be issued 79 detailing the court’s ruling and will be mailed to the Violator/Respondent. Should the Violator/Respondent fail to request a hearing within 21 days a “Final Judgment” will be issued as a “default and Final Judgment”.

5. All "Penalties/Fines" resulting from a final judgment or a "Default Final Judgment" will be due and payable to the City of Falls City, Oregon together with interest at 9% per annum. 6. NOTICE OF APPEAL RIGHTS: In accordance with ORS 221.359 whenever any person is convicted in the municipal court of any offense defined and made punishable by any city charter or ordinance, such person shall have the same right to appeal to the circuit court as pertains to Falls City, OR

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Exhibit B

September 22-October 3, 2017 Photographs

26 South Main Street

These pictures are taken from the property facing the street.



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The following pictures were taken from a neighboring property to the East, 10 S. Main, showing trash, scrap, tires, junked autos along property line, unfenced and easily accessible to children from across the open lot



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The following pictures were taken from the back of a neighboring property, showing the North side of the 26 So. Main property which is the property's back yard. The metal frame you see is the skeleton of a travel trailer that was salvaged for scrap and attendant other debris.



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Exhibit C: Falls City Development Code

2.101.03 PERMITTED USES

A. Single Family Dwelling.

B. Manufactured Home as defined in this Ordinance and developed pursuant to 2.209.02.

C. Manufactured Home Park pursuant to Section 2.209.06.

D. Two-family Dwelling (Duplex).

E. Public Park and Recreation Area.

F. Planned Unit Developments developed pursuant to 3.211.

G. Child care facility, as defined by Oregon Revised Statutes Chapter 657A.

H. Residential home, as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.

2.101.04 ACCESSORY USES

In the Residential Zone the following uses, buildings and structures, which are customarily incidental to a permitted use in this zone may be established on the same lot therewith. The specific standards as provided in Section 2.203, Accessory Structures, shall apply:

A. Fence, providing it does not exceed a height of four (4) feet in a front yard area, as required by Section 2.201.08, Fences, Walls, and Hedges.

B. Garage or Carport Structures enclosing a space of not less than 300 square feet;

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- C. Greenhouse, not used for retail or wholesale purposes;*
- D. Guest house without cooking facilities;*
- E. Tool or Storage Shed;*
- F. Home Occupation, subject to the provisions of Section 2.209.04.*
- G. Temporary Hardship Dwelling, pursuant to Section 2.209.03*

2.101.05 CONDITIONAL USES

The following uses are permitted as conditional uses, provided that such uses are approved pursuant to Section 3.201, Conditional Use Permits.

- A. Church;*
- B. Public or private school;*
- C. Professional Office;*
- D. Community building;*
- E. Utility facility, including utility right-of-way;*
- F. Bed and breakfast;*
- G. Boarding house;*
- H. Multi-family Dwelling.*

2.203 ACCESSORY STRUCTURES

2.203.01 GENERALLY

Accessory structures shall comply with the following requirements.

2.203.02 RESIDENTIAL ZONE

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A. Location and Number. Accessory structures shall be located within the rear or interior side yard. A maximum of two (2) accessory structures are permitted.

B. Height. The maximum allowable height is 20 feet, except that no accessory structure shall exceed the height of the primary building.

C. Property Setbacks. For structures 10 feet or less in height there shall be a minimum five (5) foot setback along the side and rear property lines. For buildings greater than 10 feet in height there shall be a setback of five (5) feet along each side property line and 10 feet along the rear property line.

D. Building Separation. Accessory structures shall be separated from the primary building by a minimum of six (6) feet.

E. Building Size. In no case shall the accessory structure occupy more than 20 percent of the rear yard. The building size limitation shall be considered the maximum allowable area permitted for all accessory structures.

F. Exterior Finish. The accessory structure shall have an exterior finish that is residential in character.

G. A building permit is required for all accessory structures that exceed 200 square feet in size or 10 feet in height.

2.203.03 COMMERCIAL-RESIDENTIAL, COMMERCIAL-INDUSTRIAL, AND FORESTRY ZONES

A. Location and Number. Accessory structures may be located anywhere the primary structure may be placed. There is no limit to the number of permitted accessory structures.

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B. Height. Accessory structures shall comply with the height provisions in the underlying zone for the primary structure.

C. Setbacks. Accessory structures shall comply with the setback provisions in the underlying zone for the primary structure.

D. Building size. There is no limitation, provided the building complies with the setback

2.209.04 HOME OCCUPATIONS

A. Intent: The intent of the home occupation provisions of this Ordinance is to recognize the needs of people who are engaged in small-scale businesses or professional operations from their place of residence. The residential character is maintained and the home occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for which purpose the Residential Zone was created and primarily intended.

B. Process: Home Occupations are allowed as an accessory use to any residential use in the City of Falls City. The standards of this Section shall govern all home occupations. There are two types of home occupations, Type A and Type B.

1. Type A. The Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, craftspeople, writers, and consultants. Type A home occupations also provide an opportunity for

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a home to be used as a business address without requiring a commercial workplace.

2. Type B. The Type B home occupation is one where either one employee or sequential customers come to the site. Examples are counseling, tutoring, and hair cutting and styling. Type B home occupations are subject to the Type I approval process listed in Section 3.102.

C. Standards: A home occupation may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

1. Participation: No more than one person shall be employed who is not a resident of the home in which the home occupation is to be established.

2. Character: No Structural alterations shall be made which affect the residential character of the building. The character and primary use function of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.

3. Location: The business or activity shall be conducted wholly within the home or within a small accessory building which is residential in character and not larger than ½ the floor area of the house.

4. Noise: A home occupation shall not create noise of a type, duration or intensity which exceeds 60 decibels, measured at the property line, between the hours of 7:00 a.m. and 6:00 p.m. No noises shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception off the premises of the home occupation.

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- 5. Equipment and Process Restrictions: No home occupation shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.*
- 6. Traffic: A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than 20 vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. 20 trips is equivalent to 10 round trips.*
- 7. Hazards: No equipment or process shall be used which will change the fire rating or structure separation, fire wall, or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the Zoning District.*
- 8. Signs: Signing shall be as provided in Section 2.204.*
- 9. On-Premise Client Contact: Customer and client contact shall be primarily by telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.*
- 10. Deliveries and Large Vehicle Storage: Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one 1 ton capacity and used in conjunction with a home 92*

occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right-of-way shall be prohibited.

11. Parking: Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within the side or rear yard setbacks of the district. No more than 2 home occupation-related vehicles shall be located on the property at one time.

12. Storage and Use of Yard Areas: Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations which involve the care of children by a baby sitter may use rear yard areas for playground equipment.

13. Day care facilities with 12 or fewer children or group care homes shall not be subject to the provisions of this Section.

D. Process. Home occupations are allowed as an accessory use to any residential use in the City of Falls City. Type B home occupations are subject to the Type I approval process listed in Section 3.102. The standards of this Section shall govern all home occupations.

E. Non-Compliance. Any home occupation which does not comply with the requirement of this Section and the provisions of the underlying

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district shall be a violation of this Ordinance and shall be subject to the penalties and remedies of Chapter One – General Ordinance Provisions

1.102.09 SEVERABILITY

The provisions of this Ordinance are severable. If any section, clause or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this Ordinance.

1.103 VIOLATIONS

A. It shall be unlawful for any person to violate any provision of this Ordinance, to permit or maintain any such violation, to refuse to obey any provision hereof, or to fail or refuse to comply with any such provision except as variation may be allowed under this Ordinance.

B. Any use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to this Ordinance shall be and is hereby declared to be unlawful and a public nuisance, and the Council may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent and temporarily or permanently enjoin, abate, or remove the violation. Abatement may be pursued as provided by City ordinance or any other applicable law.

1.103.01 INSPECTION AND RIGHT OF ENTRY

Whenever any official, department, representative or employee of the City shall have cause to suspect a violation of any provision of this Ordinance or when necessary to investigate an application for or

revocation of any City approval under any of the procedures prescribed in this Ordinance, officials responsible for enforcement or administration of this Ordinance, or their duly authorized agent or representative, may enter on any site or into any structure for the purpose of investigation, provided they do so in a reasonable manner. No secured building may be entered without consent of owner or occupant. No owner, occupant, or agent thereof shall, after reasonable notice and opportunity to comply, refuse such entry.

1.103.02 FINES

Violation of any provision of the Falls City Zoning and Development Ordinance shall be punishable, upon conviction, by a fine of not more than \$500 for each offense; a violation shall be considered a separate offense for each day that the violation continues. "Violation" shall include failure to comply.

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S Main St., Falls City Oregon

Location for your map.



Account 295840 Map 08621BD01600 Code Area - Tax ID 5701-295840

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 Unit Info View Floorplan
RMV Class 101 17167-1

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.

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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		

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.

8.6.21BD

SE 1/4 NW 1/4 SEC. 21 T8S R6W WM
POLK COUNTY

Scale 1" = 100'

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY



8.6.21BD

06/05/15

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**Mayor's Report,
November 9, 2017 Council Meeting**

We successfully closed out the IFA Master Water Plan grant and have received notification that they will be transferring the \$20,000 to our treasury account. Now we only have the FEMA Mitchell Street Bridge grant out and the \$1000.00 planning grant, which we should close out by the end of the year. We also received a notice from USDA on the water treatment loan showing that it was paid off with the funds from our bond.

We received an invitation to submit the CDBG grant for the wastewater final engineering and I will be working on that over the next couple of weeks. I did receive a commitment from COG that they will manage the grant and Westech (City Engineer) will be in charge of the project.

Rose has finished the first code enforcement case; it is in the packet for Council to declare a nuisance per our code. I am going to try and change that part of the code where we will not have to bring each case in front of Council; this will allow the violator another layer of appeal if they feel we are not doing it properly. Our plan is to write up the violations with a cover letter from the City Manager requesting the property owner to meet and develop a time limit on addressing the violation. This would be in the form of an agreement and if they do not follow through with the agreement or they do not want to sign an agreement we will follow up with a citation to our court.

Cody is developing a calendar for the Fire Department levy and I will be meeting with the Department to go over the equipment needs to estimate how much to go out for per thousand of property valuation. Once this is all figured out we will bring a resolution to Council to adopt the amount and the language of the ballot measure.

We still are not sure where we are going to end up with the SWRFD contract. It is hinging on them coming up with a cost estimate on providing our Department training and reporting, but I am doubtful that an agreement will be reached that covers the expenses from both Departments.

Johanna added a website counter onto our fallscityoregon.gov website. We had 412 visits in the month of October, 186 of those were repeats so I guess-t-mate that 120 of those were from staff. So still about 300 hits is good, hopefully as we advertise to our citizens the information provided it will increase.

We received \$2,707.78 from OLCC for our share of the Marijuana tax for the period of 01/01/2016 to 06/30/2017. We also received \$145.61 for July and August of 2017, so I guess we can expect around \$70.00 a month in revenue. Hopefully it will be able to be budgeted in the next year budget when we do state revenue sharing forecasting.

Staff has reached out to the City of Salem to enter into an IGA to purchase sand for our treatment plant filters; this has been an educational moment. We kind of thought we just needed to purchase washed sand, but it needs to meet specific specs, luckily Salem's is the same and they are going out for bid on the proper sand and they are allowing us to tag on.

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MONTHLY EXPENSE REPORT

MAYOR UNGRICHT

10/06/2017:	25 Miles, Monmouth Bank.
10/11/2017:	25 Miles, Monmouth Bank.
10/19/2017:	22 Miles, Dallas, SWRFD meeting.
10/20/2017:	25 Miles, Monmouth Bank.
10/25/2017:	25 Miles, Monmouth Bank.
10/26/2017:	52 Miles, Salem, Census training.
10/27/2016:	22 Miles, Dallas Polk Breakfast.
10/27/2017:	54 Miles, Salem, Bank and Harbor Freight.
10/31/2017:	25 Miles, Monmouth Bank.

Miles 275 x 53.5 = \$147.12 mileage.

Total reimbursement = \$ 147.12

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