

Notice of Public Meeting City Council Meeting

AGENDA

CITY OF FALLS CITY, OREGON

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

Thursday January 10, 2019 6:00 p.m.

Posted January 4, 2019

1. Call to Order

2. Roll Call

- a. Jeremy Gordon, Mayor ____ Dennis Sickles ____ Lori Jean Sickles ____
Jennifer Drill ____ Tony Meier ____ Charlie Flynn ____ Clifford Lauder ____

3. Pledge of Allegiance

4. Motion to Adopt the Entire Agenda

5. Announcements & Appointments

Announcements

- a. Falls City Utility Billing will soon take credit cards for utility payments. The fee to use this service will be the greater of \$2.50 or 3% of the total payment.
- b. The next regular Council meeting will be held on February 14, 2019 at 6pm in the Community Center.
- c. Falls City Photo Contest entries are due to City Hall no later than January 15, 2019.
- d. Thank You to the Old Guard Riders for placing wreaths on the graves of all Veterans in Falls City Cemeteries (Certificate of Appreciation).

Swearing-In

- e. Municipal Court Judge- Stan Butterfield
- f. Mayor- Jeremy Gordon
- g. Councilor-Tony Meier
- h. Councilor- Lori Jean Sickles
- i. Councilor- Jenn Drill

Appointments

- j. Parks and Recreation Committee- Sarah "Rosie" Brownellpg. 1-2

6. Community & Government Organizations

- a. Falls City Public Works Report.....pg. 3
- b. Falls City Fire Reportpg. 4-5
- c. Polk County Sheriff's Officer Report.....pg. 6

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.

7. Communications

None.

8. Consent Agenda

- a. Approval of the Bills pg. 7-11
- b. Approval of October 11, 2018 Council Meeting Minutes pg. 12-17

9. Public Comments: This is the time set for Citizens to address the Council regarding items not already on the agenda.

- a. Please limit your commentary to five (5) minutes or less.
- b. Please state your name and city of residence for the record.

10. New Business: Members of the public wishing to comment on items of new business must sign up at the podium near the entry prior to commencing this portion of the agenda. Comment time may be limited by Mayoral prerogative.

- a. OLCC Liquor License Renewal Recommendations
 - i. Staff Report..... pg. 18-21
- b. Election of Council President
 - i. Staff Report..... pg. 22
- c. Resolution 01-2019 Surplus Property
 - i. Staff Report..... pg. 23-24
 - ii. Resolution 01-2019 pg. 25-27
- d. Ordinance 555-2019 Addressing Authority to City Manager (first reading)
 - i. Staff Report..... pg. 28-29
 - ii. Ordinance 555-2019 pg. 30-31
- e. Ordinance 556-2019 Amendments to Noise Ordinance (first reading)
 - i. Staff Report..... pg. 32-33
 - ii. Ordinance 556-2019 pg. 34-45

11. Next Meeting

- a. Polk CDC Revolving Fund Allocation for CDFI
- b. Telecomm Master Franchise Ordinance
- c. Event Noise Permit Ordinance

12. City Manager’s Report

- a. City Clerk’s Informational Report on Historical Landmark Commission pg. 46-47

13. Mayor and Council Reports

14. Adjourn

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CITY OF FALLS CITY
CERTIFICATE OF APPRECIATION

AWARDED TO

Vice President "Bean"
Old Guard Riders Company F

Vice President "Bean" volunteered his time and several Christmas wreaths to decorate the grave sites of Veterans in the Falls City Cemeteries. The City of Falls City thanks "Bean" and the Old Guard Riders for their service to the Veterans in our community.

Given under my hand this _____ day of _____, 20____

Jeremy Gordon, Mayor of Falls City



OATH OF OFFICE

State of Oregon)
County of Polk)
City of Falls City)

I, Stanley West Butterfield, say on oath that I will support the Constitution and the laws of the United States, the Constitution and the laws of the State of Oregon, and the charter and ordinances of the City of Falls City, Oregon, and that I faithfully and impartially discharge the duties of Judge of the City of Falls City, to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been appointed.

Stanley West Butterfield
Falls City Municipal Court Judge

Date of Signature

ATTEST:

Mac Corthell, City Manager

Date of Signature



OATH OF OFFICE

State of Oregon)
County of Polk) ss.
City of Falls City)

"I, Jeremy Gordon, do solemnly swear that I will support the Constitution of the United States, and of the State of Oregon, and that I will, to the best of my ability, faithfully perform the duties of the office of Mayor of Falls City during my continuance therein; so help me God."

Mayor

Subscribed and sworn before me this 10th day of January 2019

Jeremy Gordon, Mayor

Attest:

Rachel Inman, Assistant City Clerk



OATH OF OFFICE

State of Oregon)
County of Polk) ss.
City of Falls City)

"I, Jennifer Drill do solemnly swear that I will support the Constitution of the United States, and of the State of Oregon, and that I will, to the best of my ability, faithfully perform the duties of the office of City Councilor of Falls City during my continuance therein; so help me God."

Jennifer Drill, City Councilor

Subscribed and sworn before me this 10th day of January 2019

Jeremy Gordon, Mayor

Attest:

Rachel Inman, Assistant City Clerk



OATH OF OFFICE

State of Oregon)
County of Polk) ss.
City of Falls City)

"I, Lori Jean Sickles do solemnly swear that I will support the Constitution of the United States, and of the State of Oregon, and that I will, to the best of my ability, faithfully perform the duties of the office of City Councilor of Falls City during my continuance therein; so help me God."

Lori Jean Sickles, City Councilor

Subscribed and sworn before me this 10th day of January 2019

Jeremy Gordon, Mayor

Attest:

Rachel Inman, Assistant City Clerk



OATH OF OFFICE

State of Oregon)
County of Polk) ss.
City of Falls City)

"I, Tony Meier do solemnly swear that I will support the Constitution of the United States, and of the State of Oregon, and that I will, to the best of my ability, faithfully perform the duties of the office of City Councilor of Falls City during my continuance therein; so help me God."

Tony Meier, City Councilor

Subscribed and sworn before me this 10th day of January 2019

Jeremy Gordon, Mayor

Attest:

Rachel Inman, Assistant City Clerk



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: Sarah "Rosie" Brownell
Street Address: 932 Parry Rd.
Mailing Address: (same as above)
City/State/Zip Code: Falls City, OR 97344
Home Phone: 503-569-9711
Work Phone:
E-Mail Address: rosiebrownell@gmail.com

Background

Years of Residence in Falls City: 1994 - 2006 ; 2017 - present
Place of Employment: WHPacific, Inc.
Occupation: archaeologist and environmental scientist
Educational Background: University of Oregon, BA (romantic languages, medical studies, anthropology)
University of Cambridge, MPhil (archaeology)
Prior Civic Activities: None (other than 4-H)

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 - possibly

Economic Development Committee

*Please continue to reverse side of form for completion.

Special Skills or Qualifications

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

- Experience with environmental compliance/permitting on projects of various sizes
- Some experience with budgeting
- Experience speaking with state/local agencies

Motivation

Discuss your motivation for serving on this Committee.

Seeing an improvement in city parks while bringing in a new perspective/new ideas

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)

Sarah R. Brunell

Signature



Date

12/23/2018

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

Public Works Staff Report for December, 2018

Saturday, 1 & Sunday, 2 Routine water and sewer.

Monday, 3 Finish up on repairs on City's utility vehicle.

Tuesday, 4 Cut brush at both cemeteries'.

Wednesday, 5 Went to Corvallis samples, Salem parts, Parks maintenance.

Thursday, 6 Septic tank repair, 5th Street.

Friday, 7 Finish tank repair.

Saturday, 8 & Sunday, 9 Routine water and sewer.

Monday, 10 Located septic tank on 5th covered in brush.

Tuesday, 11 Shop maintenance.

Wednesday, 12 Clean Glaze CR. Intake, rock Sheldon Ave., called out, High school gym plug line.

Thursday, 13 Work on flow meter WWTP.

Friday, 14 Blow off stairs down town.

Saturday, 15 & Sunday, 16 Routine water and sewer.

Monday, 17 Storm preparation, physical shut offs.

Tuesday, 18 Very heavy rain 4.90 inches, shut WTP off ran off storage, some street flooding.

Wednesday, 19 Straighten up Christmas tree down town, WTP back on line, call out, for water leak just surface water.

Thursday, 20 Meter reading, wind storm tree went down South main, some power outage.

Friday, 21 Finish meters.

Saturday, 22 & Sunday, 23 Routine water and sewer.

Monday, 24 Routine water and sewer, half day.

Tuesday, 25 Holiday day, routine water and sewer.

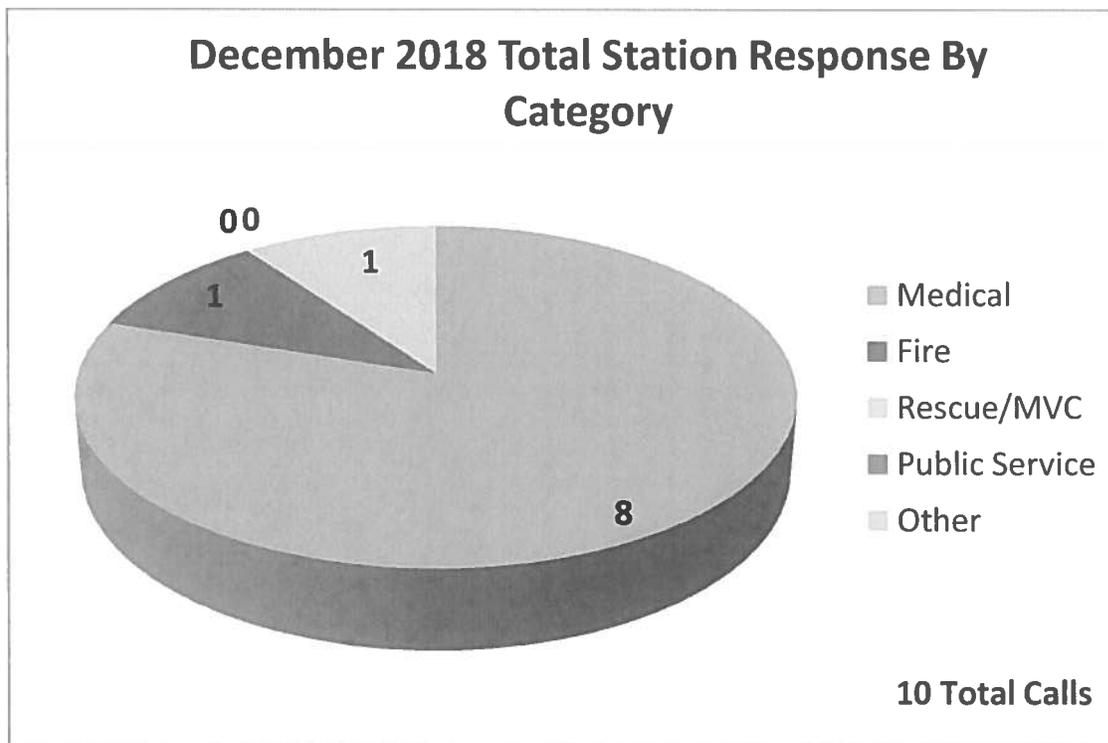
Wednesday, 26 Rereads, out sick.

Thursday, 27 Work on grader, Jon out sick.

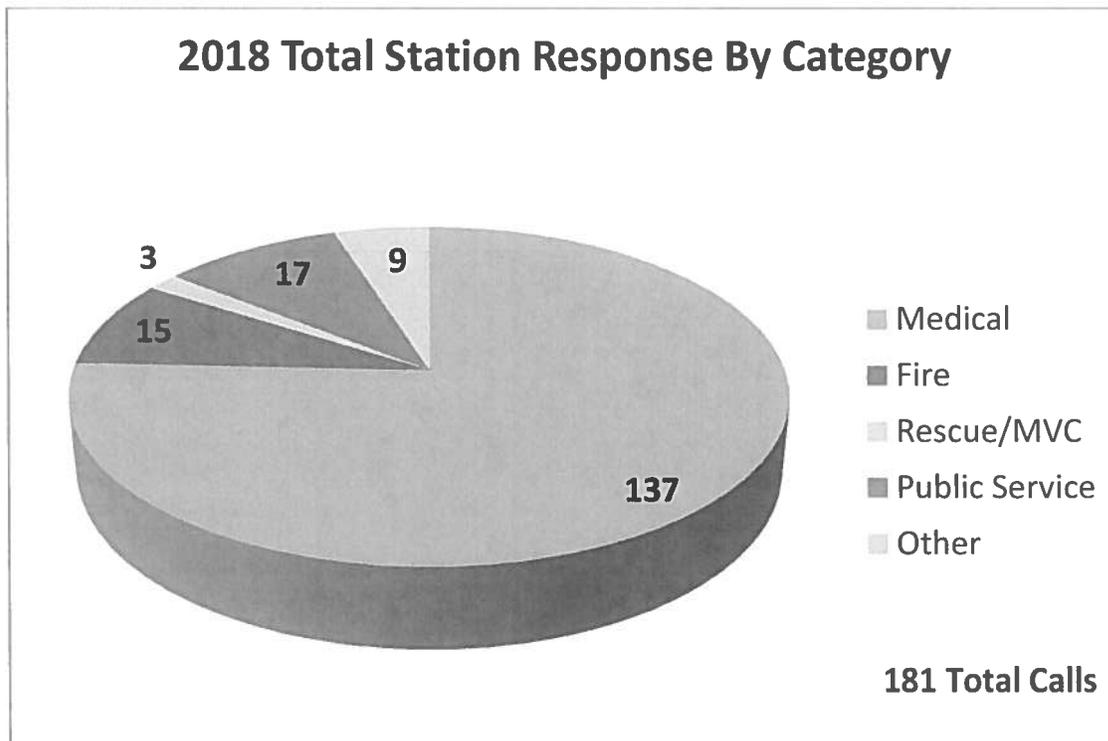
Friday, 28 Working on road grader, sewer samples.

Saturday, 29, 30, 31, and 1, Routine water and sewer.

Month	Medical	Fire	Rescue/MV C	Public Service	Other	Total	YTD Totals
January	9	1	0	0	0	10	10
February	9	0	0	1	0	10	20
March	23	0	0	0	3	26	46
April	13	3	1	2	0	19	65
May	12	3	0	4	0	19	84
June	11	0	0	1	0	12	96
July	15	1	2	3	1	22	118
August	8	2	0	1	0	11	129
September	8	0	0	0	1	9	138
October	10	0	0	2	2	14	152
November	11	4	0	3	1	19	171
December	8	1	0	0	1	10	181
Totals	137	15	3	17	9	181	181



All raw response data is from our Active911 dispatch system software.



All raw response data is from our Active911 dispatch system software.

Total December Membership: 27 volunteers

December Prevention Activities:

-2018-12-20 Pre-K and Kindergarten Fire Safety Presentations - Matches and Lighters Are Tools Not Toys: 30 minutes, 3 volunteers.

-2018-12-20 1st-12th Grade Christmas Tree Fire Safety Presentations: 2 hours, 3 volunteers.

December Community Activities:

-2018-12-01 Toys for Tots Toy Drive: 9 hours, 7 volunteers.

-2018-12-16 Toys for Tots Toy Sort: 2.5 hours, 5 volunteers.

-2018-12-20 Toys for Tots Toy Home Deliveries: 4 hours, 10 volunteers.

-2018-12-24 Christmas Cheer Food Box Distribution: 6 volunteers.

December School Activities:

-2018-12-20 Santa Toy Delivery: 2.5 hours, 5 volunteers.

December Fundraising Activities:

-2018-12-02 Polk County Flea Market Parking: 4.5 hours, 2 volunteers.

December 2018 Falls City Stats

Falls City Calls for Service					
	Assault	Harassment	Misc Crime	Susp Activity	
Area Chk	1	1	Misc Crime	1	Susp Activity
Animal	4	3	Miss Person	1	Susp Person
911 Hangup		3	Noise	1	Susp Vehicle
Burglary	1	3	EDP	5	Theft
Assist Other Agency	13	3	Ordin Vio		Trauma
ATL (attempt to locate)		7	Overdose	1	traffic assist
City Ordinance		7	prowler	1	Traffic Stops
Citizen Contact	6		runaway	2	Trespass
Civil Paper Service	4	2	sex offense		Warrant
Criminal Misch	2		Shots Fired		Welfare Check
			Stolen Veh		Unclass

Falls City Calls for Service	69	Of the FC Calls for Service	13	involved crimes
Total Calls for Service (county wide)	1718	FC Cases Cleared by Arrest	10	76.9% clearance
Falls City % of Total Calls	4.0%	Total Arrests in Falls City	8	6.3% of total arrests

Total Service Calls (Polk County)	1847	Crimes Occ	10	(county wide)
Cases Cleared by arrest	202	Juvenile Arrests	1	(Falls City)
Total Arrests (county wide)	120	Juvenile Arrests	(only true crimes reported here)	
	127			

Date	Memo	Account	Class	Amount
Ag West Supply				
12/11/2018	Inv Y135604	Accounts Payable		-1,260.00
12/11/2018	55% W- Tires for F-350	Equipment Maintenance/Repair	20 WATER OPERATING FUND	692.00
12/11/2018	25% Se	Equipment Maintenance/Repair	13 SEWER FUND	316.00
12/11/2018	15%	Equipment Maintenance/Repair	11 STREET FUND	189.00
12/11/2018	5%	Equipment Maintenance/Repair	01 GENERAL FUND:01.03 Parks	63.00
				<u>0.00</u>
Total Ag West Supply				
Dallas Auto Parts				
12/11/2018	Acct #3020 November Statement	Accounts Payable		-450.49
12/11/2018	396980	Small Tools & Supplies	20 WATER OPERATING FUND	9.55
12/11/2018	397270	Small Tools & Supplies	13 SEWER FUND	17.98
12/11/2018	397271-Grader	Equipment Maintenance/Repair	11 STREET FUND	110.54
12/11/2018	397295, 40026- 04 Chevy	Vehicle Maintenance/Repair	20 WATER OPERATING FUND	62.59
12/11/2018	397551 - Eng 125 Strobes	Vehicle Maintenance/Repair	01 GENERAL FUND:01.07 Fire Departm	249.83
				<u>0.00</u>
Total Dallas Auto Parts				
King's Pumping Service				
12/11/2018	Inv 15- 459, 458, 454, 470, 469, 468, 466	Accounts Payable		-5,229.37
12/11/2018	Tank Pumping x 11	Tank Pumping	13 SEWER FUND	5,229.37
				<u>0.00</u>
Total King's Pumping Service				
Mid Willamette Valley COG				
12/11/2018	Inv 1819182	Accounts Payable		-243.00
12/11/2018	November Planning	Council of Governments Planning	01 GENERAL FUND:01.01 Administrati	243.00
				<u>0.00</u>
Total Mid Willamette Valley COG				
One Call Concepts, Inc				
12/11/2018	Acct #09-0001409, Inv #8110372	Accounts Payable		-7.35
12/11/2018	Locates- 7 tickets	Contractual Services	20 WATER OPERATING FUND	7.35
				<u>0.00</u>
Total One Call Concepts, Inc				
Petro Card				
12/11/2018	Inv: C387460	Accounts Payable		-134.29
12/11/2018	40% Pub Wks Gas Nov 18	Vehicle Operation	20 WATER OPERATING FUND	53.71
12/11/2018	40%	Vehicle Operation	13 SEWER FUND	53.71
12/11/2018	15%	Vehicle Operation	11 STREET FUND	20.15
12/11/2018	5%	Vehicle Operation	01 GENERAL FUND:01.03 Parks	6.72
				<u>0.00</u>
Total Petro Card				
Polk County Sheriff's Office				
12/11/2018	Inv: 74822	Accounts Payable		-258.79
12/11/2018	2nd Quarter 18-19 Radio Comm	Intergovernmental Services	01 GENERAL FUND:01.07 Fire Departm	258.79
				<u>0.00</u>
Total Polk County Sheriff's Office				
Speer Hoyt LLC				
12/11/2018	INV: 49355	Accounts Payable		-1,596.00
12/11/2018	Fire Personnel	Attorney/Special Council	01 GENERAL FUND:01.07 Fire Departm	1,596.00
				<u>0.00</u>
Total Speer Hoyt LLC				

USA BlueBook

12/11/2018	Cust 711726 Inv749209	Accounts Payable	13 SEWER FUND	-146.85
12/11/2018	PH Tester	Operational Supplies		146.85
				<u>0.00</u>

Total USA BlueBook

Verizon Wireless

12/11/2018	Inv 9819019398	Accounts Payable	13 SEWER FUND	-59.03
12/11/2018	Utility Duty Phone	Telephone		29.52
12/11/2018	Inv 9819019398	Telephone	20 WATER OPERATING FUND	29.51
				<u>0.00</u>

Total Verizon Wireless

Westech Engineering

12/11/2018	Inv: 24506	Accounts Payable	13 SEWER FUND	-4,387.50
12/11/2018	CDBG Wastewater Project	Grant Project		4,387.50
				<u>0.00</u>

Total Westech Engineering

Williamson & Aebi, LLP

12/11/2018	November 18 Accountant	Accounts Payable		-530.40
12/11/2018	42% Gen-Ad November Accountant	Professional Services	01 GENERAL FUND:01.01 Administrati	222.75
12/11/2018	4% Gen- Muni Ct	Professional Services	01 GENERAL FUND:01.04 Municipal Cc	21.21
12/11/2018	2% Fire	Professional Services	01 GENERAL FUND:01.07 Fire Departm	10.60
12/11/2018	26% Se	Professional Services	13 SEWER FUND	137.92
12/11/2018	26% W	Professional Services	20 WATER OPERATING FUND	137.92
				<u>0.00</u>

Total Williamson & Aebi, LLP

Falls City School District #57

12/12/2018	Community Center Rental & Deposit Refit	Accounts Payable	01 GENERAL FUND:01.01 Administrati	-150.00
12/12/2018	Community Center Rental & Deposit Refit Miscellaneous			150.00
				<u>0.00</u>

Total Falls City School District #57

CenturyLink

12/17/2018	5037874719562B; 5037873767965B; 50:Accounts Payable	Accounts Payable		-444.31
12/17/2018	Fire Hall + 1/2 Security	Telephone	01 GENERAL FUND:01.07 Fire Departm	216.77
12/17/2018	City Hall + 1/2 Security	Telephone	01 GENERAL FUND:01.01 Administrati	227.54
				<u>0.00</u>

Total CenturyLink

City of Dallas

12/17/2018	INV02659; 02660; 02661	Accounts Payable	11 STREET FUND	-900.00
12/17/2018	Sept, Oct, Nov '18 Street Sweeping	Intergovernmental Services		900.00
				<u>0.00</u>

Total City of Dallas

Consumers Power Inc

12/17/2018	Account # 1155301; Nov '18 Statement	Accounts Payable	20 WATER OPERATING FUND	-240.80
12/17/2018	Nov Power WTP	Power/Heat		240.80
				<u>0.00</u>

Total Consumers Power Inc

Ferguson Waterworks

12/17/2018	Account: 50936 Invoice: 0723300	Accounts Payable	13 SEWER FUND	-69.48
12/17/2018	WWTP	System Maintenance/Repair		69.48
				<u>0.00</u>

Total Ferguson Waterworks

King's Pumping Service



Oregon Association of Municipal Recordors									
12/26/2018	Inv: 01534; 01537		Accounts Payable						-120.00
12/26/2018	Dues 2019 J Birr		Education/Training/Dues		01 GENERAL FUND:01.01 Administrativ				60.00
12/26/2018	Dues 2019 R Inman		Education/Training/Dues		01 GENERAL FUND:01.01 Administrativ				60.00
Total Oregon Association of Municipal Recordors									0.00
Petro Card									
12/26/2018	Inv: C392586		Accounts Payable						-275.78
12/26/2018	40% Pub Wks Gas		Vehicle Operation		20 WATER OPERATING FUND				110.31
12/26/2018	40%		Vehicle Operation		13 SEWER FUND				110.31
12/26/2018	15%		Vehicle Operation		11 STREET FUND				41.37
12/26/2018	5%		Vehicle Operation		01 GENERAL FUND:01.03 Parks				13.79
Total Petro Card									0.00
CenturyLink									
01/02/2019	Inv: 1457957413		Accounts Payable						-4.00
01/02/2019	Long Distance		Telephone		01 GENERAL FUND:01.01 Administrativ				4.00
Total CenturyLink									0.00
Motion and Flow Control Products									
01/02/2019	Acct 123074; Inv 7177390		Accounts Payable						-680.00
01/02/2019	Road Grader Parts		Equipment Maintenance/Repair		11 STREET FUND				680.00
Total Motion and Flow Control Products									0.00
Petty Cash'									
01/02/2019	Petty Cash Balance		Accounts Payable						-6.67
01/02/2019	Certified Letter- Code Services		Legal/Public Notices		01 GENERAL FUND:01.04 Municipal Cc				6.67
Total Petty Cash'									0.00
Steven Birr									
01/02/2019	Mileage Dec 2018		Accounts Payable						-31.06
01/02/2019	Drop Water Labs in Wilsonville 12/28/18		Lab Analysis Services		20 WATER OPERATING FUND				31.06
Total Steven Birr									0.00
Van Well Building Supply									
01/02/2019	Inv 21080; 22167; 22214		Accounts Payable						-251.07
01/02/2019	Plexi Glass for Water Intakes		System Maintenance/Repair		20 WATER OPERATING FUND				34.99
01/02/2019	Paint Supplies for Fire Meeting Room		Fire Station Maint/Repairs		01 GENERAL FUND:01.07 Fire Departm				186.11
01/02/2019	Light Bulbs for Shop		Building Maintenance & Repair		13 SEWER FUND				29.97
Total Van Well Building Supply									0.00
Verizon Wireless									
01/02/2019	Inv 9820948009		Accounts Payable						-64.03
01/02/2019	Utility Duty Phone		Telephone		13 SEWER FUND				32.02
01/02/2019	Inv 9820948009		Telephone		20 WATER OPERATING FUND				32.01
Total Verizon Wireless									0.00
Xerox Financial Services									
01/02/2019	inv 1444635		Accounts Payable						-180.75
01/02/2019	35% Dec 18 Copier Lease		Copier Lease/Maintenance		20 WATER OPERATING FUND				63.26
01/02/2019	35%		Copier Lease/Maintenance		13 SEWER FUND				63.26

01 GENERAL FUND:01.01 Administrativ	45.20
01 GENERAL FUND:01.07 Fire Departm	9.03
	<u>0.00</u>

Copier Lease/Maintenance
 Copier Lease/Maintenance

01/02/2019	25%
01/02/2019	5%

Total Xerox Financial Services

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

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

Staff Present: Mac Corthell, City Manager; Rachel Inman, Assistant City Clerk

1. Call to Order Mayor Gordon called the meeting to order at 6:01 pm.
2. **Roll Call** Clerk Inman took roll call. Councilor Drill excused.

3. Pledge of Allegiance

Mayor Gordon led the pledge.

4. Motion to adopt the entire Agenda

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

A. Consent Agenda

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

5. Announcements

- a. Election Results; Congratulations to Councilor Meier, Councilor Drill, and Councilor L. Sickles for another term on City Council. Congratulations to Mayor Gordon on his election as Mayor of Falls City.
- b. **Falls City Photography Contest**, open to all, photos due to City Hall by January 15, 2019.
 - i. Photo Contest Rules and Entry Agreement can be found on fallscityoregon.gov
- c. **Falls City awarded \$150k** to overlay portions of 5th, Fair Oaks, Boundary and Wood Streets.
- d. Falls City received DEQ approval of the Supplemental Environmental Protection Project to remove blackberries and junk from the riverside adjacent to the Mill Lot. The City is working on a follow up project with the high school forestry class to replant trees and plants around town. The initial start date for the DEQ project is in May. The timeline for the school follow up project is not set.
- e. Falls City Council and Staff attend Free Training
 - i. On November 10, 2018 Mayor Gordon, Councilors D. Sickles, Lauder, Flynn, and Meier, Assistant Clerk Inman, and City Manager Corthell attended a 4-hour training session at the Falls City Community Center. Veteran City

Manager Scott Diereckson of Woodburn and Executive Director of Mid-Willamette Valley Council of Governments Sean O'Day provided training. The training included Council roles and responsibilities, Staff roles and responsibilities, Council-Staff relations, and Council-Citizen relations training.

- ii. On November 28, 2018 Mayor Gordon, Councilor Meier, Assistant Clerk Inman, and City Manager Corthell attended Elected Essentials Training hosted by the League of Oregon Cities. This was a full day of training reviewing the responsibilities, authority, and limitations of City Councilors and Staff.
- f. The Polk County Law Enforcement Levy early renewal was placed on the ballot by the Polk County Commission. Falls City Staff will be working to have the District Attorney, Sheriff, and County Commissioners to the January or February Council Meeting to provide further information.
- g. Public Works Committee Meetings moved back to 6:00 pm the third Thursday of the month, at the Falls City Community Center.
- h. Regular Council Meetings moved back to 6pm, second Thursday of the month, at Falls City Community Center.

6. Community & Government Organizations

- a. Polk County Cemetery Savers

Lloyd Collins with Polk Cemetery Savers preserves Pioneer Cemetery. There is little information about these cemeteries, he makes a map and gives it to Bollman Funeral Home. Mr. Collins presented a slideshow of the work they have done. See (Exhibit A.) The Lower Cemetery will be done first with a workshop May 18, 2019 8:00am-12:00pm. The first workday is May 21, 2019 from 8:00am-12:00pm and will last for 8-10 weeks. Mayor Gordon will work with staff to recruit volunteers. They have five regular people that volunteer. D2 biological cleaner is all that is used. All headstones are hand washed. Councilor Lauder asked if the headstones are sealed after cleaning. Mr. Collins said the headstones cannot be sealed they need to breathe; they soak moisture from the ground. The Upper Cemetery would be scheduled the following year.

- b. Falls City Public Works Report November 2018
No Comments
- c. Falls City Fire Report November 2018
No comments
- d. Polk County Sheriff's Officer Report November 2018

Councilor Flynn asked Sheriff Garton how often they are going to Green Haven RV Park and has it lessened over the last year. Sheriff Garton responded that it is less than it used to be. Mayor Gordon asked Sheriff Garton if he had a time scheduled to come and talk about the levy. Sheriff Garton said there is a timeline in what the Commission can do. Greg Hansen presented the ballot title and filed it with the County Clerk. The City would then become aware of any ballot title objections by January 1 2019. Details of the levy will not change. Sheriff Garton said he could give information out on questions. Councilor Flynn told Sheriff Garton the traffic on Fridays for the produce giveaway has slowed down since they are putting cones up. Sherriff Garton was aware of the slower traffic from during the produce giveaway from City Manager Corthell.

7. Proclamations & Recognition

- a. A Certificate of Appreciation to Scott Derickson and the City of Woodburn was presented by Mayor Gordon for his exceptional service to the City of Falls City by volunteering his time to provide essential Council-Manager training to the City Council and City Staff.
- b. A Certificate of Appreciation to Sean O'Day and the Mid-Willamette Valley COG was presented by Mayor Gordon for his exceptional service to the City of Falls City by volunteering his time to provide essential Council-Manager training to the City Council and City Staff.
- c. A Certificate of Appreciation to Vicki Wyatt was presented by Mayor Gordon for volunteering her time and her Lean-6-Sigma Black Belt Certification to facilitate and guide the Falls City Fire Department and City Staff in a process building session that was at once efficient and effective.

8. Communications

None

9. Consent Agenda

A motion made by Councilor D. Sickles and Seconded by Councilor L. Sickles to adopt the consent agenda and the approval of bills. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

10. Public Comments

Mark Jacques of Falls City spoke to Council regarding his concerns of a private conversation between himself and a City Staff member becoming public online. City Manager Corthell responded that almost everything that occurs at City Hall is public record. Mr. Jacques said he jumped through hoops trying to follow the Code for the noise. He said he has turned his music down. Mr. Jacques said he was told by Code Officer Birr if his music is not heard in someone's house it was within code. He says he has people with their phones out there reading decibels outside his house, which is not accurate to read decibels. He said he is down below code right now and was told the Code is being changed to complaints. Mr. Jacques was told by the Code Officer Birr, there were two complaints on November 11, 2018 for his music and he said he was not home. Mr. Jacques says he tries to keep everybody in mind with his music being too loud. Mayor Gordon appreciated Mr. Jacques for speaking and his comment is in the public records

and appreciates any efforts he has made to accommodate neighbors. Mayor Gordon says our code for noise ordinance requires a DEQ Certified Sound Technician and DEQ no longer has that program. Mr. Corthell said if there is a complaint about an employee, they could come to City Hall and write a complaint.

Sheriff Garton said he had 22 kids from Falls City participated in Shop with the Sheriff they all had around \$40.00 to spend on family at Walmart. Amy Houghtaling with FACES did a good job organizing this.

11. New Business

a. Resolution 30-2018 Fire Duty Truck

Mr. Corthell introduced the resolution 17-2018, back in July the City Council adopted a resolution authorizing the purchase of a fire duty truck. Since then a few items have come up. If the Fire Department can increase the capability of the truck which will end up costing an additional \$25,000.00 bringing the total price tag up to \$80,000.00 or 40% of expected income. The truck will increase capability to allow access calls in difficult areas. This would allow the City to participate in configuration employment bringing revenue to the City and the firefighters. Mr. Corthell recommends the City adopt this resolution 30-2018 Fired Duty Truck. This is part of a larger vehicle plan he has been developing with Chief Young that involves the surplus of three of our current vehicles. The Surplus Plan will be presented at the next meeting. The plan is to dispose of some vehicles and save some money on insurance. This is the start of our State Agreement for the Surplus of personal property, vehicles, heavy equipment, titled trailers & watercraft and authorizes the City Manager to sign agreement.

Chief Young brought Kent McKnight who does maintenance on the fire trucks. Chief Young thinks of the future and wants to provide good protection to the citizens. This truck will have an aluminum cargo bed installed. Cascade Cargo provides slip in units with 300 gallons capacity and a foam unit doubling the water capacity. In addition, it would service as a medical truck that would go on all the medical calls. There is a 5-year lease option. Chief Young thinks it will be a selling point for volunteers. It will cut down on maintenance on the bigger trucks. The Fire Department is actively applying for grants for air packs and turnouts. Mr. Corthell said that at the end of the levy the City would own the new vehicle. Chief Young said the Fire Department is training this spring for wildland firefighting. Mr. McKnight thanked the Council he thinks this will be a great improvement for the volunteers.

A motion made by Councilor Lauder and Seconded by Councilor Meier to adopt Resolution 30-2018 Fire Duty Truck. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

12. Tabled Business

a. Polk CDC Revolving Fund Allocation for CDFI

Mr. Corthell did more research on this topic. He is waiting on some responses from different organizations. He wants to know specific areas of concern from the Council. Councilor Meier asked if it could be put in an amount per person comparing to other cities. Mr. Corthell will wait to hear all questions from Council and then will put some numbers together. He will also put together a resolution with a couple of options.

13. Land Use

- a. PAR 18-20, partition of 3.04 acres at 830 Parry Rd to three Lots of Record

The Planning Commission is not able to act because of a lack of a quorum. Therefore, the Council must act as the Planning Commission for this application. Is there a motion for the Council to act in place of the Planning Commission?

A motion was made by Councilor Meier and seconded by Councilor D. Sickles that the City Council of the City of Falls City acts in place of the Planning Commission. Motion carried 5-0-0. Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

Mayor Gordon read the script for Partition Application 18-20 at 830 Parry Rd. aloud:

We will start the application by receiving a staff report. When the staff report has been presented, Council can ask questions of staff and deliberate on the application.

This is a partition to an approximately 3.04 acre parcel into three (3) parcels. Upon partition approval, Parcel 1 will measure 0.34 acres, 15,225 Sq. Ft. Parcel 2 will measure approximately 0.65 acres, or 28,449 Sq. Ft. Parcel 3 will measure approximately 2.05 acres or 87,120 Sq. Ft.

Falls City Zoning and Development Ordinance (FCZDO) section 3.203 requires a site design review for all new developments and major expansion or remodel of existing development under a Type I-B action. The planning Commission, or the City Council in the absence of a Planning Commission, review of type I-B administrative actions are based upon generally clear and objective standards with some discretion afforded to the review authority. Conditions may be placed on the decision and notice was sent to the applicant and property owners within the required notice area (100 feet of the subject site.) Appeal is to the Land Use Board of Appeals (LUBA).

Are there any questions among the Council about this process?

There was none.

Oregon Land Use Law also requires that the hearings body (City Council in this case) disclose conflicts of interest and ex-parte contacts that we have with the proposals or applicants- this is whether we have any financial or other personal interest in the proposal(s) and whether we have spoken with anybody about the proposal(s) outside of this public meeting. In addition, Councilors may only participate if they can do so without un-due bias either for or against either application.

Do any Councilors wish to make disclosures?

There was none.

Mr. Corthell presented the Staff Report as follows. This application must meet eight (8) criteria's for approval. The application has to meet, improve or condition the criteria to improve and meet the recommended criteria.

1. Blocks
2. Easements

- 3. Lots
- 4. Lot Grading
- 5. Building Lines
- 6. Large Lot Subdivision
- 7. Leftover Land
- 8. Open Space

Staff recommended the approval of Partition 18-20 and adopts the findings in the staff report.

A motion was made by Councilor Lauder and seconded by Councilor L. Sickles to approve PAR 18-20 the Motion carried 5-0-0. Ayes: Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

14. City Manager's Report

None

15. Mayor and Council Reports

Councilor D. Sickles thanked Public Works for their quick work done before a basketball game. The septic tanks plugged and they went and worked on it so the game could go on.

16. Adjourn

The meeting adjourned at 7:59pm.

_____ Mayor, Jeremy Gordon

Attested: _____ Assistant City Clerk, Rachel Inman

AGENDA REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: OLCC LIQUOR LICENSE RENEWALS
DATE: JANUARY 10, 2019

SUMMARY

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

BACKGROUND

OLCC liquor licenses will expire on March 31, 2019. In Falls City, three businesses have state liquor licenses. Oregon Revised Statute (ORS) 471.166 establishes a process for local governments to make recommendations to the OLCC before a license is renewed. State statutes also require OLCC to notify businesses of the renewal application or processing fees charged by the local community. Falls City has a \$25.00 renewal fee for on and off premise.

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

PREVIOUS COUNCIL ACTION

January 2018- City Council directed staff to write a liquor license renewal recommendation.

ALTERNATIVES/FINANCIAL IMPLICATIONS

5 x \$25.00 fee.

STAFF RECOMMENDATION

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

EXHIBIT

Exhibit A – OLCC Letter and Business List.

PROPOSED MOTIONS

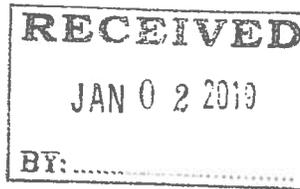
I move the City Council of the City of Falls City direct staff to write a liquor license renewal recommendation to OLCC for Frink's General Store, The Boondocks, and The Bread Board.



Oregon

Kate Brown, Governor

Liquor Control Commission
9079 SE McLoughlin Blvd
Portland, OR 97222-7355
(503) 872-5000
(800) 452-6522



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

RENEWAL NOTIFICATION PROCESS

It's time again for liquor license renewals in your area. Liquor licenses are due to expire **3/31/2019**. Attached is the list of licensees who are required to submit their renewal application to local government for comment. According to our records you charge:

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

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

HOW TO MAKE A RECOMMENDATION

You have until **3/1/2019** to make your recommendation. Below are your options for renewals:

RECOMMEND APPROVAL

1. **DO NOTHING.** If you do not submit a recommendation by **3/1/2019**, the OLCC will process the renewal application as a favorable recommendation.

RECOMMEND DENIAL (see additional information on page 2)

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

If you need assistance or would like to discuss a specific application, please contact your local OLCC office for help. Please send renewal recommendation correspondence to OLCC.Renewals@oregon.gov or OLCC License Renewals, P.O. Box 22297, Portland, OR 97269-2297. If you have questions, contact our license renewal section at 503.872.5138 or toll free at 1.800.452.6522 ext 25138.



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

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

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

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

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

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

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

<u>License No./ Premises No.</u>	<u>Tradenname/Licensee/License Type</u>	<u>Premises Address & Phone</u>	<u>Premises Mailing Address</u>
Lic. 269919 Prem. 54780	FRINK'S GENERAL STORE CATHY L. FRINK O - OFF-PREMISES SALES	319 N MAIN ST FALLS CITY, OR 97344 503-787-8036	
Lic. 273107 Prem. 37476	THE BOONDOCKS LOAJEANS LLC L - LIMITED ON-PREMISES SALES	318 N MAIN ST FALLS CITY, OR 97344 503-787-2700	PO BOX 81 FALLS CITY, OR 97344
Lic. 273108 Prem. 37476	THE BOONDOCKS LOAJEANS LLC F-COM - FULL ON-PREMISES SALES	318 N MAIN ST FALLS CITY, OR 97344 503-787-2700	PO BOX 81 FALLS CITY, OR 97344
Lic. 273109 Prem. 37476	THE BOONDOCKS LOAJEANS LLC O - OFF-PREMISES SALES	318 N MAIN ST FALLS CITY, OR 97344 503-787-2700	PO BOX 81 FALLS CITY, OR 97344
Lic. 268629 Prem. 48292	THE BREAD BOARD THE BREAD BOARD LLC L - LIMITED ON-PREMISES SALES	404 N MAIN ST FALLS CITY, OR 97344 503-787-1817	

Count for FALLS CITY

5

STAFF REPORT

TO: CITY COUNCIL
FROM: MAC CORTHELL, CITY MANAGER
SUBJECT: ELECTION OF COUNCIL PRESIDENT
DATE: JANUARY 10, 2019

SUMMARY

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

BACKGROUND

Under Chapter 3, Section 9 of the Falls City Charter:

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

PREVIOUS COUNCIL ACTION

The Council elected Councilor Tony Meier Council President at the January 11, 2018 City Council meeting.

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

N/A

EXHIBIT

N/A

PROPOSED MOTION

I nominate _____ for the position of Council President.

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: SURPLUS PROPERTY
DATE: JANUARY 10, 2019

SUMMARY

Staff would like permission to dispose of some surplus equipment by sale and donation. There are three vehicles City Staff would like to dispose of: a 1992 Ford Ranger, a 1986 Ford L9000 Fire Pumper, and a 1963 Western States Fire Engine.

BACKGROUND

Public Works, 1992 Ford Ranger- This vehicle is no longer used by any City Department. The City continues to pay for insurance and the value of the vehicle drops slightly with each passing day. City Staff wishes to advertise this vehicle for sale.

Fire, 1986 Ford L9000 Fire Pumper- This vehicle is currently used as a third fire engine and as a water tender when needed. While this truck maintains some facility, it is rarely ever used though the City continues to pay for insurance. Additionally, the nature of the fire service requires fire vehicles to be maintained at certain intervals regardless of use which also carries a cost to the City. Finally, with the addition of the class 6 engine approved by the Council in Resolution 20-2018, the already rare use of this vehicle will be reduced to approximately nothing. City Staff wishes to advertise this vehicle for sale.

Fire, 1963 Western States Fire Engine- This vehicle has been used as a 4x4 response rig and parade rig. The fire department does not currently have the ability to store this vehicle leaving the public works shop on the Mill lot as the only viable storage location and rendering the vehicle unused for fire responses. The city continues to pay for insurance and maintenance on this vehicle. City Staff has engaged the Polk County historical society to donate the vehicle. The Historical Society visited Falls City to view the vehicle and has stated they would like to add the vehicle to their inventory. The vehicle would be used as a parade rig (with Falls City emblazoned on the side) and/or a museum display here in Polk County. City Staff wishes to donate this vehicle to the Polk County Historical Society as it will continue to serve Falls City in this capacity and has failed to sell over the last 8 years.

PREVIOUS COUNCIL ACTION

The 1963 Western States Engine has been approved by the Council for surplus disposition in both 2010 and 2015. The vehicle failed to sale on both occasions.

Resolution 30-2018 authorized the purchase of Class 6 Fire Engine.

ALTERNATIVES/FINANCIAL IMPLICATIONS

The City gains the proceeds from the sales.

The City saves \$2,702.69 in insurance premiums per year.

The City saves on all maintenance performed on these vehicles.
The resale value of each vehicle diminishes as it ages, so the city loses resale money by allowing the vehicles to age and not selling.

STAFF RECOMMENDATION

Adopt.

EXHIBIT

Resolution 01-2019 and Attachment "A" thereto.

PROPOSED MOTION

I move the City Council of the City of Falls City adopt Resolution 01-2019, A RESOLUTION DECLARING CERTAIN CITY VEHICLES SURPLUS PROPERTY AND AUTHORIZING THE SALE OR DISPOSITION THEREOF.

RESOLUTION 01-2019

A RESOLUTION DECLARING CERTAIN CITY VEHICLES SURPLUS PROPERTY AND AUTHORIZING THE SALE OR DISPOSITION THEREOF

Whereas:

1. Property is considered "surplus" when it no longer serves the needs of the city and, therefore the public; and
2. Surplus property should be disposed of when doing so is in the public interest; and
3. The City of Falls City is currently in possession of property that no longer serves the needs of the city and, therefore the public; and
4. Nothing in the City's governing documents delineates a procedure for declaration or disposition of Surplus City Property.

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

Section 1. The items listed in attachment "A" are declared surplus property. The surplus property listed in attachment "A" shall be disposed of in the manner delineated in said attachment.

Section 2. The City Manager shall determine and utilize the most advantageous method of sale for all surplus property to be disposed of by sale. The methods include, but are not limited to, State Surplus Property, Craigslist, Facebook, Community Boards, and direct contact with City Hall.

Section 3. The City Manager shall determine appropriate pricing based on Kelly Blue Book and/or comparable sales, for all surplus property delineated as "sale" in attachment "A."

Section 4. Monies received from the sale of Surplus Property will be allocated to the City's General Fund.

Section 5. This Resolution shall be effective immediately upon passage.

Continued on next page...

ADOPTED BY THE FALLS CITY COUNCIL ON THIS 10th day of January, 2019.

Vote: AYE_____ NAY_____ ABSTAIN_____ ABSENT_____

Date

Jeremy Gordon, Mayor

Attest:

Date

Rachel Inman, Assistant City Clerk

Resolution 01-2019

Attachment A

Department	Description	Year	Manner of Disposal
Public Works	Ford Ranger	1992	Sale
Fire	Ford L9000 Fire Pumper	1986	Sale
Fire	Western States Fire Engine	1963	Donation to Polk Historical Society

1. 1992 Ford Ranger
 - a. This vehicle runs, but is not reliable and is not used by City Departments.

2. 1986 Ford L9000 Fire Pumper
 - a. Serves as the third engine in the fire department and as a pump truck on an as needed basis. This vehicle is generally unused and the minimal use will decrease even further upon the acquisition of the new class 6 fire engine.

3. 1963 Western States Fire Engine
 - a. Serves primarily as a parade vehicle for the fire department. It is used occasionally when 4x4 capability is needed for a response. This vehicle is generally unused and the minimal use will decrease further upon the acquisition of the new class 6 fire engine.

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: ORDINANCE NO. 555-2019 GRANTING ADMINISTRATIVE ADDRESSING AUTHORITY TO THE CITY MANAGER
DATE: JANUARY 10, 2019

SUMMARY

This ordinance allows the City Manager to issue and modify addresses administratively. Addresses may only be issued/modified as needed to preserve sequential numbering and ensure all properties and structures are properly numbered. The ordinance also provides a right to appeal the City Manager's decision to the Planning Commission (City Council if there is no quorum for the Planning Commission).

PROCESS FOR ADOPTION

1. An ordinance may be adopted at a single meeting with unanimous approval by all Councilors present (at least a quorum). This ordinance was available in writing to the public on January 2, 2019 which is more than one week prior to the January 10, 2019 City Council Meeting.
 - a. 01/10/19:
 - i. Read ordinance by title only (unless a Council member requests a full reading)
 - ii. Motion to adopt Ordinance 555-2019. *If the ordinance is adopted unanimously no further action is required.
 - b. 02/14/19 (if needed):
 - i. Read ordinance by title only (unless a Council member requests a full reading)
 - ii. Motion to Adopt Ordinance 555-2019.
 - c. Effective Date:
 - i. Ordinance becomes effective 30 days after adoption.

BACKGROUND

Nothing in the Falls City Charter or Code of Ordinances prescribes the authority or manner of issuing and/or modifying street address numbers. Traditionally, the City of Falls City has utilized individual ordinances to assign and/or modify street address numbers.

The current method of utilizing individual ordinances to assign/modify street address numbers is administratively burdensome, is not required by the City's governing documents, and is uncommon amongst Oregon cities.

PREVIOUS COUNCIL ACTION

None.

ALTERNATIVES/FINANCIAL IMPLICATIONS

The administrative burden of the current method costs a great deal of City Staff time in preparing an ordinance and staff report for each individual address assignment/modification. Granting administrative

addressing authority will eliminate all of the staff time required for ordinance and staff report preparation. Adoption of this ordinance will save approximately 2 hours per address which equates to approximately \$100.00 in cash value.

STAFF RECOMMENDATION

Adopt.

EXHIBIT

ORDINANCE NO. 555-2019.

PROPOSED MOTIONS

After the reading:

1. I move the City Council of the City of Falls City adopt ordinance 555-2019, AN ORDINANCE GRANTING ADDRESSING AUTHORITY WITHIN THE FALLS CITY LIMITS TO THE CITY MANAGER; AND REPEALING ALL PRIOR CONFLICTING ORDINANCES.

ORDINANCE NO. 555-2019

AN ORDINANCE GRANTING ADDRESSING AUTHORITY WITHIN THE FALLS CITY LIMITS TO THE CITY MANAGER; AND REPEALING ALL PRIOR CONFLICTING ORDINANCES

Whereas, in order to best preserve the health, safety, and welfare of the citizens of Falls City, it is necessary to assign new address numbers or modify existing ones from time to time; and

Whereas, logical and sequential addressing aids emergency service agencies, the United States Postal Service, and the general public in the timely and efficient provision of services to residents and businesses of Falls City; and

Whereas, the City Council has the authority, within the incorporated limits of Falls City, to grant administrative addressing authority to the City Manager; and

Whereas, administrative addressing authority is common practice amongst Oregon cities.

The City of Falls City ordains as follows:

Section 1. Issuance and Modification of Address Numbers.

- (1) The City Manager or their designee shall have authority to administratively assign or modify address numbers for all structures, or parts thereof, within the city limits.
- (2) The City Manager or their designee may only modify or assign address numbers as reasonably necessary to preserve sequential numbering of all properties and structures within the city limits.

Section 2. Consultation Required.

- (1) Prior to assigning or modifying an address, the City Manager or their designee shall consult with the local United States Post Office and the local 9-1-1 Operations Center.

Section 3. Notice.

- (1) Within three working days after assigning or modifying any address, the City Manager or their designee shall cause notice of the decision to be mailed to the applicant, the property owner; and
- (2) Within three working days after assigning or modifying any address, the City Manager or their designee shall make reasonable efforts to notify all interested government entities, and interested public utilities.

Section 4. Appeal.

- (1) The City Manager or designee's decision is final unless a written request for review is received at City Hall within ten calendar days following the date the decision is mailed to the property owner.
- (2) Appeals will be heard by the planning commission at the next practicable public meeting.
 - a. In the event the planning commission cannot sustain a quorum, the appeal will be heard by the City Council at the next practicable City Council meeting.

ORDINANCE NO. 555-2019
EFFECTIVE DATE (30 days after passage):

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: CITY MANAGER, MAC CORTHELL
SUBJECT: ORDINANCE NO. 556-2019 AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES
DATE: JANUARY 10, 2019

SUMMARY

Amending the noise ordinance in an effort to simplify it and make it enforceable.

PROCESS FOR ADOPTION

1. An ordinance may be adopted at a single meeting with unanimous approval by all Councilors present (at least a quorum). This ordinance was NOT available in writing to the public more than one week prior to the January 10, 2019 City Council Meeting.
 - a. 01/10/19:
 - i. Read ordinance by title only (unless a Council member requests a full reading)
 - b. 02/14/19:
 - i. Read ordinance by title only (unless a Council member requests a full reading)
 - ii. Motion to Adopt Ordinance 556-2019.
 - c. Effective Date:
 - i. Ordinance becomes effective 30 days after adoption.

BACKGROUND

In 2006 the City Council passed Ordinance 512-06 which effectively reinstated the text of ordinance 323 (originally passed in 1969) with some amendments, as the nuisance code for Falls City. Section 25 of those ordinances deals with unnecessary noise.

Unfortunately, the noise ordinance in place fails in at least 2 ways. First, it pins one variety of noise complaint to a decibel reading which requires DEQ certification and testing equipment to prove. This creates a significant resource gap for our small code services program and budget. Additionally, by placing the decibel limitations in the same section as unnecessary noise, it provides a viable argument that any noise violation not exceeding the decibel level should not be punished.

The amended ordinance at issue here removes the decibel section entirely and instead pins noise violations to whether or not a particular noise can be heard from inside another residence, or from more than 150 feet away.

The decibel level concerns will return in a later ordinance to be tied to whether or not a noisy event requires a permit. Measurement and proof of the decibel levels emanating from an event will be the responsibility of the event host, not the city.

Second, the list of definitions and violations in the noise ordinance is far too long to be user friendly. An effective nuisance ordinance should carry with it the ability to put the public on notice of what is expected of them. Creating so many definitions for such a small section of the code creates confusion which is compounded when one attempts to apply those definitions to one of the many nuanced specific violations listed.

Finally, the section on responsibility and authority is entirely unnecessary and just creates more confusion. Section 31.01(D)(10) already provides the City Manager with the necessary authority to ensure the City Codes are enforced. Another issue with this section is the “right to inspect.” With consent, there is always a right to inspect, so the language is extraneous and could lead an ill informed code enforcement officer to believe they have a right to inspect that is not there. Thus, excising this portion really mitigates risk, and simplifies the statutory command for the citizenry.

PREVIOUS COUNCIL ACTION

See above.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Keeping the current language means the noise ordinance remains unenforceable, or the City must purchase noise measuring equipment and provide noise measurement training.

STAFF RECOMMENDATION

Adopt.

EXHIBIT

ORDINANCE NO. 556-2019.

PROPOSED MOTIONS

None this session.

ORDINANCE NO. 556-2019

**AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF
ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES**

Whereas, loud noise exposure to humans carries with it the potential for harmful physiological and psychological effects; and

Whereas, loud noise exposure to property carries with it the potential for decreased property value, and interference with the quiet enjoyment of dwelling and business units; and

Whereas, the City Council has the responsibility and authority to protect the health and welfare of the Citizens of Falls City; and

Whereas, the reasonable regulation of noise is a necessity to ensuring health, safety, and the quiet enjoyment of property; and

Whereas, the complex and lengthy nature of the Falls City noise ordinance fails to provide notice of expectations to Citizens; and

Whereas, the Falls City noise ordinance has been rendered unenforceable by lack of resources and changes in the regulatory environment.

The City of Falls City ordains as follows:

**Note: subtractions are shown with a strikethrough line, additions are in bold print, and unchanged sections remain in standard print.*

Section 1. Section 25 of Ordinance 512-06 is amended to read:

Section 25. UNNECESSARY NOISE.

~~Standards and definitions.~~

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

~~—B. Measurement of Sound Level:~~

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

~~—2. Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from the~~

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~~Department of Environmental Quality or other competent body prior to engaging in any enforcement activity.~~

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

1. Declaration of Purpose.

It is the intent of the Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the intent of the Council to control the level of noise in a manner that promotes the use, value and enjoyment of property, the conduct of business, and sleep and repose and that reduces unnecessary and excessive sound in the environment.

~~C. 2. Definitions. As used in this chapter:~~

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

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

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

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

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"Domestic power tools ~~equipment~~" means ~~any mechanically or electrically powered saw, drill, sander, grinder, lawn or garden tool, or similar device generally used out of doors in residential areas.~~ **power tools or equipment, including, but not limited to, power tools, power hand tools, lawn mowers, power blowers, garden equipment and snow removal equipment.**

"Dwelling Unit" means a single-family dwelling, duplex, triplex, multifamily dwelling, apartment, condominium or mobile home.

"Dynamic braking device" means a braking device used primarily on trucks and busses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.

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

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

"Motor Vehicle" means a vehicle that is self-propelled or designed for self-propulsion.

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

"Noise Disturbance" means any sound that:

- (a) Injures or endangers the health or safety of a human;**
- (b) Annoys or disturbs a reasonable person of normal sensitivities; or**
- (c) Injures or endangers personal or real property.**

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

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

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

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~~"Plainly audible" means unambiguously communicated sounds that disturb the comfort, repose or health of the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words, and vocal sounds other than speech that are distinguishable as raised or normal.~~ **The listener can clearly hear the sound produced by a sound source with unaided hearing faculties. Sounds which may be plainly audible include, but are not limited to, musical rhythms, engine noises, spoken words or phrases even though not clearly discernable, and other vocal sounds.**

~~"Powered model vehicle" means any self-propelled airborne, waterborne, or land-borne plane, vessel or vehicle, that is not designed to carry persons, including but not limited to any model airplane, boat, car, or rocket.~~

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

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

3. Noise Disturbance Prohibited.

It shall be unlawful for any person to intentionally, knowingly, or recklessly to create, to permit, to continue, or to assist in the creation or continuance of any noise disturbance.

4. Specific Noise Disturbances.

Except as provided in subsection 5 of this section, the following are declared to be noise disturbances per se. This section shall not be deemed to limit noise disturbances for the purposes of subsection 3, to those enumerated herein.

- a. Sound producing, amplifying or reproducing equipment. It shall be unlawful to operate or use, or to permit the operation or use of, any device that produces or amplifies sound, including, but not limited to, musical instruments, radios, televisions, stereos, compact disc players, tape recorders, amplifiers and loudspeakers, in such a manner that the sound produced thereby is plainly audible:**

(1) Within any dwelling unit, church, temple, synagogue, business, day care center or school, other than the source of the sound; or

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(2) On public property or a public right-of-way 150 feet or more from such device, except as specifically authorized in writing by the city, county, state or federal government that owns or controls such property.

b. Dogs. It shall be unlawful to keep, or to permit the keeping of, any dog or dogs that create any bark, cry, or other sound on a frequent, repetitive or continuous basis for ten minutes or longer.

c. Domestic power equipment. It shall be unlawful to operate, or to permit the operation of, any domestic power equipment between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

d. Construction or repair of buildings, streets, sidewalks, etc. It shall be unlawful to construct, demolish, alter, excavate, rehabilitate or repair any building, street, sidewalk, driveway, sewer, or utility line between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

e. Dynamic braking devices. It shall be unlawful to use any dynamic braking device on any motor vehicle, except to avoid imminent danger to persons or property.

f. Idling engines on motor vehicles. It shall be unlawful to operate any idling engine for more than ten consecutive minutes in a manner that is plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

g. Motor vehicle repair and testing. It shall be unlawful to repair or test any motor vehicle in a manner that is plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

h. Steam whistles. It shall be unlawful to blow a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work.

i. Sirens or other aural warning devices. It shall be unlawful to sound a stationary siren or other aural warning device, except where necessary to warn of fire or imminent danger to persons or property.

j. Pile drivers, steam shovels, pneumatic hammers, etc. It shall be unlawful to operate, or permit the operation of, any pile driver, steam shovel, pneumatic hammer, derrick, hoist, or any other similar equipment between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

5. Exemptions

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Notwithstanding subsections 3 and 4 of this section, the following sounds shall not be deemed noise disturbances:

- a. Sounds made by work necessary to restore property to a safe condition following a natural or other disaster, or to protect persons or property from exposure to imminent danger.**
- b. Sounds made by burglar or fire alarms operating repetitively or continuously for not more than ten minutes.**
- c. Sounds made by an emergency vehicle, as defined in ORS 801.260, when responding to or from an emergency or when pursuing an actual or suspected violator of the law.**
- d. Sounds made by the use of land and buildings as a farm for profit through the raising, harvesting, and selling of crops; through the feeding, breeding, management, and selling of livestock, poultry, fur-bearing animals or honeybees or the products thereof; through dairying and the selling of dairy products; or through engaging in any other agricultural or horticultural activity.**
- e. Sounds produced by the City, Polk County, the State or their employees, agents, contractors or their subcontractors in the maintenance, construction or repair of public improvements.**
- f. Sounds produced pursuant to a variance granted by the Oregon Environmental Quality Commission.**
- g. Sounds produced pursuant to and in conformance with a valid permit issued by the City of Falls City.**
- h. Sounds produced by sound amplifying equipment at athletic events sponsored by Falls City School District, an educational institution registered with the Oregon Department of Education, an educational institution accredited by an accrediting agency recognized by the United States Secretary of Education, or the City.**
- i. Sounds made by motor vehicle exhaust systems that comply with the provisions of ORS 815.250, unless the sounds otherwise violates subsection 4(f), (g) of this section.**
- j. Sounds produced by a public utility, a current franchisee of the City or their employees, contractors or subcontractors in the construction, maintenance or repair of their respective facilities.**

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~~Responsibility and authority.~~

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

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

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

~~—A. Assure public and private enterprises do not adversely impact existing noise sensitive properties and properties designated for noise sensitive use;~~

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

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

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

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

~~8.04.040 Prohibited acts:~~

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

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

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

~~—a. Within a noise sensitive area of noise sensitive use that is not the source of the sound; or~~

~~—b. At a distance of one hundred (100) feet or more from the source of the sound.~~

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

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

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

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

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

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

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

~~—9. Explosives. The discharge of fireworks and other explosive devices except as authorized by the City Council.~~

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

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

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

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

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

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

~~Maximum permissible sound levels:~~

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

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

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

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

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

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

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Table I

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

Type of Received by Use

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

Exceptions

- ~~— A. Exceptions. The following sounds are exempted from provisions of this chapter:~~
- ~~— 1. Sounds caused by the performance of emergency work, vehicles and/or equipment;~~
- ~~— 2. Aircraft operations in compliance with applicable federal laws or regulations;~~
- ~~— 3. Railroad activities as defined in Subpart A, Part 201 of Title 40, DFR of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;~~
- ~~— 4. Sounds produced by sound amplifying equipment at activities permitted by the city;~~
- ~~— 5. Sounds created by the tires or motor to propel or retard any vehicle on the public right of way in compliance with ORS 815.025 and OAR Chapter 340 Division 35, incorporated herein by reference;~~

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- ~~—6. Notwithstanding Section 8.04.050(C), sounds created by refuse pickup operations during the operations during the period of four a.m. to ten p.m. local time;~~
- ~~—7. Sounds created by domestic power tools during the period of seven a.m. to ten p.m., local time, provided sound dissipation devices on tools are maintained in good repair;~~
- ~~—8. Sounds made by warning devices operating continuously for three minutes or less;~~
- ~~—9. Idling motor vehicles with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater between the hours of seven a.m. to ten p.m., local time provided they are equipped with an exhaust system that is in good working order and in constant operation;~~
- ~~—10. Construction activities during the period of seven a.m. to six p.m. local time (seven a.m. to eight p.m. during summer months of June through August), provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order.~~

6. Chapter additional to other law.

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

7. Penalties Violation.

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

All subsequent violations of this chapter within thirty (30) days after any conviction for a violation of this chapter is a Class A infraction, punishable upon conviction by a fine of not more than one thousand dollars (\$1000.00). Each and every day during that any provision of this chapter is violated shall constitute a separate offense.

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

FIRST READ by the City Council of the City of Falls City this 10th day of January, 2019.

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AYES: NAYS: ABSTAIN: ABSENTS:

Jeremy Gordon, Mayor

Date

ATTEST:

Rachel Inman, Assistant City Clerk

Date

45

AGENDA REPORT

TO: CITY COUNCIL
FROM: CITY CLERK, JOHANNA BIRR
SUBJECT: HISTORIC LANDMARK COMMISSION MEMBERSHIP
DATE: 01/02/2018

SUMMARY

Informational- The Historic Landmark Commission is required to meet at least twice per year. The last meeting was an impromptu workshop regarding restoration of the jail. As of January 1, the Commission has ceased to function leaving all seats vacant.

BACKGROUND

The Historic Landmark Commission and the Falls City School District are considered leaders because they have involving students in historic preservation projects. Please visit the Historic Landmark Commission webpage at www.fallscityoregon.gov to view the 2012 Student videos of historic properties on our Historic Resource list. This project was funded by grant from the Oregon State Historic Preservation Office.

Currently Municipal Code Chapter 32.05 Historic Landmark Commission in part reads:

Sc32.05.020 Membership Qualifications At least four of the members of the historic landmark commission, must reside in the city at the time of their appointment and at all times during their term in office. Three nonresident members may be appointed and approved when the Mayor and City Council determine that such individuals have special qualifications and expertise in the subject matter of the commission, and have expressed interest in being appointed and serving and advancing the interests of the City. (Ord. 543-2017 passed 4-13-2017)

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

32.05.040 Meetings Four members of the commission shall constitute a quorum. When a quorum is present, the concurrence of a majority of the members present shall be required to decide any matter. It shall meet at least twice per year, at such times and

places as may be fixed by the chairperson, or as directed by the city council. If necessary, members may attend a meeting of the committee by conference call in accordance with state law.

PREVIOUS COUNCIL ACTION

NONE

ALTERNATIVES/FINANCIAL IMPLICATIONS

Loss of available grant monies.

STAFF RECOMMENDATION

None

EXHIBIT

None

PROPOSED MOTION

None