

Notice of Public Meeting

City Council Meeting

AGENDA

CITY OF FALLS CITY, OREGON

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

Thursday February 9, 2017 7:00 p.m.

Posted on February 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 January 12, 2017 Council Meeting Minutespages 5-13
- C. Authorize the Correction of the Scrivener's error in Resolution 02-2017. ...pages 14-24
- D. Leak adjustment- 20560 Parry Road.....pages 25-26

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. Review of Master Water Plan, HBH Engineering.....page 26A
- B. Elect Council President page 27
- C. 2017/2018 Budget Calendar..... pages 28-30
- D. Dutch Creek Project Update.....pages 31-39
- E. Resolution 03-2017 Refinancing of Falls pages 40-42
- F. Resolution 04-2017 Recreational Immunity.pages 43-44

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

- A. Mayor Report..... pages 45-50
- B. Council Reports
 - Polk County Sheriff Garton's report.....pages
 - Fire Department Monthly Report, January through May.....pages
 - Public Works Department Monthly Reportpages 51
 - Library Monthly Reportpages

8) Council Announcements

- A. Next regular Council Meeting, March 9, 2017 7:00 pm.

9) Adjourn

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Paid Bills Report
As of January 11, 2017

	Date	Memo	Account	Class	Amount
Brian Smith					
	01/1/2017	Inv 801611101	Accounts Payable	01 GENERAL FUND:01.01 Administrativ	-563.00
	01/1/2017	IT work	Computer Hardware Main/Rep		563.00
Total Brian Smith					0.00
Corpro Companies					
	01/1/2017	65720	Accounts Payable	20 WATER OPERATING FUND	-825.00
	01/1/2017	Inv # 65720 Insp/repair reservoir	Tanks Maintenance/Repair		825.00
Total Corpro Companies					0.00
Dallas Auto Parts					
	01/1/2017	Statement 12.31	Accounts Payable	20 WATER OPERATING FUND	-324.90
	01/1/2017	Statement 12.31	Vehicle Maintenance/Repair	11 STREET FUND	127.05
	01/1/2017	Statement 12.31	Vehicle Maintenance/Repair	01 GENERAL FUND:01.07 Fire Departm	53.85
	01/1/2017	Statement 12.31	Vehicle Maintenance/Repair		144.00
Total Dallas Auto Parts					0.00
Edge Analytical					
	01/1/2017	17-00280	Accounts Payable	20 WATER OPERATING FUND	-20.00
	01/1/2017	17-00280	Lab Analysis Services		20.00
Total Edge Analytical					0.00
Frink's General Store					
	01/1/2017	invoice 122916	Accounts Payable	01 GENERAL FUND:01.07 Fire Departm	-72.14
	01/1/2017	122916	Maintenance Supplies		3.19
	01/1/2017	invoice 122916	Maintenance Supplies	13 SEWER FUND	16.78
	01/1/2017	invoice 122916	Maintenance Supplies	11 STREET FUND	52.17
Total Frink's General Store					0.00
Mid Willamette Valley COG					
	01/1/2017	1617183	Accounts Payable	01 GENERAL FUND:01.01 Administrativ	-118.50
	01/1/2017	Inv 1617183 ,land use	Council of Governments Planning		118.50
Total Mid Willamette Valley COG					0.00
Net Assets Corporation					
	01/1/2017	66-201612	Accounts Payable	13 SEWER FUND	-22.00
	01/1/2017	50% Lan service -66-201612	Professional Services		11.00
	01/1/2017	50% Lan service -66-201612	Professional Services	20 WATER OPERATING FUND	11.00
Total Net Assets Corporation					0.00
Office Craft					
	01/1/2017	M99-5210	Accounts Payable	01 GENERAL FUND:01.01 Administrativ	-36.93
	01/1/2017	M99-5210	Copier Lease/Maintenance		36.93
Total Office Craft					0.00
Oregon Association of Water Utilities					
	01/1/2017	21856	Accounts Payable	20 WATER OPERATING FUND	-227.40
	01/1/2017	21856, 2017 membership	Dues		227.40
Total Oregon Association of Water Utilities					0.00
Petro Card					
	01/1/2017	C140981	Accounts Payable	11 STREET FUND	-104.85
	01/1/2017	20% C140981	Vehicle Operation		20.97
	01/1/2017	20%	Vehicle Operation	13 SEWER FUND	20.97
	01/1/2017	60%	Vehicle Operation	20 WATER OPERATING FUND	62.91
Total Petro Card					0.00
Pitney Bowes Global Financial Services LL					
	01/1/2017	Acct# 8158702, Inv 330250761	Accounts Payable	13 SEWER FUND	-196.80
	01/1/2017	July 35% Inv 330250761	Postage & Freight	20 WATER OPERATING FUND	68.88
	01/1/2017	July 50%	Postage & Freight	01 GENERAL FUND:01.01 Administrativ	98.40
	01/1/2017	July 15%	Postage & Freight		29.52
Total Pitney Bowes Global Financial Services LL					0.00
Terry Ungricht					
	01/1/2017	December Expenses	Accounts Payable	01 GENERAL FUND:01.01 Administrativ	-184.96
	01/1/2017	December Expenses	Travel/Marketing Expense		184.96
Total Terry Ungricht					0.00
USA BlueBook					

Paid Bills Report
As of January 11, 2017

	Date	Memo	Account	Class	Amount
Total USA BlueBook	01/11/2017	Inv: 142733	Accounts Payable		-426.17
Verizon Wireless	01/11/2017	Inv #142733	Maintenance Supplies	20 WATER OPERATING FUND	426.17
					0.00
Total Verizon Wireless	01/11/2017	977574650	Accounts Payable		-37.94
Williamson & Aebi, LLP	01/11/2017	January	Telephone	01 GENERAL FUND:01.01 Administrativ	18.97
	01/11/2017	977574650	Telephone	20 WATER OPERATING FUND	18.97
					0.00
Total Williamson & Aebi, LLP	01/11/2017	December	Accounts Payable		-562.40
Xerox Corporation	01/11/2017	December	Professional Services	01 GENERAL FUND:01.01 Administrativ	562.40
					0.00
Total Xerox Corporation	01/11/2017	Inv 087600483	Accounts Payable		-169.76
Xerox Financial Services	01/11/2017	65% Inv 087600483	Maintenance Supplies	01 GENERAL FUND:01.01 Administrativ	110.34
	01/11/2017	35%	Maintenance Supplies	20 WATER OPERATING FUND	59.42
					0.00
Total Xerox Corporation	01/11/2017	705527	Accounts Payable		-180.75
Xerox Financial Services	01/11/2017	lease Nov. 65%, Inv 705527	Copier Lease/Maintenance	01 GENERAL FUND:01.01 Administrativ	117.49
	01/11/2017	lease 10%	Copier Lease/Maintenance	11 STREET FUND	18.07
	01/11/2017	lease 10%	Copier Lease/Maintenance	13 SEWER FUND	18.07
	01/11/2017	lease 15%	Copier Lease/Maintenance	20 WATER OPERATING FUND	27.12
					0.00
Total Xerox Financial Services	01/11/2017	Inv#760973	Accounts Payable		-358.20
Allied 100 LLC	01/19/2017	AED Battery, Invoice 760973	Medical Supplies	01 GENERAL FUND:01.07 Fire Departm	358.20
					0.00
Total Allied 100 LLC	01/19/2017	multiple phone bills January	Accounts Payable		-426.34
CenturyLink	01/19/2017	January	Telephone	01 GENERAL FUND:01.01 Administrativ	183.63
	01/19/2017	multiple phone bills January	Telephone	20 WATER OPERATING FUND	69.86
	01/19/2017	multiple phone bills January	Telephone	01 GENERAL FUND:01.07 Fire Departm	172.85
					0.00
Total CenturyLink	01/19/2017	Account # 1155301	Accounts Payable		-316.18
Consumers Power Inc	01/19/2017	January Power	Power/Heat	20 WATER OPERATING FUND	316.18
					0.00
Total Consumers Power Inc	01/19/2017	17-00289	Accounts Payable		-198.00
Edge Analytical	01/19/2017	17-00289	Lab Analysis Services	13 SEWER FUND	198.00
					0.00
Total Edge Analytical	01/19/2017	Inv: 14411366	Accounts Payable		-468.24
H.D Fowler Company	01/19/2017	Inv: 14411366, Carey Count Pumps	Maintenance Supplies	13 SEWER FUND	468.24
					0.00
Total H.D Fowler Company	01/19/2017	A288135-IN	Accounts Payable		-705.14
MINOP	01/19/2017	A288135-IN	Power/Heat	01 GENERAL FUND:01.01 Administrativ	705.14
					0.00
Total MINOP	01/19/2017	multiple accounts, 21091561-006 2	Accounts Payable		-3,065.13
Pacific Power	01/19/2017	January	Power/Heat	01 GENERAL FUND:01.07 Fire Departm	1,617.15
	01/19/2017	multiple accounts, 21091561-006 2	Power/Heat	01 GENERAL FUND:01.01 Administrativ	174.87
	01/19/2017	multiple accounts, 21091561-006 2	Power/Heat	01 GENERAL FUND:01.03 Parks	36.60
	01/19/2017	multiple accounts, 21091561-006 2	Power/Heat	13 SEWER FUND	521.19
	01/19/2017	multiple accounts, 21091561-006 2	Street Lights	11 STREET FUND	640.35
	01/19/2017	multiple accounts, 21091561-006 2	Power/Heat	20 WATER OPERATING FUND	74.97

Paid Bills Report
As of January 11, 2017

	Date	Memo	Account	Class	Amount
Total Pacific Power					
Speer Hoyt LLC	01/19/2017	38844	Accounts Payable		-1,292.00
	01/19/2017	INV: 38844	Attorney/Special Council	01 GENERAL FUND:01.01 Administrativ	1,292.00
					0.00
Total Speer Hoyt LLC					
US Bank Visa	01/19/2017	Account Number: 4798 5312 1498 11	Accounts Payable		-186.65
	01/19/2017	rouler switch	Computer Software Maintenance	01 GENERAL FUND:01.01 Administrativ	82.98
	01/19/2017	heater	City Hall Maint/Repairs	01 GENERAL FUND:01.01 Administrativ	49.97
	01/19/2017	gloves, batteries	Maintenance Supplies	20 WATER OPERATING FUND	33.73
	01/19/2017	dump truck pin	Equipment Maintenance/Repair	11 STREET FUND	19.97
					0.00
Total US Bank Visa					
USA BlueBook	01/19/2017	Inv: 143109	Accounts Payable		-71.28
	01/19/2017	Inv #143109	Maintenance Supplies	20 WATER OPERATING FUND	71.28
					0.00
Total USA BlueBook					
City of Dallas					
Total City of Dallas					
Delsman Trucking & Excavation	01/29/2017	INV# 201701231981	Accounts Payable		-300.00
	01/29/2017	INV# 201701231981 January	Streets Maintenance/Repair	11 STREET FUND	300.00
					0.00
Total Delsman Trucking & Excavation					
Edge Analytical	01/29/2017	659429	Accounts Payable		-1,661.68
	01/29/2017	659429 gravel streets 1 inch open	System Maintenance/Repair	11 STREET FUND	1,661.68
					0.00
Total Edge Analytical					
Petro Card	01/29/2017	17-00289	Accounts Payable		-149.00
	01/29/2017	17-01245	Lab Analysis Services	13 SEWER FUND	149.00
					0.00
Total Petro Card					
Pitney Bowes	01/29/2017	C145968	Accounts Payable		-102.13
	01/29/2017	20% C145968	Vehicle Operation	11 STREET FUND	20.42
	01/29/2017	20%	Vehicle Operation	13 SEWER FUND	20.42
	01/29/2017	50%	Vehicle Operation	20 WATER OPERATING FUND	61.29
					0.00
Total Pitney Bowes					
Sensus	01/29/2017	8000-9000-0969-9830	Accounts Payable		-301.50
	01/29/2017	Postage 20%	Office Supplies	01 GENERAL FUND:01.01 Administrativ	60.30
	01/29/2017	30%	Office Supplies	13 SEWER FUND	90.45
	01/29/2017	50%	Office Supplies	20 WATER OPERATING FUND	150.75
					0.00
Total Sensus					
Walter E. Nelson Co.	01/29/2017	ZA 17013819	Accounts Payable		-1,665.98
	01/29/2017	Annual Software Support, Inv#ZA 17013819	Annual Software Support, Inv#ZA 17013819	20 WATER OPERATING FUND	1,665.98
					0.00
Total Walter E. Nelson Co.					
AFLAC	01/29/2017	Inv: 44435	Accounts Payable		-124.44
	01/29/2017	cleaning supplies	Maintenance Supplies	01 GENERAL FUND:01.07 Fire Departm	124.44
					0.00
Total AFLAC					
CenturyLink Business Services	02/01/2017	901980	Accounts Payable		-301.07
	02/01/2017	Insurance	Employee Benefits	01 GENERAL FUND:01.01 Administrativ	301.07
					0.00
Total CenturyLink Business Services					
City of Dallas	02/01/2017	January 1399294292	Accounts Payable		-1.71
	02/01/2017	January 1399294292-85%	Telephone	01 GENERAL FUND:01.01 Administrativ	1.45
	02/01/2017	January 1399294292-15%	Telephone	20 WATER OPERATING FUND	0.26
					0.00

Paid Bills Report
As of January 11, 2017

	<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Total City of Dallas	02/01/2017	INV#4423	Accounts Payable		-275.00
Edge Analytical	02/01/2017	INV# 4423, Engine 122 repair	Equipment Maintenance/Repair	01 GENERAL FUND:01.07 Fire Departm	275.00
					0.00
Total Edge Analytical	02/01/2017	17-01921	Accounts Payable		-33.00
Van Weil Building Supply	02/01/2017	17-01921	Lab Analysis Services	20 WATER OPERATING FUND	33.00
					0.00
Total Van Weil Building Supply	02/01/2017	Inv. 11750611, 11752271	Accounts Payable		-64.44
Verizon Wireless	02/01/2017	1175061	Streets Maintenance/Repair	11 STREET FUND	30.92
	02/01/2017	1175227	Maintenance Supplies	20 WATER OPERATING FUND	33.52
					0.00
Total Verizon Wireless	02/01/2017	977574650	Accounts Payable		-37.92
	02/01/2017	February	Telephone	01 GENERAL FUND:01.01 Administrativ	18.96
	02/01/2017	977574650	Telephone	20 WATER OPERATING FUND	18.96
					0.00
TOTAL					0.00

City of Falls City
City Council Regular Meeting Minutes
January 12, 2017 7:00 PM
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Council Present: Mayor Terry Ungricht, Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

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

Mayor Ungricht called the meeting to order at 7:08 PM.

1) Roll Call

Clerk Protheroe took roll call. Dennis Sickle absent. Lori Jean Sickles arrived at 7:39

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire Agenda

A motion was made by Councilor Meier and seconded by Councilor Lauder to adopt the entire agenda. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

4) Swearing-in of Mayor and Councilors

a. Swearing in of Mayor Terry Ungricht and Councilors Dennis Sickles, Charlie Flynn and Cliff Lauder
Mayor Terry Ungricht, Councilor Flynn, and Councilor Lauder took their oath of office prior to the meeting.

b. Proclamations

Gerald Melin and Julee Bishop were not present. Proclamations will be presented at the February 9, 2017 City Council Meeting.

5) Consent Agenda

Mayor Ungricht distributed an Agenda Report titled "Leak Adjustment Request – D. Sickles" (Exhibit A). Councilor Drill asked for information on the payment made to Richard P. Evans. The City of Falls City contracts with Mr. Evans for the annual testing of backflow devices; State Law requires annual testing. The City charges water customers \$2.25 per month for the annual test. Mr. Evans submitted a bill for the backflow tests completed to date. Additional bills expected.

A motion was made by Councilor Meier and seconded by Councilor Drill to adopt the Consent Agenda with the addition of Item D on the Consent Agenda – Leak Adjustment for Dennis Sickles. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

6) Public Comments

Mike Bowman of Falls City distributed a letter to Council dated January 12, 2017 from Michael W. Bowman, Richard R Bowman, Dick Bowman, and Doug Bowman regarding Green Haven RV Park, LLC. Mike Bowman read the letter into the record (Exhibit B).

Councilor Drill requested that Council discuss Green Haven RV Park's letter during Council Reports.

Patty Sample of Falls City thanked Don Poe and Cliff Lauder for providing wood to her family. She thanked Mayor Ungricht and Johnathan Ungricht for helping her get her snow bound car out of the driveway; "that's the kind community we are". She stated she was proud to live in Falls City. She expressed gratitude to everyone who had helped her and all who have helped the citizens of Falls City.

7) New Business

A. Elect Council President

Council requested that this item be moved to the February 9, 2017 City Council Meeting because Councilor D. Sickles and Councilor L. Sickles were not in attendance.

B. Committee Appointments

A motion was made by Councilor Drill and seconded by Councilor Lauder that the Falls City Council grant its consent to appoint Cliff Lauder and Tony Meier to the Public Works Committee and Mike McConnell to the Historic Landmarks Commission. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn.

C. Council Goal Setting Session

Council delayed this agenda item until 7:43 PM to provide additional time to Councilors delayed by the School Holiday program.

D. OLCC License Renewal

A motion was made by Councilor Meier and seconded by Councilor Lauder that the City Council direct staff to write a liquor license renewal recommendation to OLCC for Frink's General Store, The Boondock, and the Breadboard. Motion carried 3-1-0. Ayes: Tony Meier, Cliff Lauder, Charlie Flynn. Nay: Jennifer Drill

E. Resolution 01-2017 Application for Grant

A motion was made by Councilor Lauder and seconded by Councilor Meier that the City Council adopt Resolution 01-2017, A Resolution Authorizing an Application for Certified Local Government Preservation Grant. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

F. Resolution 02-2017 Water/Wastewater Rates

Mayor Ungricht reported on the review of Green Have RV Parks Water usage and the review of how the City charges multiple unit dwellings. The City has used a dwelling unit multiplier for rates on three properties. Most recently, the City offered the owner of the N. Main Street duplex the option of a separate water meters for each unit, or a dwelling rate multiplier. The owner elected a dwelling multiplier. A number of years ago, a dwelling unit multiplier was applied to the Luckiamute Apartments. Mayor Ungricht reported that Municipal Code allows this practice, but requires a written agreement to go before Council, which had not done in the past. This Resolution includes the multiplier in order to follow the strictest sense of Municipal Code Chapter 51.08.E. Mayor Ungricht stated that a public hearing was not needed for this resolution because the resolution did not raise rates; the only change was to clarify the use of the multiplier. Mayor Ungricht will send a letter to customers with rate multipliers, ask for their signoff, and bring before Council.

A motion was made by Councilor Flynn and seconded by Councilor Meier that the City Council adopt Resolution 02-2017, A Resolution Detailing Fees for Water Service and Related Charges; and Sewer Connection Fees; and Repealing Prior Resolutions. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Cliff Lauder, Charlie Flynn

G. Michael Harding Park Expansion

The purchase agreement was recorded and the City assumed the Falls City Alliance Loan. Polk County CDC waived the Falls City Alliance Loan penalties, but the City had to pay a portion of the back taxes. The City will receive a majority of the grant funding after which will apply for a new Polk Community Development Corporation loan at 1% interest. A supplemental budget may be required. Under the grant, the City is required to remove invasive plants and plant native trees. The City will move forward with changing the land zoning to Park as required by the land acquisition grant.

8) Correspondence, Comments and Ex-Officio Reports

A. Mayors Report

Mayor Ungricht recommended that Council also discuss a Zoning and Development Code text update at the Council Goal Work Session. He explained that the Development Code should have a legal review after the Legislature meets to verify compliance with state laws. The last time the City opened the Development Code was in 2014 for Marijuana, which Council rejected. The Development Code text amendments will cost approximately \$4,000.00 in addition to the cost to change the zoning for the Michael Harding Memorial Park. Because of the high cost, City Hall would like to include as many updates as is possible. Mayor Ungricht also wanted to ask Council for guidance about agriculture at the upcoming Goal Setting Work Session. He stated that the Development Code did not allow someone in the Residential Zone to sell eggs or grow vegetables for a farmers market. Additionally, City Hall desired a simple and less expensive process to remove lot lines created by subdivisions. Currently if a developer purchases multiple lots and wants to develop across lot lines, the developer is required to file a costly subdivision application to remove the lot of record line(s). Councilor Drill asked how many subdivisions were in town. Clerk Protheroe stated that there were many subdivisions in town, most of them older, such as the original town plot map and Goldenwest subdivision.

Council provided the Mayor with available dates for the Goal Setting and Development Code Work Session. Mayor Ungricht will schedule the meeting and inform Council of the date.

Mayor Ungricht will bring the Proclamations to the February City Council Meeting.

The water plant keeps shutting down. Don Poe and the Electrician suspect the Master Control Card that runs the Plant. The City will purchase a Control Card from EBay for \$2,000 to see if this will fix the problem. Mayor Ungricht hoped this would be a less expensive approach. If the new Control Card does not fix the issue, the City may be required to upgrade the entire system for approximately \$30,000.00. The problem results in additional work for Public Works staff.

Mayor Ungricht reported that he had closed several grants for a total of \$179,860.00. Several grants remain open: the FEMA Dutch Creek Grant, the OPRD Land Acquisition grant, the IFA Waster Master Plan grant.

The Engineers will bring the Water Master Plan to the February City Council Meeting for Council's review. After Council's review, the Oregon Health Authority (OHA) will review. The City Water System will be in compliance once the OHA approves the plan. After OHA approves the plan, the City Engineer can become our Engineer of Record, which will allow the City Engineer to review and approve plans for water lines. This will allow the City to move forward with improvements to the water distribution system. Without an Engineer of Record, the City is required to hire an engineer and then pay approximately \$3,300 to OHA for their review and signoff on the improvement; having an Engineer of Record will save money.

7

Mayor Ungricht met with Infrastructure Finance Authority (IFA) and Community Development Block Grant (CDBG) Application reviewers to find out why our application was rejected. Mayor Ungricht was informed that the grant application was very strong, but the City lost 20 points because the Wastewater System is in compliance. CDBG funds will be available in October. State funding will be available on July 1st. Mayor Ungricht plans to meet with DEQ to discuss compliance and the age of the system. Mayor Ungricht is doing everything he can to keep the project in front of DEQ and funding agencies. CDBG grant funds cannot be used to expand the sewer system. Council discussed Wastewater System concerns. The Wastewater System remains the number one priority for the City.

Public Works has been down to one staff person. Don Poe, Public Works Lead has been very busy. The City has received complaints about snow removal. Mayor Ungricht helped several people pull cars out of driveways. Many individuals had a hard time because they were not comfortable driving on snow and ice, or they did not have chains.

B. Council Reports

Councilor Drill asked for the status of the jail restoration project. Mayor Ungricht replied that there have been no activities.

Councilor Drill announced the January 17, 2017 6:30 PM Town Hall Meeting.

Councilor Drill announced that the Garden Club meets on the last Thursday of the each month at 6:00 PM in the Community Center. They will have a party at the January meeting. The Garden Club invites members of the community and families to join!

Councilor Drill reported that Mountain Gospel Fellowship is considering Council's offer of the foosball table. Councilor L. Sickles stated that The Boondocks would take the table, if Mountain Gospel Fellowship was not interested. Mayor Ungricht cautioned that the foosball table required repairs. The foosball table blocks the community center parking lot entrance door. Council briefly discussed how to dispose of the bear fountain in the community center foyer. Council considered a raffle but did not reach a decision.

Councilor Drill gave a report on the meeting she and Mayor Ungricht had with Dick Bowman, and two of his son. They discussed changing the water rate structure and a rate increase for Green Haven RV Park in order to bring their rates in line with other water users. Councilor Drill thought the meeting was exceptional and reported that the Bowman's were in complete agreement with the proposal for new water rates. She reported that the Bowman's understood the need and thought it was fair to the rest of the community. Councilor Drill thought the meeting was awesome "it was like the two [parties] had coming together ". Councilor Drill was disappointed to read the Polk Country Itemizer Observer December 28, 2016 news story reported that Dick Bowman had changed his mind and was now against an agreement. She was disappointed that the Bowman's had not informed the City that he had changed his mind.

Mayor Ungricht reported that he had had a death in his family. When he got back to town, he too was surprised to read the news article. He informed Council that he had prepared a draft agreement with a dwelling unit multiplier of 10, instead of 30 as Council had requested, because the code requires a multiplier based on the size of the meter, which in the case of Green Haven RV Park is a two-inch meter at base rate of \$108.86/month. He did not feel that met the intention of Council. A multiplier of 10 dwelling units closely matches past consumption and will provide a base of 50,000 gallons a month. The multiplier of 10 would also apply to the monthly utility reserve [capital improvement] fee. The base monthly charge would have been approximately \$1,158.00

under the draft agreement. The code allows for special agreement for large water uses, as is the case with Luckiamute. The draft agreement was open ended and allowed Green Haven RV Park to renegotiate if they lost half their business. Mayor Ungricht had met with Mr. Dick Bowman to go over the draft agreement. Mr. Dick Bowman told the Mayor he was a heartless after which Mayor Ungricht provided several copies of the draft agreement and left the meeting. Mr. Dick Bowman stated did not want to negotiate and said he will litigate.

Mayor Ungricht informed Council that Green Haven RV Park had 30 non-temporary spaces, 10 temporary spaces, a manufactured home, office, and bathroom facility. He stated that he had done his best to draft an agreement that was fair to both the RV Park and to the community. Councilor Drill informed Council that she thought Mayor Ungricht had done a great job on the draft agreement. She thought the draft agreement was transparent and left nothing hidden. At the meeting with the Bowman's she had discussed the option of an incremental rate increase that would allow the RV Park time to increase the RV Space Rate. She reported that the Bowman's had agreed that they had been getting a good deal on water.

Councilor Lauder asked Don Poe to describe what happens when a water meter goes bad. Don Poe replied over time a meter reads less usage because friction wears down the dials. Meters are designed to read in favor of the water customer and not the City. Don Poe reported that Green Haven RV Park had not made a request to have their meter tested. Mayor Ungricht informed Council that staff had advised the RV Park that they had a leak at the beginning of the year. The RV Park did not think they had a leak; Mr. Dick Bowman told the City the meth in town made people stay in the shower under running water for a long time.

Councilor Lauder asked if water rates are applied by the land zone. Mayor Ungricht replied that water rates are based on the size of the meter and the service classifications that includes residential and business.

Councilor Drill thanked Mayor Ungricht for his work on this matter.

Mayor Ungricht informed Councilors that he would provide a binder at the Goal Work Session that includes City Codes and useful information. He encouraged Councilors to attend the League of Oregon Cities new councilor training in Lebanon. Councilor Drill and Meier reported that the class was worth attending. Mayor Ungricht asked Councilor to call him if they were interested and he would complete the registration.

Mayor Ungricht informed new Councilors that the League of Oregon Cities offers a great deal of information on their website [www.orcities.org].

Mayor Ungricht thanked Deputy Jenkins for the POINT team recent drug arrests. Deputy Jenkins reported that three more individuals would be arrested. He stated that he agreed with comments made earlier in the meeting; Falls City is a great community.

9) **Council Announcements**

Clerk Protheroe informed Council that she was changing roles and Clerk Birr would take over public meetings. She thanked Council and told them she humbled by their volunteer service and she held all of them in her heart. Mayor Ungricht informed Council that Clerk Protheroe planned to retire at the end of the year and she will focus on records, land use, and other tasks.

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10) **Adjourn**
The meeting adjourned at 8:33 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk Domenica Protheroe

10

Exhibit A

AGENDA REPORT

TO: MAYOR AND COUNCIL
FROM: JOHANNA BIRR, CITY CLERK
SUBJECT: CORRECTED LEAK ADJUSTMENT REQUEST – D. SICKLES
DATE: 12/30/2016

SUMMARY

Dennis Sickles' of 10 N. Main has requested a leak adjustment for the month of November 2016. He performed repairs and corrected the leak on December 15, 2016. The November 2016 high usage registered at 88,000 gallons amounting in a \$253.61 water charge. The twelve-month average water consumption for this property is 34,333 gallons per month.

Staff has calculated a leak adjustment for Council, using the approved formula.

BACKGROUND

To date, we've tested two typical methods of leak adjustments. The first was where we adjusted a customer's bill to 1.5 times the average usage. The Public Works Committee thought the adjustments were too generous using this calculation. To address their concerns, the new trial adjustment calculation considers the 12-month average water charge including the month where the leak occurred.

The trial leak adjustment policy considers an adjustment to a single month water charge, in this case the September 2016 charge of \$136.31.

Average water bill amount over 12 months	\$ 116.98	
Multiply the average bill amount by 1.5 times	\$ 175.47	= Calculated base for adjustment
Actual water service charge for month of leak	\$ 253.61	
Subtracted by the calculated base for adjustment	\$ 175.47	
Credit Amount		\$ 78.14

PREVIOUS COUNCIL ACTION

The Council has not taken previous action on this request. Past leak requests have been evaluated on a case-by-case basis.

ALTERNATIVES/FINANCIAL IMPLICATIONS

The financial impact to the city would be a charge waiver of \$ 78.14

STAFF RECOMMENDATION

Staff recommends this leak request approved by Council.

EXHIBIT N/A

PROPOSED MOTION

This item is added under the consent agenda. Approving the consent agenda as presented would give approval for the leak adjustment.

11

Exhibit B

January 12, 2017

Attn: Falls City Counsel

I would like to give you a brief history about our water system. When we were building the RV Park 20 years ago, the City forced us to put in 1600 feet of 6 inch water main, running from S. Main Street all the way through our property to below the little Church on Lombard St. The cost to us was over 10,000 dollars and there was no need for it as it does nothing. All we needed was a 2 inch line, 200 feet long and that would have been more than adequate. This is just one example of the unfair treatment our business has suffered due to the Falls City Council.

Our records show up until January 2016, the RV Park used less than 50,000 gallons of water per month. Since January 2016 it has been 100,000 gallons over that consistently. If I'm not mistaken that was when the City put a new water meter in our park. We either have a giant leak that we can't locate or more likely the City's new meter isn't calibrated right or isn't being read correctly. We are purchasing our own meter, to be installed on our side of the City's meter. This way we can make sure we are not being cheated on purpose or by accident. If that is the case, the city will be expected to reimburse use for 100,000 gallons per month since January 2016.

As for your water purchase agreement. To start with, you do not sell water in the city limits, you provide the citizens of Falls City with a utility at a reasonable rate. Also, our property is zoned commercial/industrial not residential/commercial as stated in this water purchase agreement. You can not change our zoning without due process. This agreement would at least triple our current water bill. It would cost over \$1000.00 a month over what we currently pay, which is already twice the amount what we were paying in 2015. Basically, this would amount to a \$1000.00 per month water tax. No business pays as much for water as they do electricity. This is not only unfair, it's absurd.

The last meeting I attended, I was told that the City only wanted to help our business be successful. In what way is charging us over \$1000.00 per month extra, helping us be successful!

RV's are not a permanent home. Just because the law states they can stay as long as they want, this does not mean they are permanent residents. They are on wheels and can be moved at any time. We are running a commercial RV Park, not a residential mobile home park. *12*

This agreement is totally unacceptable. If it takes a court of law to show you how outrageous this is, then we can let the attorney's handle it. When a judge tells you how far off base you are, the City will be charged with our attorney fees.

We can't help but felling picked upon, possibly even harassed by the City. Trying to force this down Dad's throat, as he's in the process of retiring at 83 years old is cruel and uncaring. We have the right to run our business as we see fit, without the City interfering. Please just leave us alone and let us run our Business!

Thank you,

Michael W. Bowman

Richard R. Bowman
Dick Bowman
Doug Bowman

AGENDA REPORT

TO: CITY COUNCIL
FROM: CLERK PROTHEROE, THROUGH MAYOR UNGRICHT
SUBJECT: SHALL THE CITY COUNCIL AUTHORIZE THE CORRECTION OF THE SCRIVENER'S ERROR IN RESOLUTION 02-2017?
DATE: 01/30/2017

SUMMARY

Shall the City Council authorize the correction of the scrivener's error in Resolution 02-2017, A Resolution detailing fees for water service and Related Charges; and sewer connection fees; and repealing prior resolutions?

BACKGROUND

Staff identified a scrivener's error in Resolution 02-2017 adopted by Council on January 12, 2017. Error: Section 7 was inadvertently attached to the end of Section 3 (d).

A clerical error in a legal document is called a **scrivener's error**.

Staff amended Resolution 02-2017 as listed below (Exhibit A):

- Section 7 was removed from 3 (d) and renamed Section 4.
- Section 4 was renamed Section 5.
- Section 5 was renamed Section 6.
- Section 6 was renamed Section 7
- Section 7 was renamed Section 8

PREVIOUS COUNCIL ACTION

Council adopted Resolution 02-2017, A Resolution detailing fees for water service and Related Charges; and sewer connection fees; and repealing prior resolutions.

ALTERNATIVES/FINANCIAL IMPLICATIONS

No financial implementations. If Council does not approve the correction, the Resolution will stand as adopted on January 12, 2017 (Exhibit B).

STAFF RECOMMENDATION

Adopt the correction for the scrivener's error in Resolution No. 02-2017 by adoption of the Consent Agenda

EXHIBIT

Exhibit A: **Corrected** Resolution 02-2017 - A Resolution detailing fees for water service and Related Charges; and sewer connection fees; and repealing prior resolutions.

Exhibit B: **Original with Error:** Resolution 02-2017 - A Resolution detailing fees for water service and Related Charges; and sewer connection fees; and repealing prior resolutions.

PROPOSED MOTIONS

Adopt the correction for the scrivener's error in Resolution No. 02-2017 by adoption of the Consent Agenda

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

Findings:

1. **The Public Works Committee and staff are in the process of auditing the Falls City Water and Wastewater rates for the Master Water Plan.**
2. **The Falls City Public Works Committee reviewed the rate for Multiple Dwelling customers with one meter.**
3. **Falls City currently charges a multiplier on multiple dwellings with one meter but it is not reflected within the resolution setting payment for services.**
4. **The Falls City Zoning and Development Code, Chapter 51, part 51.08, item E, prohibits the use of a single meter except under special contract.**
5. **The audit of multiple dwellings shows that the Falls City has allowed owners of property with multiple dwellings to install separate service meters to each dwelling or to agree on a dwelling unit multiplier of a base charge by meter size verbally instead of following the written requirements under Chapter 51, part 51.08, item E.**
6. **This Resolution will add the steps to allow a multiplier that benefits developers of multi-unit properties and will add a tracking procedure for future staff to follow the requirements of Municipal Code Chapter 51.**
7. **Municipal Code Section 51.09 authorizes the Falls City Council to establish by resolution, and from time to time amend, water rates to be charged for each class of service, including minimum charges, charges for water consumption, service connection charges and all other related fees and charges.**
8. **The Falls City Council has determined that the rates and charges set forth in this resolution are appropriate and in the best interest of the City.**

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

Section 1. Water furnished to water districts, cooperatives or corporations, organized and existing under the laws of the State of Oregon and receiving water through a master meter, shall pay therefor such amount as may be established by agreement between the City and the water districts, cooperatives or corporations, fire districts or departments, or other persons or entities prior to receiving such water.

- (a) Where an agreement is not in place, and where bulk water is needed, the Bulk Water Rate will be \$5.00 per unit (1000 gallons) charged according to the size of the tanker truck or vessel; and
- (b) Payment in advance is required for the sale of bulk water where a written agreement is not in place; and

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- (c) Sale of bulk water without a written agreement is a privilege and can be denied or revoked at any time.

Section 2. In addition to the monthly fees established herein, Exhibit 1, the following service fees are hereby established:

- (a) Reconnection fee during regular business hours..... \$35.00
- (b) Reconnection fee during other than regular business hours \$65.00
- (c) Setup connection fee for sale of bulk water where a written agreement is not in place \$80.00
- (d) Returned check fee \$25.00
- (e) Payment Late fee \$10.00

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

- (a) Sewer Connection fee:
Facility rate of \$3,250.00 plus customer will be responsible for all costs to connect to the system (Municipal Code 50.06 (A)).
- (b) Water Connection Fee Simple:
Facility rate of \$1,250.00 plus customer will be responsible for over twenty (20) feet at \$40.00 per foot and/or cost plus.
- (c) Water Connection Fee Complex:
Facility rate of \$1,500.00 plus customer will be responsible for over twenty (20) feet at \$40.00 per foot and/or cost plus.
- (d) Additional Water Connection fees where the length of service exceeds 100 feet:
The applicant shall pay the extra cost of the line on the basis of actual cost to the Water department for labor, materials and equipment plus 15% (Municipal Code 51.07.F)

Corrections
X

Section 4. In addition to the monthly fees established herein, Exhibit 1, a Capital Improvement Fee shall be assessed any service with a water meter or sewer connection, active or inactive, in the amount of \$10.00. When both a residence and a commercial operation or development exist on a property zoned Commercial Residential, the Capital Improvement Fee will be assessed separately for both the residence and the commercial operation or development.

X **Section 5.** In addition to the monthly fees established herein, Exhibit 1, a Backflow Testing Fee shall be assessed each month on each water meter service account in the amount of \$2.25 from July 1, 2014 through June 30, 2018.

X **Section 6.** Water furnished to multi-unit properties where the property owner desires one (1) water meter to serve all units shall be charged at the following;

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(a) Multi-unit properties serviced by one (1) meter will be charged a multiplier based on the meter size multiplied by the number of dwelling units.

(b) Charged a multiplier by amount of units for the Capitol Improvement Fee.

X Section 7. Resolution 05-2016 is repealed on the effective date of this resolution. All other resolutions and parts of resolutions relating to water use rates and related charges not repealed or amended expressly or by implication by resolution shall continue in full force and effect.

X Section 8. Pursuant to ORS 294.160, the Council held a public hearing on March 10, 2016 to consider public comment on the proposed procedure increase.

ADOPTED BY THE FALLS CITY COUNCIL ON THIS 12th DAY OF January 2017.

VOTE: AYE____ NAY____ ABSTAIN____ ABSENT____

Terry Ungricht, Mayor

Date _____

ATTEST:

Domenica Protheroe, City Clerk

Date _____

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

Definition: 1 Water Unit = 1000 gallons

Residential - Inside City Limits (RI)

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

Residential - Outside City Limits (RO)

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

Residential/Commercial – Inside City Limits (RCI)

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

Residential/Commercial – Outside City Limits (RCO)

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

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**“Exhibit 1”
Water Service Rate Table**

Non-Residential Commercial – Inside City Limits (NCI)

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

Non-Residential Commercial – Outside City Limits (NCO)

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

2 Meters-Outside (2MO)

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

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

1. **The Public Works Committee and staff are in the process of auditing the Falls City Water and Wastewater rates for the Master Water Plan.**
2. **The Falls City Public Works Committee reviewed the rate for Multiple Dwelling customers with one meter.**
3. **Falls City currently charges a multiplier on multiple dwellings with one meter but it is not reflected within the resolution setting payment for services.**
4. **The Falls City Zoning and Development Code, Chapter 51, part 51.08, item E, prohibits the use of a single meter except under special contract.**
5. **The audit of multiple dwellings shows that the Falls City has allowed owners of property with multiple dwellings to install separate service meters to each dwelling or to agree on a dwelling unit multiplier of a base charge by meter size verbally instead of following the written requirements under Chapter 51, part 51.08, item E.**
6. **This Resolution will add the steps to allow a multiplier that benefits developers of multi-unit properties and will add a tracking procedure for future staff to follow the requirements of Municipal Code Chapter 51.**
7. **Municipal Code Section 51.09 authorizes the Falls City Council to establish by resolution, and from time to time amend, water rates to be charged for each class of service, including minimum charges, charges for water consumption, service connection charges and all other related fees and charges.**
8. **The Falls City Council has determined that the rates and charges set forth in this resolution are appropriate and in the best interest of the City.**

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

Section 1. Water furnished to water districts, cooperatives or corporations, organized and existing under the laws of the State of Oregon and receiving water through a master meter, shall pay therefor such amount as may be established by agreement between the City and the water districts, cooperatives or corporations, fire districts or departments, or other persons or entities prior to receiving such water.

- (a) Where an agreement is not in place, and where bulk water is needed, the Bulk Water Rate will be \$5.00 per unit (1000 gallons) charged according to the size of the tanker truck or vessel; and
- (b) Payment in advance is required for the sale of bulk water where a written agreement is not in place; and

20

- (c) Sale of bulk water without a written agreement is a privilege and can be denied or revoked at any time.

Section 2. In addition to the monthly fees established herein, Exhibit 1, the following service fees are hereby established:

- (a) Reconnection fee during regular business hours..... \$35.00
- (b) Reconnection fee during other than regular business hours \$65.00
- (c) Setup connection fee for sale of bulk water where a written agreement is not in place \$80.00
- (d) Returned check fee \$25.00
- (e) Payment Late fee \$10.00

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

- (a) Sewer Connection fee:
Facility rate of \$3,250.00 plus customer will be responsible for all costs to connect to the system (Municipal Code 50.06 (A).
- (b) Water Connection Fee Simple:
Facility rate of \$1,250.00 plus customer will be responsible for over twenty (20) feet at \$40.00 per foot and/or cost plus.
- (c) Water Connection Fee Complex:
Facility rate of \$1,500.00 plus customer will be responsible for over twenty (20) feet at \$40.00 per foot and/or cost plus.
- (d) Additional Water Connection fees where the length of service exceeds 100 feet:
The applicant shall pay the extra cost of the line on the basis of actual cost to the Water department for labor, materials and equipment plus 15% (Municipal Code 51.07.F)
Section 7. In addition to the monthly fees established herein, Exhibit 1, a Capital Improvement Fee shall be assessed any service with a water meter or sewer connection, active or inactive, in the amount of \$10.00. When both a residence and a commercial operation or development exist on a property zoned Commercial Residential, the Capital Improvement Fee will be assessed separately for both the residence and the commercial operation or development.

*ERROR **

Section 4. In addition to the monthly fees established herein, Exhibit 1, a Backflow Testing Fee shall be assessed each month on each water meter service account in the amount of \$2.25 from July 1, 2014 through June 30, 2018.

***Section 5.* Water furnished to multi-unit properties where the property owner desires one (1) water meter to serve all units shall be charged at the following;**

21

Overage: Consumption shall be charged at **\$2.55** per Unit over 5 Units

Residential - Outside City Limits (RO)

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

Residential/Commercial – Inside City Limits (RCI)

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

Residential/Commercial – Outside City Limits (RCO)

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

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**“Exhibit 1”
Water Service Rate Table**

Non-Residential Commercial – Inside City Limits (NCI)

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

Non-Residential Commercial – Outside City Limits (NCO)

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

2 Meters-Outside (2MO)

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

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AGENDA REPORT

TO: MAYOR AND COUNCIL
FROM: JOHANNA BIRR, CITY CLERK
SUBJECT: LEAK ADJUSTMENT REQUEST – A. WINN 20560 PARRY RD.
DATE: 1/17/2017

SUMMARY

Amber Winn of 20560 Parry Road has requested a leak adjustment for the month of November 2016. She hired a plumbing service and corrected the leak on December 22, 2016. Weather conditions delayed repairs. She has replaced over 500 feet of mainline between the meter and her home as rain and snow prevented finding the leak's exact location. The November 2016 high usage registered at 21,000 gallons amounting in a \$92.50 water charge. The twelve-month average water consumption for this property is 6,000 gallons per month.

Staff has calculated a leak adjustment for Council, using the approved formula.

BACKGROUND

To date, we've tested two typical methods of leak adjustments. The first was where we adjusted a customer's bill to 1.5 times the average usage. The Public Works Committee thought the adjustments were too generous using this calculation. To address their concerns, the new trial adjustment calculation considers the 12-month average water charge including the month where the leak occurred.

The trial leak adjustment policy considers an adjustment to a single month water charge, in this case the November 2016 charge of \$92.50.

Average water bill amount over 12 months	\$54.87	
Multiply the average bill amount by 1.5 times	\$ 82.31	= Calculated base for adjustment
Actual water service charge for month of leak	\$ 92.50	
Subtracted by the calculated base for adjustment	\$ 82.31	
Credit Amount		\$ 10.19

PREVIOUS COUNCIL ACTION

The Council has not taken previous action on this request. Past leak requests have been evaluated on a case-by-case basis.

ALTERNATIVES/FINANCIAL IMPLICATIONS

The financial impact to the city would be a charge waiver of \$10.19

STAFF RECOMMENDATION

Staff recommends this leak request approved by Council.

EXHIBIT – A, Proof of repair

PROPOSED MOTION

This item is added under the consent agenda. Approving the consent agenda as presented would give approval for the leak adjustment.

25

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: WATER MASTER PLAN REVIEW
DATE: 2/3/2017

SUMMARY

HBH Engineering is ready to present the draft of the Water Master Plan.

BACKGROUND

Falls City contracted with HBH Engineering to perform the Master Water Plan and they are ready to submit the plan for Council review. I added the draft of the plan in two parts, one is the plan document and the other is the attachments to the document. HBH will provide Council with the document but I wanted to give Council time to review before the meeting.

PREVIOUS COUNCIL ACTION

Adopted contract between the City and HBH Engineering for the Master Water Plan.

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

N/A

EXHIBIT

Water Master Plan and attachments provided separately and posted to website.

PROPOSED MOTION

THE CITY OF FALLS CITY approves the draft water plan to forward for State review.

26A

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: ELECTION OF COUNCIL PRESIDENT
DATE: 1/31/2017

SUMMARY

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

BACKGROUND

Under Chapter 3, Council, of the Falls City Charter;
Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides at council meetings in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Council tabled the election of Council President until the February meeting.

PREVIOUS COUNCIL ACTION

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

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

N/A

EXHIBIT

N/A

PROPOSED MOTION

I nominate _____ for the position of Council President.

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: BUDGET CALENDAR
DATE: 01/31/2017

SUMMARY

It is budget time again and I have developed the Budget Calendar.

BACKGROUND

Each year through the Budget process we have to develop a calendar to have published following the Oregon State Budget Law. I have set the Calendar up with three meeting dates, all on Thursdays. The last few years the budget has been adopted at one meeting, but we schedule for more meetings in case the Committee needs more time.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

In order for the City to pay out funds we need to have a budget adopted by July 1, 2017 and we need to have a Public Hearing to receive State Revenue Share funds.

STAFF RECOMMENDATION

FYI

EXHIBIT

Exhibit A – 2017-2018 Budget Calendar Draft

PROPOSED MOTIONS

N/A

**BUDGET CALENDAR
2017-2018**

Incorporated 1891	Falls City
Budget Officer	Terry Ungricht
Chairperson of Budget Committee	To be determined
Vice Chairperson of Budget Committee	To be determined
Secretary of Budget Committee	JoHanna Hewitt
Newspaper (Publication per ORS 193.010)	Itemizer Observer

1. Publication of Notice of Budget Committee Meeting, including notice of where a copy of the budget is available. April 5, 2017
April 12, 2017
(NOTE: 2 times. Not less than (5) days and not more than thirty (30) days prior to meeting, separated by at least 5 days)

2. Proposed Budget Prepared by Budget Officer. April 18, 2017
April 18, 2017
Prepare Budget Message

3. Presentation of Budget Message and Budget document to Budget Committee. Copy of Budget must be filed in office of governing body immediately following the meeting April 20, 2017

4. Hearing on State Revenue Sharing and Budget Committee approves Budget (or announces Next meeting) April 20, 2017

5. **FIRST NOTICE:** Publication of budget summary (LB-1) and Notice of Budget Hearing. (Note: not less than five (5) days and not more than thirty (30) days prior to Public Hearing). May 24, 2017
MUST INCLUDE:
 - a. Date of Public Hearing – June 9, 2016
 - b. Place of Public Hearing - The City of Falls City Community Center
 - c. Date of Publication of Budget Summary – May 25, 2016
 - d. Name of paper in which it was published - Itemizer Observer

6. City Council Public Hearing on State Revenue Sharing, Approve Resolution to receive State Revenue Sharing funds. June 8, 2017

7. Public Hearing by governing body on the budget document approved by Budget Committee June 8, 2017

8. Process to adopt Budget: June 8, 2017
 - a. Council adopts Budget, approves Resolution to levy taxes and make appropriations

9. Certify Levy of Taxes to county assessor (LB-50) no later than July 15, 2017
 - a. Send two (2) copies of LB 50 and Resolution adopting budget to County Assessor. One (1) copy of Budget to County Clerk by September 30.
 - b. The completed budget document for the Clerk shall contain:
 1. Notice of property tax levy (Form LB-50)
 2. Summary of Publications (Form LB-1)
 3. The budget document as approved by the Budget Committee adopted by the governing body
 4. Proof of publication (newspaper clipping of publication)

FALLS CITY BUDGET COMMITTEE MEETING DATES
Falls City Community Center
320 North Main Street

7:00 pm Thursday, April 20, 2017

7:00 pm Thursday, May 4, 2017

7:00 pm Thursday, May 11, 2017

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: DUTCH CREEK PROJECT UPDATE
DATE: 01/25/2017

SUMMARY

Falls City was awarded emergency funding for replacement of the Dutch Creek River Crossing on Mitchell Street from FEMA and IFA from the December 7, 2015 storm event.

BACKGROUND

The Council directed me to submit for funding under the Polk County Federal Emergency Declaration from the December 7, 2015 storm event. We received an award from FEMA of 75% of the cost, which was estimated at \$260,000.00, I then approached an applied for the remaining 25% of funding from IFA which we were awarded, and Council accepted the agreements for funding.

After reviewing the requirements under the agreements Council and I thought that a project of this magnitude was beyond the City's capabilities of completing, we were worried that if there was a mistake we would not be able to afford covering the cost of the project. I met with the County with our concerns and they accepted managing the project at no cost to the City beyond what was allowed under the awards and Council accepted the IGA between Falls City and Polk County for the management of the project. Under the grant award all funds still had to flow through the City and Council passed a Resolution to our 2016/17 budget to allow for the receiving and spending of these funds.

Falls City received \$50,000 from FEMA for our first draw to complete final design engineering. Exhibit A is a portion of the Engineering document specifying three alternatives. It is our and the County's hope that we can receive approval for the bridge; this would have the longest life span and handle storm events the best.

PREVIOUS COUNCIL ACTION

Listed above

ALTERNATIVES/FINANCIAL IMPLICATIONS

listed in attachment, funds will be covered through the grant awards from FEMA and IFA.

STAFF RECCOMENDATION

FYI

EXHIBIT

Exhibit A – Project Engineering Report (partial)

PROPOSED MOTIONS

N/A



802 NW Buchanan Ave., Corvallis, OR 97330
P.O. Box 1067, Corvallis, OR 97339
Phone: (541)757-1270 Fax: (541)758-6585
www.mcgee-engineering.com

MEMORANDUM: REPLACE MITCHELL STREET CROSSING OF DUTCH CREEK
January 7, 2017

INTRODUCTION

Dutch Creek crosses under Mitchell Street, a gravel road in northwest Falls City, in the city limits. This road continues westward and becomes the Black Rock mainline. The present crossing consists of three 36" diameter corrugated metal culvert pipes. The crossing is frequently overtopped, generally by high water events that trigger brush and vegetation to clog the culvert pipes. The flood in December, 2015, overtopped the road, damaged the existing culverts, and an emergency 36" relief pipe to be installed. In its present condition, will not pass the flows of 10 year flood events. Additionally, as the low-water flow velocities in the culverts are too high to meet regulated fish passage requirements, replacement in kind will not be allowed. The Dutch Creek tributary system upstream of this site is approximately 2.45 square miles. USGS information indicates that 50-year recurring floods are expected to produce peak site flows of 230 cubic feet of flow per square mile. Generally, culverts are designed to carry 115% of 50 year flows at full inlet-charged capacity. This hydraulic demand calls for a 650 cubic feet per second (cfs) flow capacity at the proposed crossing structure. At a new culvert site about 1/4 mile upstream of this site on Dutch Creek, a recently built plate arch 12' wide x 6' high has demonstrated adequate capacity to handle the stream flow. This peak flow is several times the provided capacity of the three existing 36" diameter culverts. To meet the projected peak site flows, a minimum of three 72" diameter culvert pipes are required. An alternate of three 6 foot diameter culverts with concrete slope protection structures was considered and preliminarily priced, but further examination showed this option was not feasible. The negative influences on this option were that low flow velocities in the pipes are higher than allowed for fish passage, the fit to stream width to produce capacity with infilled squash pipe was inefficient, the requirement to maintain minimum depth of fill cover was difficult to achieve, and the projected life cycle costs were prohibitive. For those reasons, further development of an alternate with the multi-culverts was not conducted.

Foundation Engineering, Inc. conducted a geotechnical drilling study at the site. Examination of the bore logs indicates that very competent (igneous) bedrock can be expected to exist at about 13' (average) below the existing roadway. As this bedrock can be encountered about 7' below the existing streambed, it is marginally practical to set the foundations on this bedrock. The excavation and dewatering has greater cost impacts to the alternates that are founded on spread footings. Pile supported structures are not affected by the decision for found on bedrock.

DISCUSSION

As we look further at the crossing problem, we see that bedrock occurs at an average depth of about 13' below the existing roadway (about 7' below the current culvert inverts). Hence for our comparisons at this site, we based the replaced streambed elevation at its approximate existing elevation, about 6 -7' below the surface of the existing roadway. We noted that at the upstream Dutch Creek crossing (1/4 mile upstream), the structure was founded on bedrock and, when completed and subjected to winter flow, flushed all the upstream gravels downstream leaving

bare bedrock. We will design this site to resist that type of habitat loss at this site, although structural barriers such as cutoff walls are unfavorable to the regulatory agencies. The strata of stream bed gravels get thinner downstream from the bridge, and have eroded to bedrock as the creek nears the confluence with the Little Luckiamute River. This erosion action could eventually lower the streambed elevation at the bridge. All alternates for a replacement structure need built-in protection from foundation undermining.

The plate arch and PRCTS options will assume that the footings will be founded on the bedrock with stem wall extending to 18" above the design stream bed elevation (same as existing stream bed elevation). The bridge option is safe from structural loss due to scour action as the pile can easily extend down to the bedrock 13' (average) below existing roadway.

At this site, we also had to decide on a width of structure for the alternate comparisons. This crossing is the first structure on the Black Rock woods access road system, is in the Falls City city limits, and is near several adjacent residential properties. The truss bridge immediately up the road is 16' wide, and the structure on Socialist Valley Road (near the camp) is 24' wide with a full complement of approach rail. For the cost comparisons here, we used a rural configuration of 24' wide roadway with four foot shoulders resulting in a bridge width of 32' with an outside-mounted bridge rail (BR 233 ODOT type bridge rail) and the full complement of approach rail. At the downstream town end, there is a private gate which will need to be relocated further off the road, with all three alternates. The ROW descriptions at the site are somewhat vague and are described from the existing "apparent" roadway centerline. It does not appear that utilities will require relocating, although the overhead power line will have to be protected from pile driving activities involved with the bridge option. For this semi-rural, low frequency traffic site, we are assuming that no topping ACWS will be placed on the slabs and that use of controlled density structural backfill will allow elimination of requirement for approach (impact) panels at the bridge ends. These are structural features that could be added on later if traffic density increases to the level that they are deemed necessary.

All options considered raising the roadway profile grade approximately 4', and tapering it back to original grade about 250' each way from center structures. This creates a more favorable road profile and allows construction of adequate cover over the buried structures or freeboard below the bridge superstructure. At both ends, the crossing embankments will narrow back to existing single lane configuration.

All options assume the placement of a single lane traffic shoo-fly (detour) to allow full movement of traffic past the site during construction. Staged traffic flow was considered which would have eliminated this detour requirement, but it was determined that ambient costs to stage construction (shoring, etc.) made this traffic provision option inefficient. The detour alignment will occur upstream of the new work and will involve construction of a small temporary bridge to carry low stream flows with no interference to ordinary high water. Visibility at the site is good, and it is assumed a temporary stop light will not be necessary to regulate traffic. The estimated cost of this detour alignment was considered the same in all alternates. Stream protection during construction is assumed to be afforded by isolating the site with sandbag dams, and routing low water flows through a temporary culvert at the existing culvert invert grade around the work. This temporary culvert will have to be installed in coordination with the upstream detour before major embankment excavation commences. In the following alternate comparison, the comparative costs were determined from our records of unit costs (typically for private rural work) adjusted for the effect of BOLI labor costs.

ALTERNATE COMPARISONS

Alternate 1 – Replace the Tri-culvert Installation with New Plate Arch Structure

This alternate considers placement of an open-bottomed steel plate arch 16 feet wide by 8' high by 85' long with step beveled ends, founded on concrete footings placed on the bedrock about 13' feet below the existing roadway.

This provides a 32' roadway width (two 12' lanes and two 4' level shoulders) which provide width for future improvements in this semi-urban setting. New embankment raises the grade approximately 4' and tapers back to existing grade about 250 feet each way from the plate arch location. This proposed profile geometry reduces the sag grade coming into the site.

Concrete stem walls are built monolithic with the footing and extend up to about 6' below the existing roadway, or 1.5' above the existing streambed. Once the footings and stem walls are built, the riprap and excavated streambed material can be replaced to original grade. This allows the 8' radius, half-circle arch to extend up to allow about 2' of embankment cover over the top of the plate arch. The extension of the stem wall above the streambed assures that the metal plate arch is only wet during higher flow events, lessening corrosive conditions that shorten plate arch life.

Concrete slope protection slabs are proposed at the inlet and outlet. There are no cutoff walls proposed in this option.

The estimated cost of this steel plate arch culvert installation is \$311,500

Alternate 2 – Replace the Tri-culvert Installation with New PRCTS (Concrete open bottom box culvert)

This alternate assumes the existing culverts are replaced with a precast reinforced concrete three-sided structure (PRCTS). As in Alternate 1 (plate arch) the footings are cast on bedrock with stem walls extending 18" above the replaced streambed gravels. This structure is entirely concrete and protection from constantly wetted surface is not critical. The PRCTS units are placed atop stem walls that are match-sloped to the streambed gradient (about 3%). The inlet and outlet ends are supplemented by 14' cast-in-place wing walls that retain the slopes beyond the termination of the PRCTS units. After construction of the footing and stem walls, the original streambed grade is re-established with original streambed materials.

The estimated cost of this precast reinforced concrete three-sided structure (PRCTS) installation is \$349,000

Alternate 3 -Replace the Tri culverts With A Conventional Bridge

This alternate considers replacing the three undersized culverts with a conventional 32' wide x 45' long prestress concrete slab bridge structure. Two types of bridges were given preliminary consideration; a high abutment, short span bridge and a longer conventional, back sloped, pile supported structure with minimal abutment. The proposed stream bed channel is to be constructed as per several recent similar ODOT bridge projects, with riprap on the back slopes and lower channel, topped with streambed material to form the 15' bank full stream width. The costs for two bridge types were quite close for this structure width (32' wide superstructure), and the pile supported structure was chosen to be considered due to its lower impacts to riparian conditions during construction. The other alternates (plate arch and PRCTS) do not have the cost burden of bridge rail and approach guardrail construction.

This structure is fully protected from scour and erosion by its geometry. This geometry assures that, in case of complete loss of stream sediment load, structural damage will not occur. This is accomplished with riprap protection of the backslopes. It is assumed that the riprap will be placed to allow infill of voids with small gravels and sand that will support the upper layer of original streambed gravel. The pile supporting the bridge are driven into bedrock and are not susceptible to scour or erosion.

The estimated cost of this replacement with a conventional bridge is \$377,000 (See Attachment 1)

SUMMARY OF ESTIMATED COSTS

Replacement with Plate Arch Structure	\$311,500	(\$280,500 for narrower configuration)
Replacement with New Box Culvert	\$349,000	(\$314,000 for narrower configuration)
Replacement with New Conventional Bridge	\$377,000	(\$320,450 for narrower configuration)

RECOMMENDATIONS

In addition to the differing costs, the alternates present differing longevities, maintenance costs, and inspection requirements. The following table involves these differing costs and longevities, normalizes them for comparison to similar life cycle durations. For the comparison, we assume no interest costs or accruals. The table takes into account the longevity differences and residual values at the end of the comparison life cycle (50 years). A review of this table shows that in some instances a higher first cost develops offsetting value further into the life cycle.

ALTERNATE	Life (yrs)	1st Cost	Annual Costs	Expenditure at 50 years	Remain Value at 50 years	Adjusted 50 yr Expenditure
						\$ -
Arch Pipe Installation	50	\$ 311,500	\$ 750	\$ 349,000	\$ -	\$ 349,000
PRCTS Installation	75	\$ 349,000	\$ 750	\$ 386,500	\$ 116,333	\$ 270,167
Bridge	75	\$ 377,000	\$ 400	\$ 397,000	\$ 125,667	\$ 271,333

A review of these life cycle costs indicates that the bridge option emerges minimally more expensive than the PRCTS, yet the bridge option assures the most complete protection from washout and erosion concerns. The arch pipe and PRCTS are less reliable when deterioration and erosion concerns are considered. The PRCTS is somewhat comparable to the bridge with respect to durability and cost, but is not comparably resistant to washout concerns. In flood events, this site typically produces drift and debris which will clog rectangular or circular crossing openings. Trapezoidal openings, as presented with the bridge option, have the advantage of clearing debris jams as the stream stage rises. Our experience shows this to be a substantial advantage provided by backsloped bridge construction. Therefore, we would recommend replacement at this site with a bridge. If the decision is later made that a narrower lanes are acceptable, the bridge option also benefits the greatest in cost reduction due to that decision. Conversely, if the requirement to provide wider lanes is made after construction, the bridge alternate is the most accommodating to that issue as well. As the life cycle costs of the PRCTS and bridge alternates are within the margin of error of this type of cost analysis, hence essentially equivalent, there is no cost advantage to the PRCTS.

APPENDIX 1

ESTIMATED COSTS OF ALTERNATE

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Dutch Creek Replacement Plate Arch

Alternate 1

Item	Unit	Quantity	Unit Cost	Amount
Mobilization	all	1	\$ 12,000	\$ 12,000
Traffic Signing/Control	all	1	\$ 2,200	\$ 2,200
Stream Isolate/Dewater	all	1	\$ 11,000	\$ 11,000
Excavation	cy	760	\$ 9.30	\$ 7,068
Install Detour	all	1	\$ 9,000	\$ 9,000
Prepare Rock Foundation	sy	130	\$ 6.70	\$ 871
Concrete	cy	106	\$ 505	\$ 53,530
Reinforcing Steel	lbs	14840	\$ 1.10	\$ 16,324
Furnish Install Pipe	all	1	\$ 58,636	\$ 58,636
Streambed backfill	cy	100	\$ 62	\$ 6,200
Streambed surfacing	cy	40	\$ 115	\$ 4,600
Riprap Infill	cy	300	\$ 62	\$ 18,600
Structural/zone backfill	cy	135	\$ 35	\$ 4,725
Embankment	cy	1550	\$ 23	\$ 35,650
Seed and Mulch	sy	310	\$ 4	\$ 1,240
Gate Relocate/Approacj	all	1	\$ 1,500	1500

Raw Cost	\$ 201,005
Contingencies	\$ 20,101
Engineering	\$ 30,151
Environment/Permitting	\$ 35,000
ROW	\$ 25,000
Total Project Cost	\$ 311,256

Dutch Creek Replacement With PRCTS

Alternate 2

Item	Unit	Quantity	Unit Cost	Amount
Mobilization	all	1	\$ 12,000	\$ 12,000
Traffic Signing/Control	all	1	\$ 2,200	\$ 2,200
Stream Isolate/Dewater	all	1	\$ 11,000	\$ 11,000
Detour Bridge	all	1	\$ 9,000.00	\$ 9,000
Excavation	cy	758	\$ 9.20	\$ 6,974
Prepare Rock Foundation	sy	150	\$ 6.70	\$ 1,005
Concrete(found/wings)	cy	114	\$ 505	\$ 57,570
Reinforcing Steel	cy	18840	\$ 1.10	\$ 20,724
Furnish Install PRCTS	ea	15	\$ 2,800	\$ 42,000
Structural Backfill	cy	148	\$ 35	\$ 5,180
Embankment	cy	1400	\$ 23	\$ 32,200
Seed/Mulch	sy	310	\$ 4.00	\$ 1,240
Riprap Infill		300	\$ 60	\$ 18,000
Streambed Backfill	cy	100	\$ 62	\$ 6,200
Streambed Surfacing	cy	40	\$ 115	\$ 4,600
Gate Relocate/Approach	ea	1	\$ 1,500	\$ 1,500

Raw Cost	\$ 231,393
Contingencies	\$ 23,139
Engineering	\$ 34,709
Environment/Permitting	\$ 35,000
ROW	\$ 25,000
Total Project Cost	\$ 349,241

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Dutch Creek Replacement With Bridge

Alternate 3

Item	Unit	Quantity	Unit Cost	Amount
Mobilization	all	1	\$ 12,000.00	\$ 12,000
Traffic Signing/Control	all	1	\$ 2,200.00	\$ 2,200
Stream Isolate/Dewater	all	1	\$ 11,000.00	\$ 11,000
Excavation	cy	510	\$ 9.30	\$ 4,743
Embankment	cy	1200	\$ 23.00	\$ 27,600
Place Riprap/Geotex.	cy	240	\$ 60.00	\$ 14,400
Structural Excavation	cy	125	\$ 13.00	\$ 1,625
Furnish/Drive Pile	ea	12	\$ 2,200.00	\$ 26,400
Furnish/Install Pile Tips	ea	12	\$ 225.00	\$ 2,700
Concrete	cy	35	\$ 505.00	\$ 17,675
Reinforcing Steel	cy	3500	\$ 1.10	\$ 3,850
Furnish Install PS Slabs	sf	1440	\$ 63.00	\$ 90,720
Structural Backfill	cy	30	\$ 35.00	\$ 1,050
				\$ -
Bridge Rail	lf	90	\$ 156.00	\$ 14,040
Guardrail and Terminals	ea	4	\$ 3,700.00	\$ 14,800
Gate Relocate/Approach	ea	1	\$ 1,500.00	\$ 1,500
Seed and Mulch	sy	310	\$ 4.00	\$ 1,240
				\$ -
Streambed Surfacing	cy	20	\$ 115.00	\$ 2,300
Streambed Material	cy	60	\$ 62.00	\$ 3,720

Raw Cost	\$ 253,563
Contingencies	\$ 25,356
Engineering	\$ 38,034
Environment/Permitting	\$ 35,000
ROW	\$ 25,000
Total Project Cost	\$ 376,954

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: RESOLUTION 03-2017, GRANTING THE REFINANCING OF THE FALLS PROPERTY LOAN
DATE: 01/20/2017

SUMMARY

Falls City received the first part of the Oregon Parks and Recreation Department (OPRD) grant for the land acquisition to expand the Michael Harding Park.

BACKGROUND

Council granted Mayor Ungricht authority to negotiate, purchase, and assume the loan between the Falls City Alliance and Polk Community Development Corporation. When this was completed staff was able to close out the acquisition part of the grant.

Staff is now asking Council to grant authority for Mayor Ungricht to start the refinancing process between the City and Polk CDC. Staff would like to take the \$76,000.00 that was awarded by OPRD and pursue a new loan at a lower interest rate and to set a yearly payment.

We are providing 3 options of 15, 20, and 30 year terms, Polk CDC estimate is attached.

PREVIOUS COUNCIL ACTION

Passed Resolution 18-2016 accepting the agreement for the land acquisition with OPRD and Resolution 21-2016 allowing for the loan assumption.

ALTERNATIVES/FINANCIAL IMPLICATIONS

listed in attachment

STAFF RECOMMENDATION

Staff recommends the 20 year term. Pass the Resolution with Council choice of terms.

EXHIBIT

Exhibit A – Resolution 03-2017

Exhibit B- Loan proposal

PROPOSED MOTIONS

THE CITY OF FALLS CITY RESOLVES AS FOLLOWS, ADOPT RESOLUTION 03-2017 ALLOWING MAYOR UNGRICHT TO EXECUTE A LOAN AGREEMENT BETWEEN FALLS CITY AND POLK COMMUNITY DEVELOPMENT CORPORATION FOR THE REFINANCE OF LOTS 11, 12, 13, 14, 15, AND 16 OF BLOCK R, FIRST ADDITION TO FALLS CITY, POLK COUNTY, OREGON FOR A (15, 20, or 30) YEAR TERM

RESOLUTION 03-2017

A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON ALLOWING MAYOR UNGRICH TO EXECUTE A LOAN AGREEMENT BETWEEN FALLS CITY AND POLK COMMUNITY DEVELOPMENT CORPORATION FOR THE REFINANCE OF LOTS 11, 12, 13, 14, 15, AND 16 OF BLOCK R, FIRST ADDITION TO FALLS CITY, POLK COUNTY, OREGON.

Findings:

1. The City of Falls City applied and was awarded a grant for land acquisition to expand the Michael Harding Park from Oregon Parks and Recreation Department (OPRD).
2. The City of Falls City Council adopted agreement LG16-011 between the City and OPRD for the expansion of Michael Harding Park.
3. The City of Falls City has obtained ownership of the property and desires to use the OPRD grant money to refinance the current loan.
4. Polk County Development Corporation is the owner of the note on the property and has agreed to the City refinancing the loan on the condition that Council appoints by resolution a specified signer to the agreement.

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

Section 1. The City hereby elects to refinance the current loan between the City of Falls City and Polk Community Development Corporation for the refinance of Lots 11, 12, 13, 14, 15, and 16 of Block R, First Addition to Falls City, located in Polk County, Oregon.

Section 2. The Falls City Council grants authority to Mayor/Manager Ungricht to sign the loan document to refinance the current loan between the City of Falls City and Polk Community Development Corporation.

Introduced and adopted February 9, 2017:

Date

Terry Ungricht, Mayor/City Manager

Attest:

Date

Domenica Protheroe, City Clerk

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EXHIBIT B

Falls City Alliance Loan Payoff Proposal

Date: 1/19/2017
 To: Falls City, Mayor Terry Ungriect
 299 Mill Street
 Falls City, Oregon 97344

RE: City of Fall City Refinance Loan 847 I-1

Prepared by : Kimberly Lyell

Refinance Estimate 1/19/2017	
Principal Balance	\$ 132,122.00
Ending Loan balance	\$ 132,122.00

*Interest will accrue at a rate of \$7.12 per day after December 12, 2016

LN 847 I-1 Refinance 1/19/2017	ADJUSTED PAYOFF
Principal Balance (as of 12/12/2016)	\$ 132,122.00
Estimated Accrued Interest from 12/12/2016-1/19/2017	\$ 284.80
	\$ -
	\$ -
	\$ -
Adjusted Ending Loan Balance (rounded)	\$ 132,407.00
Approximate Grant Proceeds/Cash Payment	\$ 76,000.00
Remaining Balance to be Financed	\$ 56,407.00
Loan Fee 2% (rounded)	\$ 1,128.00
Title, recording, recon fees Approximate (60K 7 pages)	\$ 566.00
New Loan Amount at 1% interest	\$ 58,101.00

	15 Year Term	20 Year Term	30 Year Term
Total Payments:	\$ 62,191.54	\$ 63,695.36	\$ 66,770.17
Total Loan:	\$ 58,101.00	\$ 58,101.00	\$ 58,101.00
Yearly Payment:	\$ 4,190.46	\$ 3,219.69	\$ 2,251.30
Total Interest:	\$ 4,090.54	\$ 5,594.36	\$ 8,669.17

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AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: RESOLUTION 04-2017, RECOMMENDING RESTORING RECREATIONAL IMMUNITY
DATE: 01/20/2017

SUMMARY

The Special Districts of Oregon Association has asked governing bodies to pass a resolution in support of the Oregon Legislature restoring the immunity rights that were lost in the recent Oregon Supreme Court decision.

BACKGROUND

Recreational Immunity that protects non-charging land owners the right to allow public access to their properties by limiting liability to the property owner was passed by the Legislature in 1999. A recent Court decision, Johnson v Gibson ruled on by the Oregon Supreme Court removed protection to employees. As the regulation now stands the City is immune from recreational liability, but the agents (employees and volunteers) of the City are not.

This resolution would help with educational efforts to our Legislature to support passage of a bill that will cover the City and its agents. This would bring the regulation back in line with the original intent of the 1999 law.

PREVIOUS COUNCIL ACTION

Discussed the Court case that modified recreational immunity.

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECCOMENDATION

Pass the Resolution.

EXHIBIT

Exhibit A – Resolution 04-2017

PROPOSED MOTIONS

THE CITY OF FALLS CITY RESOLVES AS FOLLOWS, ADOPT RESOLUTION 04-2017 RECOMMENDING THE OREGON LEGISLATURE RESTORE RECREATIONAL IMMUNITY RIGHTS

RESOLUTION 04-2017

A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON RECOMMENDING THE OREGON LEGISLATURE RESTORE RECREATIONAL IMMUNITY RIGHTS

WHEREAS, in 1995, the Legislative Assembly declared it to be the public policy of the State of Oregon to encourage landowners to make their land available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes, and;

WHEREAS, recreations purposes includes, but are not limited to, outdoor activities such as hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study, outdoor educational activities, water sports, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites or volunteering for any public purpose project, including the above aforementioned activities, as well as: gardening, woodcutting and for the harvest of special forest products, and;

WHEREAS, the Public Use of Lands Act has increased the availability of land for free recreation by citizens and visitors alike by limiting liability to cities, counties, park districts, irrigation districts, schools and private landowners, including property-owner associations, farmers and timber companies that, by virtue of this act, allow members of the public to use or traverse their lands at no charge for recreation purposes, and;

WHEREAS, for twenty years, the Public Use of Lands Act has been broadly interpreted to extend this immunity from liability to apply not only to landowners but also to the landowner’s employees agents, and volunteers, and;

WHEREAS, in *Johnson v. Gibson*, the Oregon Supreme Court held that when the Legislature passed the Public Use of Lands Act, it intended to immunize only the landowner, otherwise the Legislative Assembly would have included employees, agents and volunteers in the Act, and;

WHEREAS, this ruling effectively undermines a landowner’s recreational immunity from tort liability under the Act because public employers are statutorily required to represent and indemnify their employees and most, if not all, landowners who allow access to their lands free of charge will ultimately be responsible for the negligence of their employees that results in injury to a member of the public or property, and;

WHEREAS, landowners will likely face substantially increased insurance premiums for this new risk exposure and/or have to close their property or amenities to Oregonians trying to recreate due to the result of this decision.

NOW THEREFORE, the City of Falls City resolves as follows:
The City of Falls City supports legislation in the 2017 Oregon Legislative Assembly promulgated to restore recreational immunity to landowners and their officers, employees, agents or volunteers who are acting within the scope of their employment or duties so to allow Oregonians to access their lands for recreational use and enjoyment.

Introduced and adopted February 9, 2017:

Date

Terry Ungricht, Mayor/City Manager

Attest:

Domenica Protheroe, City Clerk

Date

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

Thank you for attending the Goals session I hope you felt it was a worthwhile day. Staff will use your feedback to help develop the budget, set priorities to accomplish over the next budget year, and to include or not include items for the Planning Commission to rule on in our land and development Code.

We also hope that you were able to further your learning on the procedures for land use permitting and that we were able to teach you some tricks when researching different documents. The Council Resource Guide is each Councilor and if the Council would like to have other documents added to the book let me know and I can get you copies. It will be best if each Councilor reviews the different documents on our web page to decide if anything else should be added. I encourage you to review the Comprehensive plan; this is the only other document that I can think of that might be handy to have in the book. In the next year or so we will have to be looking at updating this governing document.

It has been a tough month for the staff of our City; I lost my brother in-law, Bob his son, and Corky his wife. The saying is that stuff comes in three's so I pray that we have had our run of bad luck for the year. We were hit with the winter storms; more snow and lasted longer than we have seen in years, the good news is that most of the ice storms missed us and we did not lose our power. Staff did receive a few complaints on conditions of streets, but we were able to keep the main roads plowed and sanded and most of our citizens were able to get in and out of town. The storms really highlighted our need to upgrade our equipment.

We had a main break on Forest View that affected 18 customers. This happened on Saturday morning, so the customers had to boil their water for longer than usual due to not being able to get a sample into the lab until Monday morning. I commend Public Works for getting right on the leak and repairing it within a few hours, at least the affected customers were not long without water.

We will be installing the new card at the WTP, so hopefully this will take care of the problems we have been experiencing with the plant shutting down. Staff is also cleaning one of filters to get ready to put it on line and we will be meeting with the City Engineer to discuss procedures to do a complete sand replacement.

Thanks again for all of your comments and for keeping the goals focused on Infrastructure needs.

MONTHLY EXPENSE REPORT

MAYOR UNGRICHT

01/06/2017: 56 Miles, Salem, IFA meeting, Bank.
01/09/2017: 25 Miles, Monmouth, Bank.
01/12/2017: 25 Miles, Monmouth Bank.
01/18/2017: 25 Miles, Monmouth Bank.
01/20/2017: 25 Miles, Monmouth Bank.
01/24/2017: 25 Miles, Monmouth Bank.
01/30/2017: 65 Miles, Corvallis, Edge water sample.
01/31/2017: 25 Miles, Monmouth Bank.

271 Miles x .54 = \$146.34 mileage.

Total reimbursement = \$ 146.34



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

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

January 19, 2017

RE: Green Haven RV Park letter to Council

Green Haven RV Park, LLC
200 Church Street
Falls City, OR 97344

Dear Michael, Richard, Dick, and Doug Bowman,

At the January 12, 2017 Falls City Council Meeting Michael presented a letter to Council during the Public Comments section of the meeting. As acting manager of the City of Falls City I have been tasked to reply. This letter replies to that letter and will outline actions that will be reviewed at the February 9, 2017 Council Meeting.

In the first paragraph you make a claim of unfair treatment in having to run a 6 inch water line to the property you were developing. Under Chapter 51 of the Falls City Municipal Code, Section 51.06, item A:

§ 51.06 MAIN EXTENSION.

- (A) *Within the city limits.* Water main extensions to areas within the city limits not presently served with water shall be a minimum of six-inch pipe of a material specified by the city and become the property of the Water Department at the time of installation. Extensions inside the city limits shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials used shall be in accordance with current City and/or State Health Department standards. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council

The City requires any land developer to cover the cost of water main extensions to the development. The State of Oregon also has regulations on the size of lines and requires the line to be looped. The City was not giving Green Haven RV Park, LLC unfair treatment as you state, but we were following the City Municipal Code that any developer would be subject to. In addition with the land use permits granted to the Green Haven RV Park the City specified under the Site review item 2, the requirements for servicing the Park with Water. This is an agreement between Green Haven RV Park, LLC and the City of Falls City specifying requirements that the City set for you to be able to operate your business as conditional use within our the Commercial Industrial Zone, Chapter 2.103.05, item A, that Green Haven RV Park agreed to in the terms of the land use permit.

You state that your usage has gone up since January 2016. The City records show that we notified Green Haven RV Park of a leak on your side of the meter in January and March 2016. We did install a new meter on

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December 16, 2015 due to having to manually read the meter because the glass portion of the meter was broken out. The utility customer under Chapter 51 have a process to check the meter if they fill it is not reading correctly.

§ 51.12 METER ERROR.

(A) *Meter accuracy.* All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of 2% under conditions of normal operations.

(B) *Meter test.*

(1) *Standard test.* Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

(2) *On customer request.* A customer may, giving not less than seven-days' notice, request the Water Department to test the meter servicing his or her premises. The Water Department will require the customer to deposit the testing fee. This fee shall be \$25, or as otherwise established by resolution of the Council, for meters three-fourths inch and smaller, and for meters larger than three-fourths inch shall be an estimate of the cost of testing the meter as determined by the Water Superintendent. The deposit will be returned to the customer if the test reveals the meter to over-register more than 2% under the standard test conditions, otherwise, the deposit shall be retained by the Water Department. Customers may, at their option, witness any meter test which they request.

(3) *On Water Department request.* If, upon comparison of past water usage, it appears that a meter is not registering properly, the Water Department may, at its option, test the meter and adjust the charges accordingly if the meter either over-registers or under-registers. No charge for meter testing will be made to the customer for the meter test under these conditions.

(C) *Adjustments of bill for meter error.*

(1) No credit or debits will be borne by the city or the customers should the tested meter show variance high or low, from the accuracy defined in division (A) above.

(2) The Water Department will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

If Green Haven RV Park would like to have the meter tested please notify the City and we will follow the above steps to test the meter. If your water bill is now higher than in years past, it is likely because of the leak we notified you about in January 2016. We encourage you to have the leak fixed.

In paragraph three (3) of your letter you state that the City provides the citizens with a utility at a reasonable rate. We agree and that is why under our work to complete a Master Water Plan we have been auditing our utility billing system and it was noted that Green Haven RV Park has been receiving its water at a cost below the rest of our customers. Also you state that we cannot change your zoning. The City's water bills do not attempt to change your property zoning. The way we bill for water has nothing to do with your land zoning. We separate charges to customers based upon a number of factors, including: whether the property is inside or outside of city limits; whether the property is a mix of residential and commercial (which is your designation for water billing); or whether the property is purely commercial.

The City has reviewed the way we charge multiple dwelling accounts and we are bringing every multiple dwelling account into the same fair billing procedure. Green Haven Park is currently operating 30 full hook up spots, one (1) office, one (1) manager residence, one (1) bathroom/shower facility, and 10 non full hook up sites. Any other landlord would be charged a multiplier of 32 or be required to install separate meters for each full hook up site, a meter for the living quarters, and a meter for the office/bathroom facility.

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As you know Councilor Drill and I met with you at the RV Park and explained the concerns of City Council, I said that using a multiplier would allow for the usage of the residents of your park at a comparable rate with other water customers could be done through the special agreement clause in Chapter 51, and that I would put together an agreement for the Park to look over to negotiate a fair charge for your water usage. When I brought a draft of the agreement Dick would not even look at it and said that the RV Park would retain legal advice. I left copies of the agreement and said that if you changed your mind on helping come to a solution the City was open to a fair agreement. I will say that I used your normal usage of 50,000 gallons, not the numbers for 2016, to come up with the numbers in the agreement, which I thought was a fair agreement based on your past water usage.

I am sorry that you feel that the City is targeting you and your business, but at our meeting I thought we were all on the same page in terms of the need to charge your park a fair price. It is not fair to have other water users subsidize your usage.

This letter is to answer your letter and public comments at the last Council meeting, not to put you on notice of the new way we are going to be charging your business in the future. You keep mentioning your desire to negotiate through the Courts, so once I send letter of notification of a billing/rate change I will leave enough time before instituting the charges for you to seek legal counsel.

I hope this helps explain the position of the City and to point out that we are not harassing you personally or your business. I would still like to work with you to reach an agreement per Chapter 51 of the Municipal Code that regulates the way the City charges for water.

Sincerely,

Terry Ungricht
Mayor/Manager City of Falls City

The Polk County Board of Commissioners
invites you to the...

*Polk County
Veteran Service Office
Open House*

*February 15, 2017
3:00pm to 6:00pm*

240 SW Washington Street
Dallas, OR 97338

(Next door to the Center Market)

Parking in lot is limited, but street parking is available.

Phone: 503-623-9188

Fax: 503-623-7902

torres.stephanie@co

Refreshments provided by the Women's Auxiliary.

Public Works Staff Report for January, 2017

Thursday, 1 Water and sewer samples.

Friday, 2 Paper work WTP, Dallas gas, supplies.

Saturday, 3 Sunday, 4 Routine water and sewer, help with unloading blocks for Harding park,

Monday, 5 City, received its first snow, preparation for coming storms.

Tuesday, 6 Removal of snow.

Wednesday, 7 Help unload blocks.

Thursday, 8 Cor-PRO Company, did chthonic protection on cities reservoir. More snow and freezing rain.

Friday, 9 Routine water and sewer, Holiday.

Saturday, 10 Sunday, 11 Routine water and sewer.

Monday, 12 Took filter number one down at the WTP, Dallas gas, supplies.

Tuesday, 13 Snow removal.

Wednesday, 14 Service city utility pick- up.

Thursday, 15 More snow, clean UV system WWTP, snow removal, sand, very cold.

Friday, 16 Shut off notices delivered.

Saturday, 17 Sunday, 18 Routine water and sewer.

Monday, 19 Some freezing rain, warming, city streets are in need of repair.

Tuesday, 20 Working on roads.

Wednesday, 21 Road work.

Thursday, 22 Clean Glaze CR. Intake.

Friday, 23 Routine water and sewer, Holiday

Saturday, 24 Sunday, 25 Routine water and sewer.

Monday, 26 meter reading.

Tuesday, 27 Rereads, high reads, problem with PLC at WTP, called out Valley Electric, need order new card.

Wednesday, 28 Order parts for new water service on West BLVD.

Thursday, 29 Order new tool for water department, w/order leak adjustment.

Friday, 30 Routine water and sewer, Holiday.

Saturday, 31 Routine water and sewer.