

Notice of Public Meeting

Notice of City Council Meeting

AGENDA

CITY COUNCIL - CITY OF FALLS CITY, OREGON

Meeting Location: 320 N Main Street, Falls City

Thursday April 14, 2016 6:00 p.m.

Posted on April 8, 2016

- 1) **Call to Order**
A) Roll Call: Julee Bishop ____ Dennis Sickles ____ Lori Jean Sickles ____ Jennifer Drill ____
Tony Meier ____ Gerald Melin ____ Terry Ungricht, Mayor ____
- 2) **Pledge of Allegiance**
- 3) **Motion to Adopt the Entire Agenda**
- 4) **Consent Agenda: Motion Action Approving Consent Agenda Items**
A. Approval of the Billspages 1-5
B. Approval of March 10, 2016 Council Meeting Minutes.....pages 6-45
- 5) **Public Comments:** Citizens may address the Council or introduce items for Council consideration on any matters. Council may not be able to provide an immediate answer or response, but may direct staff to follow up on any questions raised. Out of respect to the Council and others in attendance, please limit your comment to five (5) minutes. Please state your name and city of residence for the record.
- 6) **New Business:**
A. Script for Public Hearings.....pages 46-49
B. Public Hearing–Type III Nonconforming Use 246 S. Main Street..... pages 50-59
C. Public Hearing–Type III Nonconforming Use 169 4th Street pages 60-69
D. Resolution 06-2016, Authorizing application for land acquisition grant..... Pages 70-80
E. Consider a Volunteer Jail Cleanup Project..... Pages 81-82
F. Resolution 07-2016, Republic Services rate increase..... pages 83-86
G. Notice of Violation 673 Bryant Street..... pages 87-107
H. Notice of Violation 256 Pine Street..... pages 108-120
I. RFP for City Engineer..... pages 121-130
- 7) **Correspondence, Comments, and Ex-Officio Reports**
A. Mayor Report.....pages 131-132
B. Council Reports
 Polk County Sheriff Garton's report.....pages 133
 Fire Department Monthly Report.....pages N/A
 Public Works Department Monthly Reportpages N/A
 Library Monthly Reportpages 134
- 8) **Council Announcements**
A. Next regular City Council meeting May 12, 2016 at 6:00 p.m.
- 9) **Adjourn**

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

City of Falls City
Paid Bills Report
 As of March 5, 2016

	Date	Memo	Account	Class	Amount
Buhler & Meyer CPA's LLP	03/05/2016	February	Accounts Payable		-613.65
	03/05/2016	35% Admin, February	Professional Services	01 GENERAL FUND:01.01 Administrative	214.78
	03/05/2016	5% Court	Professional Services	01 GENERAL FUND:01.04 Municipal Court	30.68
	03/05/2016	10% Street	Professional Services	11 STREET FUND	61.36
	03/05/2016	15% Sewer	Professional Services	13 SEWER FUND	92.04
	03/05/2016	35% Water	Professional Services	20 WATER OPERATING FUND	214.79
					<u>0.00</u>
Total Buhler & Meyer CPA's LLP	03/05/2016	February 1367234701	Accounts Payable		-4.56
	03/05/2016	February 1367234701-85%	Telephone	01 GENERAL FUND:01.01 Administrative	3.87
	03/05/2016	February 1367234701-15%	Telephone	20 WATER OPERATING FUND	0.69
					<u>0.00</u>
Total CenturyLink Business Services	03/05/2016	Statement 02/29	Accounts Payable		-79.83
	03/05/2016	Statement 02/29	Vehicle Maintenance/Repair	11 STREET FUND	67.12
	03/05/2016	Statement 02/29	Vehicle Maintenance/Repair	20 WATER OPERATING FUND	12.71
					<u>0.00</u>
Total Dallas Auto Parts	03/05/2016	March Donation	Accounts Payable		-916.66
	03/05/2016	March Donation to Falls City Fire Assco Point System	Accounts Payable	01 GENERAL FUND:01.07 Fire Department	916.66
					<u>0.00</u>
Falls City Fire Association	03/05/2016	12471, 12472, 12468, 12469	Accounts Payable		-1,734.00
	03/05/2016	inv.12471, 12472, 12468, 12469	Professional Services	13 SEWER FUND	1,734.00
					<u>0.00</u>
Total King's Pumping Service	03/05/2016	INV- 199	Accounts Payable		-1,005.40
	03/05/2016	Treatment plant computer, set up, server	Computer Hardware	20 WATER OPERATING FUND	1,005.40
					<u>0.00</u>
MINET					
Total MINET	03/05/2016	inv#, 1066374i	Accounts Payable		-6.78
	03/05/2016	inv # 1066374i	Maintenance Supplies	11 STREET FUND	6.78
					<u>0.00</u>
Van Well Building Supply	03/05/2016	9761035940	Accounts Payable		-37.96
	03/05/2016	February	Telephone	01 GENERAL FUND:01.01 Administrative	18.98
	03/05/2016	February	Telephone	20 WATER OPERATING FUND	18.98
					<u>0.00</u>
Total Verizon Wireless	03/05/2016	083655213	Accounts Payable		-213.51
	03/05/2016	65% Use, inv 083655213	Operational Supplies	01 GENERAL FUND:01.01 Administrative	138.78
Xerox Corporation	03/05/2016	10% Use	Operational Supplies	11 STREET FUND	21.35
	03/05/2016	10% Use	Operational Supplies	13 SEWER FUND	21.35
	03/05/2016	15% Use	Operational Supplies	20 WATER OPERATING FUND	32.03
					<u>0.00</u>
Total Xerox Corporation					<u>0.00</u>
Bill Kalpakoff	03/12/2016		Accounts Payable		-75.00
	03/12/2016	work on hoe/pickup	Equipment Maintenance/Repair	11 STREET FUND	25.00
	03/12/2016	work on hoe/pickup	Equipment Maintenance/Repair	20 WATER OPERATING FUND	50.00
					<u>0.00</u>
Total Bill Kalpakoff					<u>0.00</u>

City of Falls City
Paid Bills Report
 As of March 5, 2016

CenturyLink	Date	Memo	Account	Class	Amount
	03/12/2016	multiple phone bills March	Accounts Payable		-421.46
	03/12/2016	March	Telephone	01 GENERAL FUND:01.01 Administrative	183.37
	03/12/2016	March	Telephone	20 WATER OPERATING FUND	65.50
	03/12/2016	March	Telephone	01 GENERAL FUND:01.07 Fire Department	172.59
					<u>0.00</u>
Total CenturyLink					
City of Coos Bay					
	03/12/2016	201601-201603	Accounts Payable		-51.00
	03/12/2016	Charter franchise negotiation, 201601-201603	Attorney/Special Council	01 GENERAL FUND:01.01 Administrative	51.00
					<u>0.00</u>
Total City of Coos Bay					
City of Salem					
	03/12/2016	inv#2303693	Accounts Payable		-1,684.98
	03/12/2016	70% inv#2303693, 911	911 Fee - Fire Department	01 GENERAL FUND:01.07 Fire Department	1,179.49
	03/12/2016	30% inv#2303693	911 Fee - Law Enforcement	01 GENERAL FUND:01.01 Administrative	505.49
					<u>0.00</u>
Total City of Salem					
Department of Environmental Quality					
	03/12/2016	WQ16dom-0974	Accounts Payable		-2,191.00
	03/12/2016	Yearly fee NPDES permit	Permits	13 SEWER FUND	2,191.00
					<u>0.00</u>
Total Department of Environmental Quality					
Edge Analytical					
	03/12/2016	16-04664, 16-04665	Accounts Payable		-53.00
	03/12/2016	16-04664, 16-04665	Lab Analysis Services	20 WATER OPERATING FUND	53.00
					<u>0.00</u>
Total Edge Analytical					
HBH Consulting Engineering					
	03/12/2016	February #2016-001	Accounts Payable		-4,529.00
	03/12/2016	February Engineering Services, Master\	Professional Services	20 WATER OPERATING FUND	4,529.00
					<u>0.00</u>
Total HBH Consulting Engineering					
John W. Gilbert					
	03/12/2016	Statement 003	Accounts Payable		-300.00
	03/12/2016	Statement # 003 Community Center Pair	Community Center Maint/Repairs	01 GENERAL FUND:01.01 Administrative	300.00
					<u>0.00</u>
Total John W. Gilbert					
King's Pumping Service					
	03/12/2016	12486, 12476, 12477, 12480, 12481, 12481, 12481	Accounts Payable		-3,091.53
	03/12/2016	inv. 12488, 12476, 12477, 12480, 12481	Professional Services	13 SEWER FUND	3,091.53
					<u>0.00</u>
Total King's Pumping Service					
Mid Wiliamette Valley COG					
	03/12/2016	1516279	Accounts Payable		-462.00
	03/12/2016	inv. 1516279 COG Land Use	Professional Services	01 GENERAL FUND:01.01 Administrative	462.00
					<u>0.00</u>
Total Mid Wiliamette Valley COG					
National Hose Testing Specialties, Inc					
	03/12/2016	Inv # 45094	Accounts Payable		-840.00
	03/12/2016	Inv # 45094	Equipment Maintenance/Repair	01 GENERAL FUND 01.07 Fire Department	840.00
					<u>0.00</u>
Total National Hose Testing Specialties, Inc					
Pacific Power					
	03/12/2016	multiple accounts, 21091501-006 2	Accounts Payable		-2,028.41
	03/12/2016	March	Power/Heat	01 GENERAL FUND 01.07 Fire Department	824.19
	03/12/2016	March	Power/Heat	01 GENERAL FUND 01.01 Administrative	96.00
	03/12/2016	March	Power/Heat	01 GENERAL FUND 01.03 Parks	36.60
	03/12/2016	March	Power/Heat	13 SEWER FUND	386.60
	03/12/2016	March	Street Lights	11 STREET FUND	621.41
	03/12/2016	March	Power/Heat	20 WATER OPERATING FUND	63.61
					<u>0.00</u>
Total Pacific Power					

City of Falls City
Paid Bills Report
 As of March 5, 2016

	Date	Memo	Account	Class	Amount
Petro Card	03/12/2016	C036090	Accounts Payable		-32.71
	03/12/2016	20% C036090	Vehicle Operation	11 STREET FUND	6.54
	03/12/2016	20% C036090	Vehicle Operation	13 SEWER FUND	6.54
	03/12/2016	60% C036090	Vehicle Operation	20 WATER OPERATING FUND	19.63
Total Petro Card				0.00	
Speer Hoyt LLC	03/12/2016	34350	Accounts Payable		-551.00
	03/12/2016	INV: 34350	Attorney/Special Council	01 GENERAL FUND:01.01 Administrative	551.00
Total Speer Hoyt LLC					0.00
Terry Ungricht	03/12/2016	February Expenses	Accounts Payable		-292.10
	03/12/2016	February Expenses	Travel/Meeting Expense	01 GENERAL FUND:01.01 Administrative	292.10
Total Terry Ungricht					0.00
West Valley Hospital	03/12/2016	INV: 907	Accounts Payable		-67.72
	03/12/2016	EMS Medication Billing, inv 907	Medical Supplies	01 GENERAL FUND:01.07 Fire Department	67.72
A. Pederson's Plumbing, Inc.	03/18/2016	50158	Accounts Payable		-90.00
		inv. 50158	Community Center Maint/Repairs	01 GENERAL FUND 01.01 Administrative	90.00
City of Dallas	03/18/2016	INV# 201603081632, February	Streets Maintenance/Repair		-300.00
	03/18/2016	Account # 1155301	Power/Heat	11 STREET FUND	300.00
Consumers Power Inc	03/18/2016	March Power	Accounts Payable		-288.63
			Power/Heat	20 WATER OPERATING FUND	288.63
Edge Analytical	03/18/2016	16-04631	Accounts Payable		-227.00
	03/18/2016	16-04631	Lab Analysis Services	13 SEWER FUND	227.00
Premier Home Inspection	03/18/2016	304/306 N. Main	Accounts Payable		-525.00
	03/18/2016	304/306 N. Main building inspection	City Hall Maint/Repairs	01 GENERAL FUND:01.01 Administrative	525.00
US Bank Visa	03/18/2016	February, office supplies	Accounts Payable		-739.21
	03/18/2016	Polk County Breakfast	Office Supplies	01 GENERAL FUND:01.01 Administrative	654.63
	03/18/2016	Sewer pump floats	Travel/Meeting Expense	01 GENERAL FUND:01.01 Administrative	11.50
			System Maintenance/Repair	13 SEWER FUND	73.08
Valley Electric Company, LLC	03/18/2016	March statement	Accounts Payable		-520.50
	03/18/2016	March statement	Equipment Maintenance/Repair	13 SEWER FUND	430.50
	03/18/2016	March statement	Equipment Maintenance/Repair	20 WATER OPERATING FUND	90.00

City of Falls City
Paid Bills Report
 As of March 27, 2016

	Date	Memo	Account	Class	Amount
City of Dallas	03/27/2016	INV# 201603181650	Accounts Payable		-300.00
Total City of Dallas	03/27/2016	INV# 201603181650 March	Streets Maintenance/Repair	11 STREET FUND	300.00
CUSI					0.00
Total CUSI					-565.75
Detsman Trucking & Excavation	03/27/2016	U 19992	Accounts Payable		565.75
	03/27/2016	U 19992, utility statements	Computer Software Maintenance	20 WATER OPERATING FUND	0.00
Total Detsman Trucking & Excavation					-631.49
Edge Analytical	03/27/2016	2127	Accounts Payable		631.49
	03/27/2016	INV#2127, 3rd Street line break	System Maintenance/Repair	20 WATER OPERATING FUND	0.00
Total Edge Analytical					-149.00
Forbes Plumbing	03/27/2016	16-05636	Accounts Payable		149.00
	03/27/2016	16-05636	Lab Analysis Services	13 SEWER FUND	0.00
Total Forbes Plumbing					-27.00
John Deere Financial	03/27/2016	Inv: 13470	Accounts Payable		27.00
	03/27/2016	Inv #13470, Park bathroom sink handle	Maintenance Supplies	01 GENERAL FUND:01.03 Parks	0.00
Total John Deere Financial					-723.25
Petro Card	03/27/2016	lawn mower repair	Accounts Payable		286.01
	03/27/2016	blower	Equipment Maintenance/Repair	01 GENERAL FUND:01.03 Parks	307.93
	03/27/2016	blower	Maintenance Supplies	20 WATER OPERATING FUND	129.31
Total Petro Card					0.00
Plitney Bowes	03/27/2016	C041068	Accounts Payable		-75.80
	03/27/2016	20% C041068	Vehicle Operation	11 STREET FUND	15.16
	03/27/2016	20% C041068	Vehicle Operation	13 SEWER FUND	15.16
	03/27/2016	60% C041068	Vehicle Operation	20 WATER OPERATING FUND	45.48
Total Plitney Bowes					0.00
Xylem Water Solutions U.S.A., Inc.	03/27/2016	Acct# 19656466866	Accounts Payable		-301.50
	03/27/2016	March 35%	Postage & Freight	13 SEWER FUND	105.52
	03/27/2016	March 50%	Postage & Freight	20 WATER OPERATING FUND	150.75
	03/27/2016	March 15%	Postage & Freight	01 GENERAL FUND:01.01 Administrat	45.23
Total Xylem Water Solutions U.S.A., Inc.					0.00
Total Xylem Water Solutions U.S.A., Inc.	03/27/2016	3556887629	Accounts Payable		-3,367.00
	03/27/2016	Rebuild Pump	Wastewater Projects	19 CITY UTILITY RESERVE FUND	3,367.00
CenturyLink Business Services	04/05/2016	March 1370148300	Accounts Payable		-3.87
	04/05/2016	March 1370148300-85%	Telephone	01 GENERAL FUND:01.01 Administrative	3.29
	04/05/2016	March 1370148300-15%	Telephone	20 WATER OPERATING FUND	0.58
Total CenturyLink Business Services					0.00
Dallas Auto Parts	04/05/2016	Statement 03.31	Accounts Payable		-154.08
	04/05/2016	Statement 03.31	Vehicle Maintenance/Repair	11 STREET FUND	25.43
	04/05/2016	Statement 03.31	Vehicle Maintenance/Repair	20 WATER OPERATING FUND	84.79
	04/05/2016	Statement 03.31	Vehicle Maintenance/Repair	01 GENERAL FUND:01.03 Parks	4.44
	04/05/2016	Statement 03.31	Maintenance Supplies	13 SEWER FUND	39.42
Total Dallas Auto Parts					0.00

4

City of Falls City
Paid Bills Report
 As of March 27, 2016

	Date	Memo	Account	Class	Amount
Falls City Fire Association	04/05/2016	April Donation	Accounts Payable		-916.66
	04/05/2016	April Donation to Falls City Fire Associati	Point System	01 GENERAL FUND-01.07 Fire Departm	916.66
Total Falls City Fire Association					0.00
Les Schwab	04/05/2016	21632373	Accounts Payable		-98.00
	04/05/2016	Dump truck tire repair	Vehicle Maintenance/Repair	20 WATER OPERATING FUND	49.00
	04/05/2016	Dump truck tire repair	Vehicle Maintenance/Repair	11 STREET FUND	49.00
Total Les Schwab					0.00
Mountain Valley Monitoring	04/05/2016	INV#1521	Accounts Payable		-90.00
	04/05/2016	Security Monitoring April-June #1521	Professional Services	01 GENERAL FUND-01.01 Administrative	45.00
	04/05/2016	Security Monitoring April-June #1521	Professional Services	01 GENERAL FUND-01.07 Fire Departm	45.00
Total Mountain Valley Monitoring					0.00
Net Assets Corporation	04/05/2016	66-201603	Accounts Payable		-22.00
	04/05/2016	50% Lien service -66-201603	Professional Services	13 SEWER FUND	11.00
	04/05/2016	50% Lien service -66-201603	Professional Services	20 WATER OPERATING FUND	11.00
Total Net Assets Corporation					0.00
Van Well Building Supply	04/05/2016	6 invoices	Accounts Payable		-178.62
	04/05/2016	inv # 10695951, \$91.96 credit	Community Center Maint/Repairs	01 GENERAL FUND-01.01 Administrative	29.97
	04/05/2016	1070101	Maintenance Supplies	20 WATER OPERATING FUND	43.99
	04/05/2016	1070599	Maintenance Supplies	01 GENERAL FUND-01.07 Fire Departm	75.97
	04/05/2016	1074619	Maintenance Supplies	01 GENERAL FUND-01.03 Parks	7.99
	04/05/2016	1075247	Maintenance Supplies	11 STREET FUND	20.70
Total Van Well Building Supply					0.00
Verizon Wireless	04/05/2016	9761035940	Accounts Payable		-37.96
	04/05/2016	March	Telephone	01 GENERAL FUND-01.01 Administrative	18.98
	04/05/2016	March	Telephone	20 WATER OPERATING FUND	18.98
Total Verizon Wireless					0.00
Xerox Corporation	04/05/2016	08408859	Accounts Payable		-190.09
	04/05/2016	65% Use, inv 08408859	Operational Supplies	01 GENERAL FUND-01.01 Administrative	123.56
	04/05/2016	10% Use	Operational Supplies	11 STREET FUND	19.00
	04/05/2016	10% Use	Operational Supplies	13 SEWER FUND	19.00
	04/05/2016	15% Use	Operational Supplies	20 WATER OPERATING FUND	28.53
Total Xerox Corporation					0.00

5

City of Falls City
City Council Regular Meeting
Thursday March 10, 2016
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

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

Mayor Ungricht called the meeting to order at 6:01 PM.

1) Roll Call

Clerk Protheroe took roll call. Councilor L. Sickles arrived at 7:00 PM. Councilor Drill left the room between 7:25 PM and 7:26 PM.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire Agenda

A motion was made by Councilor D. Sickles and seconded by Councilor Meier to adopt the entire agenda, with the addition of Item H, Sewer Procedures, and Item I, Sewer Audit. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

4) Consent Agenda

Exhibit A, Page 2 of the Mayor's Report for the February 3, 2016 Work Session Minutes was distributed to Council prior to the meeting.

Pacific Power bill was lower because the Fire Department had closed the bay doors more often than not. Inefficient fire bay heater had not been replaced. Mayor Ungricht would email a copy of the Polk County Sheriff bill to Councilor Drill. Sharon Volk Grene was reimbursed for Falls City Fire Department medical supplies purchased with her personal credit card.

A motion was made by Councilor Drill and seconded by Councilor D. Sickles to adopt the Consent Agenda with the addition of Page 2 of the Mayor's Report for the February 3, 2016 Work Session Minutes. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop.

5) Public Comments

Mike McConnell of Falls City spoke on behalf of the Falls City Historic Landmarks Commission. Mr. McConnell asked Council to consider created a historic property renovation loan incentive program under the City Revolving Loan Fund to allow loans to applicants who did not qualify as low income, providing the renovations fall within the guidelines of the Historic Commission.

Mayor Ungricht reported that the Revolving Loan Fund available balance was low and requested that the Historic Landmarks Commission move forward to adopt the Inventory of Historic Landmarks and then forward the list onto the City Council for adoption.

6) New Business

A. Appointment of Elections Officer

The City Manager normally serves as the Election Officer. Because Mayor Ungricht also serves as City Manager, and planned to run for reelection in the November 2016 Election, he could not

serve as the election officer. Domenica Protheroe, City Clerk, had served as the Elections Officer in 2012.

A motion was made by Councilor Meier and seconded by Councilor Melin that the City Council of the City of Falls City appoint City Clerk Domenica Protheroe as Falls City Elections officer. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop.

B. MOU on Fire Grant

Mayor Ungricht and Lori Albert attended a class for the FEMA 2016 Assistance to Firefighters Grant. Fire Chief Fred Hertel, Southwestern Polk County Rural District/Dallas Fire Department also attended the class and agreed to submit a regional grant application because a regional grant application would increase call volume and citizens served. Fire Chief Young had agreed to a joint application.

The Memorandum of Understanding (MOU) was for a regional FEMA 2016 Assistance to Firefighters Grant between Falls City Fire Department, Dallas Fire Department, Dallas Emergency Medical Services, and Southwestern Polk Rural Fire District. The MOU specified specific roles and responsibilities. The cost to the City of Falls City for self-contained breathing apparatus (SCBA's) was \$1,843 and Radio grant was \$9,931.60 for Radios, for a total of \$11,775.

Mayor Ungricht read aloud the full title of Resolution: RESOLUTION 03-2016 - A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN FALLS CITY FIRE DEPARTMENT, DALLAS FIRE DEPARTMENT, DALLAS EMERGENCY MEDICAL SERVICES, AND SOUTHWESTERN POLK RURAL FIRE DISTRICT FOR THE REGIONAL APPLICATION OF THE 2016 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) PROGRAM ADMINISTERED BY FEMA.

Councilor Drill asked Mayor Ungricht to confirm that Falls City was the lead applicant for apparatus and that Southwestern Polk County Rural Fire District was the lead applicant for the radios. Mayor Ungricht confirmed and clarified that he, as City Manager, would sign the MOU.

A motion was made by Councilor D. Sickles and seconded by Councilor Meier that the City Council of the City of Falls City adopt Resolution 03-2016 - A resolution adopting the Memorandum of Understanding between Falls City, Dallas Fire Department, Southwestern Polk Fire District, and Dallas EMS for the 2016 Assistance to Firefighters grant cycle. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop.

C. Request from Parks Committee

A motion was made by Councilor Meier and seconded by Councilor Melin that City Council of the City of Falls City instruct staff to work with the Parks Committee to draft survey questions and mail questions in water bills.

Councilor Drill requested to combine the Emergency Preparedness Team survey questions. Councilor Drill would submit survey questions to Mayor Ungricht. Mayor Ungricht stated that the survey would be limited to one page to control costs; one side would include Park and Recreation questions and the other would include Emergency Preparedness Team questions.

Councilor Meier amended his motion and Councilor Melin seconded that that City Council of the City of Falls City instruct staff to work with the Parks Committee to draft survey questions, and include the Emergency Preparedness Team survey questions and mail in water bills. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop.

D. Town Hall Meeting Report

Mayor Ungricht reported that there was a good turnout at the February 23, 2016 Town Hall meeting. The meeting topics were law enforcement and a neighborhood watch program. Polk County Sheriff officers attended the meeting and reported that they would be more than willing to help set up a neighborhood watch program in Falls City. Mayor Ungricht stated that this effort would be a good way to build a relationship with law enforcement agency considering our limited funds.

Councilor Drill announced that the next Town Hall Meeting was March 29, 2016 at 7:00 PM in the Community Center. The topic would be the Neighborhood Watch Program.

Mayor Ungricht asked Councilors to encourage citizens to attend and cautioned Councilors to avoid a quorum at the Town Hall meeting.

E. Agreement with Falls City Fire Association

Council had approved the agreement with the Falls City Fire Association by motion in January 2015. The agreement should have been adopted by Resolution. Agreements adopted by resolutions would ease research efforts by future staff.

The agreement provided an opportunity for renegotiation annually and described the automatic renewal process.

Mayor Ungricht read aloud the full title of RESOLUTION 04-2016 - A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF FALLS CITY AND THE FALLS CITY FIRE ASSOCIATION SETTING THE MONTHLY COMMUNITY CONTRIBUTION TO THE VOLUNTEER FIREFIGHTERS.

A motion was made by Councilor Meier and seconded by Councilor Bishop that the City Council of the City of Falls City adopt Resolution 04-2016 A Resolution adopting an agreement between the City of Falls City and the Falls City Fire Association. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop.

F. TMDL Pet Waste Stations carried over per Council motion

Council tabled Pet Waste Stations at the February 2016 City Council Meeting.

Mayor Ungricht informed Council that Total Maximum Daily Load (TMDL) list was an agreement with Department of Environmental Quality for stormwater management. He wanted to keep storm drainage issues in front of Council.

Council discussed TMDL. The storm drain on Bridge Street would be fixed during the paving project under the Small City Allotment Grant (SCA). Councilor Drill thought the City was doing a great job managing TMDL; children work with the Booster Club to pick up garbage, and the City provided toilets during the summer at both the Fay Wilson Memorial Park and the Michael Harding Park. Councilor Drill and Councilor Meier did not support the pet waste stations. Councilor Drill thought that the City should instead focus on human waste issues and she was concerned about vandalism of the pet waste stations.

Councilor D. Sickles supported the pet waste stations stating that they are common fixtures in parks. Councilor Bishop supported the pet waste stations and thought citizens and visitors would use them if they were installed.

8

A motion was made by Councilor D. Sickles and seconded by Councilor Bishop that that the City of Falls City, City Council approve the purchase of three (3) Pet Waste Stations to be placed at the Lower Park, Upper Park and the Falls Park to satisfy 2016 Total Maximum Daily Load (TMDL) requirements. Motion carried 3-2-0. Ayes: Gerald Melin, Dennis Sickles, Julee Bishop. Nays: Jennifer Drill, Tony Meier.

G. Resolution 05.2015 changing bulk water fees and sewer hookup fees and Public Hearing per ORS 294.160 raising fees

Mayor Ungricht announced that the public hearing per ORS 294.16 was an opportunity for any member of the public to comment on or make requests regarding the proposed resolution raising non-contracted bulk water sales and considering the simple/complex sewer connection fees into one connection fee of \$3,250.00.

Mayor Ungricht opened the public hearing at 6:39 PM.

Mayor Ungricht invited public comment.

No public comments.

Mayor Ungricht closed the public hearing at 6:40 PM.

Council discussed non-contracted bulk water sales to loggers during fire season and Luckiamute Domestic Water Cooperative customers who are not allowed to use water for irrigation. Mayor Ungricht hoped to target revenue from the sale of non-contracted bulk water for the purchase of a keyed meter installed on a hydrant that would automatically charge the customer. The resolution would not prevent the City from entering into future contracts for bulk water.

Mayor Ungricht read aloud the title of the Resolution No. 05-2016 - A RESOLUTION DETAILING FEES FOR WATER SERVICE AND RELATED CHARGES; AND SEWER CONNECTION FEES; AND REPEALING PRIOR RESOLUTIONS.

A motion was made by Councilor Melin and seconded by Councilor Bishop that the City Council of the City of Falls City approve Resolution 05-2016 - A resolution raising the cost of non-contracted bulk water sales and consolidating the simple and complex sewer hookup fees into one sewer hookup Fee. Motion carried 5-0-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop.

H. Sewer Procedures

Exhibit B – Agenda Report titled New Reporting System for Sewer Tank Actions was distributed to Council prior to the meeting.

Mayor Ungricht reported that he had directed staff to use the Utility Billing System for all work orders for sewer actions, such as pumping. The centralized database would provide touch of a button reporting for sewer actions by service address, and would allow the City to present professional reports to Department of Environmental Quality (DEQ) when audited. Mayor Ungricht reported that the City was behind on pumping sewer tanks.

I. Sewer Audit

Exhibit C – Agenda Report titled Sewer Service Users Audit was distributed to Council prior to the meeting.

Mayor Ungricht informed Council that the sewer audit revealed that 592 Wood Street had not been billed for the service. Utility billing history going back to 2004 showed that the sewer

service address had not been billed; it was not known if the property had been billed for sewer before 2004. The omission was not the fault of the owner. In fact, the owners thought their monthly utility bill included sewer service.

Mayor Ungricht outlined the three billing options listed in the Agenda Report. The Public Works Committee reviewed the three options at the February Committee meeting and recommended Option 1: begin billing for sewer service March 2016 forward. Mayor Ungricht recommended this option, as well.

Mayor Ungricht reported that the sewer tank was recently pumped at 592 Wood Street for a cost of \$427.53.

Councilor Drill asked Ms. Whitney, owner of 592 Wood Street, if she remembered the billing rate when she purchased the property. Ms. Whitney believed the utility fee was between \$35 and \$40/month in 2001. Mayor Ungricht did not think that 592 Wood Street had ever been billed for sewer.

A motion was made by Councilor D. Sickles and seconded by Councilor Meier that City Council of the City of Falls City instructs staff to notify the owner of 592 Wood Street of the sewer charges and begin billing sewer service March 2016 forward. Motion carried 5-0-0. Ayes: Tony Meier, Jennifer Drill, Gerald Melin, Dennis Sickles, Julee Bishop, Tony Meier.

7) Correspondence, Comments and Ex-Officio Reports

A. Mayors Report

Mayor Ungricht informed Council that William Diehm had passed away. Mr. Diehm was involved in building the Falls City entrance sign and had done many good things for the community.

The new Falls City entrance sign was close to completion and looked good.

Weyerhaeuser would blast at the Black Rock Pit on Friday March 11, 2015.

There was another water main break on 3rd Street, which would make it hard to delay the replacement of the main line. Mayor Ungricht would contact the engineer. The main break caused flooding in the Community Center. John Gilbert, Charlotte Ungricht, and Johnathan Ungricht volunteered for the cleanup. They reacted quickly, which might prevent damage to the building. CityCounty Insurance Service had been notified as a precaution. The Community Center was painted the weekend of March 12, 2016.

Mayor Ungricht attended the FEMA kick off meeting for the December 7, 2015 declaration of emergency. It looked like the Dutch Creek crossing would be fixed under the declaration of emergency. A FEMA Project Manager was assigned to the project.

The new \$9,500.00 wastewater recirculation pump needed repairs. Mayor Ungricht and Don Poe planned to take the pump to Portland. If the repair did not fall under warranty, the estimated cost to rewind the pump was \$2,500 to \$4,000. Jeff Landauer of Valley Electric bid \$6,000.00 to move the electrical connections outside of the pump, and replace the relays and the AMP contactors. Mr. Landauer had experience with our system and was very helpful. The equipment rental for the repair was \$800.00. Repairs would be paid from the Utility Reserve Fund. Mayor Ungricht had hoped to avoid this repair with the implementation of the new sewer system, but that project was still a few years out.

Southwestern Polk County Fire District hired a consultant to prepare a district master plan and rate study. The consultant would tally call load for the district, including SW Polk calls where Falls City Fire Department responded. The consultant would interview Mayor Ungricht and Fire Chief Young. Under the study, Southwestern Polk County Fire District would consider a new district and explore annexations. Ron Foggin, City Manager of Dallas, informed Mayor Ungricht that the City of Dallas would join the Southwestern District. If Dallas joined the district, Falls City would be the only city in Polk County funding its own fire department. An annexation would require a vote of the citizens. It was unclear if a vote of the citizens would be required if a new district was formed. It was unclear if Falls City citizens voted against a new district, if they would still be taxed, as was the result of the safety levy. Mayor Ungricht stated that part of his job was to look twenty to thirty years down the road. He did not see how the City could fund the Fire Department when looking out twenty to thirty years because costs increased but property taxes did not. Mayor Ungricht stated that the opportunity to join a fire district might not come back to the City in another 20 years and advised Council to consider carefully the option. Mayor Ungricht would bring information from the study to Council when it was made available.

JoHanna Hewitt, City Clerk, had asked Mr. Steel if he would like to donate the Luckiamute Clinic to the City and Mr. Steel was interested. Luckiamute Clinic is in the Commercial Zone. Mayor Ungricht estimated the building would require approximately \$20,000.00 in repairs. Amy Houghtaling had informed Mayor Ungricht that ARC might be interested in making a majority of the repairs for the cost of materials. Mayor Ungricht thought that the building was marketed for \$165,000.00 and would be \$120,000.00 asset.

Councilor L. Sickles asked if there was a planned use for the building. Mayor Ungricht reported that a new City Hall had been mentioned, but he preferred a commercial use because there was so few commercial building downtown. Mike McConnell had approached area Doctors to request a new clinic, but had not found interest yet. The City might be able to discount the rent for a medical office. A mall that rents spaces might be a good use. Councilor Melin asked if the building could serve as the Library. Mayor Ungricht was concerned with the life of the library and would discuss after this agenda item.

Mayor Ungricht asked Council if they wanted him to move forward at an expense of \$3,000.00 for the inspection. Council agreed by consensus.

Mayor Ungricht advised Council that the 2014-2015 library budget transfer was not made. As a result, the General Fund paid for the library instead of the Wagner Fund. The balance of Wager Fund would drop below \$100,000.00 at the end of the current budget year [2015-2016]. Mayor Ungricht informed Council that he was considering a recommendation to close the library at the end of the summer because of the lack of citizen involvement and because the Library Board had not moved forward with a Library District levy. By closing the library, the remaining monies would remain protected in the Wagner Fund and could be used at a future date to form a district.

Councilor Meier, a member of the Library Board, reported that the Library Board had ended the discussion of a library district after the second meeting. Councilor Bishop stated that surrounding cities were no longer interested in joining a library district. Councilor Melin, a member of the Library Board, reported that the Library Board decided not to pursue a Library District levy because they did not want to ruin the chance to pass the gym levy. //

Councilor Bishop and Mayor Ungricht were concerned that the Wastewater System did not have capacity to support the additional usage generated by a new gym. Councilor Bishop stated for the record that she was not against the gym but she had concerns about sewer capacity. Council discussed the gym project. The discussion included conflicting information whether the project included gym showers, and if showers are installed, would they be used.

Mayor Ungricht advised Council that he asked Department of Environmental Quality (DEQ) directed what would happen to the Wastewater System if the City disincorporated. DEQ responded that under State Law, the City could not disincorporate without first forming a sewer [and water] district. Mayor Ungricht estimated that DEQ would condemn the Wastewater System within five to seven years if the City did not move forward with a new Wastewater System. If the system was condemned, property values would fall, the State would take over and fix the system, and the State would set the rates for service.

Mayor Ungricht reported that the sewer system was currently within the boundaries of the permit [DEQ National Pollutant Discharge Elimination System (NPDES)]. Falls City Schools put a large load on the sewer system. If the load exceed capacity of the Wastewater System, liquid would be visible on the football field. Under the wastewater permit, the City cannot discharge to the river in the summer months. Mayor Ungricht did not like the 2013 Wastewater Facility Plan, except that the Plan expanded capacity.

Councilor Bishop thought citizens would support the gym over infrastructure. Councilor Drill inquired when sewer funding would go to a vote of the citizens. Mayor Ungricht clarified that sewer funding would not go to a citizen vote. Council would consider and vote on the sewer improvements funding package. Mayor Ungricht stated that Council had instructed him to move forward on the Sewer Facility Plan. If Council did not want him to move forward, or if they would not support a rate increase, let him know now, because the project was a lot of work for staff.

Mayor Ungricht wanted sewer rates as low as possible. He listed the initial tasks for Wastewater Facility project: (1) In order to qualify for a CDBG Grant, the area served by sewer must qualify as at least 51.8% low-income. The City currently did not qualify because the Census reported that Falls City was only 49.3% low-income. In order to challenge the Census number, an income survey was required for the 177 sewer services. Portland State University or Council of Governments is certified to perform the survey. The City must pay for the survey. If the survey certifies that 51.8% or more of the homes served by sewer are low-income, then the City can apply for CDBG grants. Idanha, Oregon recently challenged the Census low-income percentage by conducting the survey and won; (2) attend a One-Stop funding meeting. Mayor Ungricht could not guarantee that the two million dollar Wastewater project would be funding solely on grants because less CDBG grant monies are available. Mayor Ungricht had secured a letter of support [for grant funding] from DEQ; (3) Predesign phase; (4) Construction.

Mayor Ungricht envisioned that the lagoon system would have enough capacity to add the south side of town at a future date. The first phase of the Wastewater project would include the lagoons under Option 3 of the Wastewater Facility Plan, and Option 2, Infiltration/Inflow (I/I), after which the City would be required to wait five years before applying for additional CDBG funds to add a wastewater collection system on the south side of town. One problem the City faced was funding; we only have 177 users on the Wastewater System, a dollar rate increase amounts to only \$177.00/ month in revenue.

12

Council considered the timing for the new gym and the improvements for the sewer system. The gym was slotted for 2017 and sewer improvements were several years out. Councilor D. Sickles described the overuse of the High School Gym and the benefits of a new gym. He did not want misinformation spread and encouraged everyone to attend the April 19, 2016 Town Hall Meeting to learn about the gym project and discuss their concerns.

B. Council Reports

Councilor L. Sickles announced the March 26, 2016 Easter Egg Hunt at the Upper Park at 11:00 AM. Volunteers would meet at the Upper Park at 9:00 AM to hide candy. Volunteer would assemble Easter Baskets at The Boondocks on March 25, 2016 at Noon.

Councilor Drill reported that 130 emergency blankets had been purchased and would be washed and stored. Council Drill announced two Town Hall Meetings: March 29, 2016 to discuss a neighborhood watch program and April 19, 2016 to discuss the upcoming levy for the school gym. The Park and Recreational Committee would move the meeting date to a time when she was available.

Councilor Drill referred to Exhibit D-House Bill 2662, which was distributed prior to the meeting. HB-2662 would allow the City to remediate vacant properties and file a lien on the property for the cost of remediation. She requested that Council adopt HB-2662 by Resolution. Mayor Ungricht stated that Municipal Code had a remediation and lien process. Falls City was limited because code enforcement is built on citations, and without a code enforcement officer and a municipal court, the City cannot issue citations. Mayor Ungricht discussed the process of code enforcement; Issue a citation(s), schedule court date, and if the person cited failed to appear in court, then the City could remediate and file a property lien for the cost of the remediation. Clerk Protheroe reported that the cost of remediation would need to be budgeted. Money spent on remediation(s) might take years to collect; the city had unpaid enforcement liens dating back to 2009. Mayor Ungricht explained that the City would not be paid for an ordinance lien in cases where Polk County foreclosed for property taxes. Councilor Drill wanted the city to move forward on code enforcement. Mayor Ungricht stated that the City had taken several steps by registering to file notices of violations (NOV) on vacant properties, tagged two cars, informed bank of squatters living on Pine Street, and posting a NOV on Cameron Street. Mayor Ungricht and Clerk Protheroe planned to inspect vacant property and write NOV's. The constraint was available staff time. Councilor Drill asked the City to address the code violation on Bryant Street stating that the place was a garbage dump and a hazard. Mayor Ungricht would talk to the Polk County Sheriff about an Intergovernmental Agreement (IGA) for limited code enforcement, after the November election.

Council discussed endorsing Sherriff Mark Graton. Mayor Ungricht and Councilor Drill spoke in favor of the endorsement. Councilor Melin and Councilor Bishop spoke against the endorsement; both felt that Council should not endorse without approval of the public. Mayor Ungricht thought a Council endorsement would help lead the community to support the Polk County Sheriff. Members of Council could endorse a candidate as a private citizen.

Councilor Melin announced that the Economic Development Committee had four members. Additionally, two other citizens had expressed interest.

Councilor Bishop reported that a generator was running all day and night. Councilor Bishop would provide City Hall with the address and Mayor Ungricht would investigate.

13

Domenica Protheroe reminded Council that the on-line SEI Forms were due April 15, 2016.

8) Council Announcements

9) Adjourn

The meeting adjourned at 7:54 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk Domenica Protheroe

14

Exhibit A

the residents of our City, and then go out for CDBG money. If we can accomplish this I believe that we can follow through with option three and also address INI issues with hopefully an outright 2 million dollar grant and a loan of around \$500,000 keeping rates around \$60.00 and allowing for business development in our business zone and for future additions of the South side of Falls City to be added to the system. Stage one would be addressing ini problems, abandoning Fair Oaks lift station, redoing the Carey Court lift station, addressing problem septic tanks and repairing leaks, purchasing land and building the lagoons. This will follow the Councils wishes of reducing the foot print we have at the school, it will eliminate the gravel filter and the drain field under the football field. Under the plan we would keep the recirculation tank, it would become a lift station. I urge all of the Councilors to list this as a priority goal and to read the facility plan for input on moving this project forward.

The next main problem is lack of code enforcement; this is one of the goals I was not able to accomplish from last year. I have met with the surrounding City managers and I am developing a procedure that we could contract with one of the local governments to take over our court. This will defiantly cause problems in the community; offenders will have to go to another town for court. But with current staff levels and budget concerns we cannot operate a court that will meet the desired outcome. We would still have to budget for the contracted court, possibly a prosecuting attorney, and for a part time code officer. I am in the early stages of preparing the budget, but I believe that we can accomplish this this year.

I know that with past Council goals there has been a main focus in building walkways and park land inventory. The Council has over the last 5 years spent \$50,000 to purchase property above the Alliance property at the Falls and has guaranteed a loan to the Alliance of over \$130,000. This amounts to two years of property tax revenue just in land acquisition. I am not saying we do not need to move forward on our Public Parks, but we need to look outside the box. A possible short term goal could be investigating the pros and cons of trying to get both sides of the Falls designated a State Park, I do not see us having the funds to develop this great resource to its full potential. This might give us an option where we are protecting the land for access forever. Then we could concentrate on developing a plan to make a camp ground in the upper park.

As I stated this is my input to your goals, we will now review last year's goals and start the development of the 2016-17 GOALS.....

AGENDA REPORT

TO: COUNCIL
FROM: DOMENICA PROTHEROE, CITY CLERK, THROUGH MAYOR UNGRICHT
SUBJECT: NEW REPORTING SYSTEM FOR SEWER TANK ACTIONS
DATE: 03/06/2016

Exhibit B

SUMMARY

A central reporting system for sewer tank actions was needed to better evaluate compliance of the Falls City Wastewater System with the Falls City DEQ National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit, and to prepare 2016-2017 Fiscal Year budget for sewer tank maintenance and pumping.

BACKGROUND

Staff decided to use CUSI Utility Billing Software to track sewer tank actions. The Utility Billing Software will serve as the "book of record" for the recent history of sewer tank services. Having recent sewer tanks actions entered in the Utility Billing Software will provide the option of reporting at the press of a button. Utility Billing Software reports for sewer tank actions will be used by staff to evaluate compliance with the Falls City DEQ National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit, improve compliance with the NPDES Permit, and allow staff to prepare fiscal year budgets for sewer tank pumping and maintenance going forward. Establishing a sewer tanks pumping and maintenance schedule, supported by a sound fiscal year budget, is most prudent and economical to save the aged and failing sewer collection system from undue stress.

Falls City is required to comply with DEQ NPDES Permit (#101808). Maintenance activities include:

The permittee shall implement preventative maintenance practices or corrections in accordance with the following time schedule:

1. *All septic tanks connected to the City's wastewater collection system are to be inspected and tested for depth of sludge and scum every two years,*
2. *Pump residential septic tanks either when sludge and scum volume exceeds 25% of the liquid capacity of the tanks or every five years, whichever is less; commercial septic tanks either when sludge and scum volume exceeds 25% of the liquid capacity of the tanks or every four years, whichever is less.*
3. *Clean pump screens when 25% of the screen surface area becomes clogged.*
4. *Pump solids from each recirculation tank a minimum of once every five years*

In the past, there were several methods used to track sewer pumping, none of which held all the information needed; spreadsheets were maintained by the past Finance Director, a handwritten list is maintained by Public Works, and over the last five years the City Clerk entered sewer tank

pumping Work Orders in the CUSI Utility Billing Software using information listed on King's Pumping Invoices.

Recently, staff worked together to collect the spreadsheets, handwritten lists, and the list of sewer tanks contained in the Wastewater Facility Plan. The different lists were reconciled and the Utility Billing system was updated to include all known activities for sewer tank pumping. In addition, work order codes were created and used to document which service address had a sewer tanks and which shared a sewer tank.

Sewer Work Order Report(s) will list recent sewer tank actions for:

- BRK -Sewer Backup
- SCK -Sewer needs checked
- SCR -Sewer Cap Repair
- STP -Sewer Tank Pumped
- SWR -New Sewer Connection
- SST -Staff created a new work order code to indicate a shared Sewer Tank
(28 tanks are shared by 2 users, 1 tank shared by the five apartments, 1 tank is shared by the duplex, and 2 tanks are shared by 3 users)
- SWS – Staff created a new work order code to indicate the service address has Sewer Service
- I/I –Staff created a new work order code to track work to correct Infiltration/Inflow issues.

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

The City could be subject to fines if we do not follow the NPDES permit.

STAFF RECOMMENDATION

N/A.

EXHIBIT

Exhibit A – King's Pumping Service Pricing

Exhibit B – Sewer Tank Service Report

PROPOSED MOTION

N/A

Exhibit A – King’s Sewer Tank Pumping Service

King’s Pumping provides the City of Falls City sewer pumping services. The City is charged according to tank size with \$0.35 (thirty-five cents) per additional gallon pumped. This additional per gallon cost is incurred due to extended periods between pumping and in some cases by heavier usage.

3000 gallon tank	\$870.00
2000 gallon tank	\$620.00
1500 gallon tank	\$545.00
1250 gallon tank	\$432.00
1000 gallon tank	\$370.00
Jet Clean with pump	\$135.00
Service system/pump/filter/floats	\$75.00
pH adjustment	\$25.00

SEWER TANK SERVICE REPORT 2016

ID	Service Address	Service	Code	Description	Completed
101	MILL ST 299	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	10/12/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	6/18/2013
		SEWER	STP	SEWER TANK PUMPED	10/4/2013
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
108	PARRY RD 123	SEWER	STP	SEWER TANK PUMPED	1/1/2001
109	5TH ST 498	SEWER	STP	SEWER TANK PUMPED	1/1/2002
116	MITCHELL STREET 554	SEWER	STP	SEWER TANK PUMPED	12/23/2014
119	PINE ST 456	SEWER	STP	SEWER TANK PUMPED	7/14/2010
126	BRIDGE ST 112	SEWER	STP	SEWER TANK PUMPED	1/1/2004
133	6TH ST 390	SEWER	STP	SEWER TANK PUMPED	1/1/2015
134	DAYTON ST 180	SEWER	BUK	SEWER BACK UP	4/20/2007
		SEWER	STP	SEWER TANK PUMPED	2/3/2016
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
137	BRIDGE ST 141	SEWER	STP	SEWER TANK PUMPED	1/1/2011
143	MILL ST 273	SEWER	BUK	SEWER BACK UP	5/21/2007
		SEWER	SCK	SEWER TANK NEEDS CHECKI	3/20/2012
		SEWER	BUK	SEWER BACK UP	10/17/2013
		SEWER	STP	SEWER TANK PUMPED	10/17/2013
144	BRYANT ST 564	SEWER	STP	SEWER TANK PUMPED	7/14/2010
145	N MAIN ST 303	SEWER	STP	SEWER TANK PUMPED	1/1/2001
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	10/18/2013
		SEWER	SCK	SEWER TANK NEEDS CHECKI	10/21/2013
		SEWER	SCK	SEWER TANK NEEDS CHECKI	11/13/2015
		SEWER	STP	SEWER TANK PUMPED	11/13/2015
146	N MAIN ST 108	SEWER	SWS	SEWER SERVICE	2/19/2016
150	BOUNDARY ST 88	SEWER	STP	SEWER TANK PUMPED	1/1/2003
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
152	ALDER STREET (HISTOF	SEWER	LOC	LOCATE	1/24/2007
		SEWER	STP	SEWER TANK PUMPED	1/1/2001
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
154	FAIROAKS ST 360	SEWER	STP	SEWER TANK PUMPED	1/1/2001
		SEWER	STP	SEWER TANK PUMPED	1/1/2002
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
156	FAIROAKS ST 496	SEWER	STP	SEWER TANK PUMPED	7/14/2010
160	CAREY CT 132	SEWER	STP	SEWER TANK PUMPED	2/17/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	2/5/2013
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
163	2ND ST 250	SEWER	STP	SEWER TANK PUMPED	1/1/2001
166	S MAIN ST 240	SEWER	SCK	SEWER TANK NEEDS CHECKI	12/28/2011
		SEWER	STP	SEWER TANK PUMPED	9/24/2012
		SEWER	SCK	SEWER TANK NEEDS CHECKI	2/19/2013
175	BRYANT ST 672	SEWER	STP	SEWER TANK PUMPED	1/1/2008
		SEWER	LOC	LOCATE	12/27/2011
		SEWER	STP	SEWER TANK PUMPED	1/1/2012
		SEWER	BUK	SEWER BACK UP	4/30/2013
177	ALDER ST 455	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	2/24/2014
		SEWER	STP	SEWER TANK PUMPED	5/1/2014
		SEWER	STP	SEWER TANK PUMPED	12/9/2014

19

SEWER TANK SERVICE REPORT 2016

	SEWER	STP	SEWER TANK PUMPED	6/16/2015	
	SEWER	STP	SEWER TANK PUMPED	12/15/2015	
	SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016	
184	4TH ST 162	SEWER	STP	SEWER TANK PUMPED	1/1/2001
185	BRYANT ST 661	SEWER	STP	SEWER TANK PUMPED	6/1/2008
		SEWER	STP	SEWER TANK PUMPED	2/24/2014
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	BUK	SEWER BACK UP	4/27/2011
		SEWER	STP	SEWER TANK PUMPED	4/27/2011
		SEWER	STP	SEWER TANK PUMPED	2/24/2014
193	PROSPECT ST 100	SEWER	BUK	SEWER BACK UP	11/6/2006
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	2/25/2014
199	FAIROAKS ST 290	SEWER	SCK	SEWER TANK NEEDS CHECKI	5/7/2013
		SEWER	SCK	SEWER TANK NEEDS CHECKI	7/9/2013
		SEWER	STP	SEWER TANK PUMPED	1/1/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	8/25/2011
		SEWER	STP	SEWER TANK PUMPED	8/25/2011
		SEWER	STP	SEWER TANK PUMPED	3/5/2014
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
202	4TH ST 169	SEWER	STP	SEWER TANK PUMPED	1/1/2001
203	WOOD ST 560	SEWER	STP	SEWER TANK PUMPED	1/1/2009
206	S MAIN ST 383	SEWER	STP	SEWER TANK PUMPED	6/14/2011
207	BRIDGE ST 221	SEWER	STP	SEWER TANK PUMPED	1/1/2005
215	S MAIN ST 120	SEWER	STP	SEWER TANK PUMPED	7/14/2010
221	DAYTON STREET 171	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	10/11/2013
		SEWER	SCK	SEWER TANK NEEDS CHECKI	7/22/2015
224	S MAIN ST 280	SEWER	STP	SEWER TANK PUMPED	1/1/2006
		SEWER	SCK	SEWER TANK NEEDS CHECKI	1/19/2012
225	S MAIN ST 288	SEWER	STP	SEWER TANK PUMPED	1/1/2006
		SEWER	SCK	SEWER TANK NEEDS CHECKI	8/30/2013
226	BOUNDARY ST 85	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	12/20/2013
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	BUK	SEWER BACK UP	11/7/2008
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	6/13/2011
		SEWER	STP	SEWER TANK PUMPED	12/12/2012
		SEWER	STP	SEWER TANK PUMPED	6/12/2013
		SEWER	STP	SEWER TANK PUMPED	7/1/2012
		SEWER	STP	SEWER TANK PUMPED	12/20/2013
		SEWER	STP	SEWER TANK PUMPED	6/25/2014
		SEWER	STP	SEWER TANK PUMPED	12/9/2014
		SEWER	STP	SEWER TANK PUMPED	6/16/2015
		SEWER	STP	SEWER TANK PUMPED	1/4/2016
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
231	N MAIN	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	BUK	SEWER BACK UP	11/7/2008
		SEWER	STP	SEWER TANK PUMPED	10/16/2008
		SEWER	STP	SEWER TANK PUMPED	6/1/2009
		SEWER	STP	SEWER TANK PUMPED	6/9/2011

20

SEWER TANK SERVICE REPORT 2016

		SEWER	STP	SEWER TANK PUMPED	12/12/2012
		SEWER	STP	SEWER TANK PUMPED	6/12/2013
		SEWER	STP	SEWER TANK PUMPED	7/1/2012
		SEWER	STP	SEWER TANK PUMPED	12/20/2013
		SEWER	STP	SEWER TANK PUMPED	6/25/2014
		SEWER	STP	SEWER TANK PUMPED	12/9/2014
		SEWER	STP	SEWER TANK PUMPED	6/15/2015
		SEWER	STP	SEWER TANK PUMPED	1/4/2016
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
232	N MAIN ST 418	SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
233	ELLIS ST 171	SEWER	STP	SEWER TANK PUMPED	6/1/2008
		SEWER	STP	SEWER TANK PUMPED	6/1/2009
		SEWER	STP	SEWER TANK PUMPED	6/1/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	6/18/2013
		SEWER	STP	SEWER TANK PUMPED	10/15/2014
		SEWER	STP	SEWER TANK PUMPED	10/15/2014
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
234	ALDER ST 398	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	10/28/2013
		SEWER	SCK	SEWER TANK NEEDS CHECKI	5/13/2014
235	N MAIN ST 420	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	2/1/2013
		SEWER	STP	SEWER TANK PUMPED	1/4/2016
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
236	N MAIN ST 418	SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
238	FAIROAKS ST 364	SEWER	STP	SEWER TANK PUMPED	1/1/2002
		SEWER	STP	SEWER TANK PUMPED	1/1/2001
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
243	ALAN ST 370	SEWER	SWS	SEWER SERVICE	2/19/2016
241	S MAIN ST 260	SEWER	STP	SEWER TANK PUMPED	7/14/2010
246	S MAIN ST 110	SEWER	SCK	SEWER TANK NEEDS CHECKI	1/19/2012
		SEWER	STP	SEWER TANK PUMPED	1/19/2012
248	3RD ST 153	SEWER	REN	RECONNECT SERVICE	7/13/2006
		SEWER	STP	SEWER TANK PUMPED	11/1/2006
		SEWER	STP	SEWER TANK PUMPED	6/1/2010
		SEWER	STP	SEWER TANK PUMPED	10/1/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	11/1/2013
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
250	BRYANT ST 676	SEWER	STP	SEWER TANK PUMPED	9/6/2012
		SEWER	STP	SEWER TANK PUMPED	9/3/2015
		SEWER	STP	SEWER TANK PUMPED	9/6/2012
252	3RD ST 159	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	10/5/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	11/25/2013
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
254	HOPKINS ST 513	SEWER	STP	SEWER TANK PUMPED	1/1/2005
256	DAYTON ST 156	SEWER	STP	SEWER TANK PUMPED	1/1/2001
257	TERRACE ST 435	SEWER	STP	SEWER TANK PUMPED	9/5/2012
259	PROSPECT ST 461	SEWER	STP	SEWER TANK PUMPED	9/29/2011
261	S MAIN 246	SEWER	SWS	SEWER SERVICE	2/24/2016

21

SEWER TANK SERVICE REPORT 2016

265	ELLIS ST 166	SEWER	BUP	SEWER BACK UP	5/13/2011
		SEWER	STP	SEWER TANK PUMPED	5/13/2011
		SEWER	SCR	SEWER CAP REPAIR	6/28/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	10/15/2014
		SEWER	SCK	SEWER TANK NEEDS CHECKI	1/28/2016
266	N MAIN ST 285	SEWER	TRE	TREE TRIMMING	3/26/2007
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	1/19/2012
		SEWER	BUP	SEWER BACK UP	5/25/2012
		SEWER	STP	SEWER TANK PUMPED	12/15/2014
		SEWER	STP	SEWER TANK PUMPED	12/15/2014
		SEWER	BUP	SEWER BACK UP	2/1/2016
		SEWER	SCK	SEWER TANK NEEDS CHECKI	2/1/2016
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
270	N MAIN ST 422	SEWER	STP	SEWER TANK PUMPED	1/1/2001
271	PROSPECT ST 61	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	2/27/2012
		SEWER	SCK	SEWER TANK NEEDS CHECKI	2/21/2014
		SEWER	STP	SEWER TANK PUMPED	2/25/2014
		SEWER	BUP	SEWER BACK UP	1/15/2015
272	BRYANT ST 560	SEWER	STP	SEWER TANK PUMPED	1/1/2001
273	N MAIN ST 216	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	6/1/2010
274	ALAN ST 390	SEWER	STP	SEWER TANK PUMPED	1/1/2001
		SEWER	BUP	SEWER BACK UP	8/27/2013
275	TERRACE ST 445	SEWER	STP	SEWER TANK PUMPED	7/14/2010
276	ALDER ST 390	SEWER	STP	SEWER TANK PUMPED	7/14/2010
280	MITCHELL ST 558	SEWER	STP	SEWER TANK PUMPED	7/15/2010
281	N MAIN ST 72	SEWER	BUP	SEWER BACK UP	10/28/2006
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
284	5TH ST 371	SEWER	STP	SEWER TANK PUMPED	9/3/2015
		SEWER	STP	SEWER TANK PUMPED	9/13/2012
		SEWER	STP	SEWER TANK PUMPED	9/13/2012
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
285	MITCHELL ST 556	SEWER	STP	SEWER TANK PUMPED	1/1/2015
		SEWER	BUP	SEWER BACK UP	10/6/2015
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
294	DAYTON ST 163	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	2/8/2012
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
296	N MAIN ST 205	SEWER	STP	SEWER TANK PUMPED	1/1/2001
305	PROSPECT AVE 68	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	1/5/2015
309	BOUNDARY ST 381	SEWER	STP	SEWER TANK PUMPED	1/1/2002
		SEWER	BUP	SEWER BACK UP	2/13/2013
311	5TH ST 580	SEWER	STP	SEWER TANK PUMPED	7/14/2010
312	S MAIN ST 220	SEWER	STP	SEWER TANK PUMPED	10/5/2011
		SEWER	STP	SEWER TANK PUMPED	3/13/2014
		SEWER	SCK	SEWER TANK NEEDS CHECKI	6/26/2015
315	2ND ST 253	SEWER	STP	SEWER TANK PUMPED	2/8/2011
317	N MAIN ST 314	SEWER	STP	SEWER TANK PUMPED	1/1/2008
318	N MAIN ST 242	SEWER	STP	SEWER TANK PUMPED	1/1/2001

22

SEWER TANK SERVICE REPORT 2016

321	DAYTON ST 159	SEWER	STP	SEWER TANK PUMPED	11/1/2004
		SEWER	STP	SEWER TANK PUMPED	2/1/2012
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
326	ALDER ST 379	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	8/12/2011
		SEWER	STP	SEWER TANK PUMPED	8/12/2011
		SEWER	BUK	SEWER BACK UP	3/27/2012
		SEWER	BUK	SEWER BACK UP	4/26/2012
		SEWER	STP	SEWER TANK PUMPED	8/18/2014
		SEWER	STP	SEWER TANK PUMPED	12/1/2015
327	N MAIN ST 98	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	BUK	SEWER BACK UP	10/18/2013
		SEWER	STP	SEWER TANK PUMPED	10/18/2013
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
330	MITCHELL ST 670	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	8/23/2013
		SEWER	STP	SEWER TANK PUMPED	12/10/2014
		SEWER	STP	SEWER TANK PUMPED	1/28/2016
331	PROSPECT ST 486	SEWER	STP	SEWER TANK PUMPED	1/1/2001
332	HOPKINS ST 521	SEWER	STP	SEWER TANK PUMPED	7/14/2010
333	PROSPECT ST 65	SEWER	STP	SEWER TANK PUMPED	1/1/2001
337	TERRACE ST 439	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	9/5/2012
339	FAIROAKS ST 452	SEWER	STP	SEWER TANK PUMPED	1/1/2001
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
340	BRYANT ST 559	SEWER	SWR	NEW SEWER CONNECTION	9/11/2006
		SEWER	SWR	NEW SEWER CONNECTION	6/19/2007
		SEWER	STP	SEWER TANK PUMPED	1/1/2006
341	MONTGOMERY ST 130	SEWER	SCK	SEWER TANK NEEDS CHECKI	10/4/2011
		SEWER	STP	SEWER TANK PUMPED	10/4/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	9/15/2015
		SEWER	STP	SEWER TANK PUMPED	9/16/2015
351	FAIROAKS ST 271	SEWER	STP	SEWER TANK PUMPED	1/1/2003
353	FAIROAKS ST 280	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	BUK	SEWER BACK UP	2/26/2014
		SEWER	STP	SEWER TANK PUMPED	3/3/2014
355	S MAIN ST 360	SEWER	SCK	SEWER TANK NEEDS CHECKI	3/7/2013
360	ALDER ST 570	SEWER	LOC	LOCATE	4/20/2007
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
364	WOOD ST 490	SEWER	STP	SEWER TANK PUMPED	1/1/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	8/25/2011
		SEWER	STP	SEWER TANK PUMPED	8/25/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	3/6/2014
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
368	PINE ST 199	SEWER	SWS	SEWER SERVICE	2/24/2016
373	BRYANT ST 669	SEWER	STP	SEWER TANK PUMPED	9/6/2012
376	FAIROAKS ST 197	SEWER	STP	SEWER TANK PUMPED	1/1/2002
		SEWER	BUK	SEWER BACK UP	2/9/2007
381	N MAIN ST 86	SEWER	STP	SEWER TANK PUMPED	11/1/2004
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	6/1/2009

23

SEWER TANK SERVICE REPORT 2016

	SEWER	SCK	SEWER TANK NEEDS CHECKI	10/21/2013	
	SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016	
383	WOOD ST 390	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
384	BRYANT ST 671	SEWER	LOC	LOCATE	5/10/2012
		SEWER	STP	SEWER TANK PUMPED	8/7/2013
385	FAIROAKS ST 390	SEWER	STP	SEWER TANK PUMPED	3/1/2004
		SEWER	BUK	SEWER BACK UP	1/24/2013
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
387	1ST ST 150	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
388	N MAIN ST 85	SEWER	SWR	NEW SEWER CONNECTION	1/1/2003
391	N MAIN ST 407 & 409	SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
395	WOOD ST 580	SEWER	STP	SEWER TANK PUMPED	1/1/2001
397	S MAIN ST 26	SEWER	STP	SEWER TANK PUMPED	6/11/2012
		SEWER	STP	SEWER TANK PUMPED	10/10/2011
398	S MAIN ST 130	SEWER	BUK	SEWER BACK UP	1/3/2015
		SEWER	STP	SEWER TANK PUMPED	1/1/2014
401	MITCHELL STREET 405	SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	7/14/2010
		SEWER	STP	SEWER TANK PUMPED	6/13/2011
		SEWER	STP	SEWER TANK PUMPED	7/1/2012
		SEWER	SCK	SEWER TANK NEEDS CHECKI	5/19/2014
		SEWER	STP	SEWER TANK PUMPED	6/24/2014
		SEWER	STP	SEWER TANK PUMPED	6/18/2015
407	5TH ST 496	SEWER	STP	SEWER TANK PUMPED	1/1/2002
414	SHELDON AVE 26	SEWER	STP	SEWER TANK PUMPED	1/1/2010
415	N MAIN STREET 212	SEWER	STP	SEWER TANK PUMPED	6/1/2008
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
420	BRIDGE ST 285	SEWER	STP	SEWER TANK PUMPED	9/5/2012
		SEWER	STP	SEWER TANK PUMPED	9/5/2012
		SEWER	STP	SEWER TANK PUMPED	9/3/2015
		SEWER	STP	SEWER TANK PUMPED	9/10/2012
421	5TH ST 475	SEWER	STP	SEWER TANK PUMPED	9/13/2012
		SEWER	STP	SEWER TANK PUMPED	9/3/2015
		SEWER	STP	SEWER TANK PUMPED	9/13/2012
423	FAIROAKS ST 258	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	3/19/2013
		SEWER	STP	SEWER TANK PUMPED	6/25/2014
434	N MAIN ST 319	SEWER	BUK	SEWER BACK UP	1/19/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	6/13/2011
		SEWER	STP	SEWER TANK PUMPED	6/12/2013
437	PINE ST 256	SEWER	STP	SEWER TANK PUMPED	1/1/2001
438	N MAIN ST 118	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	7/1/2009
		SEWER	STP	SEWER TANK PUMPED	10/1/2013
		SEWER	STP	SEWER TANK PUMPED	10/1/2015

24

SEWER TANK SERVICE REPORT 2016

		SEWER STP	SEWER TANK PUMPED	6/1/2018
440	N MAIN ST 281	SEWER LOC	LOCATE	6/22/2007
		SEWER STP	SEWER TANK PUMPED	12/15/2014
		SEWER STP	SEWER TANK PUMPED	12/15/2014
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
442	FAIROAKS ST 381	SEWER SCK	SEWER TANK NEEDS CHECKI	3/2/2012
		SEWER STP	SEWER TANK PUMPED	3/2/2012
		SEWER BUP	SEWER BACK UP	12/8/2014
		SEWER STP	SEWER TANK PUMPED	12/9/2014
		SEWER STP	SEWER TANK PUMPED	12/16/2015
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
447	N MAIN ST 404	SEWER STP	SEWER TANK PUMPED	8/17/2015
		SEWER STP	SEWER TANK PUMPED	6/16/2015
		SEWER STP	SEWER TANK PUMPED	1/4/2016
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
448	N MAIN ST 401	SEWER STP	SEWER TANK PUMPED	1/1/2001
452	DAYTON ST 166	SEWER STP	SEWER TANK PUMPED	1/1/2006
		SEWER BUP	SEWER BACK UP	3/26/2007
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
455	PROSPECT ST 485	SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER SCK	SEWER TANK NEEDS CHECKI	5/9/2013
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
457	1ST ST 153	SEWER STP	SEWER TANK PUMPED	7/15/2010
461	N MAIN ST 217	SEWER STP	SEWER TANK PUMPED	1/1/2001
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
466	S MAIN ST 32	SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER SCK	SEWER TANK NEEDS CHECKI	10/3/2013
		SEWER STP	SEWER TANK PUMPED	10/4/2013
		SEWER SCK	SEWER TANK NEEDS CHECKI	10/16/2015
		SEWER BUP	SEWER BACK UP	2/19/2016
467	MITCHELL ST 557	SEWER STP	SEWER TANK PUMPED	1/1/2007
		SEWER BUP	SEWER BACK UP	2/15/2007
		SEWER SCK	SEWER TANK NEEDS CHECKI	1/19/2012
468	PROSPECT ST 495	SEWER STP	SEWER TANK PUMPED	11/1/2006
		SEWER BUP	SEWER BACK UP	11/10/2006
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
470	BOUNDARY ST 380	SEWER STP	SEWER TANK PUMPED	1/1/2002
473	N MAIN ST 284	SEWER STP	SEWER TANK PUMPED	1/1/2001
		SEWER SCK	SEWER TANK NEEDS CHECKI	9/13/2013
474	BRIDGE ST 134	SEWER STP	SEWER TANK PUMPED	1/1/2010
		SEWER BUP	SEWER BACK UP	11/23/2010
475	ELLIS ST 167	SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER STP	SEWER TANK PUMPED	9/28/2011
		SEWER STP	SEWER TANK PUMPED	6/12/2013
		SEWER STP	SEWER TANK PUMPED	10/15/2014
		SEWER STP	SEWER TANK PUMPED	10/15/2014
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
476	BRYANT ST 673	SEWER STP	SEWER TANK PUMPED	1/1/2001
482	3RD ST 111	SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER SCK	SEWER TANK NEEDS CHECKI	5/19/2015
		SEWER STP	SEWER TANK PUMPED	6/16/2015

25

SEWER TANK SERVICE REPORT 2016

489	S MAIN ST 36	SEWER	STP	SEWER TANK PUMPED	1/1/2009
494	BRYANT ST 561	SEWER	BUP	SEWER BACK UP	10/29/2009
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	2/13/2013
		SEWER	SCK	SEWER TANK NEEDS CHECKI	5/7/2015
498	S MAIN ST 10	SEWER	STP	SEWER TANK PUMPED	1/1/2001
522	6TH ST 268	SEWER	STP	SEWER TANK PUMPED	1/1/2015
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
524	N MAIN ST 304	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
533	PROSPECT ST 90	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	2/25/2014
535	5TH ST 465	SEWER	LOC	LOCATE	1/2/2007
		SEWER	STP	SEWER TANK PUMPED	9/13/2012
		SEWER	STP	SEWER TANK PUMPED	9/3/2015
		SEWER	STP	SEWER TANK PUMPED	9/13/2012
		SEWER	STP	SEWER TANK PUMPED	9/13/2013
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
536	PROSPECT ST 77	SEWER	STP	SEWER TANK PUMPED	1/1/2001
542	N MAIN ST 321	SEWER	STP	SHARED SEWER TANK NOTE	2/24/2016
554	FAIROAKS ST 494	SEWER	STP	SEWER TANK PUMPED	7/15/2010
577	ALDER ST 589	SEWER	STP	SEWER TANK PUMPED	1/1/2001
579	S MAIN ST 380	SEWER	STP	SEWER TANK PUMPED	2/28/2011
584	ALAN ST 400	SEWER	STP	SEWER TANK PUMPED	7/15/2010
592	ELLIS ST 169	SEWER	STP	SEWER TANK PUMPED	10/1/2006
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	6/1/2008
		SEWER	STP	SEWER TANK PUMPED	6/1/2009
		SEWER	STP	SEWER TANK PUMPED	6/1/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	6/18/2013
		SEWER	STP	SEWER TANK PUMPED	10/15/2014
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
		593	3RD ST 161	SEWER	STP
SEWER	STP			SEWER TANK PUMPED	6/1/2008
SEWER	STP			SEWER TANK PUMPED	7/15/2010
SEWER	SCK			SEWER TANK NEEDS CHECKI	9/21/2011
SEWER	STP			SEWER TANK PUMPED	10/5/2011
SEWER	STP			SEWER TANK PUMPED	10/5/2011
SEWER	BUP			SEWER BACK UP	9/25/2013
SEWER	STP			SEWER TANK PUMPED	10/1/2013
SEWER	STP			SEWER TANK PUMPED	2/24/2014
SEWER	STP			SEWER TANK PUMPED	8/17/2015
SEWER	STP			SEWER TANK PUMPED	6/16/2015
SEWER	STP			SEWER TANK PUMPED	1/4/2016
594	N MAIN ST 306	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
599	FAIROAKS ST 498	SEWER	STP	SEWER TANK PUMPED	7/15/2010
604	FAIROAKS ST 368	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	11/8/2012
		SEWER	SCK	SEWER TANK NEEDS CHECKI	3/28/2013
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016

26

SEWER TANK SERVICE REPORT 2016

606	5TH ST 260	SEWER	STP	SEWER TANK PUMPED	7/15/2010
607	5TH ST 551	SEWER	CHG	NEW OWNERS	8/1/2007
		SEWER	STP	SEWER TANK PUMPED	9/3/2015
		SEWER	STP	SEWER TANK PUMPED	9/13/2012
		SEWER	STP	SEWER TANK PUMPED	9/13/2012
612	MILL ST 279	SEWER	STP	SEWER TANK PUMPED	10/4/2013
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
613	N MAIN ST 79	SEWER	STP	SEWER TANK PUMPED	1/1/2002
617	PROSPECT ST 476	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	BUK	SEWER BACK UP	11/4/2011
		SEWER	STP	SEWER TANK PUMPED	12/20/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	1/4/2012
631	PROSPECT ST 479	SEWER	STP	SEWER TANK PUMPED	1/1/2001
		SEWER	SCK	SEWER TANK NEEDS CHECKI	9/5/2013
632	PROSPECT ST 471	SEWER	STP	SEWER TANK PUMPED	1/1/2011
		SEWER	STP	SEWER TANK PUMPED	9/29/2011
633	SHELDON AVE 34	SEWER	STP	SEWER TANK PUMPED	1/1/2008
634	3RD ST 154	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	BUK	SEWER BACK UP	11/7/2008
		SEWER	SCR	SEWER CAP REPAIR	8/31/2010
		SEWER	STP	SEWER TANK PUMPED	10/12/2011
635	PROSPECT ST 234	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	6/13/2011
		SEWER	STP	SEWER TANK PUMPED	3/2/2012
		SEWER	SCK	SEWER TANK NEEDS CHECKI	12/26/2013
		SEWER	STP	SEWER TANK PUMPED	12/28/2013
		SEWER	STP	SEWER TANK PUMPED	12/9/2014
		SEWER	STP	SEWER TANK PUMPED	1/4/2016
		SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016
645	FAIROAKS ST 281	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	SCK	SEWER TANK NEEDS CHECKI	8/30/2011
		SEWER	STP	SEWER TANK PUMPED	8/30/2011
		SEWER	SCK	SEWER TANK NEEDS CHECKI	5/21/2015
		SEWER	STP	SEWER TANK PUMPED	8/30/2011
649	BRIDGE ST 150	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	6/25/2014
		SEWER	STP	SEWER TANK PUMPED	1/28/2016
655	N MAIN ST 320	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	11/11/2010
		SEWER	STP	SEWER TANK PUMPED	6/13/2011
		SEWER	STP	SEWER TANK PUMPED	12/20/2011
		SEWER	STP	SEWER TANK PUMPED	7/1/2012
		SEWER	STP	SEWER TANK PUMPED	12/12/2012
		SEWER	STP	SEWER TANK PUMPED	6/12/2013
		SEWER	STP	SEWER TANK PUMPED	12/20/2014
		SEWER	STP	SEWER TANK PUMPED	6/25/2014
		SEWER	STP	SEWER TANK PUMPED	12/9/2014
		SEWER	STP	SEWER TANK PUMPED	6/16/2015
SEWER	SST	SHARED SEWER TANK NOTE	2/19/2016		
657	PROSPECT ST 177	SEWER	STP	SEWER TANK PUMPED	7/15/2010
		SEWER	STP	SEWER TANK PUMPED	7/15/2010

27

SEWER TANK SERVICE REPORT 2016

		SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER STP	SEWER TANK PUMPED	8/23/2011
		SEWER STP	SEWER TANK PUMPED	7/1/2014
		SEWER STP	SEWER TANK PUMPED	7/30/2013
		SEWER STP	SEWER TANK PUMPED	6/24/2014
		SEWER STP	SEWER TANK PUMPED	6/16/2015
660	N MAIN ST 111	SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER STP	SEWER TANK PUMPED	7/15/2010
		SEWER STP	SEWER TANK PUMPED	6/17/2011
		SEWER STP	SEWER TANK PUMPED	7/1/2012
		SEWER STP	SEWER TANK PUMPED	9/6/2012
		SEWER STP	SEWER TANK PUMPED	7/25/2013
		SEWER STP	SEWER TANK PUMPED	6/24/2014
		SEWER STP	SEWER TANK PUMPED	6/16/2015
661	N MAIN ST 93	SEWER STP	SEWER TANK PUMPED	1/1/2001
666	CAREY CT 134	SEWER STP	SEWER TANK PUMPED	2/17/2011
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
670	MONTGOMERY ST 101	SEWER BUP	SEWER BACK UP	1/19/2010
672	CAREY CT 131	SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
374	PROSPECT 235	SEWER SWS	SEWER SERVICE	2/24/2016
680	PARRY RD 211	SEWER LOC	LOCATE	9/6/2006
		SEWER SO	LOCK METER - S/O NOTICE	1/19/2010
682	ALDER ST 394	SEWER CHG	NEW OWNERS	10/5/2011
		SEWER BUP	SEWER BACK UP	1/17/2012
684	CAREY CT 136	SEWER SCK	SEWER TANK NEEDS CHECKI	8/14/2015
		SEWER BUP	SEWER BACK UP	12/10/2015
		SEWER STP	SEWER TANK PUMPED	12/10/2015
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
685	N MAIN ST 80	SEWER SCK	SEWER TANK NEEDS CHECKI	9/12/2012
		SEWER SCK	SEWER TANK NEEDS CHECKI	2/13/2013
		SEWER LOC	LOCATE	6/23/2015
686	CAREY CT 135	SEWER STP	SEWER TANK PUMPED	8/17/2015
		SEWER BUP	SEWER BACK UP	4/26/2011
		SEWER STP	SEWER TANK PUMPED	2/17/2011
		SEWER SCK	SEWER TANK NEEDS CHECKI	2/12/2013
		SEWER SCK	SEWER TANK NEEDS CHECKI	2/5/2013
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
687	HOPKINS ST 520	SEWER STP	SEWER TANK PUMPED	1/1/2008
693	CAREY CT 137	SEWER STP	SEWER TANK PUMPED	2/17/2011
		SEWER STP	SEWER TANK PUMPED	2/12/2013
		SEWER STP	SEWER TANK PUMPED	6/16/2015
		SEWER SST	SHARED SEWER TANK NOTE	2/19/2016
698	BRYANT 575	SEWER SWS	SEWER SERVICE	2/24/2016
702	5TH ST 555	SEWER SCK	SEWER TANK NEEDS CHECKI	3/5/2014
		SEWER STP	SEWER TANK PUMPED	8/18/2014

28

AGENDA REPORT

TO: PUBLIC WORKS COMMITTEE
FROM: JOHANNA HEWITT, CITY CLERK, THROUGH MAYOR UNGRICHT
SUBJECT: SEWER SERVICE USERS AUDIT
DATE: 03/06/2016

Exhibit C

SUMMARY

As a result of the recent Sewer Tank audit, 592 Wood Street was identified by Public Works as having existing sewer service, although sewer service was not listed within CUSI Utility Billing system and therefore has not been billed. Furthermore, sewer services listed on the master list done by John McGee in the Wastewater Facility Plan also omitted 592 Wood Street. This is the only property identified to date with unbilled sewer service. CUSI Utility Billing software was installed in November 2004. Staff reviewed utility billing records for 592 Wood Street and confirmed that monthly sewer fees have not been billed from November 2004 forward.

BACKGROUND

After reviewing the City's Municipal Code, options are limited. Falls City Municipal Code clearly states that once a sewer connection commences, the owner of the property is responsible to pay the monthly charge for service whether used or unused.

Municipal Code Chapter 50: Sewer, Section 50.25 Generally:

(J) The sewer user charge for all occupied property shall begin upon the acceptance of the public sewer system by the city. The sewer user charge for all unoccupied property shall begin within 30 days after the property is ready for occupancy or on the first day of occupancy, whichever occurs first. All unoccupied property which is ready for occupancy at the time sewer service becomes available shall be treated as occupied property. Once the sewer user charge has commenced no credit shall be given for vacancy. If the dates upon which the user charge is commenced or altered fall on the first day of billing, the rates shall be appropriately pro-rated. (Ord. 411, passed 6-4-1985) (Exhibit A)

The Municipal Code requires that the cost of operations, maintenance, replacement and financing of the [Sewer] treatments works be proportionally distributed to users of the system.

Municipal Code, Chapter 50: Sewer, Section 50.26 Review and Revision of Rates and Notification: The sewer user charges established by resolution shall, as a minimum, be reviewed biennially, and revised periodically to reflect actual costs of operation, maintenance, replacement, and financing of the treatment works and to maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance. (Ord. 411, passed 6-4-1985) (Exhibit A)

The Municipal Code allows the Sewer Board to shut off water when the [sewer] bill is 60-days' delinquent.

29

Municipal Code, Chapter 50: Sewer, Section 50.27 RESPONSIBILITY; PAYMENT DELINQUENCIES.

(C) Sewer user charges levied in accordance with this subchapter shall be a debt due the city and a lien upon the property in accordance with O.R.S. 454.225. If this debt is not paid within 60 days after it shall become due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both. **At the Sewer Board's discretion, water may be shut off when the bill is 60-days' delinquent.** (D) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these charges. (Ord. 411, passed 6-4-1985)

PREVIOUS COMMITTEE ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

an estimated \$5,097.00 in revenue has been lost to the city since November 2004. This total was calculated using rate resolutions. Staff has no way of knowing if sewer was charged before 2004.

STAFF RECOMMENDATION

Billing options include:

- 1) Notify the owner of 592 Wood Street of the sewer charges and begin billing sewer service March 2016 forward; or,
- 2) notify the owner of 592 Wood Street of the \$5,097.00 sewer charges and make payment arrangements, and place a lien on the property until the balance is paid in full; or,
- 3) Notify the owner of 592 Wood Street of the \$5,097.00 sewer charges and make charges due in full immediately. If not paid, Water will be shut off with notice and a lien placed on the property until paid in full at which time services will be restored.

The Public Works Committee adopted motion #1, to recommend to Council.

EXHIBIT

Exhibit A- Falls City Municipal Code, Chapter 50: Sewer (full text)

PROPOSED MOTION OPTIONS

I move that the City Council of Falls City instruct staff to notify the owner of 592 Wood Street of the sewer charges and begin billing sewer service March 2016 forward.

I move that the City Council of Falls City instruct staff to notify the owner of 592 Wood Street of the \$5,097.00 sewer charges and make payment arrangements, and place a lien on the property until the balance is paid in full.

I move that the City Council of Falls City instruct staff to notify the owner of 592 Wood Street of the \$5,097.00 sewer charges and make charges due in full immediately. If not paid, Water will be shut off with notice and a lien placed on the property until paid in full at which time services will be restored.

30

Falls City, OR Code of Ordinances

The City Council shall, from time to time, provide by resolution for the amount of compensation of its officers and employees.
(Ord. 371, passed 12-1-1975)

TITLE V: PUBLIC WORKS

Chapter	50. SEWERS
	51. WATER
	52. CROSS-CONNECTION CONTROL
	53. SOLID WASTE MANAGEMENT

CHAPTER 50: SEWERS

Section	
	<i>General Provisions</i>
50.01	Declaration of intent
50.02	Definitions
50.03	Use of on-site or community sewers
50.04	On-site sewer systems
50.05	Community sewer system connections
50.06	Connection fees
50.07	Use of the public sewers
50.08	Responsibility for damage
50.09	Powers and authority of inspectors
50.10	Construction of building sewers
	<i>Sewer User Charges</i>
50.25	Generally
50.26	Review and revision of rates and notification
50.27	Responsibility; payment delinquencies
50.28	Handling of funds
50.29	Appeals
50.99	Penalty

GENERAL PROVISIONS

31

Falls City, OR Code of Ordinances

§ 50.01 DECLARATION OF INTENT.

The city, in a further desire to define its responsibilities and the responsibilities of property owners to the community sewer system and the on-site sewer systems and the availability of that system and requirement for its use of its residents, sets out the following requirements.

(Ord. 420, passed 10-5-1987)

§ 50.02 DEFINITIONS.

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

BUILDING DRAIN. Defined by the Oregon Plumbing Specialty Code, and extends from a building and terminates five feet outside of a building.

BUILDING SEWER. Defined by the Oregon Plumbing Specialty Code, and is the extension from the building drain to the interceptor tank.

COMMERCIAL BUILDING. All premises, except those designated as public buildings by the City Council, that are used for any purpose other than as a residence.

COMMUNITY SEWER SYSTEM. All public sewers operated under city authority.

EFFLUENT SEWER. The part of the community sewer system located between an interceptor tank and a street sewer.

INTERCEPTOR TANK. A tank installed between the building sewer and the community sewer. **INTERCEPTOR TANKS** are city property and part of the community sewer system.

ON-SITE SYSTEM. A septic tank and drainfield or mounded or other collection, treatment, and disposal system that is initiated and completed on private property and is not connected to the community sewer system.

PERSON. Any individual, company, firm, association, society, corporation, or group.

PUBLIC BUILDING. Any premises or part of any premises used primarily for public purposes and designated a public building by the City Council.

PUBLIC SEWER. All community sewer systems.

PUBLIC TREATMENT WORKS. Any treatment works owned and operated by the city.

RESIDENCE. A structure used primarily for residential purposes.

SANITATION MANAGER. The Chairperson of the Sewer Board of the city or the individual authorized to act on behalf of the city.

SEWAGE. Water-carried human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with any groundwater infiltration, surface waters, or industrial waste as may be present.

SLUGS. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

STORM DRAIN. A sewer which carries storm and surface waters, but excludes sewage and industrial wastes and other polluted waters.

32

Falls City, OR Code of Ordinances

(Ord. 420, passed 10-5-1987)

§ 50.03 USE OF ON-SITE OR COMMUNITY SEWERS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner, on public or private property within the city, any sewage.

(B) It shall be unlawful to discharge to any natural outlet or stream within the city or in any area under the jurisdiction of the city any sewage or other wastes except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(C) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except as provided in this subchapter and approved by the city, or as approved by the State Department of Environmental Quality or its agent, the County Sanitarian.

(D) Except as stated in division (F) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city and abutting or within 300 feet of any street, alley, right-of-way, or easement, in which there is now located or may in the future be located a community sewer belonging to the city, is hereby required at owner's expense to install suitable facilities therein, including an interceptor tank as specified by the Sanitation Manager, and arrange for connection of the facilities directly to the community sewer system. The connection shall be made under the direction of the Sanitation Manager within 90 days after official notice to do so.

(E) The Sanitation Manager shall establish, by written policy, the materials, including interceptor tank and effluent sewer piping, to be used in the installation, construction, and connection of all new facilities, and shall establish leakage allowances for both interceptor tanks and effluent sewers using a standard exfiltration test.

(F) (1) During the initial construction phase of the sand-filter sewer system, the city shall install all interceptor tanks and sewer lines from the interceptor tank to the community sewer system, and from the interceptor tank to within five feet of the structure to be serviced.

(2) After initial construction phase, all connections will be subject to the permit provisions contained in § 50.04(B) if on-site and § 50.05(B) if community sewer system connection.

(G) Within one year of construction completion, owners shall, at their expense, abandon and fill all existing on-site septic tanks not connected to the community sewer system in accordance with the regulations of the State Department of Environmental Quality.

(Ord. 420, passed 10-5-1987; Ord. 492, passed 4-9-2001; Ord. 502-B, passed 1-21-2003)
Penalty, see § 50.99

§ 50.04 ON-SITE SEWER SYSTEMS.

(A) Where the community sewer system is not available, building sewers shall be connected to an on-site disposal system.

(B) Before commencement of construction of an on-site sewage disposal system, the owner shall first obtain a written permit from the State Department of Environmental Quality or the County Department of Environmental Quality or equivalent agency as may be required. The

Falls City, OR Code of Ordinances

permit for an on-site sewer system must be approved by the city prior to the issuance of a building permit. An on-site disposal system will not be allowed if connection to a community sewer system is possible.

(C) When the city determines, by written notice to a property owner, that its community sewer system is available to property served by an on-site sewage disposal system, the provisions of § 50.03(D) through (G) shall apply.

(D) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State Department of Environmental Quality or the county.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.05 COMMUNITY SEWER SYSTEM CONNECTIONS.

(A) The community sewer system, as presently designed, is limited in capacity for both initial hookups and flow through the system. All connections to the community sewer system shall be permitted only after the Sewer Board has determined that there is a demonstrated need for the connection. No connections shall be allowed outside the corporate city limits.

(B) No unauthorized person shall uncover, make a connection with or opening into, use, alter, or disturb any community sewer system without first obtaining a written permit from the Sanitation Manager. All permit applications shall be approved by the Sanitation Manager and must meet specifications specified by the city. A permit inspection fee, in an amount established by the City Council, shall be paid at the time the permit application is filed.

(C) The property owner shall pay all costs and expenses incident to the installation of the building sewer and its connection to the community sewer system, including, but not limited to, the costs of interceptor tanks and effluent lines required to service the property. The property owner shall reimburse the city for any loss or damage that may directly or indirectly be caused by the installation of the building sewer. Nothing contained in this section shall prevent any person from applying for and receiving any grant monies available through the County Housing Authority and Urban Renewal Agency.

(D) The city may, on a one-time basis only, pay or cause to be paid the partial cost of installations to the community sewer from the execution of this subchapter until final designs of the public sewer system have been approved. At all other times, the costs shall be assessed the property owner.

(E) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to or from the interceptor tank and public sewer system at no cost to the city.

(F) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public treatment works.

(G) A person applying for connection to the community sewer system shall notify the Sanitation Manager when the effluent sewer is ready for inspection and connection to the public sewer. The Sanitation Manager will inspect the proposed connection to the street sewer, including the installation of the interceptor tank and piping. The connection shall be under the

Falls City, OR Code of Ordinances

supervision of the Sanitation Manager or his or her representative. No pipings, fittings, or tankage shall be backfilled or covered in any way until the Sanitation Manager has inspected and approved the completed work.

(H) All excavations for effluent sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Private contractors involved in the construction described in this subchapter shall defend, preserve, and shall hold the city harmless from any claims made by third parties injured due to the contractor's negligence. Streets, sidewalks, parkways, and private property disturbed in course of the work described herein shall be restored in a manner satisfactory to the City Council.

(I) The city shall have the right, at all times, to enter property by way of the appropriate easement, in order to inspect, repair, clean, or otherwise service the community sewage system, including the interceptor tank.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.06 CONNECTION FEES.

(A) The City Council shall establish a connection fee schedule which it may change by resolution from time to time. The current fee schedule shall be attached as Exhibit A to the ordinance codified in this subchapter, and by this reference is incorporated herein. Fees for the connection of existing buildings to the community sewer system shall be due within 30 days of the notice to connect sent to all affected property owners by the city. Where permits have been obtained pursuant to § 50.05(B), connection fees shall be payable in advance. Applicants for connections to be made after completion of construction of the system shall pay all costs of making the connection.

(B) Those residences and commercial buildings located within the area served which are not offered the opportunity to connect to the community sewer system due to the limited number of connections may later be allowed to connect at the initial hookup rate with applications for grant money, if available, made by the property owner to the city.
(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.07 USE OF THE PUBLIC SEWERS.

(A) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer.

(B) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including,

Falls City, OR Code of Ordinances

but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;

(3) Any waters or wastes having a pH lower than five and one-half, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(4) Solid or viscous substances in quantities or of the size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders; and/or

(5) Any wastes not pretreated by an interceptor tank.

(C) No person shall discharge or cause to be discharged the following substances, water, or wastes, if it appears likely in the opinion of the Sanitation Manager that the wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Sanitation Manager will give consideration to the factors as to quantities of subject wastes in relation to flows and velocities in the sewers, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any water or waste containing fats, gas, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F (65°C);

(3) Any garbage that has not been properly shredded;

(4) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to the degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the Sanitation Manager for the materials;

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in the concentrations exceeding limits which may be established by the Sanitation Manager as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies or jurisdiction for the discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Sanitation Manager in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of nine and one-half;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

36

Falls City, OR Code of Ordinances

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in the quantities as to constitute a significant load on the sewage treatment works; and/or

(d) Unusual volume of flow or concentration of wastes constituting "slugs," as defined in § 50.02.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(D) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (C) above, and which, in the judgment of the Sanitation Manager, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Sanitation Manager may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers at no cost to the city;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by wasting taxes or sewer charges.

(E) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Sanitation Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the appropriate governmental agency and the city, and shall be located as to be readily and easily accessible for cleaning and inspection. Interceptors shall be provided by persons discharging into the sewer.

(F) Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.08 RESPONSIBILITY FOR DAMAGE.

(A) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or criminal mischief.

(B) At all times, all building sewer lines to any interceptor tank belong to the private property owner and are the owner's responsibility for maintenance and upkeep. Where pumping from an interceptor tank is allowed, the owner shall be responsible for installation of the electrical panel and wiring from the residence or business to the interceptor tank and shall pay all associated power costs. The electrical panel and its wiring will be installed on the exterior of the building for access. The interceptor tank and all lines leading from the tank to the public treatment works shall be the responsibility of the city for maintenance and upkeep.

(C) If any damage to the interceptor tank, public treatment works, or connecting lines is the result of a negligent or intentional act of any individual, that individual shall be responsible

Falls City, OR Code of Ordinances

for the cost of any and all repairs to the lines. If an agreement for payment is not reached between the city and the parties, the parties causing the damage shall also be responsible for any reasonable attorney's fees incurred by the city regarding this matter in any court of appeals. (Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.09 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Sanitation Manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this subchapter.

(B) While performing the necessary work on private properties referred to in division (A) above, the Sanitation Manager or duly authorized employees of the city shall observe all safety rules applicable to the premises and shall hold harmless the property owner for injury or death to the city employees and the city shall indemnify the property owner against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

(C) The Sanitation Manager and other duly authorized employees of the city shall be permitted to enter all property for the purpose of inspecting and maintaining the community sewer system or a city easement. All entries and work, if any, shall be by way of the city's easement granted by the owner at the time their permit was approved or connection made to the public sewer.

(Ord. 420, passed 10-5-1987)

§ 50.10 CONSTRUCTION OF BUILDING SEWERS.

(A) All building sewers shall be laid on a grade of not less than three and sixteen-hundredths inch per foot for four-inch pipe and of not less than one-eighth inch per foot for six-inch pipe.

(B) If the grade of the building or side sewer is to be less than three and sixteen-hundredths inch per foot for four-inch pipe or one-eighth inch per foot for six-inch pipe, the property owner shall sign and acknowledge a grade release in a form approved by the city, the effect of which shall be to release the city from all future claims for damages due to the installation of the sewer. If there is doubt about grade, a grade release shall be procured before the pipe is laid. If, upon inspection, the grade is inadequate, the grade release shall be filed in the office of the City Recorder/Administrator before any backfilling takes place.

(C) All materials, pipes, and fittings used in the construction of effluent sewer lines on private property must meet published specifications of good construction as specified by the Sanitation Manager to prevent leakage and infiltration into the system.

(D) Pressure piping, fittings, and cleanouts shall be Class 160 (SDR 26) pressure-rated PVC piping with rubber gasket joints conforming to ASTM D 1784 and ASTM D 2241. Pippings and fittings for pressure sewer service lines shall be Class 160 (SDR 26)

38

Falls City, OR Code of Ordinances

pressure-rated PVC piping with rubber gasket joints conforming to ASTM D 1784 and ASTM D 2241 or polyethylene piping, pressure Class 160 (SDR 26) conforming to ASTM D 2122.

(E) Interceptor tanks shall be of concrete construction from a supplier approved by the city. The city shall keep on file at all times currently approved manufacturer and/or supplier of approved interceptor tanks with their current prices as per agreement with the city.

(F) Minimum interceptor tank sizes shall be 1,000 gallons per residence. Minimum interceptor tank sized for businesses or multi-residences shall be in accordance with requirements set forth by the Department of Environmental Quality, the requirements to be on file with the city.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

SEWER USER CHARGES

§ 50.25 GENERALLY.

(A) User charges shall be levied on all users of the public sewers or public treatment works which may cover the cost of operation and maintenance, debt service, taxes, and other administrative costs of the treatment works.

(B) There shall be established classes of users such that all members of a class discharge approximately the same volume of wastewater per user.

(C) The flat charge per appropriate unit shall be established so that each user pays their proportionate share of the treatment cost. As the flow of wastewater and discharge is not metered, each user in the particular class shall be assigned an approximate wastewater volume based on the equivalent residential unit (ERU) rate.

(D) The user rate per ERU shall be established by resolution to be passed at the same time this subchapter is on its final passage, and the resolution may be amended from time to time as deemed necessary by the City Council by a subsequent resolution.

(E) Any change in the number of units on the premises of a user shall be reported by that user to the Sewer Board.

(F) Should any user believe that they have been incorrectly assigned to a particular user class, that user may apply for review of the assigned user charge, as provided in § 50.29.

(G) Should the Sewer Board or other individual as designated by the Board determine that a user is incorrectly assigned to a user class, or that the strength and/or volume of the user's wastewater flow is inconsistent with the assigned user class, the Sewer Board or other designated individual shall reassign a more appropriate user class to that user and notify that user of the reassignment.

(H) Records of all assigned rates shall be kept on file with the Sewer Board and shall be open for public inspection.

(I) The public sewer system user charges shall be established and adjusted by resolution of the City Council.

(J) The sewer user charge for all occupied property shall begin upon the acceptance of the public sewer system by the city. The sewer user charge for all unoccupied property shall begin within 30 days after the property is ready for occupancy or on the first day of occupancy, whichever occurs first. All unoccupied property which is ready for occupancy at the time sewer

39

Falls City, OR Code of Ordinances

service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy. If the dates upon which the user charge is commenced or altered do not fall on the first day of billing, the rates shall be appropriately pro-rated.

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

§ 50.26 REVIEW AND REVISION OF RATES AND NOTIFICATION.

The sewer user charges established by resolution shall, as a minimum, be reviewed biennially, and revised periodically to reflect actual costs of operation, maintenance, replacement, and financing of the treatment works and to maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance.

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

§ 50.27 RESPONSIBILITY; PAYMENT DELINQUENCIES.

(A) The person who owns the premises served by the public sewer system shall be responsible for payment of the sewer user charge for that property, notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay the charges.

(B) Sewer user charges shall be due and payable to the city not later than 15 days after the date of billing.

(C) Sewer user charges levied in accordance with this subchapter shall be a debt due the city and a lien upon the property in accordance with O.R.S. 454.225. If this debt is not paid within 60 days after it shall become due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both. At the Sewer Board's discretion, water may be shut off when the bill is 60-days' delinquent.

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

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

§ 50.28 HANDLING OF FUNDS.

(A) Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until a different owner or user of the property is reported to the city.

(B) All collections of sewer user charges shall be made to the city.

(C) The Sewer Board or other designated individual is hereby directed to deposit in the Sewer System Improvement Fund all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as herein provided.

(D) The revenues thus deposited in the Sewer Improvement Fund shall be used exclusively for the operation, maintenance, and repair of the public sewer system; reasonable administration costs; expenses of collection of charges imposed by this subchapter and

40

Falls City, OR Code of Ordinances

connection fees provided for in this subchapter and payment of the principal and interest on any debts of the sewerage system of the city.
(Ord. 411, passed 6-4-1985)

§ 50.29 APPEALS.

(A) Any sewer user who feels his or her user charge is unjust and inequitable as applied to his or her premises, within the intent of the foregoing provisions, may make written application to the Sewer Board requesting a review of the user charge. Written requests shall, where necessary, include all information necessary for the Board to compare this unit charge to other similar units to determine appropriate charges.

(B) Review of the request shall be made by the City Council and it shall determine if it is substantiated or not, including recommending further study of the matter.

(C) If the request is determined to be substantiated, the user charge for that user shall be recomputed based on the approved unit charge. The new charges thus recomputed shall be applicable retroactively up to six months, as applicable.
(Ord. 411, passed 6-4-1985)

§ 50.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Sections 50.01 through 50.10.*

(1) Any person found to be violating any provision of §§ 50.01 through 50.10 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Violation of any of the provisions of §§ 50.01 through 50.10 which shall pose a danger or threat to any inhabitant of the city, or which may harm any part of the community sewer system, as determined by the Sanitation Manager, shall be cause for the city to enter onto the violator's property and to break and plug the connection to the community sewer system, or to disconnect and discontinue water service to the property, until the time as the cause of the damage or threat shall be shown to no longer exist, and until all damages to the community sewer system have been paid.

(3) Any person continuing any violation beyond the time limit provided for in division (A) above shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500 for each violation.

(4) Any person violating any of the provisions of §§ 50.01 through 50.10 shall become liable to the city for any expense, loss, or damage occasioned the city by reason of the violation.

(5) Each day any provision is violated, or continue to be violated after notice is given, is a separate violation. Successive notices are not required for successive violations.
(Ord. 420, passed 10-5-1987)

41

Enrolled
House Bill 2662

Exhibit D

Sponsored by Representative FREDERICK; Representative VEGA PEDERSON (Presession filed.)

CHAPTER

AN ACT

Relating to the neglect of foreclosed residential real property; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Foreclosed residential real property" means residential property, as defined in ORS 18.901, that an owner obtains as a result of:

- (A) Foreclosing a trust deed on the residential property; or
- (B) Receiving a judgment that forecloses a lien on the residential property.

(b) "Neglect" means:

(A) To fail or a failure to maintain the buildings, grounds or appurtenances of foreclosed residential real property in such a way as to allow:

- (i) Excessive growth of foliage that diminishes the value of adjacent property;
- (ii) Trespassers or squatters to remain on the foreclosed residential real property or in a structure located on the foreclosed residential real property;
- (iii) Mosquito larvae or pupae to grow in standing water on the foreclosed residential real property; or
- (iv) Other conditions on the foreclosed residential real property that cause or contribute to causing a public nuisance.

(B) To fail or a failure to monitor the condition of foreclosed residential real property by inspecting the foreclosed residential real property at least once every 30 days with sufficient attention so as to prevent, or to identify and remedy, a condition described in subparagraph (A) of this paragraph.

(c) "Owner" means a person, other than a local government, that forecloses a trust deed by advertisement and sale under ORS 86.735 or by suit under ORS 88.010.

(d) "Reasonable costs" means actual and demonstrable costs that are commensurate with and do not exceed the market rate for services necessary to remedy a condition of neglect, plus the actual and demonstrable costs of administering a contract for services to remedy a condition of neglect or the portion of the costs of a program to remedy conditions of neglect that are attributable to remedying a condition of neglect for specific foreclosed residential real property.

(2)(a) An owner may not neglect the owner's foreclosed residential real property during any period in which the foreclosed residential real property is vacant.

(b) An owner shall provide the owner's name or the name of the owner's agent and a telephone number or other means for contacting the owner or agent to:

(A) The neighborhood association for the neighborhood in which the foreclosed residential real property is located; or

(B) An official that the local government designates to receive the information described in this paragraph.

(c) An owner shall post a durable notice in a conspicuous location on the foreclosed residential real property that lists a telephone number for the owner or for the local government that a person may call to report a condition of neglect. The owner shall replace the notice if the notice is removed from the foreclosed residential real property during a period when the foreclosed residential real property is vacant.

(d) An owner or the agent of an owner shall identify the owner of the foreclosed residential real property to the local government and shall provide to, and maintain with, the local government current contact information during a period when the foreclosed residential real property is vacant.

(3)(a) If a local government finds a violation of subsection (2)(a) of this section, the local government shall notify the owner in writing of the foreclosed residential real property that is the subject of the violation and in accordance with paragraph (b) or (c) of this subsection, as appropriate, shall specify a time within which the owner must remedy the condition of neglect that is the basis for the local government's finding.

(b) The local government shall allow the owner not less than 30 days to remedy the violation unless the local government makes a determination under paragraph (c) of this subsection and shall provide the owner with an opportunity to contest the local government's finding at a hearing. The owner must contest the local government's finding within 10 days after the local government notifies the owner of the violation.

(c) If the local government determines that a specific condition of the foreclosed residential real property constitutes a threat to public health or safety, the local government may require an owner to remedy the specific condition in less than 30 days, provided that the local government specifies in the written notice the date by which the owner must remedy the specific condition. A local government may specify in the written notice different dates by which the owner must remedy separate conditions of neglect on the foreclosed residential real property.

(4)(a) After a local government allows an owner the time specified in subsection (3)(b) of this section or makes a determination under subsection (3)(c) of this section, the local government may remedy or contract with another person to remedy neglect or a specific condition of neglect on foreclosed residential real property and require the owner to reimburse the local government for reasonable costs the local government incurs under this paragraph.

(b) A local government that has incurred costs with respect to foreclosed residential real property under paragraph (a) of this subsection has a lien on the foreclosed residential real property for the sum of the local government's unreimbursed costs. A lien created under this paragraph is prior to all other liens and encumbrances, except that the lien has equal priority with a tax lien. The lien attaches at the time the local government files a claim of lien with the county clerk of the county in which the foreclosed residential real property is located. A local government may bring an action in the circuit court to foreclose the lien in the manner provided for foreclosing other liens on real or personal property.

SECTION 2. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House April 25, 2013

.....
Ramona J. Line, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 30, 2013

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

.....
Kate Brown, Secretary of State

MAYOR'S SCRIPT FOR NON CONFORMING USE PUBLIC HEARINGS

Now is the time set for public hearings to consider the alteration/replacement/restoration of two separate non-conforming structures. The first is for application # NCU-2016-01 at 246 South Main Street and the second is for application # NCU-2016-02 for the replacement of a non-conforming structure at 169 Fourth Street.

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

MOTION: I move that the City Council of the City of Falls City act in place of the Planning Commission.

Now we will proceed with the hearings. Each hearing will be conducted separately, but I will introduce the procedures for each hearing only once.

We will start each application by receiving a staff report. When the staff report has been presented I will open the public hearing to public testimony. Members of the public who want to testify are asked to sign in, come up when called, and give their name and address for the record before they testify. We ask for your address so that we can notify you of the City's final decision. When public testimony has been concluded I will close the public hearing and open it up for council discussion and deliberation.

After the Council has deliberated, we will need a motion to approve or deny each application separately.

Are there any questions among the Council about the process?

Oregon land use law requires several items be read into the record at the beginning of each public hearing. I will read these provisions once, and they will be applicable to both public hearings tonight.

Conflicts of Interest/Ex-Parte Contacts/Bias

The Council is required to disclose any conflicts of interest and ex-parte contacts that we have with the proposals or applicants — this is whether we have any financial or other personal interest in either proposal and whether we have spoken with anybody about either proposal outside of this hearing. Also, Councilors may only participate if they can do so without un-due bias either for or against either application.

Do any Councilors wish to make disclosures?

Are there any challenges from the audience as to conflicts of interest, ex-parte contacts, or bias related to any member of the Council?

Required Statements

The applicable substantive criteria upon which this case will be decided are found in Section 3.205 of the Falls City Zoning and Development Ordinance.

Your testimony, arguments, and evidence must be directed toward these criteria or other criteria in the comprehensive plan or development code that you believe apply. (ORS 197.763(5)(b).)

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker or other people an opportunity to respond may preclude appeal of a decision on this application based on that issue. (ORS 197.763(5)(c).)

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court. (ORS 197.796(3)(b).)

Public Hearings

I now open the Public Hearing for application # NCU-2016-01 at _____ PM.

I call on our City Planner Renata Wakeley to present the staff report for the first application.

RENATA will review Staff report.

All persons speaking before the City Council must state their name and address for the record.

I invite the Applicant to present their case.

I invite those in support of the application to speak

I invite those opposed to the application to speak

I invite those who are neither for nor against the application to speak.

I invite public agencies to comment.

I invite the Applicant to present any rebuttal to the testimony presented.

I close the Public Hearing for application # NCU-2016-01 at _____ PM.

[If there is no request to keep the record open] Now it is time for Council deliberation and discussion.

MOTION: I move to approve the alteration/replacement/restoration of a non-conforming structure at 246 South Main Street based upon the findings set forth in the staff report for application # NCU-2016-01. The Mayor is authorized to sign a final decision approving the application and incorporating the findings from the staff report.

I now open the Public Hearing for application # NCU-2016-02 at _____ PM.

I call on our City Planner Renata Wakeley to present the staff report for the second application.

RENATA will review Staff report.

All persons speaking before the City Council must state their name and address for the record.

I invite the Applicant to present their case.

I invite those in support of the application to speak

I invite those opposed to the application to speak

I invite those who are neither for nor against the application to speak.

I invite public agencies to comment.

I invite the Applicant to present any rebuttal to the testimony presented.

I close the Public Hearing for application # NCU-2016-02 at _____ PM.

[If there is no request to keep the record open] Now it is time for Council deliberation and discussion.

MOTION: I move to approve the replacement of a non-conforming structure at 169 4th Street based upon the findings set forth in the staff report for application # NCU-2016-02. The Mayor is authorized to sign a final decision approving the application and incorporating the findings from the staff report.

See the following if you have a request to keep the record open. (Hearing will be closed, but record will be left open for the submission of additional written evidence and testimony.)

[READ THE FOLLOWING ONLY IF YOU HAVE A REQUEST TO LEAVE THE RECORD OPEN]

Rules Regarding Leaving the Record Open (ORS 197.763(6).)

Before the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The City shall then keep the record open at least seven (7) days from the date of the initial evidentiary hearing (set the date and time for the closing of the open record period that is at least 7 days in the future). Persons may present and rebut new evidence, arguments or testimony by submitting materials to City Hall. Materials must be received at City Hall before the expiration of the open record period. If new written evidence is submitted, any person may request, prior to the conclusion of the open record period, that the record be left open for an additional seven (7) days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.

48

At the conclusion of the open record period, unless waived, the applicant has 7 days after the close of the record to provide final legal argument. (ORS 197.763(6)(e).) Once the open record period is closed, the Council will deliberate and make a decision on the application.

CITY OF FALLS CITY
NOTICE OF ALTERATION/REPLACEMENT/RESTORATION OF A
NON-CONFORMING STRUCTURE APPLICATION

NOTICE IS HEREBY GIVEN that the City Council of Falls City, Oregon is conducting a public hearing to review the following application:

NATURE OF APPLICATION: Replacement of a previously existing 9'x 28' front porch to the existing single family residence. The previous covered porch was setback from the front property line by 16 feet whereas 20 feet is required by the zone. Nonconforming use approval is required to replace/restore a nonconforming structure.

APPLICABLE CRITERIA: Falls City Zoning and Development Ordinance Section 3.105 (Type III Procedure) and 3.205 (Nonconforming Uses)

PROPERTY LOCATION: 246 S. Main Street (T8S-R6W-Section 21BC, Tax Lot 2803) (see Exhibit A).

APPLICANT/OWNER: David Radke/Paul and Judith Ward

ZONE DESIGNATION: Residential (R)

COMP. PLAN DESIGNATION: Residential (R)

FILE NUMBER: NCU-2016-01

The Falls City Zoning and Development Ordinance (FCZDO) section 3.205.C. requires applications for an alteration or expansion of a nonconforming use be processed as a Type III application. The Falls City Council reviews the nonconforming use/structure application and approves or denies the request based upon findings regarding compliance with the applicable criteria. The applicable criteria for nonconforming use/structure application can be found in FCZDO section 3.205.

HOW TO PARTICIPATE: Anyone interested in commenting on this request may do so by appearing in person at **6:00 p.m. on April 14, 2016** at the **Falls City Community Center 320 N. Main Street** or by submitting comments in writing before the City Council makes a final decision. Written comments regarding the application must be received by **5:00 p.m. on April 14, 2016**. Please address comments to: City of Falls City, 299 Mill Street, Falls City, OR 97344.

Notice of the final decision will be provided to the applicant and any person who submits comments. The notice of decision will include an explanation of appeal rights. Issues, which may provide the basis for an appeal to the Land Use Board of Appeals, shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the city to respond to the issue.

Additional information is available at City Hall, 299 Mill Street, Falls City. A copy of the application, all documents and evidence are available for inspection at no cost and copies will be provided at a reasonable cost. The staff contact person is Renata Wakeley, City Planner, who may be reached at, (503) 588-6177.

Notice to mortgagee, lien holder, vendor, or seller: The Falls City Development Ordinance requires that if you receive this notice it shall be promptly forwarded to the purchaser.

50

CITY OF FALLS CITY
STAFF REPORT

ALTERATION/REPLACEMENT/RESTORATION OF A
NON-CONFORMING STRUCTURE APPLICATION

NCU 2016-01

STAFF REPORT: March 23, 2016
CITY COUNCIL HEARING DATE: April 14, 2016

APPLICANTS:	David Radke
OWNER:	Paul and Judith Ward
REQUEST:	Replacement of a previously existing 9'x 28' front porch to the existing single family residence. The previous covered porch was setback from the front property line by 16 feet whereas 20 feet is required by the zone. Nonconforming use approval is required to replace/restore a nonconforming structure.
ZONING:	Residential
LOCATION:	246 S. Main Street, Falls City OR 97344
SIZE:	32,092 square feet (approx. 0.73 acres)
TAX LOT:	8 6W 21BC, Lot 2803
CRITERIA:	Falls City Zoning and Development Ordinance Section 3.105 (Type III procedure) and 3.205 (Nonconforming Uses)
EXHIBITS:	Exhibit A: Assessor Map Exhibit B: Variance Application

I. SUMMARY OF THE PROPOSAL

The applicant is proposing to replace a previously existing 9'x 28' front porch to the single family residence. The existing structure was moved 8' to the west to meet required side yard setbacks related to a previously approved addition to the home. While the front porch was previously set back 16' from the front property line and was considered nonconforming, replacement of the front porch requires City approval. According to the applicant, the front porch was previously removed due to extensive dry rot damage.

Falls City Zoning Ordinance (FCZO) section 1.202.02 defines a nonconforming structure as, "A lawfully existing structure or use at the time of this Ordinance or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located".

II. PROCEDURE

FCZO section 3.205 provides the criteria for review of nonconforming uses and FCZO 3.105 includes the procedure for review of an alteration or expansion of a nonconforming use or structure.

Alteration or expansion of a nonconforming use or structure is a Type III (Quasi-Judicial) application which requires a public hearing before the Planning Commission; mailed notice to property owners within 250 feet of the subject property; and notice of the hearing posted on the property at least 10 business days prior to the hearing.

III. APPEAL

The decision of the City Council shall be the final land use action on the application unless appealed to the Land Use Board of Appeals (LUBA).

IV. BACKGROUND

A. Land Use

Comprehensive Plan/Zoning Designations. The site is designated Residential on the Comprehensive Plan Map and the Zoning Map.

Existing Development. The site currently contains a single family residence, which was recently relocated westward by 8 feet along with an addition placed on the rear and side of the previously existing structure.

Surrounding Land Uses.

North: Little Luckiamute River
South: Storage Facility and Church
East: Single family residence
West: Single family residence

Site Conditions.

B. Public Facilities

Water. According to the City Manager, city water service is available to serve the subject property.

Sewer. According to the City Manager, city sewer service is available to serve the subject property.

Storm Drainage. Surface flow from the site drains to the north east to a natural drainage way that crosses the subject property.

Transportation/Access. The subject site has access from S. Main Street.

V. CRITERIA AND FINDINGS OF FACT - GENERAL

- A. The applicant is David Radke.
- B. The subject property is located at 246 S. Main Street, and is also referred to as Tax Map 8 6W 21BC, Lot 2803.
- C. The subject property is designated R (Residential) on the Zoning and Comprehensive Plan Map.

VI. CRITERIA AND FINDINGS OF FACT

The applicant has requested approval for replacement of a nonconforming structure. Approval or denial shall be based upon the following criteria:

3.205.G.3. The alteration of a nonconforming use may be authorized by the Planning Commission, subject to the quasi-judicial review procedure, provided that the applicant demonstrates that the proposal satisfies the following criteria:

- a. The alteration of structures would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood.

FINDING: The applicant has demonstrated compliance with this criterion as the previous nonconforming front setback of 16 feet for the porch (and not 20 feet as required in the Residential zone) is proposed to be replicated. The applicant proposes a direct replacement of the porch and setback as, according to the applicant, the previous nonconforming porch was removed due to dry rot damage. Staff finds this criterion is met.

- b. A change in use to another nonconforming use may be permitted if it is of the same or less intensity of use.

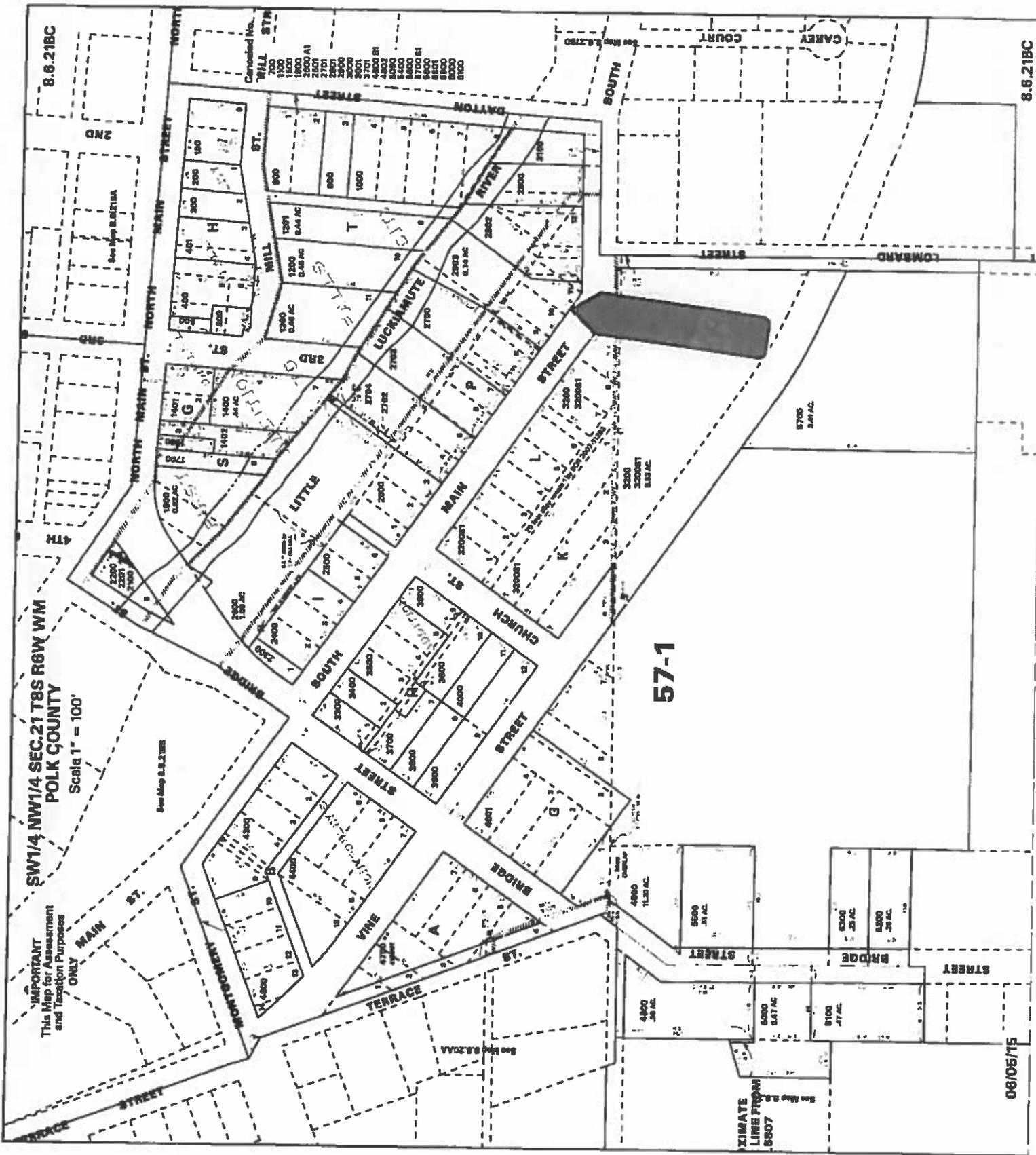
FINDING: The requested nonconforming structure application is not a proposed change in use. Staff finds this criterion does not apply.

- c. The alteration of a nonconforming single-family residence that does not involve a change in use is authorized without Planning Commission approval.

FINDING: Staff interprets this criterion to mean the alteration of a nonconforming single-family residential use or structural that does not involve a change in use is authorized as long as the alteration does not increase the non-conformity and is compliant with current code requirements. Staff does not interpret this criterion to mean that a nonconforming single-family residence can be altered outright and regardless of current code requirements or applicable setbacks. In this case, the applicant is requested a restoration of a non-conforming structure, not an alteration, and staff finds this criterion does not apply.

VII. CONCLUSION AND RECOMMENDATION

Based upon the findings contained in the staff report, staff recommends approval of the proposed variance.



55

Exhibit A

City of Falls City
Land Use Application
Type III Action: Variance

File # _____
Date Rec'd: 2/17/2016
Fee Paid: 250-
Receipt No.: 393857
Rec'd By: DTP

Please submit completed application and fees to:
City of Falls City, 299 Mill Street, Falls City OR 97344

Name: David J Radke Telephone: 503-539-7558

Address: 3042 Twin Oaks Pl NW Salem Or 97304

Owner(s): Paul + Judith Ward Telephone: 503-559-7013

Address: 24 SW Biran St. Dallas Or 97338

Engineer/Surveyor: _____ Telephone: _____

Address: _____

Map Page and Tax Lot No.: 08621-BC02803 Zone: R

Location: 246 Main St Falls City Or 97344

Legal Description: _____

Existing Zoning/Comprehensive Plan Designation: _____

Current Use/Structures: Single Family dwelling

Proposed Use: Single Family dwelling

Topography: _____

Surrounding Uses: North: _____

South: _____

East: _____

West: _____

Acreeage of Site: .74 Acres

Number/Size of Lots or Parcels: _____

Natural Features/Hazards of the Subject Site: _____

Public Utility Providers (gas, electric, water, sewer, telephone): _____

Easements: _____

(As recorded in the office of the County Clerk) Volume and Page Number _____

Deed Restrictions: _____

SUBMITTAL REQUIREMENTS: Please refer to Section 3.202 Variance Applications of the Falls City Zoning and Development Code for application requirements.

Variance to Setbacks: Circle one YES/NO Variance to Standards: Circle one YES/NO

Describe the type of Variance being requested: existing house was moved 8' west, to meet required side yard set back because a 30' addition is being added on the back. Existing front porch (9') was removed because of dryrot damage. We want to replace it with an exact copy 9' porch. That makes the front yard set back 16', not 20' from porch to property line. Please keep in mind that Attachments if the house was not moved, 16' was the original set back.

Applicant shall prepare and attach the following to this application: Nothing has changed

1. Three (3) copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria in sufficient detail for review and action, including a presentation of facts and reasons which establish need, applicability, appropriateness and purpose of the Variance request, and
2. Three (3) copies of an impact study that quantifies/assesses the effect of the development on public facilities and services, and
3. A site plan location map of area subject to proposed variance drawn to scale, and
4. Either assessor's map, parcel map or site plan drawn to scale showing proposed variance, and
5. Include one set of pre-stamped and pre-addressed envelopes for all property owners of record ** whose property is subject to the proposed Variance or within 250 feet of the exterior boundary thereof, and
6. Other information specified in Section 3.202 of Falls City Zoning and Development Code, if applicable.

**** NOTE:** This information available from the county assessor's office

57

Exhibit B2

All land use applicants shall be charged the ACTUAL COST to the City of Falls City of rendering a decision on their land use application. Cost shall include but not be limited to: contract planning services, City of Falls City staff time, city attorney time, cost of supplies, printing, legal notices, stamps, and city engineer time spent on reviewing the application.

The applicant will be required to pay the amount set by the ordinance. When a final decision is rendered, the city will send a final invoice to the applicant. Land Use Decisions and building permits will not be issued until the fees are paid in full to the city.

In the event an applicant chooses to withdraw an application prior to a final decision being made, the cost as set forth by the ordinance or the actual cost, whichever is greater, must be paid in full.

I certify that I have read, understand, and agree to the charges outlined above:

David Reine
Applicant(s) Signature

2/17/16
Date

[Signature]
Applicant(s) Signature

2/17/16
Date

.....
We, the following:

Name: Paul + Judith Ward

Telephone: 503-559-7018

Address: 241 SW Birch St Dallas OR 97338

The applicant(s) shall certify that:

- The request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- If the application is granted, the applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- All of the statements in this application and the statements in the prior plan, any attachments, and exhibits submitted with this application are true; and the applicants so acknowledge that any permit issued, based on this application, may be revoked if it is found that any such statements are false.

Dated this 17 day of February, 2016.

Signature of each owner of the subject property.

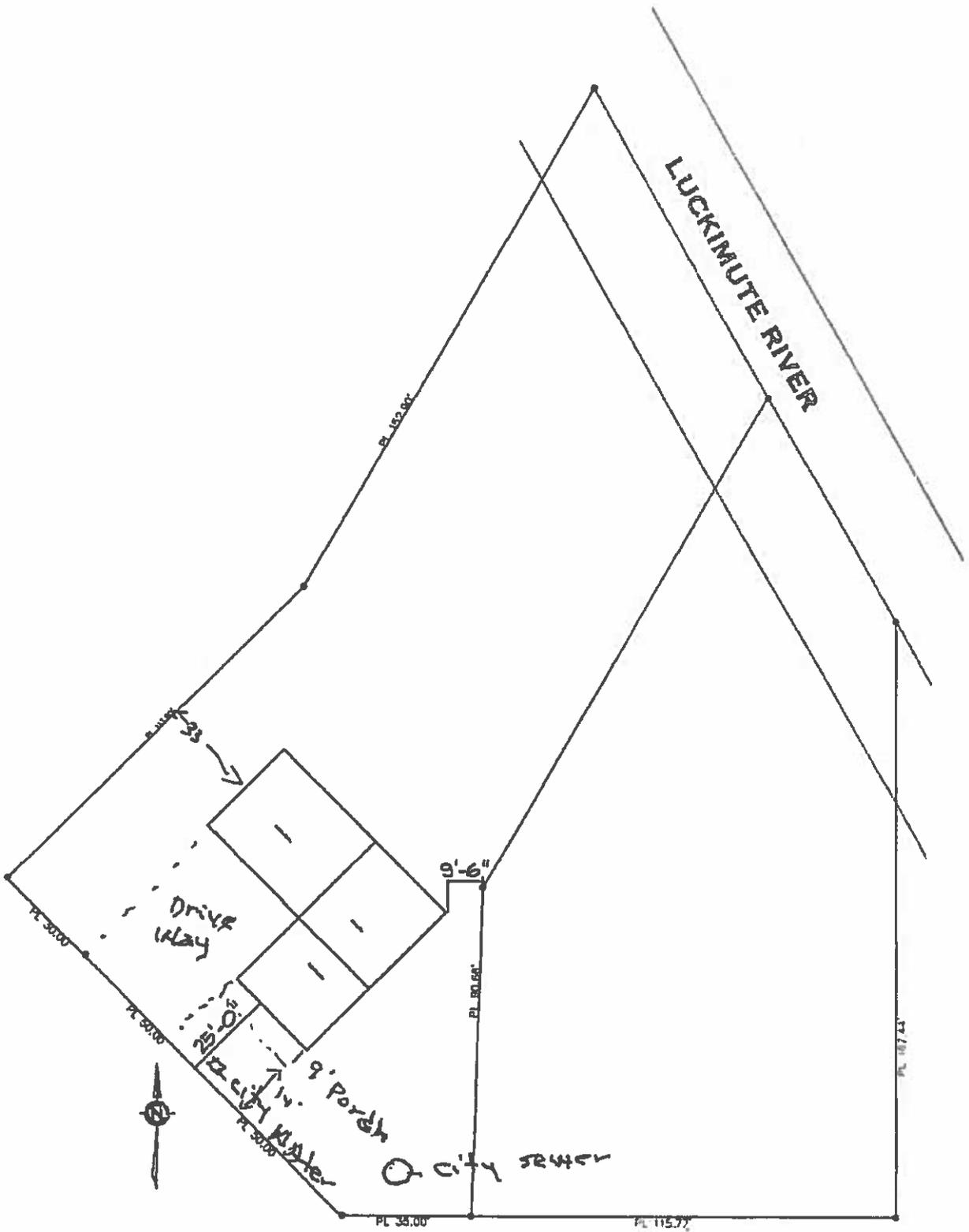
Print name after signature.

Owner: [Signature]

Paul S Ward

Owner: [Signature]

Judith A Ward



SITE PLAN

1" = 40'-0"

CITY OF FALLS CITY
NOTICE OF ALTERATION/REPLACEMENT/RESTORATION OF A
NON-CONFORMING STRUCTURE APPLICATION

NOTICE IS HEREBY GIVEN that the City Council of Falls City, Oregon is conducting a public hearing to review the following application:

NATURE OF APPLICATION: Replacement of a previously existing non-conforming accessory structure, rebuilt upon the same foundation as the previous structure. The proposed height and measurement replicate the previous structure. Nonconforming use approval is required to replace/restore a nonconforming structure.

APPLICABLE CRITERIA: Falls City Zoning and Development Ordinance Section 3.105 (Type III Procedure) and 3.205 (Nonconforming Uses)

PROPERTY LOCATION: 169 4th Street (T8S-R6W-Section 21BB, Tax Lot 3300) (see Exhibit A).

APPLICANT/OWNER: Robert Young/Joseph Chaon

ZONE DESIGNATION: Residential (R)

COMP. PLAN DESIGNATION: Residential (R)

FILE NUMBER: NCU-2016-02

The Falls City Zoning and Development Ordinance (FCZDO) section 3.205.C. requires applications for an alteration or expansion of a nonconforming use be processed as a Type III application. The Falls City Council reviews the nonconforming use/structure application and approves or denies the request based upon findings regarding compliance with the applicable criteria. The applicable criteria for nonconforming use/structure application can be found in FCZDO section 3.205.

HOW TO PARTICIPATE: Anyone interested in commenting on this request may do so by appearing in person at **6:00 p.m. on April 14, 2016** at the **Falls City Community Center 320 N. Main Street** or by submitting comments in writing before the City Council makes a final decision. Written comments regarding the application must be received by **5:00 p.m. on April 14, 2016**. Please address comments to: City of Falls City, 299 Mill Street, Falls City, OR 97344.

Notice of the final decision will be provided to the applicant and any person who submits comments. The notice of decision will include an explanation of appeal rights. Issues, which may provide the basis for an appeal to the Land Use Board of Appeals, shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the city to respond to the issue.

Additional information is available at City Hall, 299 Mill Street, Falls City. A copy of the application, all documents and evidence are available for inspection at no cost and copies will be provided at a reasonable cost. The staff contact person is Renata Wakeley, City Planner, who may be reached at, (503) 588-6177.

Notice to mortgagee, lien holder, vendor, or seller: The Falls City Development Ordinance requires that if you receive this notice it shall be promptly forwarded to the purchaser.

60

CITY OF FALLS CITY
STAFF REPORT

ALTERATION/REPLACEMENT/RESTORATION OF A
NON-CONFORMING STRUCTURE APPLICATION

NCU 2016-02

STAFF REPORT: March 23, 2016
CITY COUNCIL HEARING DATE: April 14, 2016

APPLICANTS:	Robert Young
OWNER:	Joseph Chaon
REQUEST:	Replacement of a previously existing non-conforming accessory structure, rebuilt upon the same foundation as the previous structure. The proposed height and measurement replicate the previous structure. Nonconforming use approval is required to replace/restore a nonconforming structure.
ZONING:	Residential
LOCATION:	169 4 th Street, Falls City, OR 97344
SIZE:	24,325 square feet (approx. 0.55 acres)
TAX LOT:	8 6W 21BB, Lot 3300
CRITERIA:	Falls City Development Ordinance sections 3.105 and 3.205
EXHIBITS:	Exhibit A: Assessor map Exhibit B: Variance application

I. SUMMARY OF THE PROPOSAL

Replacement of a previously existing non-conforming accessory structure, rebuilt upon the same foundation as the previous structure. The proposed height and measurement replicate the previous structure. Nonconforming use approval is required to replace/restore a nonconforming structure.

Falls City Zoning Ordinance (FCZO) section 1.202.02 defines a nonconforming structure as, "A lawfully existing structure or use at the time of this Ordinance or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located".

II. PROCEDURE

FCZO section 3.205 provides the criteria for review of nonconforming uses and FCZO 3.105 includes the procedure for review of an alteration or expansion of a nonconforming use or structure.

Alteration or expansion of a nonconforming use or structure is a Type III (Quasi-Judicial) application which requires a public hearing before the Planning Commission; mailed notice to property owners within 250 feet of the subject property; and notice of the hearing posted on the property at least 10 business days prior to the hearing.

III. APPEAL

The decision of the City Council shall be the final land use action on the application unless appealed to the Land Use Board of Appeals (LUBA).

IV. BACKGROUND

A. Land Use

Comprehensive Plan/Zoning Designations. The site is designated Residential on the Comprehensive Plan Map and the Zoning Map.

Existing Development. The site currently contains a single family residence.

Surrounding Land Uses.

North: Single family residence
South: Apartment building and single family residence
East: Single family residence
West: Single family residence

Site Conditions.

B. Public Facilities

Water. According to the City Manager, city water service is available to serve the subject property.

Sewer. According to the City Manager, city sewer service is available to serve the subject property.

Storm Drainage.

Surface flow from the site drains to the southeast to a natural drainage way that crosses the subject property to an open drainage ditch on 4th Street onto the stormwater drain on Mitchell Street.

Transportation/Access. The subject site has driveway access on 4th Street.

V. CRITERIA AND FINDINGS OF FACT - GENERAL

A. The applicant is Robert Young.

- B. The subject property is located at 169 4th Street, and is also referred to as Tax Map 8 6W 21BB, Lot 3300.
- C. The subject property is designated R (Residential) on the Zoning and Comprehensive Plan Map.

VI. CRITERIA AND FINDINGS OF FACT

The applicant has requested approval for replacement of a nonconforming structure. Approval or denial shall be based upon the following criteria:

3.205.G.3. The alteration of a nonconforming use may be authorized by the Planning Commission, subject to the quasi-judicial review procedure, provided that the applicant demonstrates that the proposal satisfies the following criteria:

- a. The alteration of structures would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood.

FINDING: The applicant has stated the proposed structure will be rebuilt on the same foundation as the previously existing structure and will be the same height and size. Staff finds the replacement of the previous non-conforming structure will have no greater adverse impact upon the neighborhood.

- b. A change in use to another nonconforming use may be permitted if it is of the same or less intensity of use.

FINDING: The requested nonconforming structure application is not a proposed change in use. Staff finds this criterion does not apply.

- c. The alteration of a nonconforming single-family residence that does not involve a change in use is authorized without Planning Commission approval.

FINDING: Staff interprets this criterion to mean the alteration of a nonconforming single-family residential use or structure that does not involve a change in use is authorized as long as the alteration does not increase the non-conformity and is compliant with current code requirements. Staff does not interpret this criterion to mean that a nonconforming single-family residence can be altered outright regardless of current code requirements or applicable setbacks. In this case, the applicant has requested a restoration of a non-conforming structure, not an alteration, and staff finds this criterion does not apply.

VII. CONCLUSION AND RECOMMENDATION

Based upon the findings contained in the staff report, staff recommends approval of the proposed variance.

NW1/4 NW1/4 SEC. 21 T8S R6W WM
POLK COUNTY

Scale 1" = 100'

IMPORTANT!
This Map for Assessment
and Taxation Purposes
ONLY

See Map S.L.1900

See Map S.L.1700

See Map S.L.2004

See Map S.L.2100

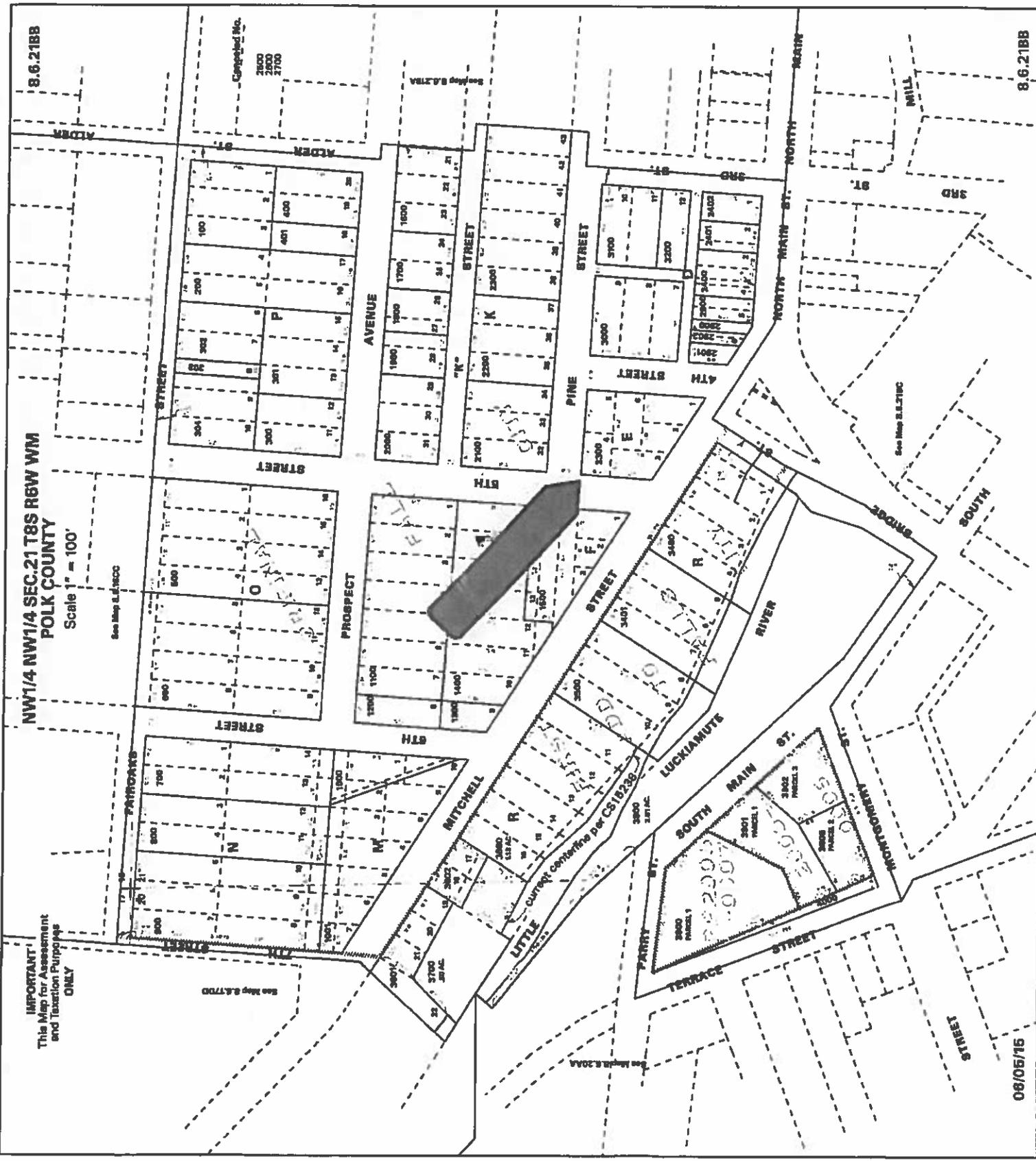
Completed Mo.
2600
2600
2700

See Map S.L.2104

8.6.21BB

8.6.21BB

08/05/15



64

Exhibit A

City of Falls City
Land Use Application
Type III Action: Variance

File # _____
Date Rec'd: 3/1/2016
Fee Paid: 250
Receipt No.: 393874
Rec'd By: DJP

Please submit completed application and fees to:
City of Falls City, 299 Mill Street, Falls City OR 97344

Name: Robert Young Telephone: 503-910-2414

Address: PO Box 214 In PO Box 127 Falls City

Owner(s): Joe Chason Telephone: _____

Address: 169 4th St

Engineer/Surveyor: _____ Telephone: _____

Address: _____

Map Page and Tax Lot No.: 086218803300 Zone: CR

Location: 169 4th St

Legal Description: _____

Existing Zoning/Comprehensive Plan Designation: _____

Current Use/Structures: Residential Residential

Proposed Use: Residential Residential

Topography: Flat

Surrounding Uses: North: residential

South: residential

East: residential

West: residential

Acreeage of Site: City lot 24,325 SQ FT

Number/Size of Lots or Parcels: one

Natural Features/Hazards of the Subject Site: none

Public Utility Providers (gas, electric, water, sewer, telephone): electric, water, sewer, telephone

Easements: sewer tank (city)

Volume and Page Number _____
(As recorded in the office of the County Clerk)

Deed Restrictions: None

SUBMITTAL REQUIREMENTS: Please refer to Section 3.202 Variance Applications of the Falls City Zoning and Development Code for application requirements.

Variance to Setbacks: Circle one YES / NO Variance to Standards: Circle one YES / NO

Describe the type of Variance being requested: Setback on the north side of the garage, facing Pine St.

Attachments

- Applicant shall prepare and attach the following to this application:
1. Three (3) copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria in sufficient detail for review and action, including a presentation of facts and reasons which establish need, applicability, appropriateness and purpose of the Variance request, and
 2. Three (3) copies of an impact study that quantifies/assesses the effect of the development on public facilities and services, and
 3. A site plan location map of area subject to proposed variance drawn to scale, and
 4. Either assessor's map, parcel map or site plan drawn to scale showing proposed variance, and
 5. Include one set of pre-stamped and pre-addressed envelopes for all property owners of record ** whose property is subject to the proposed Variance or within 250 feet of the exterior boundary thereof, and
 6. Other information specified in Section 3.202 of Falls City Zoning and Development Code, if applicable.

** NOTE: This information available from the county assessor's office

All land use applicants shall be charged the ACTUAL COST to the City of Falls City of rendering a decision on their land use application. Cost shall include but not be limited to: contract planning services, City of Falls City staff time, city attorney time, cost of supplies, printing, legal notices, stamps, and city engineer time spent on reviewing the application.

The applicant will be required to pay the amount set by the ordinance. When a final decision is rendered, the city will send a final invoice to the applicant. Land Use Decisions and building permits will not be issued until the fees are paid in full to the city.

In the event an applicant chooses to withdraw an application prior to a final decision being made, the cost as set forth by the ordinance or the actual cost, whichever is greater, must be paid in full.

I certify that I have read, understand, and agree to the charges outlined above:

Robert Young 2/29/16
Applicant(s) Signature Date

Applicant(s) Signature Date

.....
We, the following:

Name: Joe Chaon Telephone: _____

Address: 169 4th St Falls City, OR 97344

The applicant(s) shall certify that:

- The request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- If the application is granted, the applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- All of the statements in this application and the statements in the prior plan, any attachments, and exhibits submitted with this application are true; and the applicants so acknowledge that any permit issued, based on this application, may be revoked if it is found that any such statements are false.

Dated this <u>29th</u> day of <u>February</u> , 20 <u>16</u> .	
Signature of each owner of the subject property.	Print name after signature.
Owner: <u>[Signature]</u>	<u>JOE CHAON</u>
Owner: _____	_____

Variance Application for 169 4th St Falls City, Or

3a) The alteration of structures would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood;

The structure is being rebuilt on the same foundation. It will be the same height and size. The only impact to the neighborhood would be the increased value to the area.

b) A change in use to another nonconforming use may be permitted if it is of the same or less intensity of use;

The structure is being rebuilt on the same foundation

c) The alteration of a nonconforming single-family residence that does not involve a change is authorized without Planning Commission approval.

There is no change in use.

3a) Prior Garage

Height: 15'
Width: 25'
Length: 28'

Proposed Garage

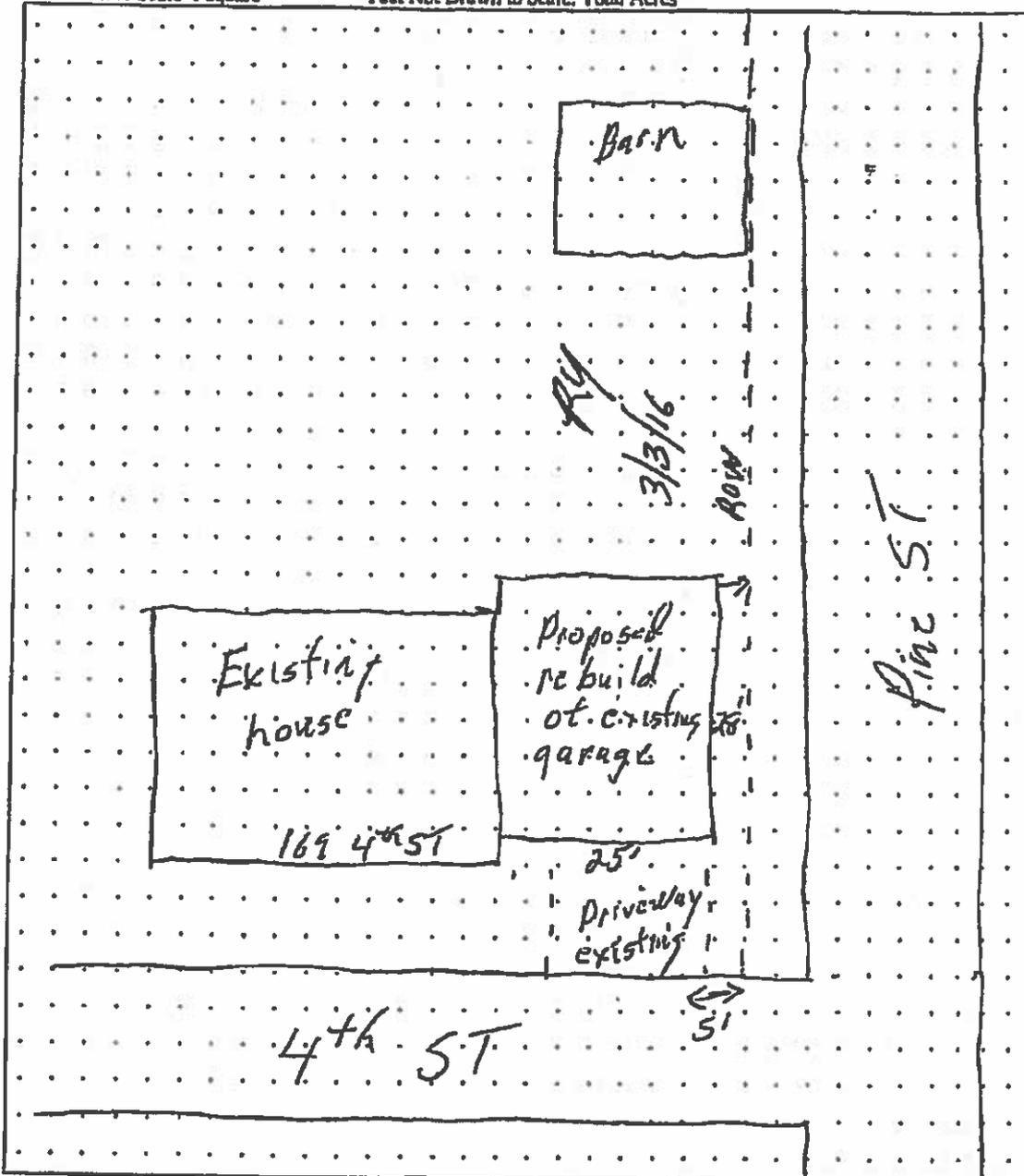
Height: 15'
Width: 25'
Length: 28'

3/3/16

R.M.



SITE PLAN MUST SHOW ALL PROPERTY LINES AND DIMENSIONS
Drawn to Scale: 1 square = Feet Not Drawn to Scale: Total Acres



I certify that the above information is accurate to the best of my knowledge. I AM THE Owner or Authorized Agent

NAME (please print): Robert Young Telephone #: 503 910-2414
Applicant's Signature: Robert Young Date: 10/30/14
Applicant's Mailing Address: P.O. Box 1127 City: Falla City Zip: 98344

FOR OFFICE USE ONLY
PLANNING: _____ Date: _____
PUBLIC WORKS: _____ Date: _____

69

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: RESOLUTION 06-2016, AUTHORIZING APPLICATION FOR LAND ACQUISITION GRANT
DATE: 3/30/2016

SUMMARY

Council asked staff to work with the Parks and Recreation Committee to apply for an acquisition grant from the Oregon Parks and Recreation Department.

BACKGROUND

In the 2015 Oregon Parks and Recreation grant cycle the City applied for an acquisition and development grant from the State Parks Department. We did not receive the grant, but there was the desire expressed from Council to reapply for the land acquisition portion of the grant.

Staff worked with the Falls City Parks and Recreation Chairperson Anzalone and submitted the application. We are required to have a resolution from the Council agreeing to the submission of the application.

PREVIOUS COUNCIL ACTION

Directed staff to work with the City Parks Committee to submit an acquisition grant.

ALTERNATIVES/FINANCIAL IMPLICATIONS

This would help pay for the land purchase.

STAFF RECOMMENDATION

Pass Resolution.

EXHIBIT

Copy of 2016 land acquisition grant.

PROPOSED MOTION

I move the City Council of the City of Falls City approve Resolution 06-2016 A Resolution allowing for the City Manager to sign the application for the Oregon Parks and Recreation 2016 grant cycle for land acquisition at the Michael Harding Park.

RESOLUTION 06-2016

A RESOLUTION AUTHORIZING AN APPLICATION FOR LOCAL GOVERNMENT GRANT.

FINDINGS:

- 1. The City of Falls City desires to apply for a local Government grant from the Oregon Parks and Recreation Department for land acquisition at the Michael Harding Park and to delegate authority for the city Manager to sign the application.

Whereas, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant program; and

Whereas, the City of Falls City desires to purchase added land for the Michael Harding Park, and

Whereas, the Falls City Alliance is willing to sale the property they have on the Southside of the Little Luckiamute Falls, and

NOW THEREFORE;

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

Section 1. The City Council demonstrates its support for the submittal of a grant application to the Oregon Parks and Recreation Department for the acquisition and improvement to the Michael Harding Park.

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

Approved:

Date

Terry Ungricht, Mayor

Attest:

Date

Domenica Protheroe, City Clerk

71

Oregon Parks and Recreation: Grants Online (index.cfm?do=v.dsp_splash)

[Home \(index.cfm?do=grants.dsp_main\)](#)

[Grants Programs \(#\)](#)

[Log Out \(#\)](#)

Ω

[Main menu \(index.cfm?do=grants.dsp_main\)](#)
Application #2952

Michael Harding Park Expansion

Application (#ui-tabs-2)	Worksheet (#ui-tabs-4)	Information (#ui-tabs-6)	Log (#ui-tabs-8)
--	--	--	----------------------------------

[Make PDF](#)

Contact

Application Type: ACQUISITION

Applicant Agency	City of Falls City
First Name	Terry
Last Name	Ungricht
Title	Mayor93-
Address 1	299 Mill Street
Address 2	
City	Falls City
State	OR
Zip Code	97344
Contact Phone	503 787-3631
Contact Fax	
Contact Email	mayorungricht@fallscityoregon.gov
Federal Tax ID	93-6002162

[back to top \(#top\)](#)

Project

Project Name	Michael Harding Park Expansion
Site Name	Falls City Falls property
Site City / Town / Area	Falls City
Site County	Polk

72

Funds Requested	\$85,000.00
Matching Funds	\$44,673.20
Total Cost	\$129,673.20
Percent of Grant	0.66
Percent of Match	0.34
Brief Project Description (40 word limit)	Project involves acquisition of 1.13 acres of land situated on the Little Luckiamute River, specifically at the Falls City Falls. Adjoining lands will be donated and all these lands together will be added to the expansion of Michael Harding Park.
Projected Start Date	March 2017
Projected End Date	August 2017
Site Description	The subject property is located within the city limits of Falls City, Or, on the southern side of Mitchell Street in Polk County. The property is irregularly rectangular in shape. Most of the terrain ranges from fairly level to moderate sloping. The southern property line fronts along the Little Luckiamute River and the edge of the property has a large outcrop to the waters edge. Elevation ranges from approximately 375' to 430'. There are no structural improvements on the property
Latitude	44.868013498525954
Longitude	123.439046144485470
	 <p>A Google Map of Jilin province, China. The map shows major cities including Baicheng (白城市), Songyuan (松原市), Changchun (长春市), and Jilin (吉林市). A red location pin is placed on the map near Songyuan. The map includes labels for 'Mud 社' and 'Yan 延边 族自'. The Google logo and 'Map data © 2016 Google, SK planet, ZENGIN' are visible at the bottom of the map area.</p>
Township, Range & Section	NW1/4 NW1/4 Sec21 T8S R6W WM
Site Acreage	1.13
Land Control	Fee Simple

[back to top \(#top\)](#)

Finance

NOTE: "Contingency" is not a permissible line item. Distribute "contingency" throughout entire budget.

[back to top \(#top\)](#)

Supplemental

A. PROJECT NARRATIVE (Please limit all answers to 400 words or less.)

73

1. Describe the project, project objectives, and the need for assistance.

The City of Falls City wants to acquire and develop a riverside piece of property located in Falls City for the expansion of Michael Harding Park, which is opposite and adjacent to this property on the other side of the river. The property to be acquired is 1.3 acres of bare land at the north side of the Falls City Waterfalls, (the Falls); Combined with other city properties, this park will have the Little Luckiamute River running through it with the Falls City Falls at its center. The property to be purchased adjoins city properties both to the west side and across the river, where the existing park is located. We are in various phases of becoming a recreationally friendly town and acquiring the Falls property is a big part of the plan. The opportunity is ripe for purchase and improvement has been long needed at this site. On-going objectives include building trails along the river connecting our parks and open/wild spaces together. The new expanded park at the Falls would be the focal point of this trail system and this will create a very inviting atmosphere for visitors and new residents as well as attract new business opportunities. The activities that we anticipate this project being used for will be more recreational use of the Falls and kiosk will aid in educating our public about the physical environment in the area, which we believe inspires better understanding and respect. Community togetherness is an integral part of Falls City; the Falls are very often a place where many of us gather. Eradication of invasive species is also an important goal for this area. The city has developed a relationship with the Luckiamute Watershed Council, (LWC), SOLVE, the Falls City Alliance, Ford Leadership Program/Rural Development Initiative, (FLP/RDI), and a host of volunteers to keep the river clean and remove invasive species. The removal of blackberries on this property, however, has proven quite burdensome. The tenacity of the Himalayan Blackberry is intense and much time and energy will be required to get rid of them. Falls City requests assistance with the acquisition of this property, because we have very little revenue, but we do have a lot of natural beauty. With a little assistance, we can build a way to make revenue on that beauty.

2. Will the property be acquired by purchase, donation or a combination of these methods? How many acres will be acquired? When will the property be acquired?

A combination of methods will contribute to the acquisition of the Falls City Falls property. The City of Falls City will contribute .65 acres of river front property with existing trails to the expansion of Michael Harding Park. The City will use this grant to purchase 1.3 acres beside these city properties to complete the park expansion. All together the park will be 2 acres. The city will purchase the Falls property immediately upon receipt of grant approval to proceed.

3. What is the expected use of the property after it is developed?

Recreation

4. What is the proposed start date for development of the property? Describe any interim uses prior to development and give information on the disposition of any buildings or other improvements or structures on the property.

The proposed date of development for this project would begin in Spring 2017 technically; however, efforts are already underway by volunteers to clean up the property, remove invasive species and build/discover trails. We expect that this property will continue to be used for recreational purposes as it has for the last 200 years. Falls City Falls Park Development Schedule Phase I Acquisition Spring 2017

B. CONSISTENCY With STATEWIDE PRIORITIES - SCORP Criteria (0-20 points)

To what extent does the project address ONE OR MORE of the following THREE (1-3) priorities identified in the 2013-2017 SCORP?

1. NON-MOTORIZED TRAIL CONNECTIVITY. Trail connectivity involves linking urban trails to outlying Federal trail systems; linking neighborhood, community and regional trails; connecting community parks and other recreational public facilities; connecting parks to supporting services and facilities; connecting neighboring communities; and providing alternative transportation routes. To what extent does the project address non-motorized trail connectivity?

The north side of Michael Harding Park at the Falls would provide 700' of continuous trail that connects to another 800' of river bedrock trails that run actually down on the Little Luckiamute River. These trails are a part of an overall plan to create a trail system linking open spaces and all the parks in Falls City together. The plan is to have trails as far down as the high school and have it loop around the entire river weaving in and out of the parks and wild places. Beyond that, there are trails, both human and animal-made, up the mountain that reach other waterfalls and magnificent scenery. There are miles of abandoned railroad grade that run along the river and through the woods all the way up to the old logging town site Valsetz. Falls City

74

2. ACTIVE PARTICIPATION projects support or provide a base for individual active participation. 'Active' means those forms of recreation that rely predominantly on human muscles and includes walking, sports of all kinds, bicycling, running, and other activities that help people achieve currently accepted recommendations for physical activity. To what extent does the project support or improve access to individual active participation?

owns 17 acres of bare land under a mile away from the Falls City Falls on the Dutch Creek Tributary. There have also been conversations about connecting the Rickreal Trail in Dallas to Falls City.

This particular area is notorious for its outstanding beauty, biological/geological diversity and its famous recreational activity, jumping in the deep pool at the Falls City Falls. Upstream from the Falls big slabs of bedrock emerge from the river and are used for picnicking/barbecuing, swimming, sunning, walking and bird watching. The property to be acquired is most known for the waterfalls and a large outcrop overlooking them that is used for traveling, diving, climbing, fishing, hanging out, and spectating. Combining the Falls property with neighboring properties as one park with access to all these spaces will provide safe opportunities for individual active participation. We understand that outdoor activity, particularly in the presence of things like wildlife, makes people healthier all the way around. When people are healthy, they are more productive and better members of society as well as stewards of nature. The Falls City Alliance is currently building a path down to the Falls outcrop that will allow everyone, including wheelchairs, to reach the Falls. Falls City is a fairly close proximity to Salem and a very close proximity to Dallas, Monmouth, Kings Valley, Pedee and Independence. Falls City is an ideal place to come get away from it all and relax with some good outdoor activity. There are several trails associated with the property to be acquired. They offer walks along the river in an atmosphere that is very cathartic. There is a remarkable array of birds on this river, the American Deeper is arguably, the most amazing bird in song and in behavior; However, this is also home to the Blue Heron, Waxwings, Tanagers, Kingfishers...just to name a few. Bird watching/studying is just another motivating factor that gets people outdoors participating in healthy activities. The geological nature of the area is notable also. The tectonic features exposed are valuable as teaching tools as well as recreational phenomenon's. Students of nature/science can benefit from this development too and be healthier for it. Informational kiosk will help get people involved and engage them in behaviors that promote a better, healthier future for everyone.

3. SUSTAINABILITY. To what extent does the project address sustainability recommendations for OPRD-administered grant programs? Please see Chapter Seven (pages 115-117) of the SCORP for sustainability recommendations for land acquisition, new facility development, major rehabilitation, and trail projects.

Land is purchased to protect cultural and/or scenic byways. There is no official dedication naming this property or the waterfalls as a scenic or cultural byway, but Falls City wants to protect the scenic and cultural areas in our vicinity with or without formal designation. The Falls and the property associated with them is definitely scenic and has a lot of cultural history. • Project will involve the removal of non-native invasive species from the site. Himalayan Black Berries, Scotch Broom, English Ivy and Periwinkle are all problematic. The project involves removal of these invasive species. • Access to the project site is easily available by foot (1/2 mile), non-motorized vehicles, or public transportation. Project site is accessible from Mitchell Street. The trail and drive in parking starts from Mitchell. • Project will reduce current costs to the public and/or result in an increase in property values. The project improvements will increase property value. Project maintains water features, including shorelines and riparian areas to conserve water and other resources. The project absolutely maintains water features, shorelines, and riparian areas. • Project uses water efficient landscaping and use of native species. When we move into landscaping phase of this plan, we will use efficient watering techniques. We have already been in contact with the Luckiamute Watershed Council and are working with them to protect native species as we work. • Project increases the number of native trees. This is a forested area and seedlings are allowed to grow. Native trees increase themselves here, we like it. Project provides public recycling containers at all developed park and recreation facilities. Recycling containers and trashcans are already in our parks and this park will have them as well. • Project involves the control and management of invasive plants found on the site. Project involves invasive species eradication. • Project is designed to restore damaged ecosystems The project area is not very damage ecologically; however, there is a very troubling issue with invasive species around the property. The City of Falls City, the Falls City Alliance, SOLVE and LWC have been working to rid the entire area of invasive species. We will continue to do so, thus restoring a lot of our

75

ecosystems. Activity Based Projects • Project will provide new access for the public to recreate in sensitive natural/preserved areas using boardwalks, trails, fishing piers, platforms, etc This project does offer new access for the public to recreate in sensitive natural areas using an observation deck and trails that lie outside habitat. Project will increase public awareness of the benefits of natural/preserved areas with interpretive signs, educational brochures/posters, etc. Project will increase public awareness of the benefits of natural areas with interpretive and educational signs and posters. • Project provides the opportunity to enhance physical, mental, and social well-being as a result of interaction with nature. Statistics show an undeniable relationship between human health and outdoor activities; therefore, outdoor recreation serves us in many ways. Mental and spiritual well-being is essential for physical fitness. The healthier we feel, the better our mental state is and we become happier, even more social people. It's a health snow ball; one begets the other. This project provides opportunities for positive interactions with nature and our community will be a better place for it. • Project includes development of interactive areas such as a community garden, natural play area, or other such facility, for local residents to grow edible food products and interact with other local residents Project promotes more use of a very productive natural play area Project is designed to encourage physical fitness and reduce the obesity rate among Oregon residents. The trails that this project is associated with will provide a way to reach other areas of recreation, such as rock climbing spaces, other trails, and swimming holes all of which are conducive to reducing obesity rate among Oregon residents by encouraging physical fitness. • Project will create a diverse set of recreational experiences which are currently unavailable in the local • Project will create a diverse set of recreational experiences which are currently unavailable in the local area—addresses an identified unmet need. According to the Public Recreation Provider Survey, Polk County Need for Close-to-home priorities reflect a high need for acquisition of trail corridors and ROWs, Community Trails system and trails connecting to federal lands. Our project provides the first two of those needs immediately and the third down the road. The Oregon Resident Survey of that report list dirt and soft surface trails, public access to waterways, natural play acres, nature viewing places and sheltered picnic areas for small visitor groups as State needs. Many are identified in this project. • Project will create a diverse set of recreational experiences which are currently unavailable in the local • Trail will require less maintenance through sound construction techniques and using materials designed for long term self-sustaining use and by using on-site materials as much as possible. This may include alignment using natural topography, . This includes alignment using natural topography and proper slope of and around the trails. Trail Considerations Development Projects • Project involves an appropriate use of pervious or impervious surfaces. Project involves using the existing natural run-off surfaces as well as takes advantage of natural slope in design, hydrologic techniques, and proper slope of and around the trail. Trails will require less maintenance by using on-site materials as much as possible • Trail design and alignment to reduce water runoff and water retention on the trail tread. Yes Trail alignment reduces water runoff and water retention on the trail tread. • Trail route will improve linkages to and between Federal trail systems, neighborhood, community and regional trails, community parks and other public facilities, scenic overlooks, historical sites, rivers/lakes, local communities and/or promote safe routes to schools. This project improves linkage to and between other community trails, community parks and scenic overlooks, public facilities and the Little Luckiamute River. • Project includes the development of a portion of a regionally significant trail which is part of a larger trail system and has the benefit of increased economic activity through recreational concessions. Project includes the rehabilitation of a portion of a larger trail system that we are building in the city and along the river. The trails will have the benefit of increased economic activity through recreational concessions. Local businesses report higher earnings during the summer months. We attribute that to the Falls recreation and can safely predict more of that as amenities, access to the river and Falls grows. • Project will provide new access for the public to recreate in sensitive natural/preserved areas using boardwalks, trails, fishing piers,

76

platforms, etc. Project includes a new viewing platform with a built-in easel that overlooks the Falls City Falls, a recreational area and the Little Luckiamute River Project involves providing new accesses for the public to recreate in sensitive natural areas using trails that beat around habitat. • Project will increase public awareness of the benefits of natural/preserved areas with interpretive signs, educational brochures/posters, etc. Project will increase public awareness of the benefits of natural areas with interpretive signs and educational posters.

C. LOCAL NEEDS AND BENEFITS - SCORP Criteria (0-30 points)

1. A map clearly identifying the project location and UGB or unincorporated community boundary or Tribal community boundary drawn on it must be uploaded in the attachments section of this application. Is your project in a CLOSE-TO-HOME area (located within an urban growth boundary (UGB), unincorporated community boundary, or a Tribal Community) or in a DISPERSED AREA (located outside of these boundaries)?

CLOSE-TO-HOME

2. Please identify how the project satisfies county-level needs by using priorities identified in ONE of the following local public planning processes. See SCORP Chapter 5, Pgs 86-102 for specific county priorities.

a) PUBLIC RECREATION PROVIDER IDENTIFIED NEED - Does the project satisfy county-level needs identified by the Public Recreation Provider Survey beginning on page 86 in the SCORP? If so, enter which priority or priorities are identified for the project county. Please use either the Close-to-Home Priorities or Dispersed Area Priorities, not both.

Community trail systems and paths 3.6 Dirt / other soft surface walking trails 3.8 Public access sites to waterways 3.5 Nature and wildlife viewing areas 3.4 Children's playgrounds and play areas made of natural materials (Natural Play Areas 3.3

b) OREGON RESIDENT IDENTIFIED NEED - Does the priority project satisfy county-level need identified by the Oregon Resident Survey beginning on page 86 in the SCORP? If so, enter which priority or priorities are identified for the project county.

Community trail systems and paths 3.6 Dirt / other soft surface walking trails 3.8 Public access sites to waterways 3.5 Nature and wildlife viewing areas 3.4 Children's playgrounds and play areas made of natural materials (Natural Play Areas 3.3

c) LOCAL PLANNING -To what extent does the project satisfy priority needs, as identified in a current local planning document (park and recreation master plan, city or county comprehensive plan, trails master plan, transportation system plan or bicycle and pedestrian plan)?

The Park Master Plan identifies acquisition of special open spaces and trail corridors along the river as a priority. This project does follow the guidance of the Falls City Park and Recreation Master Plan which is in development. The project does satisfy priority needs identified in the Parks and Recreation Needs Assessment for Falls City, Oregon; drafted by OSU, Recommendations include improving connectivity between parks and acquiring the abandoned railroad grade that runs along the river and acquisition of and preservation of future open spaces. This project also addresses city goals to facilitate more recreational opportunities in Falls City. The Comprehensive Natural Resource Plan identifies the Little Luckiamtue River and the Falls as a special resource.

d) PUBLIC INVOLVEMENT EFFORT - If the project is not included in a current local planning document, describe the public involvement effort that led to the identification of the priority project including citizen involvement through public workshops, public meetings, surveys, and local citizen advisory committees during the project's planning process.

We are developing a park master plan using a Natural Resource Inventory from 2000, the Parks and Recreation Needs Assessment done in 2014 and a Park and Recreation Proposal developed over that time frame. A continuous riverside trail is a big part of the recreational friendly city plan, so permissions from riverside property owner are being sought and verbal agreements have been made for trail access. That demonstrates community support for the overall trail project. The Falls City Alliance produced a survey specifically about developing the project property and it was very well received. Please find the survey and results attached. The FCA followed that survey up the in 2015 and the City of Falls City is currently conducting a city wide survey via the water bills. This survey information will be added to the Park Master Plan underway. A local non-profit has been helping with the

77

development of the Park Master Plan, but also, they have developed a plan for a Park and Recreation District in the Falls City school district. The entire proposal was cultivated based on public opinions gathered through meetings and casual contacts over a period of years. This draft is attached and certainly shows support for this project. Falls City residents are very interested in outdoor recreation, it's what we do out here, play outside, it's too beautiful not to.

D. LONG TERM COMMITMENT TO MAINTENANCE - SCORP Criteria (0-15 points)

1. How will the project's future maintenance be funded? Please include specific maintenance funding sources such as tax levies, fee increases, and other funding sources which will be used. A Resolution to Apply submitted with this application should address funding for on-going operation and maintenance for this project.

These properties have been a part of this community as far back as anyone can remember and largely maintained by city efforts, as well as volunteer. Even so, the Park and Recreation Committee has been working on ideas for generating some revenue from the development of bathrooms, perhaps coin operated showers and lockers. Parking fees have been discussed as well as building a donation box. Even still, the city is committed to continued support of this park's maintenance to the annual budget. Another interesting project going on in Falls City is the exploration of rebuilding the old hydroelectric plant using modern technology. Our studies are suggesting that this would off-set the city's entire electric bill, thus freeing up funds for other worthy operations like building a recreational city.

2. How much do you expect to spend annually or how many staff hours will be needed to maintain the completed project?

The figures below are based on past city budgets for park operations. We will add this expansion to the budget; however, this property as well as the parks and various other open spaces have been maintained by volunteers for a long time. Surveys show that they intend to continue to do so in the future Operational Supplies 300 Equipment -O&M 500 Utilities- O&M 1,200 Professional Services 1,000 Protective Gear 50 Personnel 1,450 Trash/Recycling 220 Total \$12,370

3. Do you have partnerships with other agencies or volunteer maintenance? Provide documentation such as letters of support from volunteer organizations, cooperative agreements, donations, or signed memoranda of understanding to demonstrate commitment to maintenance.

Yes we have partnerships with SOLVE and LWC as well as volunteers and the non-profit The Falls City Alliance. These agreements involve river clean ups, invasive species removal and replacement with natives. Volunteers and the Falls City Alliance have committed to helping keep the property clean and assisting with any maintenance issues. Often times the city's public works crew volunteer to help on projects, we expect that will not change.

E. OVERALL SITE SUITABILITY (0-10 points)

1. To what extent is the site suitable for the proposed development?

At this point we only want to acquire this land and let it go on being used as it already is and although structural development is in future plans, for now we will be working on removing the blackberries. Keeping invasive will be on-going until they are gone and we understand that, but people have been clearing invasive plants and what we are finding is that as we clear invasive out, natives naturally replace them, so we are encouraging that. By using the natural occurring plant diversity as landscaping of this site, we suspect sustainability will be largely left to nature with minimal human maintenance. Foot traffic will keep the paths clear and we believe that the natural design will lead to minimal need, although we are preparing for it just the same.

2. Also describe the extent to which the site or project design minimizes negative impacts on the environment and surrounding neighborhood and integrates sustainable elements.

Trash and recycling containers will be on site in various locations encouraging self-vigilance and a prettier natural environment. Parking directives pointing out a huge parking area on the other side of the river will encourage less street parking in the neighborhood. Until last year's heat, there had not been issues with it, but the recent hot summers have moved us to signage. Informational signs designed to educate the public about the ecosystem here will minimize the negative impacts of people recreating at the river and falls.

F. COMMUNITY SUPPORT (0-5 points)

1. To what degree can you demonstrate community support for the project? Can you provide letters of

Yes: Survey analysis and also plans drafted based on community feedback There is also another survey underway.

78

support and/or survey analysis? If yes, please include supporting documentation with this application.

G. FINANCIAL COMMITMENT (0-10 points)

1. What is the source of local matching funds for the project? A Resolution to Apply must be submitted with this application to indicate a commitment of local match funding for the project.

Donated property in the value of \$26,670 Donated Equipment and labor \$17,000

2. Project applicants are encouraged to develop project applications involving partnerships between the project applicant, other agencies, or non-profit organizations. Project applicants are also encouraged to demonstrate solid financial commitment to providing necessary project maintenance and upkeep. To what extent does the project involve partnerships with other agencies or groups? Are donations and/or funding from other agencies or groups secured?

The city has developed relationships with various agencies, SOLVE, Luckiamute Watershed Council, The Falls City Alliance, the school district, FACES afterschool program, OSU, WOU and volunteers. Falls City has three parks that we maintain with city budgeted dollars and volunteers. Furthermore, the City won a grant from Heal Cities to refurbish a city staircase that is a part of the trail system and we also are working with a grant from the Ford Foundation for rehab of the lower park here in town. This is an effort between Falls City and Dallas Cohorts to light the Falls City Lower Park and sign the Rickreal Trail System in Dallas

3. To what extent has funding been secured to complete the project?

Funds will be added to the 2017-2018 budget cycle. Project funds will be held in a separate line item banked for the year. Moving forward, funds have been budgeted for 2016-2017 park maintenance.

H. ACCESSIBILITY COMPLIANCE

1. Does your agency have a board or city council adopted/approved ADA Transition Plan and/or Self Certification?

No

2. How will your proposed project meet current accessibility standards?

Sadly, we do not have the budget to establish specific ADA standards and we have none in place. Future goals include these standards, but to date we have none. When we do develop this property we will include ADA specifications to everything.

I. READINESS TO PROCEED

1. Have you submitted a signed Land Use Compatibility Statement with this application?

Yes, but it

2. Have you submitted construction or concept plans with this application?

yes

3. List required permits and status of permit applications for the project (i.e. Corps of Engineers, Division of State Land, Building Permits, etc.). Describe any possible delays or challenges that could occur in receiving permits.

None

4. Have you submitted a completed Appraisal with this application conforming to Uniform Standards of Professional Appraisal Practice (USPAP)? Or, conforming to Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA / Yellow Book) if Federal funding will be involved?

Yes

5. Do you have Proof of a Willing Sell or Donor? If yes, please submit documentation with this application.

Yes

6. How will you be able to legally ensure that the project site will be managed for public outdoor recreation for a minimum of 25 years?

These properties have been used for recreation for centuries; a huge court battle ensued when someone tried to change that, so the city feels confident that turning these properties into a public park for perpetuity is the right thing to do.

J. ACTIVE AND PAST GRANTS PERFORMANCE

79

1. Describe your performance and compliance with all active and past OPRD grant awards.

[back to top \(#top\)](#)

80

AGENDA REPORT

TO: City Council
FROM: Domenica Protheroe, City Clerk through Mayor Ungricht
SUBJECT: Jail Renovation Project
DATE: 03/28/2016

SUMMARY

The Historic Landmarks Commission (HLC) seeks approval from Council to allow volunteers to clean the contents from jail building. Historic Landmark Commission proposes that after clearing the jail, volunteers wearing face masks for protection would be needed to scrape the paint, power wash the surfaces and dispose of the waste. A bleach solution would be applied to mitigate mold.

In November 2014, HLC Commissioners visited the jail to ascertain the condition and concluded it was moldy, dirty, paint was chipping, and there were some barrels, old paint, and other debris.

In April 2015, Commissioner McConnell and Commissioner Mack tested the jail for lead paint. They scratched the paint and applied the 'test stick' to several places on outside and inside of jail. All of the 'test strips' showed negative, i.e. the tip of the 'test strips' did not turn pink.

Resolution 2012-09 extends Workers' Compensation Coverage to Volunteers (Exhibit A) provided that several measures are taken. The Historic Landmarks Commission would be required to assign a project manager/volunteer coordinator for the Jail Cleanup Project, as is required of similar projects such as a SOLVe cleanup events or as was required of Heal Gant Stair Project. The project manager would provide leadership, coordination, and would be the liaison to City Hall for required forms and monthly workers' compensation coverage reporting. Councilors, Commissioners, and Committee Members are covered for workers' compensation coverage.

PREVIOUS COUNCIL ACTION

August 2015: Painting the Jail, also known as the "Pink Pokey", was brought before Council on August 13, 2015. Council approved white for the building to match City Hall. The exterior white has been painted. Council approved pink for the trim color providing it is the same pink as the interior.

STAFF RECOMMENDATION N/A

EXHIBIT

Exhibit A - Resolution 2012-09 Extending Workers' Compensation Coverage to Volunteers

PROPOSED MOTIONS

I move that the City Council of the City of Falls City approve a volunteer cleanup of the jail building providing the Historic Landmarks Commission assign a project manager to serve as the liaison to City Hall for worker's compensation coverage reporting.

81

RESOLUTION NO. 2012-09

Exhibit A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FALLS CITY EXTENDING WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF FALLS CITY.

WHEREAS, the City of Falls City elects the following:

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

1. An assumed monthly wage of \$1500.00 will be used for public safety volunteers;
2. An aggregate assumed annual wages of \$2500.00 will be used per volunteer board, commission and/or council for the performance of administrative duties;
3. Non-public safety volunteers will keep track of their hours and have their assumed payroll reported in the correct class code listed on the CIS Payroll Schedule for the type of work being performed using the Oregon minimum wage;
4. Court-mandated community service workers/inmates on work release may be covered for workers' compensation benefits by the sentencing court. Coverage will be determined prior to work inception and stipulated to in writing between the City of Falls City and the respective sentencing court. The sentencing court will keep track of their hours and have their assumed payroll reported in Class Code 7720V using Oregon minimum wage;
5. A roster of active volunteers will be keep monthly for reporting purposes. It is acknowledged that CIS may request copies of these rosters during year-end audit; and
6. Unanticipated volunteer projects or exposure not addressed herein will be added onto the City of Falls City coverage agreement (1) by endorsement, (2) with advance notice to CIS, and (3) allowing two weeks for processing. It is hereby acknowledged that coverage of this type cannot be backdated.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Falls City to provide workers' compensation insurance coverage as indicated above.

PASSED AND ADOPTED by the Council of the City of Falls City this _____ day of _____, 2012

by the following vote. AYES _____ NAYS _____ ABSTAINED _____ ABSENT _____

APPROVED by the Mayor this _____ day of _____, 2012.

Amy Houghtaling, Mayor

ATTEST

Domenica Protheroe, City Clerk

82

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Resolution 07-2016, Rate increase for solid wastes
Date: March 30, 2016

Summary

Republic Services is requesting a 1.8% rate increase for garbage and recycling services.

BACKGROUND

Ordinance 533-2013 adopting an agreement between the City of Falls City and Republic Services, allows for an adjustment of rates by June 1st of each year, not to exceed 4%. Republic Services is requesting a 1.8% increase to go into effect by July 1, 2015 based on the agreed on cost of living indexes. There was a 3.5% increase in 2015.

Previous Council Action

Ordinance 533-2013 setting an agreement between Falls City and Republic Services.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Will increase citizen garbage services by 1.8%.

STAFF RECOMMENDATION

Republic Garbage Service has documented the rate increase through the agreed upon indexes, staff recommends passing the resolution.

EXHIBITS

Attachment A, rates increase
Attachment B, current rates.

I will open the public hearing for raising the fees for solid waste services. at _____pm.
Public Comments:

I will close the public hearing for raising the fees for solid waste services. at _____ pm.

PROPOSED MOTIONS

I move that the City Council of the City of Falls City adopt resolution 07-2016, A RESOLUTION ESTABLISHING A SCHEDULE OF SOLID WASTE RATES, FEES AND CHARGES PURSUANT TO CHAPTER 53; AND REPEALING ALL PRIOR FEE SCHEDULES FOR SOLID WASTE, ESTABLISHING A SCHEDULE OF SOLID WASTE FEES; PROVIDING AN EFFECTIVE DATE

RESOLUTION 07-2016

A RESOLUTION ESTABLISHING A REVISED SCHEDULE OF SOLID WASTE RATES, FEES AND CHARGES PURSUANT TO FALLS CITY CODE CHAPTER 53 AND REPEALING ALL PRIOR FEE SCHEDULES FOR SOLID WASTE

Findings:

1. Falls City Code Section 53.01.070 provides the mechanism for adjusting the rates and fees charged by the City's solid waste hauler franchisee.
2. Rates for the franchisee's solid waste services did not increase in 2014 and increased by 3.5% in 2015 per the agreed index.
3. Based upon the procedures and requirements of Section 53.01.070, the City's franchisee has provided information to support an increase of 1.8% in rates and City staff has concurred in the justification for the increase in rates.
4. The 1.8% increase will be effective July 1, 2016.
5. The City Council held a public hearing to hear public comment on the revised rates for solid waste services proposed by the franchisee, per ORS 294.160.

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

Section 1. The revised schedule of solid waste rates, fees and charges presented by the franchisee and attached hereto as Exhibit A are accepted by the City Council and hereby adopted effective July 1, 2015.

Section 2. All prior solid waste rates, fees and charges are repealed effective July 1, 2016.

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

Date

Attest:

Date

Terry Ungricht, Mayor

Domenica Protheroe, City Clerk

BS of Copyright

Service	Monthly	Bi-Monthly
HRW Fee	\$0.00	\$0.00
1 Can	\$19.55	\$38.10
2 Can	\$39.04	\$78.08
3 Can	\$58.52	\$117.04
30g bi-wk	NA	NA
20n cart	NA	NA
35g cart	\$18.28	\$36.52
65g cart	NA	NA
90g cart	\$32.01	\$64.02
On call 35g	\$13.91	Per Pick Up
65g cart Monthly	NA	NA
90g cart Monthly	NA	NA
Up-drive	\$16.76	\$33.52
2nd Yr w/Trash	NA	NA
Yr w/o weekly Trash	NA	NA
Can, 35g, 90g, On Call, RC		
Late Fee	0.75%	
Returned Check Fee	\$25.00	
Service Interrupt Fee	\$30.00	
Account Origination Fee	\$0.00	
3235g Cart Replacement	\$75.00	
65G/RC Cart Replacement	\$75.00	
90g, Yc Cart Replacement	\$75.00	

Misc	Hourly Rate
Off route pickup - Trash	\$19.02
Off route pickup G/W/Y/W	NA
CEBB Extra 32 gal carting/box/heavy	\$8.43
Extra loose garbage per yard	\$19.55
Time per minute to put loose garbage (5 minute min)	\$1.69
Each Extra Person Rent To Put Loose Garbage Per Min	\$0.84
Loading Container Set Up	NA
WAS-Wash Container	\$19.55
Locking Cart Set Up	NA
LOC-Lock & Key Deposit	NA
Industrial Cleaning Fee - Once a Year Free - 452	Do Not Provide
Container Cleaning Charge including pu and returned - per hour	\$36.24
Relocation Fee On Site	\$52.68
Relocation Fee Off Site	\$52.68
TIR - Trees	\$15.81
Tires with rim	\$26.35
Truck Tires	\$31.61
Truck Tires with rim	\$101.40
Labor Charges Per Hour (Calculation Per Min X 60)	\$0.00
Container Over Weight Charge per 500 lbs	NA
Service Exchange (once a yr free)	NA

Special Pick Ups - Rt 420 - Within 2 Days of Request	Rate Effective 7/1/16
55g Drum	ASK
Bathtub	\$35.82
CHA- Chair - recliner or large chair	\$23.86
COU-Couch	\$29.87
Desk/Table	\$23.86
Couch (Hide-a-bed)	\$35.82
Loveseat	\$26.60
MAQ-Mattress or boxspring (queen/king)	\$28.60
MAT-Mattress or boxspring (twin/double)	\$23.86
Dead Deer	\$28.50
Dead Deer Mileage	\$1.37
API-Dishwasher	\$23.86
APD-Dryer	\$23.86
APT-TV - console	\$28.60
APF-Freezer	\$35.82
Lawn Mower-Push	\$26.60
Lawn Mower-Riding	\$35.82
APR-Refrigerator	\$29.87
APS-Stove or Range (electric or gas)	\$29.87
APW-Washing Machine	\$29.87
APH-Water Heater	\$23.86

Temp	1st Dump	Extra Dump
Size	567.41	561.01
2yd		
4yd		

On Call Containers/EXT Rates	
Size	
1 Yd	NA
2 Yd	NA
3 Yd	NA
4 Yd	NA
5 Yd	NA
6 Yd	NA

Mixed Organics	1st Call	NA	NA
Extra Food Waste Cards			

HHW COMM FEE - PER YD (Applies to all com multi-family customers only)	Auto	Manual
Size		
1 Yd	NA	NA
1.5 Yd	NA	NA
2 Yd	NA	NA
3 Yd	NA	NA
4 Yd	NA	NA
6 Yd	NA	NA

Temp	1st Dump	Extra Dump
Size	567.41	561.01
2yd		
4yd		

HHW COMM FEE - PER YD (Applies to all com multi-family customers only)	Auto	Manual
Size		
1 Yd	NA	NA
1.5 Yd	NA	NA
2 Yd	NA	NA
3 Yd	NA	NA
4 Yd	NA	NA
6 Yd	NA	NA

Customer Owned - Auto	1week	2week	3week	4week	8week
Size					
1 Yd	NA	NA	NA	NA	NA
1.5 Yd	NA	NA	NA	NA	NA
2 Yd	NA	NA	NA	NA	NA
3 Yd	NA	NA	NA	NA	NA
4 Yd	NA	NA	NA	NA	NA
6 Yd	NA	NA	NA	NA	NA

Customer Owned - Manual	1week	2week	3week	4week	8week
Size					
1 Yd	NA	NA	NA	NA	NA
1.5 Yd	NA	NA	NA	NA	NA
2 Yd	NA	NA	NA	NA	NA
3 Yd	NA	NA	NA	NA	NA
4 Yd	NA	NA	NA	NA	NA
6 Yd	NA	NA	NA	NA	NA

Industrial	1st Call	NA	NA
Limited Ind. Cont. Add. Rental Fee per Month			
Temp			
Deposit	\$300.00		
Delivery	\$40.75		
30yd Haul	\$243.33		
Rent Per Day	\$13.65		
Rent Per Month	\$415.66		
Perm			
10yd Haul	\$243.33		
20yd Haul	\$243.33		
30yd Haul	\$243.33		
40yd Haul	\$243.33		
Perm Rent Per Month 10yd	NA		
Perm Rent Per Month 20yd	NA		
Perm Rent Per Month 30yd	\$102.41		
Perm Rent Per Month 40yd	\$102.40		
Perm Industrial Rent Per Month 10yd RE (boxed)	NA		
Perm Industrial Rent Per Month 20yd RE (boxed)	NA		
Perm Industrial Rent Per Month 30yd RE (boxed)	\$125.80		
Perm Industrial Rent Per Month 40yd RE (boxed)	\$125.80		

Disposal	Per Ton	Per Yd
Trash	\$40.50	
Wood	\$38.00	
Yw - Per Ton	\$38.00	
Env Fee - Trash/Yw/Wood	\$15.00	
Metal	\$0.00	
Concrete	7	
Trash Compactors		
30yd Trash Compactor Haul Fee	\$70.54	
35yd Trash Compactor Haul Fee	\$70.54	
40yd Trash Compactor Haul Fee	\$70.54	
Cardboard Compactors		
30yd OCC Compactor Haul Fee	\$70.54	
35yd OCC Compactor Haul Fee	\$70.54	
40yd OCC Compactor Haul Fee	\$70.54	
Misc Haul	\$348.70	
Metro City Metal Haul	#VALUE!	
MRI Haul	#VALUE!	

Security Box	2Yr	3Yr	4Yr	5Yr
Delivery	\$130.00			
Removal	\$67.50			
Removal	\$57.50			

Compactors	1week	2week	3week	4week	8week
Size					
On Call	NA	NA	NA	NA	NA
1 Yd	NA	NA	NA	NA	NA
2 Yd	NA	NA	NA	NA	NA
3 Yd	NA	NA	NA	NA	NA
4 Yd	NA	NA	NA	NA	NA
6 Yd	NA	NA	NA	NA	NA

85

File of Contents

Service	Monthly	Bi-Monthly
HHW Fee	\$0.00	\$0.00
1 Can	\$19.20	\$38.40
2 Can	\$38.35	\$76.70
3 Can	\$57.49	\$114.98
3g bkwk	NA	NA
20g cart	NA	NA
35g cart	\$18.92	\$37.84
65g cart	NA	NA
90g cart	\$31.44	\$62.88
On call 35g	\$13.66	Per Pick Up
64g cart Monthly	NA	NA
90g cart Monthly	NA	NA
Lip-drive	\$16.46	\$32.92
2nd Yr w/yr trash	NA	NA
Yw w/yo weekly Trash	NA	NA
Can, 35g, 90g, On Call, RC		

Late Fee	0.75%
Returned Check Fee	\$25.00
Service Interrupt Fee	\$30.00
Account Origination Fee	\$0.00
3235g Cart Replacement	\$75.00
65G/RC Cart Replacement	\$75.00
90g, Yc Cart Replacement	\$75.00

Misc	Rate
Off route pickup - Trash	\$18.68
Off route pickup GW/YW	NA
CBB-Extra 32 gal cart/bk/wk/Heavy	\$8.28
Extra loose garbage per yard	\$19.20
Time per minute to pick loose garbage (5minute min)	\$1.66
Each Extra Person Req To Put Loose Garbage Per Min	\$0.83
Loading Container Set Up	NA
WAS-Wash Container	\$19.20
Loading Cart Set Up	NA
OC-Lock & Key Deposit	Do Not Provide
Industrial Cleaning Fee - Once a Year Free - 452	Hourly Rate
Container Cleaning Charge including pu and returned - per hour	\$35.60
Relocation Fee On Site	\$51.75
Relocation Fee Off Site	\$51.75
TIR Tires	\$19.35
Tires with rim	\$25.53
Truck Tires	\$25.88
Truck Tires with rim	\$31.05
Labor Charges Per Hour (Calculation-Per Min X .60)	\$99.60
Container Over Weight Charge per 500 lbs	\$0.00
Service Exchange (once a yr free)	NA

Special Pick Ups - Rr 420 - Within 2 Days of Request	Rate
50g Drum	ASK
Bathtub	\$35.19
CHA-Chair - recliner or large chair	\$23.44
COU-Couch	\$28.34
Desk/Table	\$23.44
Couch (High-a-bed)	\$35.19
Love seat	\$26.13
MAQ-Mattress or boxspring (queen/king)	\$28.13
MAT-Mattress or boxspring (twin/double)	\$23.44
Dead Deer	\$28.00
Dead Deer Mileage	\$1.35
APW-Dishwasher	\$23.44
APD-Dryer	\$23.44
APT-TV - console	\$26.13
APF-Freezer	\$35.19
Lawn Mower-Push	\$26.13
Lawn Mower-Riding	\$35.19
APR-Refrigerator	\$28.34
APS-Stove or Range (electric or gas)	\$29.34
APW-Washing Machine	\$23.44
APH-Water Heater	\$23.44

Temp	1st Dump	Extra Dump
Size 5yd	\$68.71	\$59.93
Delv Fridays Only		

On Call Containers/EXT Rates	Rate
Size 1yd	NA
1.5yd	NA
2yd	NA
3yd	NA
4yd	NA
6yd	NA

Mixed Organics	1st Cart	NA
Extra Food Waste Cans	NA	NA

Size	1/week	2/week	3/week	4/week	5/week	6/week
1yd	NA	NA	NA	NA	NA	NA
1.5yd	NA	NA	NA	NA	NA	NA
2yd	NA	NA	NA	NA	NA	NA
3yd	NA	NA	NA	NA	NA	NA
4yd	NA	NA	NA	NA	NA	NA
6yd	NA	NA	NA	NA	NA	NA

Size	1/week	2/week	3/week	4/week	5/week	6/week
1yd	NA	NA	NA	NA	NA	NA
1.5yd	NA	NA	NA	NA	NA	NA
2yd	NA	NA	NA	NA	NA	NA
3yd	NA	NA	NA	NA	NA	NA
4yd	NA	NA	NA	NA	NA	NA
6yd	NA	NA	NA	NA	NA	NA

Industrial	Landed Int. Cont. Add. Rental Fee per Month	NA
Temp		
Deposit	\$300.00	
Delivery	\$39.54	
30yd Haul	\$239.03	
Rent Per Day	\$13.81	
Rent Per Month	\$408.31	
Perm		
10yd Haul	\$239.03	
20yd Haul	\$239.03	
30yd Haul	\$239.03	
40yd Haul	\$239.03	
Perm Rent Per Month 10yd	NA	
Perm Rent Per Month 20yd	NA	
Perm Rent Per Month 30yd	\$100.60	
Perm Rent Per Month 40yd	\$100.60	
Perm Industrial Rent Per Month 10yd REC (addnl)	NA	
Perm Industrial Rent Per Month 20yd REC (addnl)	NA	
Perm Industrial Rent Per Month 30yd REC (addnl)	\$123.60	
Perm Industrial Rent Per Month 40yd REC (addnl)	\$123.60	

Disposal	Rate
Trash - Per Ton	\$40.50
Wood - Per Ton	\$38.00
YW - Per Ton	\$36.00
Env Fee - Trash/YW/Wood	\$15.00
Metal	\$0.00
Concrete	?
Trash Compactors	
30yd Trash Compactor Haul Fee	\$69.29
35yd Trash Compactor Haul Fee	\$69.29
40yd Trash Compactor Haul Fee	\$69.29
45yd OGC Compactor Haul Fee	\$69.29
50yd OGC Compactor Haul Fee	\$69.29
55yd OGC Compactor Haul Fee	\$69.29
60yd OGC Compactor Haul Fee	\$69.29
Suburban Haul	\$342.53
Metrol City Metal Haul	AVAILBLE
Metrol Haul	AVAILBLE

Security Box	Rate
Rent	\$130.00
Delivery	\$67.60
Removal	\$67.50

Size	On Call	1/week	2/week	3/week	4/week	5/week
4yd	NA	NA	NA	NA	NA	NA
6yd	NA	NA	NA	NA	NA	NA

Size	1/week	2/week	3/week	4/week	5/week	6/week
1yd	NA	NA	NA	NA	NA	NA
1.5yd	NA	NA	NA	NA	NA	NA
2yd	NA	NA	NA	NA	NA	NA
3yd	NA	NA	NA	NA	NA	NA
4yd	NA	NA	NA	NA	NA	NA
6yd	NA	NA	NA	NA	NA	NA

Size	1/week	2/week	3/week	4/week	5/week	6/week
1yd	NA	NA	NA	NA	NA	NA
1.5yd	NA	NA	NA	NA	NA	NA
2yd	NA	NA	NA	NA	NA	NA
3yd	NA	NA	NA	NA	NA	NA
4yd	NA	NA	NA	NA	NA	NA
6yd	NA	NA	NA	NA	NA	NA

AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE THROUGH MAYOR UNGRICHT
SUBJECT: NOTICE OF VIOLATION – 673 BRYANT STREET
DATE: 03/30/2016

SUMMARY

City Hall has received several complaints on this property.

BACKGROUND

Staff prepared a Notice of Violation listing the code violations for the property (Exhibit A Notice of Violation for 673 Bryant Street). Municipal Code Chapter 90, Section 29 requires that Council makes a determination of the Nuisance prior to posting a Notice of Violation. **

Municipal Code Chapter 90: Nuisances, Section 29 Abatement Notice (1) Posting. Upon determination by the Council that a nuisance as defined in this or any other ordinance of the city exists, the council shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate the nuisance.

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

If Council determines that a nuisance has been found to exist at 673 Bryant Street, staff will register the Notice of Violation with Compliance Connections.

PREVIOUS COUNCIL ACTION

Council has discussed the condition of this property on several occasions.

ALTERNATIVES/FINANCIAL IMPLICATIONS

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

STAFF RECOMMENDATION

Allow staff to post the Notice of Violation at 673 Bryant Street and send a copy to the owner of record.

EXHIBIT

Exhibit A – Notice of Violation 2015122C for 673 Bryant Street

PROPOSED MOTION

I move that the City Council of the City of Falls City hereby determines that a nuisance has been found to exist at 673 Bryant Street and authorizes staff to post a notice and send a copy of the notice by registered mail to the owner of the property at the last known address.



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

www.fallscityoregon.gov
Phone: 503.787.3631
Facsimile: 503.787.3023

Notice of Violation

DATE OF REPORT:	March 25, 2016	DATE POSTED:	April 15, 2016
CASE NUMBER:	20151222 C		
VIOLATION(S):	Debris and rubbish, attractive nuisance, accumulation of objects, inoperative RV, vehicle(s) abandoned/inoperable/expired tags, stagnant water, condition of property attracts rats, use of city sewer without payment and water service.		
PROPERTY OWNER:	Stephan F & Kathryn A Waters		
ADDRESS/LOCATION:	673 Bryant Street and adjoining vacant lot		
MAP/TAX LOT:	08616CC01808 and 08616CC01903 (Vacant Lot)		
ZONING:	R Residential		
SURROUNDING USES:	Residential		

COMPLAINT

10/22/2015 – Squatters, rubbish, unsafe conditions.
03/10/2016 – Squatters, rubbish, public health, unsafe conditions.

INVESTIGATION RESULTS

Site visit performed 12/22/2015.

- Water at the property has been shutoff for nonpayment.
- Active lien on property. Monthly sewer fee/capital improvement unpaid since May 3, 2012.
- Property is covered with debris, rubbish, and scrap metal.
- Accumulation of objects.
- Storage of an inoperable vehicle(s) exposed to public view.
- Attractive nuisances.
- Storage of two recreational vehicle not mobile or currently licensed.
- Non-permitted use of a Recreational Vehicle as a guest quarters.
- Open containers filled with stagnant water.
- Open boxes and containers.
- The property appears to be occupied

Site visit performed 03/25/2016

- Water at the property has been shutoff for nonpayment.
- Active lien on property. Monthly sewer fee/capital improvement unpaid since May 3, 2012.
- Property is covered with debris and rubbish.
- Accumulation of objects.
- Condition of property attracts wild rats.
- GMC Van License Plate ZBJ 654 tags expired in 2013, parked in public view.

88

- Chevy car License Plate YNK 240 tags expired in 2015, flat tire, parked in public view.
- Ford Truck License Plate PJK 521 tags expired in 2007 parked in right-of-way (ROW).
- Unguarded scrap metal scattered on property that may be attractive, dangerous, and accessible to children.
- Scattered lumber, pallets, and firewood on property may be attractive, dangerous, and accessible to children.
- Several unguarded large wooden boxes and one cabinet that may be attractive, dangerous and accessible to children.
- Scattered open containers.
- Containers and open plastic garbage cans with stagnant water.
- Manufactured home occupied. Front curtain open and fire visible from right-of-way (ROW).
- Large tent in rear of property visible from front ROW.
- Storage of two recreational vehicle not mobile or currently licensed.
- Non-permitted use of a Recreational Vehicle as a guest quarters.
- Occupants voice audible from ROW.

CODE VIOLATIONS NOTED

Falls City Municipal Code Chapter 90.12. RATS. No person owning or occupying any property within the city shall allow a condition to exist upon the property that condition attracts wild rats, gives wild rats access to food, or creates shelter accessible to wild rats. Such prohibited conditions shall include, but are not limited to the following:

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

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

Falls City Municipal Code Chapter 90.14 (2) Debris or multiple recreational vehicles stored on private property. Accumulations of debris, rubbish, manure, or other refuse located on private property not removed within fifteen (15) days, or storage of more than one (1) recreational vehicle on private property. (Ordinance 99-473, 10/25/1999)

Falls City Municipal Code Chapter 90.14 (3) Stagnant water. Any pool of water, that is without a proper inlet or outlet, that, if not controlled will be a breeding place for mosquitoes and other similar insect pests.

Falls City Municipal Code Chapter 90.14 (8) Recreational vehicles. Storage of any recreational vehicle that is not mobile or is not currently licensed, if required to be licensed by the Oregon Vehicle Code when operated on public highways; private property on that more than one (1) recreational vehicle is stored; or habitation in any recreational vehicle, on public or private property, without a permit as provided for in Ordinance No. 521, article 4, Section 8.110. (Ordinance 99-473, 10/25/1999)

Falls City Municipal Code Chapter 90.16 (1) No Person or person in charge of any premises shall permit: a. Any unguarded machinery, equipment, or other devices on such premises that is attractive, dangerous, and accessible to children. b. Lumber, logs, or piling placed or stored on such property in a manner so as to be attractive, dangerous, and accessible to children.

Falls City Municipal Code Chapter 90.23 ACCUMULATION OF OBJECTS. It is unlawful for any person to place, leave, store, dump or permit the accumulation on any open lot or other premises, any lumber, yard

debris, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts, or similar materials, rubbish or any articles of junk, that are not removed within fourteen (14) days and that affect the health, safety or welfare of the city. Excepted from this prohibition are construction materials for ongoing construction projects, neatly stacked firewood and compost piles consisting of vegetable matter.

Falls City Municipal Code Chapter 90.27 DISABLED, INOPERABLE, ABANDONED OR STOLEN VEHICLES: VEHICLE PARTS.

1. No person owning an inoperable vehicle that is located on private property owned or controlled by that same person shall allow that vehicle to be exposed to public view for longer than is reasonably necessary to repair or dispose of it, and in no event longer than thirty (30) days unless it is in connection with a business dealing with junk vehicles lawfully conducted within the city.

2. The term 'inoperable' vehicle, as used in this section, means a vehicle capable of being towed that:
 - a. Has been located for more than thirty (30) days on private property owned or controlled by the person with legal title to the vehicle; and
 - b. Has been extensively damaged, including, but not limited to, a broken window or windshield, missing wheels, tires, motor, or transmission; and
 - c. For the purpose of this section, a showing that the vehicle, if operated on a public highway or highway right-of-way of this state, would be in violation of three or more of the provisions of ORS chapters 815 and 816, is indirect evidence that the vehicle is inoperable.
 - d. For the purpose of this section, an inoperable vehicle shall not be considered exposed to public view if the vehicle is entirely covered.
 - e. Tagging of an inoperable vehicle shall be done in the same manner as for disabled, abandoned and stolen cars as provided in subsection (4) ~~(d)~~ herein; such tag shall constitute posting of notice of the purpose of abatement under section 29 herein. Only the owner of an inoperable vehicle as defined in this section is entitled to the abatement notice and appeal procedure set forth in sections 29 and 30 herein with respect to any violation of this section.
 - f. Not more than two covered inoperable vehicle may be located on private property owned or controlled by the person owning the vehicle, unless the owner has applied for and been granted by the council an exception for a 'classic' vehicle. For the purposes of this section, such classic vehicle shall be at least 20 years old and have significant intrinsic value over and above its salvage value. The council's decision may be made in conjunction with any protest to abatement. The decision by the council regarding a vehicle shall be final. If the decision is not in favor of the appellant, the vehicle in question shall be deemed 'disabled' ten (10) days after the decision. A vehicle registered with the Department of Motor Vehicles as an antique vehicle shall be deemed to be a classic vehicle for the purpose of this section. Not more than two covered classic vehicles may be stored on private property owned by the person owning the vehicles, unless such vehicles are stored in an area designated for classic vehicle storage after appropriate land use proceedings and public hearings. Any inoperable or classic vehicle, covered or uncovered, exceeding the number allowed under this subsection shall be deemed disabled.

3. For the purpose of this section, a vehicle that would otherwise be defined as inoperable except that legal ownership cannot be established by the person owning or controlling the private property where it is located shall be deemed a 'disabled' vehicle subject to the provisions of ORS chapter 819 and subsection (4) herein.

90

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

FALLS CITY MUNICIPAL CODE CHAPTER 90.28 DECLARATION OF NUISANCE, GENERAL NUISANCE.

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

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

FALLS CITY MUNICIPAL CODE CHAPTER 50.25 (J) The sewer user charge for all occupied property shall begin upon the acceptance of the public sewer system by the city. The sewer user charge for all unoccupied property shall begin within 30 days after the property is ready for occupancy or on the first day of occupancy, whichever occurs first. All unoccupied property which is ready for occupancy at the time sewer Falls City, OR Code of Ordinances American Legal Publishing Corporation 43 service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy. If the dates upon which the user charge is commenced or altered do not fall on the first day of billing, the rates shall be appropriately pro-rated. (Ord. 411, passed 6-4-1985)

FALLS CITY MUNICIPAL CODE CHAPTER 50.27 SEWER, RESPONSIBILITY; PAYMENT DELINQUENCIES.

(A) The person who owns the premises served by the public sewer system shall be responsible for payment of the sewer user charge for that property, notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay the charges.

(B) Sewer user charges shall be due and payable to the city not later than 15 days after the date of billing.

(C) Sewer user charges levied in accordance with this subchapter shall be a debt due the city and a lien upon the property in accordance with O.R.S. 454.225. If this debt is not paid within 60 days after it shall

become due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both. At the Sewer Board's discretion, water may be shut off when the bill is 60-days' delinquent.

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

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

Falls City Zoning and Development Ordinance 2.200.05 USE OF RECREATIONAL VEHICLES AS GUEST QUARTERS

Usage of a Recreational Vehicle as temporary guest quarters in conjunction with a dwelling on the same lot shall be permitted providing such Recreational Vehicle remains dependent upon the primary dwelling for either, or both, kitchen and bathroom facilities and is not used for residential purposes. There shall be a time limit of 30 days for such usage, after which a temporary permit must be obtained for each succeeding 30-day period. A permit for the succeeding 30-day period(s) must be obtained by the 31st day. The City Council shall be notified prior to the issuance of the second temporary permit.

CORRECTION REQUEST

The condition in which the property at 673 Bryant Street has been found is in violation of the aforementioned codes, and must be brought into compliance.

City code allots the time period of 10 days (Municipal Code 90.30(1) for the removal of the nuisance or show that no nuisance exists. Therefore, please begin efforts to bring the property in question into compliance no later than April 24, 2016. Failure to comply with this request may result in City Abatement (Exhibit A).

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

92

Exhibit A – Abatement of Nuisance(s):

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

- (1) Within ten (10) days after the posting and mailing of the notice as provided in Section 29, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.
- (2) The owner or person in charge protesting that no nuisance exists shall file with the City Recorder a written statement that shall specify the basis for so protesting.
- (3) The statement shall be referred to the council as a part of the council's regular agenda at the next succeeding meeting. At the time set for consideration of the abatement, the owner or other person may appear and be heard by the council and the council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.
- (4) If the council determines that a nuisance does in fact exist, the owner or other person shall within ten (10) days after such council determination abate such nuisance.

Section 31. ABATEMENT BY THE CITY

- (1) If within the time allowed the owner or person in charge of the property has not abated the nuisance, the council may cause the nuisance to be abated.
- (2) The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- (3) The Authorized Representative shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expense for administrative overhead.

Section 32. ASSESSMENT OF COSTS.

- (1) The Authorized Representative, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:
 - (a) The total cost of abatement including the administrative overhead.
 - (b) That the cost as indicated will be assessed to and become a lien against the property unless paid thirty (30) days from the date of the notice.
 - (c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, the objector may file a notice of objection with the Authorized Representative not more than ten (10) days from the date of the notice.
- (2) Objections to Assessment. Upon the expiration of ten (10) days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.
- (3) City liens. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by council shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from that the nuisance was removed or abated.
- (4) Lien enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate allowed by law, or such lesser rate as the City Council may from time to time provide. Such interest shall commence to run from date of entry of the lien in the lien docket.
- (5) Assessment error. An error in the name of the owner of the property as listed with the Polk County Assessors Office and the City's utility department, shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.
- (6) Recovery of Public Costs for On-site Assessment and Clean Up of Property Declared Public Health Nuisance.

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

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

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

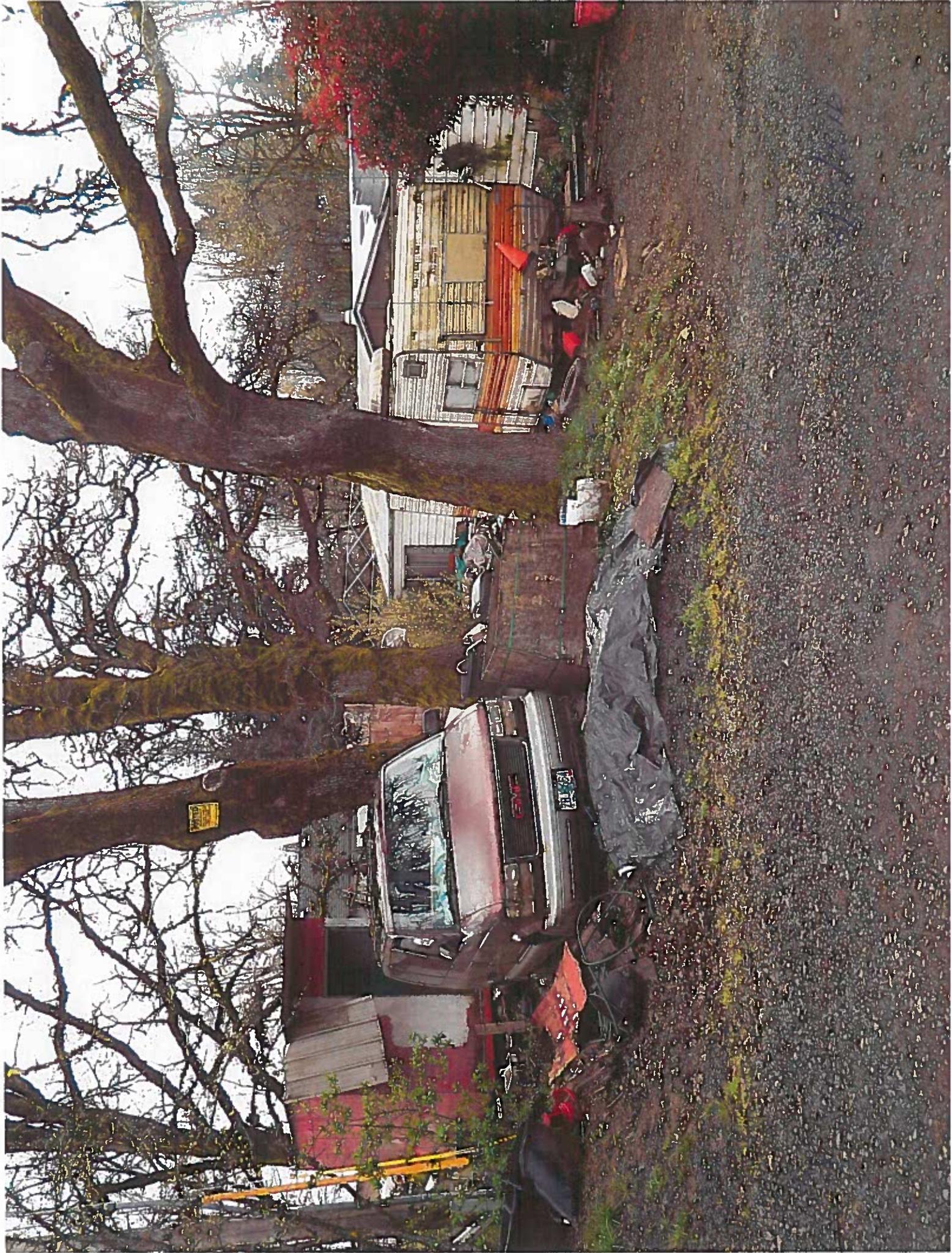
(d) If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs plus an additional 25 percent of the costs for administration. The city may recover costs by civil action against the person or persons who own the property.

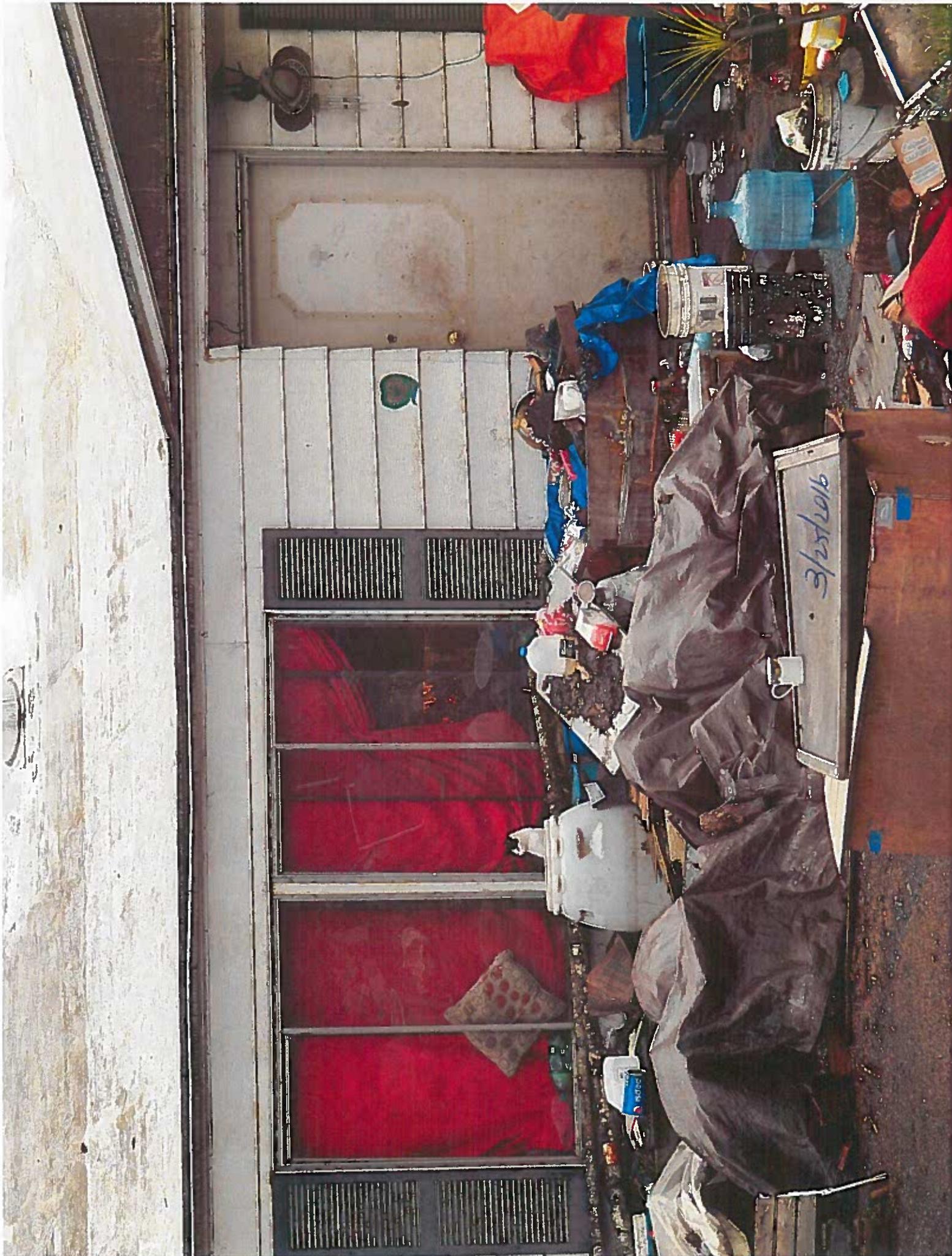
Section 34. APPLICATION OF ORDINANCE The procedure provided by this Ordinance is not exclusive but is in addition to procedures provided by other city ordinances.

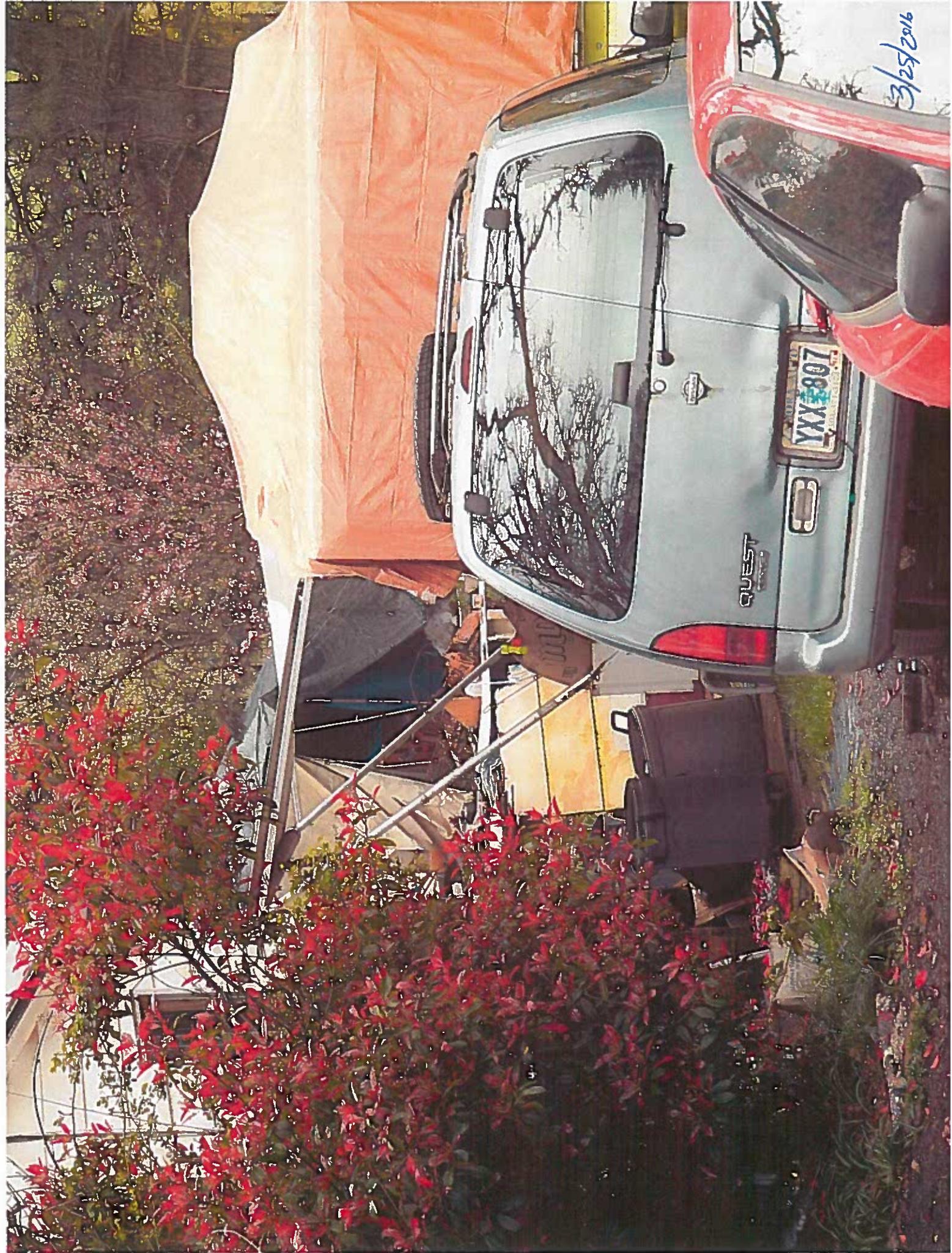


9/10/2016





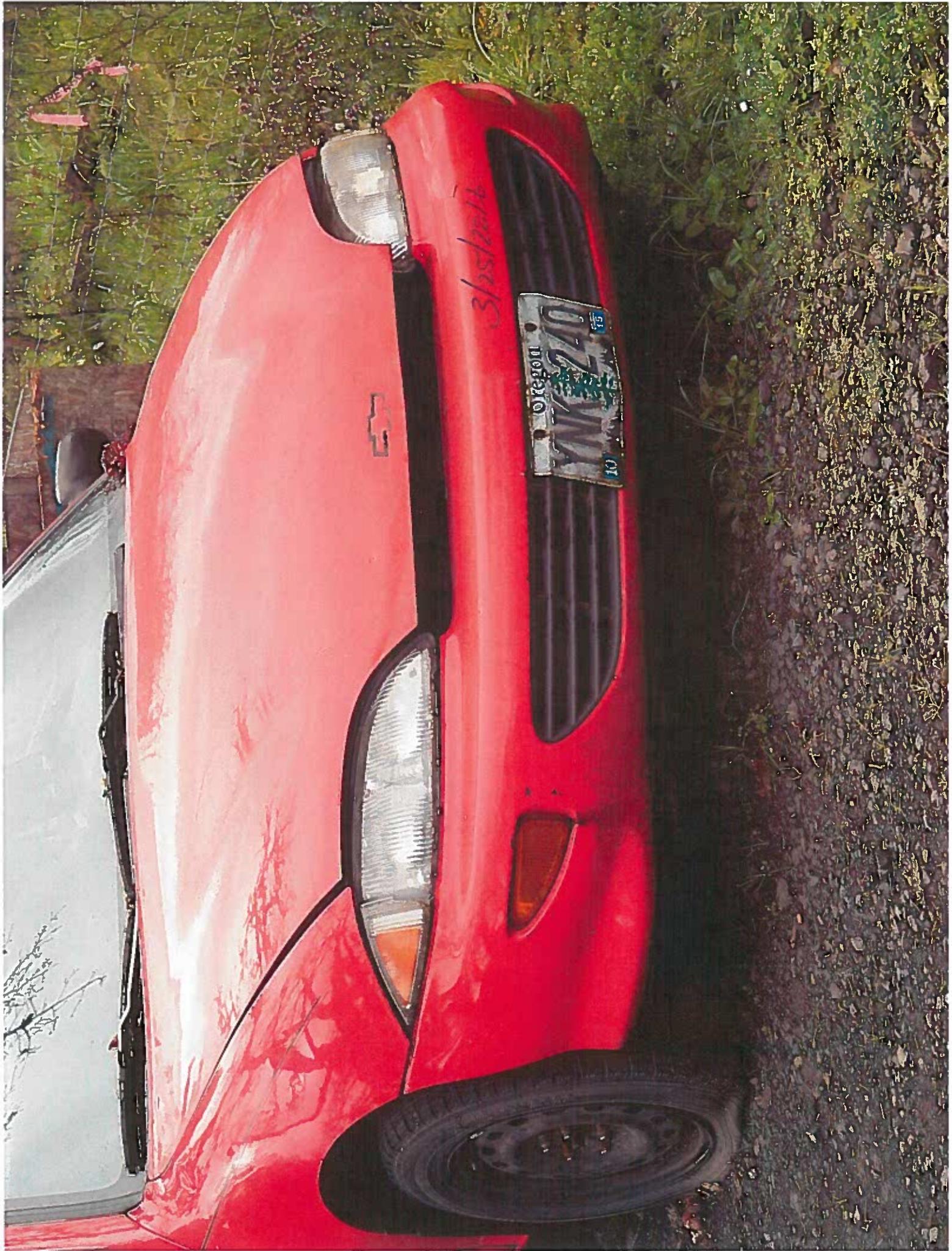




3/25/2016

YKX 807

QUEST



GMC

ONTARIO
ZBJ 654
8

101

3/27/86



R

O

PJK 521

07

102

Account 368469 Map 08616CC01903 Code Area - Tax ID 5701-368469

Polk County Real Property Assessment Overview

FOR ASSESSMENT YEAR 2016

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

NOT OFFICIAL VALUE

Mailing Name	WATERS STEPHAN F & WATERS K A	Account Status	Active
Agent		Legal Description	FIRST ADDITION TO FALLS CITY
In Care Of			Block - C Lot - 7 WEST HALF
Mailing Address	PO BOX 175 FALLS CITY, OR 97344	Property Class	100
		Unit Info	No Floorplan
		RMV Class	100
			16907-2

Situs Addresses

Value Summary

Code Area		AV	RMV	MAV		RMV Exception
5701	Land		\$5,340		Land	\$0
	Improvements		\$0		Improvements	\$0
Code Area Total		\$1,850	\$5,340	\$1,850		\$0
GRAND TOTAL		\$1,850	\$5,340	\$1,850		\$0

Land Breakdown

Code Area	Plan Zone	Value Source	Size	Land Class
5701	R	Residential Site	3,750.00 sq ft	
Code Area Total			3,750.00	
GRAND TOTAL			3750	

Tax Information

Tax Account	Tax Year	Code Area	Original Tax Due
368469	2015	5701	22.22

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

City, School Districts, and Fire Districts

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

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

Sales History

Date	Document (Source ID)	Type	Price	Grantor (Seller)	Grantee (Buyer)
31-Oct-1995	1995-10420 (309-557)	WD	\$47,500	PLUMMER JAMES H & JUDITH G	WATERS STEPHAN F & WATERS K A
18-Oct-1995	1995-10419 (309-555)	B&S	\$24,025	STATE OF OREGON, DEPT OF VETS	PLUMMER JAMES H & JUDITH G
29-Jan-1992	-		\$24,025		

103

Account 368469 Map 08616CC01903 Code Area - Tax ID 5701-368469

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

Account 293242 Map 08616CC01808 Code Area - Tax ID 5701-293242

Polk County Real Property Assessment Overview

FOR ASSESSMENT YEAR 2016

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

Mailing Name	WATERS STEPHAN F & KATHRYN A	Account Status	Active
Agent		Legal Description	Multiple lots. See the Legal Report for a full description.
In Care Of		Property Class	109
Mailing Address	PO BOX 175 FALLS CITY, OR 97344	RMV Class	109
		Unit Info	16907-2 View Floorplan

Situs Addresses

673 BRYANT ST FALLS CITY, OR 97344

Value Summary

Code Area		AV	RMV	MAV	RMV Exception
5701	Land		\$17,520		Land \$0
	Improvements		\$540		Improvements \$0
	Code Area Total	\$18,060	\$18,060	\$54,600	\$0
	GRAND TOTAL	\$18,060	\$18,060	\$54,600	\$0

Land Breakdown

Code Area	Plan Zone	Value Source	Size	Land Class
5701	R	Residential Site	11,250.00 sq ft	
		Code Area Total	11,250.00	
		GRAND TOTAL	11250	

Improvement Breakdown

Stat Class 452 | Manf strt | MS Double wide

Site	Building	Code Area	Year Built	Sq Ft	Image
1	1	5701	1978	1,440	View Improvement Image

Tax Information

Tax Account	Tax Year	Code Area	Original Tax Due
293242	2015	5701	197.60

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

City, School Districts, and Fire Districts

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

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

105

Account 293242 Map 08616CC01808 Code Area - Tax ID 5701-293242

Sales History

Date	Document (Source ID)	Type	Price	Grantor (Seller)	Grantee (Buyer)
31-Oct-1995	1995-10420 (309-557)	WD	\$47,500	PLUMMER JAMES H & JUDITH G	WATERS STEPHAN F & WATERS K A
18-Oct-1995	1995-10419 (309-555)	B&S	\$24,025	STATE OF OREGON, DEPT OF VETS	PLUMMER JAMES H & JUDITH G
29-Jan-1992	-		\$24,025		

Notations

Code Area	Notation	Years	Value	Tax
5701	MS EXEMPT FROM TITLE CHANGES TO VALUATION JUDGMENT 308.242(2) ADDED 2011			

106

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

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

SW1/4 SW1/4 SEC.16 T8S R6W WM
POLK COUNTY

Scale 1" = 100'

8.6.16CC

Canceled No.

- 1301
- 1302
- 1802
- 1804
- 1807
- 1802

See Map 8.6.17

See Map 8.6.16



See Map 8.6.17DD

See Map 8.6.21BB

06/05/15

107

8.6.16CC

AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE THROUGH MAYOR UNGRICHT
SUBJECT: NOTICE OF VIOLATION – 256 PINE STREET
DATE: 03/30/2016

SUMMARY

City Hall has received several complaints on this property.

BACKGROUND

Staff prepared a Notice of Violation listing the code violations for the property (Exhibit A Notice of Violation for 256 Pine Street). Municipal Code Chapter 90, Section 29 requires that Council makes a determination of the Nuisance prior to posting a Notice of Violation. **

Municipal Code Chapter 90: Nuisances, Section 29 Abatement Notice (1) Posting. Upon determination by the Council that a nuisance as defined in this or any other ordinance of the city exists, the council shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate the nuisance.

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

If Council determines that a nuisance has been found to exist at 256 Pine Street, staff will register the Notice of Violation with Compliance Connections.

On 12/22/2015 Staff contacted the posted property preservation company and informed them that the home had been broken into. Staff emailed information about the structure along with the lien amount. The preservation company took no action.

PREVIOUS COUNCIL ACTION

Council has discussed the condition of this property on several occasions.

ALTERNATIVES/FINANCIAL IMPLICATIONS

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

STAFF RECOMMENDATION

Allow staff to post the Notice of Violation at 256 Pine Street and send a copy to the owner of record.

EXHIBIT

Exhibit A – Notice of Violation 20160325A for 256 Pine Street

108

PROPOSED MOTION

I move that the City Council of the City of Falls City hereby determines that a nuisance has been found to exist at 256 Pine Street and authorizes staff to post a notice and send a copy of the notice by registered mail to the owner of the property at the last known address.



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

www.fallscityoregon.gov
 Phone: 503.787.3631
 Facsimile: 503.787.3023

Notice of Violation

DATE OF REPORT:	March 30, 2016	DATE POSTED:	April 15, 2016
CASE NUMBER:	20160325 A		
VIOLATION(S):	Debris and rubbish, vehicle abandoned/inoperable/no plates, condition of property attracts rats, use of city sewer without payment and water service.		
PROPERTY OWNER:	Lynne S Wylie		
ADDRESS/LOCATION:	256 Pine Street		
MAP/TAX LOT:	08621BA03100		
ZONING:	R Residential		
SURROUNDING USES:	North – PAI, Public Assembly/Institutional Zone East and West – R, Residential South - C/R, Commercial Residential		

COMPLAINT

10/22/2015 – Squatters
 03/10/2016 – Squatters, rubbish

INVESTIGATION RESULTS

Site visit performed 12/22/2015.

- Water at the property has been shutoff for nonpayment.
- Active lien on property. Monthly sewer fee/capital improvement unpaid since October 11, 2010.
- Storage of an inoperable vehicle(s) exposed to public view.
- Property posted as vacant, but appears to be occupied. Notified property preservation company. Property preservation company took no action.

Site visit performed 03/25/2016

- Condition has deteriorated since 12/22/2015 visit.
- Water at the property has been shutoff for nonpayment.
- Active lien on property. Monthly sewer fee/capital improvement unpaid since October 11, 2010.
- Two piles of rubbish.
- Tire visible from right-of-way (ROW).
- Storage of inoperable vehicle exposed to public view (no plates).
- Unsecured property and rubbish piles attract wild rats.

CODE VIOLATIONS NOTED

110

Falls City Municipal Code Chapter 90.12. RATS. No person owning or occupying any property within the city shall allow a condition to exist upon the property that condition attracts wild rats, gives wild rats access to

food, or creates shelter accessible to wild rats. Such prohibited conditions shall include, but are not limited to the following:

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

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

Falls City Municipal Code Chapter 90.14 (2) Debris or multiple recreational vehicles stored on private property. Accumulations of debris, rubbish, manure, or other refuse located on private property not removed within fifteen (15) days, or storage of more than one (1) recreational vehicle on private property. (Ordinance 99-473, 10/25/1999)

Falls City Municipal Code Chapter 90.23 ACCUMULATION OF OBJECTS. It is unlawful for any person to place, leave, store, dump or permit the accumulation on any open lot or other premises, any lumber, yard debris, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts, or similar materials, rubbish or any articles of junk, that are not removed within fourteen (14) days and that affect the health, safety or welfare of the city. Excepted from this prohibition are construction materials for ongoing construction projects, neatly stacked firewood and compost piles consisting of vegetable matter.

FALLS CITY MUNICIPAL CODE CHAPTER 90.27 DISABLED, INOPERABLE, ABANDONED OR STOLEN VEHICLES: VEHICLE PARTS.

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

not in favor of the appellant, the vehicle in question shall be deemed 'disabled' ten (10) days after the decision. A vehicle registered with the Department of Motor Vehicles as an antique vehicle shall be deemed to be a classic vehicle for the purpose of this section. Not more than two covered classic vehicles may be stored on private property owned by the person owning the vehicles, unless such vehicles are stored in an area designated for classic vehicle storage after appropriate land use proceedings and public hearings. Any inoperable or classic vehicle, covered or uncovered, exceeding the number allowed under this subsection shall be deemed disabled.

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

Falls City Municipal Code Chapter 90.28 DECLARATION OF NUISANCE, GENERAL NUISANCE.

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

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

Falls City Municipal Code Chapter 50.25 (J) The sewer user charge for all occupied property shall begin upon the acceptance of the public sewer system by the city. The sewer user charge for all unoccupied property shall begin within 30 days after the property is ready for occupancy or on the first day of occupancy,

whichever occurs first. All unoccupied property which is ready for occupancy at the time sewer Falls City, OR Code of Ordinances American Legal Publishing Corporation 43 service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy. If the dates upon which the user charge is commenced or altered do not fall on the first day of billing, the rates shall be appropriately pro-rated. (Ord. 411, passed 6-4-1985)

FALLS CITY MUNICIPAL CODE CHAPTER 50.27 SEWER, RESPONSIBILITY; PAYMENT DELINQUENCIES.

(A) The person who owns the premises served by the public sewer system shall be responsible for payment of the sewer user charge for that property, notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay the charges.

(B) Sewer user charges shall be due and payable to the city not later than 15 days after the date of billing.

(C) Sewer user charges levied in accordance with this subchapter shall be a debt due the city and a lien upon the property in accordance with O.R.S. 454.225. If this debt is not paid within 60 days after it shall become due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both. At the Sewer Board's discretion, water may be shut off when the bill is 60-days' delinquent.

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

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

CORRECTION REQUEST

The condition in which the property at 256 Pine Street has been found is in violation of the aforementioned codes, and must be brought into compliance.

City code allots the time period of 10 days (Municipal Code 90.30(1) for the removal of the nuisance or show that no nuisance exists. Therefore, please begin efforts to bring the property in question into compliance no later than April 24, 2016. Failure to comply with this request may result in City Abatement (Exhibit A).

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

Exhibit A – Abatement of Nuisance(s):

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

- (1) Within ten (10) days after the posting and mailing of the notice as provided in Section 29, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.
- (2) The owner or person in charge protesting that no nuisance exists shall file with the City Recorder a written statement that shall specify the basis for so protesting.
- (3) The statement shall be referred to the council as a part of the council's regular agenda at the next succeeding meeting. At the time set for consideration of the abatement, the owner or other person may appear and be heard by the council and the council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.
- (4) If the council determines that a nuisance does in fact exist, the owner or other person shall within ten (10) days after such council determination abate such nuisance.

Section 31. ABATEMENT BY THE CITY

- (1) If within the time allowed the owner or person in charge of the property has not abated the nuisance, the council may cause the nuisance to be abated.
- (2) The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- (3) The Authorized Representative shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expense for administrative overhead.

Section 32. ASSESSMENT OF COSTS.

- (1) The Authorized Representative, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:
 - (a) The total cost of abatement including the administrative overhead.
 - (b) That the cost as indicated will be assessed to and become a lien against the property unless paid thirty (30) days from the date of the notice.
 - (c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, the objector may file a notice of objection with the Authorized Representative not more than ten (10) days from the date of the notice.
- (2) Objections to Assessment. Upon the expiration of ten (10) days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.
- (3) City liens. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by council shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from that the nuisance was removed or abated.
- (4) Lien enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate allowed by law, or such lesser rate as the City Council may from time to time provide. Such interest shall commence to run from date of entry of the lien in the lien docket.
- (5) Assessment error. An error in the name of the owner of the property as listed with the Polk County Assessors Office and the City's utility department, shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.
- (6) Recovery of Public Costs for On-site Assessment and Clean Up of Property Declared Public Health Nuisance.

114

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

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

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

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

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

115

3/25/2016

116







Polk County Real Property Assessment Overview

FOR ASSESSMENT YEAR 2016

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

NOT OFFICIAL VALUE

<p>Mailing Name WYLIE LYNNE S</p> <p>Agent</p> <p>In Care Of</p> <p>Mailing Address 18750 DEPOT ST MONMOUTH, OR 97361</p>	<p>Account Status Active</p> <p>Legal Description Metes and bounds. See the Legal Report for a full description.</p>
<p>Property Class 101</p> <p>RMV Class 101</p>	<p>Unit Info 42296-1 View Floorplan</p>

Situs Addresses
256 PINE ST FALLS CITY, OR 97344

Value Summary					
Code Area		AV	RMV	MAV	RMV Exception
5701	Land		\$31,210		Land \$0
	Improvements		\$69,360		Improvements \$0
Code Area Total		\$82,430	\$100,570	\$82,430	\$0
GRAND TOTAL		\$82,430	\$100,570	\$82,430	\$0

Land Breakdown					
Code Area	Plan Zone	Value Source		Size	Land Class
5701	R	Residential Site		22,500.00 sq ft	
Code Area Total				22,500.00	
GRAND TOTAL				22500	

Improvement Breakdown							
Stat Class 139 Residence One story w/attic and basement							
Site	Building	Code Area	Year Built	Sq Ft	Image		
1	1	5701	1910	1,176	View Improvement Image		
First Floor - 1,017 sq ft			[Zonal Units]				
1	Dining Room	1	Living Room	1	Kitchen	1	Family Room
2	Bedroom	1	Full Bath	1	Utility Room		
Attic - 159 sq ft			[Zonal Units]		[Finished - 159]		
1							
Basement - 425 sq ft			[Unfinished - 425]				
1							

Tax Information				
Tax Account		Tax Year	Code Area	Original Tax Due
294731		2015	5701	979.32

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

119

Account 294731 Map 08621BA03100 Code Area - Tax ID 5701-294731

City, School Districts, and Fire Districts

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

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

Sales History

Date	Document (Source ID)	Type	Price	Grantor (Seller)	Grantee (Buyer)
24-Mar-2005	2005-4581	B&S		HOWARD HARLAN & MISTI	HOWARD HARLAN
23-Mar-2005	2005-4582	WD	\$109,900	HOWARD HARLAN	WYLIE LYNNE S
28-Nov-2000	2000-12985	WD	\$42,000	FEDERAL NATIONAL MORTGAGE ASSOCIATION	HOWARD HARLAN & MISTI
28-Jul-2000	2000-8698	TRS	\$60,318	HERB WELLINGTON JR & HERB WELLINGTON	FEDERAL NATIONAL MORTGAGE ASSOCIATION
05-May-1999	1999-7117 (378-610)	QC		HERB WELLINGTON JR & LAURA LEE	HERB WELLINGTON JR & HERB WELLINGTON
29-Jul-1996	1996-8796 (321-498)	B&S		HERB WELLINGTON JR	HERB WELLINGTON JR & LAURA LEE
22-Aug-1995	1995-5561 (303-1768)	WD	\$56,900	ESTERBLOOM JAMES S & MATILDA J	WELLINGTON HERB JR
05-May-1994	1994-5714 (287-196)	QC			
27-Nov-1992	1994-9898 (292-1110)	ASGN			
27-Nov-1992	-		\$56,900		

120

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

AGENDA REPORT

TO: CITY COUNCIL
FROM: MAYOR TERRY UNGRICHT
SUBJECT: REQUEST FOR PROPOSAL FOR CITY ENGINEERING SERVICES
DATE: 04/06/2016

SUMMARY

The City is requesting to issue an RFP for engineering firms to bid on serving as City Engineer.

BACKGROUND

Falls City currently has a contract with the City of Dallas for engineering services. With the increase in infrastructure projects that the City is working on and the work load of the Dallas City Engineer staff would like to seek to contract with an Engineering firm to serve as the City Engineer of record.

The need for these services has been proven to me since first taking office. A few ongoing projects that we need the expert advice of a City Engineer are; the design and over sight of the FEMA Dutch Creek project, register with OHA for the ability to sign off on water distribution upgrades (currently without an Engineer of record with OHA we need to pay an engineer to draw up water line replacements, then pay OHA to review those plans), advise on moving forward on the wastewater system upgrades, advise and submit plans for road projects.

The contract between the City and an Engineering firm will be based on an hourly cost, similar to the contract with the City Attorney.

PREVIOUS COUNCIL/COMMITTEE ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

An agreed on price will make it easier to budget for projects.

STAFF RECCOMENDATION

Accept motion to issue the RFQ for bids.

EXHIBIT

A- Draft of Request for proposal

B- Draft of publication notice

PROPOSED MOTIONS

I move the City Council of the City of Falls City approve staff to submit an RFP and advertise the RFP for obtaining a City Engineer of record and that the members of the Public Works Committee serve as the selection committee.

I move the City Council of the City of Falls City approve staff to submit an RFP and advertise the RFP for obtaining a City Engineer of record and appoint the following to serve on the selection Committee.

**REQUEST FOR PROPOSAL
CITY ENGINEER OF RECORD
DRAFT**

I. GENERAL INFORMATION

A. INTRODUCTION

The City of Falls City (City) is soliciting proposals for an Engineer of Record (City Engineer) to provide engineering services as an independent contractor to the City. Services typically conducted by the City Engineer include, but are not necessarily limited to the items listed in Article I.D of this RFP. Services may include supervising work produced by City which is subject to ORS 672. Work shall be provided to City on an as-needed basis, as authorized by the City Administrator or the City Administrator's designee.

The current City Engineer averaged _____ hours per month in service to the City of Falls City in FY 14/15. Proposers shall be licensed to practice engineering in the State of Oregon and be members in good standing with the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The City will consider proposals from engineering firms as well as individual engineers.

B. BACKGROUND

Falls City was incorporated in 1893. The current population is approximately 950. The City is located in Polk County approximately 25 miles South of Salem. The City Council consists of the Mayor and six council members elected from the City at large. The selected consultant will work under the direction of the City Manger.

Through the Public Works Department, the City owns and operates various utility systems and infrastructure that serve the residents including the water system, the wastewater system, the storm drainage system, and the local street system. The Public Works Department also provides operation and maintenance for City Parks and general City-owned building maintenance.

The City owns and operates a number of public facilities including the following

- A. One sand filter treatment plant, One 600,000 gallon storage reservoir, and distribution system serving 447 users.
- B. A STEG/STEP Wastewater collection system serving 177 users, with 2 pump stations, and around 20,000 linear feet of sewer mains and 8,500 feet of service laterals.
- C. Transportation system, 7.17 miles of gravel and 7.12 miles of asphalt.
- D. Parks system with 3 parks and 2 cemeteries.

122

- Review final submitted construction plans prepared by other professionals and, after acceptance, stamp and sign the drawings as "Approved for Construction" by the CITY ENGINEER.
- Attend pre-application, construction, Planning Commission, City Councilor other meetings as requested by the City.
- Provide detailed design and construction specifications for successful bidding and construction coordination of city infrastructure improvement and maintenance projects.
- Provide project construction observations of public improvements installed as part of private development projects. Verify general conformance with city approved construction plans and specifications.
- Provide project management, engineering design, and construction observation for City public works construction projects.
- Perform final construction observations and punch lists for completion of private developments and for City of Falls City project sites, including review of as-built drawings, testing results, as-built certification, project closeout and initiation of the required construction warranty period.
- Perform engineering work pertaining to public records, property acquisitions, condemnations, forfeiture activities, public improvements and improvement districts, public rights of ways, easements, code enforcement, and matters relating to special assessments and public utilities.
- Prepare utility master plans feasibility studies as requested.
- Perform additional basic engineering and special services which cannot be fully described at this time, as requested by the City.

For special projects, the Engineer of Records shall provide a work order upon written request from the City. The work order shall include a detailed proposal and scope of work, schedule and cost proposal. Special projects may include, but are not limited to, design of city owned public works facilities including streets, water, sewer, storm drainage facilities, and City owned parks and buildings.

II. PROPOSAL INSTRUCTIONS

A. PROPOSAL SUBMITTAL AND DUE DATE

Proposers shall provide six hard copies plus one electronic version (.pdf format on a CD) of proposer's proposal in a sealed envelope clearly marked: "Confidential: City of Falls City City Engineer of Record Proposal".

Proposals shall be submitted by ___ a.m./p.m. on October __, 2016 to:

124

City of Falls City
c/o Terry Ungricht
299 Mill Street
Falls City, Oregon 97344

503-787-3631

Email: mayorungricht@fallscityoregon.gov

Proposals shall be organized as specified in Article II.E, Proposal Contents. The City of Falls City assumes no responsibility for delayed or undelivered mail or express packages. Proposals which are not delivered by the above specified time and date will not be considered. Faxed or electronically transmitted proposals will be rejected as non-responsive.

B. INQUIRIES

Questions concerning this RFP should be submitted to:

Terry Ungricht
City of Falls City
299 Mill Street
Falls City, Oregon 97344
Phone: 503-787-3631

Email: mayorungricht@fallscityoregon.gov

C. RESERVATION OF RIGHTS

The City reserves the right to: 1) seek clarifications of each proposal; 2) negotiate a final contract that is in the best interest of the City and the public; 3) reject any or all proposals; 4) cancel this RFP at any time if doing so would be in the public interest, as determined by City in its sole discretion; 5) award the contract to any proposer based on the evaluation criteria set forth in this RFP; 6) waive minor informalities contained in any proposal, when, in the City's sole judgment, it is in the City's best interest to do so; and 7) request any additional information City deems reasonably necessary to allow City to evaluate, rank and select the most qualified proposer to perform the services described in this RFP.

D. PROTESTS

Proposers are directed to the protest procedures contained in City Public Contracting Rule 137-048-0240.

E. PROPOSAL CONTENTS

Proposals shall be limited to no more than 15 single sided pages, not including covers, divider pages, or resumes. Proposals should be prepared in generally the following format and shall include, at a minimum, the following items:

125

- The name of the person(s) authorized to represent the proposer in negotiating and signing any agreement which may result from the proposal.
- Qualifications:
 - Name and qualifications of the individual who will serve as the City Engineer.
 - The names of professional persons who will assist the City Engineer in performing the work and a current résumé for each, including a description of qualifications, skills, and responsibilities. The City is interested in professionals with experience serving small governmental entities and especially serving cities comparable in size to Falls City.
 - Specifically address proposer's familiarity with laws and regulations governing public water, wastewater, stormwater, and transportation systems, including operations, construction and maintenance of the City's current systems.
- Description of proposer's expertise in the following areas:
 - Civil, Electrical, Mechanical and Transportation Engineering;
 - Sand filter treatment plants and water distribution systems;
 - Municipal ground/surface water rights acquisition and maintenance of;
 - Pump station and gravity wastewater collection systems;
 - Lagoon wastewater treatment with land applied effluent disposal;
 - WPCF and NPDES permit regulations and compliance;
 - Municipal transportation systems involving state and federal highways;
 - Road maintenance techniques and applications;
 - Oregon land use law/planning and development related infrastructure issues;
 - Public improvement contracting and administration;
 - Contract law and intergovernmental agreements;
 - Public Utility billing operations and maintenance; and,
 - Public finance and infrastructure financing.
- Explanation of proposer's workload capacity and level of experience commensurate with the level of service required by the City.
- Explanation of proposer's facilities and availability of support staff.
- Proof of Insurance of \$2 million professional liability insurance and \$2 million comprehensive and automobile liability insurance. Proof of coverage by Workers' Compensation Insurance or exemption.
- A list of at least three references from government clients of similar size for whom similar services have recently been provided. (For all references, please include names, phone numbers, and description of work performed.)
- A list of the tasks, responsibilities, and qualifications of any subconsultants proposed to be used on a routine basis and proof of adequate professional liability insurance for any subconsultants.
- Written affirmation that the firm has a policy of nondiscrimination in employment because of race, age, color, sex, religion, national origin, mental or physical handicap, political affiliation, marital status or other protected class, and has a drug-free workplace policy.
- Confirmation that the proposer is a civil engineer licensed to work in the State of Oregon.
- A discussion of proposer's use of local resources and community involvement.

126

F. PUBLIC RECORDS

All proposals submitted are the property of the City of Falls City, thus subject to disclosure pursuant to the public records law, as qualified by ORS 279C.107. Accordingly, proposals received and opened shall not be available for public inspection until after City's notice of intent to award this contract is issued. Thereafter, except for information marked "Proprietary", all documents received by City shall be available for public disclosure. The City will attempt to maintain the confidentiality of materials marked "Proprietary" to the extent permitted under the Oregon Public Records law.

G. COSTS

Proposers responding to this RFP do so solely at their own expense.

III. PROPOSAL EVALUATION

A. MINIMUM QUALIFICATIONS

The City will review proposals received to determine whether or not each proposer meets the following minimum qualifications:

- A Civil Engineer licensed to work in the State of Oregon.
- Ability to provide the engineering work needed by the City to the standards required by the City, County and State.
- Has the financial resources for the performance of the desired engineer services, or the ability to obtain such resources.
- An Equal Opportunity Employer and otherwise qualified by law to enter into the attached Engineering Service Contract.

B. EVALUATION CRITERIA

Proposals meeting the above minimum qualifications will be evaluated by the City using the following criteria:

	Maximum Points
1) Specialized experience in the type of work to be performed, specifically including work in a city of similar size.	(50)
2) Qualifications and experience of the staff assigned by proposer to perform these services.	(40)
3) Past experience of proposer and project team members with relevant county, state, and federal regulatory and funding agencies.	(20)

127

4) Quality of proposed scope of work, including the proposed management techniques and practices for City service needs.	(20)
5) Familiarity with the City and City locale.	
6) Distance from City.	(30)
7) Availability and capability to perform the engineering services described in this RFP on an ongoing basis.	(25)
8) References.	(15)
9) Interview (if conducted)	(40)
Maximum Total Points	240

C. SELECTION

The City is using a qualifications based selection (QBS) process as mandated for contracts anticipated to exceed \$100,000 by ORS 279C.110. As a result, selection of the most qualified candidate will be made without regard to the price of the services. Only after selection of the most qualified candidate will the City and selected candidate enter into contract negotiations for the price of the services.

The evaluation committee will consist of 7 members. Each member shall complete an evaluation sheet ranking each qualified proposer against the weighted criteria set forth in Article III.B of this RFP. Completed evaluations shall be combined and tallied. The City reserves the right to interview one or more of the highest ranked candidates by telephone or in person. Upon completion of its evaluation process, the evaluation committee may either recommend a firm to be appointed as Engineer of Record or it may recommend up to three (3) firms to be interviewed by the City Council.

If the Council does not cancel the RFP after receipt of the evaluation committee's scoring results and recommendation, the City will begin negotiating a contract with the highest ranking candidate. The City shall direct negotiations toward obtaining written agreement on the Engineer's performance obligations, a payment methodology that is fair and reasonable to the City, and any other provisions the City believes to be in the City's best interest to negotiate.

If the City and the selected candidate are unable for any reason to negotiate a contract at a compensation level that is reasonable and fair to the City, the City shall, either orally or in writing, formally terminate negotiations with the selected candidate. The City may then negotiate with the next most qualified candidate. The negotiation process may continue in this manner through successive candidates until an agreement is reached or the City terminates this RFP.

128

It is the desire of the City to have a new engineering contract in place no later than _____, 20__.

D. CONTRACT

The City desires to enter into a professional services agreement in the form attached, which includes all services necessary for this position, whether or not the services are specifically outlined in this RFP.

The selected proposer will be expected to sign the attached written agreement, which will incorporate this RFP and awardee's proposal. Submittal of a proposal indicates a proposer's agreement with the terms of the attached contract. Any open terms in the attached contract will be completed, based upon awardee's proposal. Negotiations shall be limited to cost and any other terms the City chooses to negotiate, in City's sole discretion.

The City anticipates payment for services on an hourly basis. However, the City will also consider alternative proposals. The City reserves the right to negotiate a compensation package that is fair and reasonable to the City, as determined solely by City.

It is anticipated that the City of Falls City will enter into a three (3) year agreement, which thereafter may be extended upon written consent of both parties for additional two (2) year terms.

The agreement requires that awardee will comply with all applicable federal and state laws, rules and regulations.

**The City of Falls City is an Equal Opportunity/Affirmative
Action Employer
Women, Minorities and Disabled Persons are encouraged to apply**

**THIS SOLICITATION IS NOT AN IMPLIED CONTRACT AND MAY BE MODIFIED OR
REVOKED WITHOUT NOTICE.**

129

Exhibit B

**[PUBLISH AT LEAST ONCE IN AT LEAST ONE NEWSPAPER OF GENERAL
CIRCULATION IN CITY'S AREA AT LEAST 14 DAYS PRIOR TO CLOSING]
DRAFT**

**THE CITY OF FALLS CITY, OREGON
CITY ENGINEERING SERVICES**

PROPOSALS DUE 3:00 PM, _____, 2016

Date: __, 2016

The City of Falls City ("City") is soliciting proposals for City Engineering Services to select a City Engineer of Record. The City Engineer will provide general engineering services as well as complete engineering projects for the City as needed.

Sealed proposals will be accepted by _____ until 3:00 PM on __, 2016.

Interested firms shall submit six original copies of their proposals and one electronic copy (in .pdf format) on a compact disc prior to the aforementioned deadline. Late proposals will not be accepted.

The City of Falls City reserves the right to reject any proposal not in compliance with all prescribed public contracting statutes, rules and procedures which apply to this project, to waive all informalities, and to reject any and all proposals upon finding that it is in the public interest to do so.

To obtain the full RFP packet, or for inquiries regarding the request for proposals please contact:

Terry Ungricht
Mayor/Manager
City of Falls City
299 Mill Street
Falls City, OR 97344
Phone: 503-787-3631
Email: mayorungricht@fallscityoregon.gov

Published: _____, 2016

130

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

Staff is still moving forward on the FEMA funding for the Dutch Creek culverts. I have attended four meetings and am amazed at the amount of work this project will create on all of our staff. I am still hopeful that we can have the County engineer and manage this project, but if not we will move forward with placing a City Engineer to coordinate this project, we will be able to cover engineering and managing costs through the funding request.

We got the outside of the water reservoir cleaned, it looks good. A few problems we have identified are there are a couple of bullet holes, don't believe it damaged the liner, but we need to repair from inside and out. If this is put off to long we will lose the integrity of the inside liner and areas will start to rust on the outside. I am going to coordinate with the Fire Department on spraying the tank off each year to hopefully keep the moss build up controllable. Within the next two budget years we will have to hire divers to clean and repair the inside of the tank, repaint the top and a few spots on the walls. I will start submitting for bids to let you know the costs.

I am still working on a few technicalities on the budget; it should be ready to go for our first scheduled meeting. I have been amazed at the time it has taken but I feel you will be happy with the document.

We will be meeting with the Master Water plan engineers to do some more onsite work. The project is looking like it will be done on schedule if not before. We have been Okayed to proceed on the income survey by IFA. I will be asking for bids from Portland State and COG, both are certified for this type of survey, to bid on the project. I cannot give an estimate when we will be able to move towards a funding request, should know more next meeting.

I have the bidding documents for the South Main overlay project in front of DOT for review and I have identified three firms that will bid on the project, which is in line with the State standards for this project. I am hopeful that the project will be done this summer, but if not DOT says that it does not hurt us applying for the grant again, it just needs to be closed before another award can be issued.

Spring cleanup will be the first weekend of June, volunteers are needed. Please talk with your neighbors and if anyone is interested have them contact City Hall.

The statements of economic interest need to be filed by the 15th of April. You can go to their website, which you should have registered for, to check and make sure that your form is filed. If not you need to get ahold of me and I will help you, or call the ethics commission for directions. This is very important..... I thought I could check to see if your form was filed but I cannot, so it is up to you to make sure the form is filed.

MONTHLY EXPENSE REPORT

MAYOR UNGRICHT

03/03/2016	25 Miles, Monmouth Bank
03/07/2016	20 Miles, Dallas pick up water main parts 68 Miles , Corvallis Lab sample, Bank
03/08/2016	20 Miles, Dallas meet with Southwest Fire
03/09/2016	20 Miles, Dallas Meet with Budget advisor
03/10/2016	25 Miles, Monmouth Bank
03/14/2016	172 Miles, Portland for pump repair
03/15/2016	25 Miles, Monmouth Bank
03/16/2016	25 Miles, Monmouth Bank
03/23/2016	25 Miles, Monmouth Bank
03/28/2016	25 Miles, Monmouth Bank

Total Miles 450 Miles x .57.5 cents = \$258.75

Lunch for Don and Terry while wait for pump rebuild. \$29.46

Total = \$288.21

132

March 2016 Falls City Stats

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

Falls City Calls for Service	56	Of the FC Calls for Service	41	involved crimes
Total Calls for Service (county wide)	1381	FC Cases Cleared by Arrest	16	39.0% clearance
Falls City % of Total Calls	4.1%	Total Arrests in Falls City	15	30.6% of total arrests

Total Service Calls (Polk County)	1381	Crimes Occ	9	(county wide)
Of the calls for service (county wide)	124	Juvenile Arrests	0	(Falls City)
Cases Cleared by arrest	43	(only true crimes reported here)		
Total Arrests (county wide)	49			

133

Library Director Report February, 2016

Attendance total for the public library February, 2016; 315. This is broken down into Adults: 143 and Youth: 315 regular hours. Saturday programming, *Read to the Dog* programming continues; The Pre-School collaboration with Family Building Blocks also continues on the second Thursday of every month. I attended the Falls City School Board meeting on March 15, 2016 at the Board's request. The school board had previously requested that the library district be delayed until the November ballot. I presented a summary to the Board about efforts expended thus far in the interest of putting the levy on the ballot. successfully launched on February 11 with 12 participants. This month was weighted with meetings: Polk, Yamhill, Marion Library Districts, the Children's Services group, and the Grand Ronde Tribal library re: funding sources. Chemeketa is assisting all seventeen libraries in drafting the Edge Initiative. Our library is already doing many things well related to offering technology workshops, educational collaborations with Polk County pre-school, and the employment office. One area that remains to be addressed is offering a medical resource in the library. Whether it is online resources or a local health worker, please send along any and all suggestions. Once completed, the Edge Initiative will create a work plan for library improvement and illustrate the path for long term planning and grant applications.

Summer Reading plans are taking shape around the "Fitness" theme. Performers have been supplied by the Ready to Read Grant for five weeks between June 23 and July 21. This program is open to youth age birth to fourteen. I'll be recruiting in the classrooms in May. Elementary library news includes wrapping up lessons on non-fiction raptors, Dewey decimal style. Just in time to salute the birthdays of Dr. Seuss, Eric Carle, and Beverly Cleary.

Addendum to the Wagner Library's February, 2016 Report

February Board Summary re: Wagner Community Library's efforts to place a levy on the November, 2016 Ballot.

First, a historical summary of the events around the Wagner levy. Prior to November, 2014, our community library was one in a group of regional libraries meeting regularly with a consultant and a goal to put ten or more library districts on the ballot. I began evaluating what had been accomplished toward this goal in January, 2015. I learned that a number of libraries, city, and county agencies had changed personnel. Some of those changes were directly related to the Library Directors' zeal regarding library district establishment. In March, 2015, I polled Amity, Dallas, Independence, Monmouth, Dayton, Jefferson, Lyons, Mount Angel, Sheridan and Willamina determining that all of them had decided not to pursue a library district. The cost of the feasibility study required to accompany the petition would now need to be financed by one library. In March, 2015, I drafted three budget scenarios based on the smallest libraries in the Chemeketa system and others. In April, 2015, John Gilbert helped identify the legal description and maps related to the proposed petition that included boundaries of existing fire department and school district divisions. When the school district became enthused about building a gym and other amenities at the elementary school site, the Wagner Library was asked to re-schedule the ballot exercise from May, 2016 to November, 2016. It is further reported that Falls City intends to put urgent issues related to water and sewer on the ballot. The priority of placing the Wagner Library on the ballot has been questioned by new leadership on the Library Advisory Board. I'd like to report that I am clear about the steps required to place the Wagner Library measure on the ballot for the adjusted November, 2016 date.

Ch.

134