

City of Falls City
City Council Regular Meeting
Thursday November 12, 2015
Meeting Location: 320 N Main Street, Falls City, Oregon 97344
Corrected Minutes Item 6B Motion

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

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

Mayor Ungricht called the meeting to order at 7:00 pm.

1) Roll Call

Clerk Protheroe took roll call. Mayor Ungricht announced Councilor D. Sickles would be late due to an awards event at the school. Councilor D. Sickles arrived at 7:36 pm.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire Agenda

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

4) Consent Agenda: Motion Action Approving Consent Agenda Items

Councilor Drill questioned several payments to which Mayor Ungricht explained, as regular billings for water testing, power, heating fuel and annual maintenance for City owned properties, as well as City Attorney fees. Clerk Protheroe explained that one of the expenditures was an overpayment refund to a water customer.

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

5) Public Comments:

None.

6) New Business:

A) Worker's Compensation Audit- Mayor Ungricht announced \$3561.81 would be refunded.

B) Council Absences-

Councilor Meier called attention to the Charter adopted by Council, specifically, Section 31. Vacancies: (b)(4) Absence from 5 Council meetings in a calendar year. Councilor Bishop has missed a March two day Work Session and 3 regular meetings 2015. Councilor Meier asked others to define "Meeting". Mayor Ungricht then asked Council to determine if it includes the Work Sessions. Discussion followed whether the two-day work session be considered two meetings or one. Councilor Bishop stated it is impossible for her to make mid-day Work Sessions as she works as a school bus driver. Councilor Meier reassured Councilor Bishop that Vacancy rules were not established to be political. Mayor Ungricht reported the Charter Review Committee had held a lengthy discussion on absences. Councilor Melin expressed the need to be clear and not after the fact, to be open and flexible to work with people but also held accountable. Councilors L. Sickles

and Drill concurred that while scheduling Work Sessions last spring, Councilor Bishop's needs went ignored. Councilors agreed Work Sessions to be interpreted as regular meetings because all are publicly posted. Councilor Drill reminded all of the Councilors of their Oath of Office. Councilor Bishop asked that Council take into account working people. Councilor Bishop said she does not feel mid-day Work Sessions are appropriate. She feels down the road we will have real problems. Councilor L. Sickles added that multiple meetings in a month is hard. All Councilors agreed to try to work with everyone's work schedule when planning Work Sessions in the future. Council determined the March 2015 two-day Work Session be considered a single meeting due to only one public posting.

A motion was made by Councilor Meier and seconded by Councilor Drill that the City Council of the City of Falls City interpret "Meetings" as all meetings publicly posted. Motion carried 3-2-0. Ayes: Jennifer Drill, Tony Meier, Gerald Melin. Nays: Lori Jean Sickles and Julee Bishop

C) Chapter 32 of the Municipal Code, created by Ordinance 538-2014 outlines Committee duties and requirements as well as terms for removal. City Clerk Protheroe advised roll call must be taken at all public meetings, even when no quorum is present to make note of members in attendance and those in absence. Mayor Ungricht commented the Parks and Recreation Committee have not held a quorum in 60 days.

Councilor D. Sickles arrived at 7:36pm.

D) Council Goals Update

Mayor Ungricht informed Council the engineers responding to our Request for Qualifications (RFQ) were shown around the water source intake and are in process of writing proposals. Clerk Protheroe has been experiencing higher than usual land use demands. Code enforcement continues to be a problem. The Mayor is working to address it. He has inquired of several cities to enter into an Inter-governmental Agreement (IGA) to provide code enforcement, but none expressed interest. Councilor Meier asked about Mark Garton- Polk County's newly appointed interim Sheriff and if he would be willing to help. Mayor Ungricht offered to introduce himself to Sheriff Garton. Councilor Drill has scheduled Town Hall meetings as outlined in Goal #3 and incorporated Goal #6 by helping to form a Basic Preparedness and Disaster Plan. Councilor Drill asked if we were having a Special Council meeting to go over code enforcement issues. Mayor Ungricht answered no because there was not additional information to consider. Public Works is in process of placing the newly purchased stop signs.

Councilor Drill thanked the Mayor for his update.

Mayor Ungricht turned on the tape recorder, which previously went overlooked.

E) Planning Assistance Grant

A 2015-2017 planning assistance grant is available from the Department of Land Conservation and Development for \$1000. Mayor Ungricht explained this type of assistance usually goes to the Council of Governments (COG) to pay for services we use. He asked for a motion for Clerk Protheroe to proceed in the application process. Councilor Drill asked if COG was the only option the planning grant could be used for. Mayor Ungricht explained yes, only for planning expenses and that the monies go to COG for their routine services we use.

A motion was made by Councilor G. Melin and seconded by Councilor L. Sickles that the City Council of the City of Falls City allows staff to apply for the Department of Land Conservation and Development 2015-2017

Planning Assistance Grant for \$1000. Motion carried 6-0-0 Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop

F) Waste Water Funding

Mayor Ungricht went over the 2014 One Stop project summary showing all funding agencies and shows scenarios through loans and interest rates. He informed Council that if we do not act on improving our present waste water system, the Department of Environmental Quality (DEQ) will step in and mandate improvements causing rates will be considerably higher, perhaps upwards of \$80 or more. Mayor Ungricht said staff is concentrating on the Water Master Plan now, but he is always inquiring with engineers on the wastewater subject. He stressed the City currently has a Facility Plan that was not designed well. The Facility Plan may be modified but needs to be done within original plan parameters in order to be funded. The engineers Mayor Ungricht has conferred with say the original Facility Plan is not as bad as he thinks. Councilor Drill asked why the City has the present predicament to which Mayor Ungricht explained; in order to obtain acceptance for funding in the form of a grant to pay the current Wastewater Plan, the status was changed to a Facility Plan- due to inferiority. A New Wastewater Plan needs to be successful to make up for the failed Facility Plan. The Water Mater Plan bid would be awarded and once in the works, a Request for Personnel (RFP), City Engineer will be released. It is an identified need the for the City. Councilor Drill inquired as to a time frame for the Water Master Plan project. Mayor Ungricht replied one year and 3 months from January 1' 2016 for the Water Plan. For the sewer, City needs more users. Once the Wastewater Plan has been modified, it should be about a year or so.

G) United States Department of Agriculture (USDA) Special Evaluation assistance for Rural Communities and Households (SEARCH) program grant

Mayor Ungricht asked Council to allow staff to proceed in applying for the \$30,000 SEARCH grant available from the USDA to use toward City reimbursement for expenditures on the Water Master Plan.

A motion was made by Councilor D. Sickles and seconded by Councilor Meier that the City Council of the City of Falls City allows staff to apply for the \$30,000 USDA SEARCH program grant. Motion carried 6-0-0 Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop

H) Library Advisory Board Appointment

Mayor Ungricht announced Ms. Hake has resigned. She is moving and will be very missed, as she has been an integral part of the Library Advisory Board. The Intergovernmental Agreement (IGA) between the City of Falls City and the Falls City School District, item #4 as set in Resolution 17-2014 allows the City of Falls City and the Falls City School District (FCSD) to establish an advisory board for the Wagner Library. The FCSD has received, approved and recommended to Council a request from Sandra Parks appointing her to the Library Advisory Board. Mayor Ungricht asked for a motion to accept and appoint Sandra Parks to the Board. Councilor Drill would like introductions before voting. Mayor Ungricht said he would get contact information and set up an introduction if Council wishes. Councilor Meier noted that Sandra Parks comes highly recommended from the library as well as the school board.

A motion was made by D. Sickles and seconded by Councilor T. Meier that the City Council of the City of Falls City appoints Sandra Parks to serve on the Wagner Community Library Board. Motion carried 5-1-0 Ayes: Lori Jean Sickles, Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop. Nays: Jennifer Drill

7) Correspondence, Comments and Ex-Officio Reports

Councilor D. Sickles apologized for his late entrance.

Councilor Melin announced a special event he would like the City to plan for on August 21, 2017. It is a two-minute total solar eclipse. Councilor Melin informed Council that the City of Falls City is well situated on the direct path from Lincoln City, Oregon on its travel toward the Carolinas which will only take 1 ½ hours for the journey across the US. He added Oregon would have the best weather to view the event. He asked Council for a motion to set up a committee to take advantage and promote the likely tourism. Clerk Protheroe stated a resolution would be needed to set up a committee. Mayor Ungricht said he would put a resolution before Council.

A motion was made by Councilor Melin and seconded by Councilor L. Sickles that City Council of the City of Falls City form a committee to prepare for an event at the time of the total solar eclipse. Motion carried 6-0-0 Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop.

Councilor Drill read an announcement from Mid-Willamette Valley Council of Governments (MWVCOG) for Planning Commission training. Mayor Ungricht has spoken to them and there may be a cost break for grouping with other smaller cities. Councilor Drill also announced the fourth Annual Christmas Tree Lighting event will be held December 5, 2015 beginning at 6:30pm and the lighting will take place at 7pm. The Garden Club will be selling holiday crafts at the Mt. Gospel church and refreshments will be available. She announced the next Town Hall meeting set for December 18, 2015 at 7pm. Councilor Drill asked the status of the Falls property. Mayor Ungricht had attempted to set a meeting with Polk County Development Corporation, unfortunately he was preoccupied with an audit was unable to meet. He said he would talk with them and should have an answer next week. Vehicle traffic within the Fay Wilson Riverside Park (basketball court) and the George Kitchen Upper Park (playground equipment) was a concern. Councilor Drill gave totals on two estimates and proposed fencing and gates to keep vehicle traffic out. Mayor Ungricht suggested bringing it up at the upcoming Park and Recreation Committee meeting. He also offered to provide a slightly outdated (2 months old) budget for their review. He urged prioritizing and reminded Council parks bring virtually no monies to the City. Clerk Protheroe clarified that only the gazebo structure rents out, not the park as a whole. Mayor Ungricht added that he is only trying to do what is best for the community and is happy to have direction.

Councilor Bishop touched on Law Enforcement and discussion followed. Mayor Ungricht expressed his disappointment with Polk County Sheriff's Office not responding to our needs. 24-hour patrols will not resume until some point next year in 2016. Councilor Drill shared a recent experience of calling the County for over 4 hours before someone there answered.

Councilor Meier asked Councilor D. Sickles for status of #2 Council Goals- Explore the development of an electric generation facility to power City Operations- a project assigned by Council. Councilor D. Sickles did research on identifying the agencies the City would need to work with for acquiring approval for such a project. Councilor D. Sickles stated he has spent quite a few hours and several phone calls and feels we are not in a position to move forward at the moment due to lack of funding and engineering. He referred to an outdated study done by Oregon State University and that the project would need to start from zero again. He added it would take a significant grant for this project type.

Councilor Drill thanked him for looking into it.

8) Mayors Report

Mayor Ungricht has met with the City Attorney concerning Council's decision for restrictions placed on dispensaries allowed within the City incorporating a 1000-foot rule from parks, excluding virtually all commercial and industrial land from dispensary usage. The City Attorney advised there is a difference between making it difficult and making it impossible for dispensaries to locate within

City limits. He recommends using the House Bill 3400 (HB3400) provision to ban dispensaries by putting a ban on the ballot before voters in 2016. He also advised that our zoning code does not need changed to accommodate the federal stipulation as it is not a land use employee's responsibility to make rulings of federal nature. Councilor Drill expressed confusion regarding the City's options and discussion followed to clarify. Councilor Drill offered to contact the City of Wilsonville to which she reports has no dispensaries. The Mayor gave her his encouragement and support to do so. Mayor Ungricht went on to explain that the federal government granted waivers to states who have approved recreational marijuana. This waiver overrides the schedule 1 designation of the substance at the state level. State law prohibits usage 1000 feet from schools. Mayor Ungricht said he understands Council's desire to ban dispensaries, but has "hit a wall". Land use may be restricted but not made so restrictive as to be impossible for a dispensary to locate. Councilor D. Sickles asked what would happen if Council did nothing. Mayor Ungricht responded by saying if there were such a land use application received, we would have to process it and under state law, which limits locations for marijuana dispensaries. He reassured Council he wants to uphold their wishes but the proposed restriction goes against HB3400, and would the door legal actions.

Mayor recognized Vicky Tatum of Falls City- Ms. Tatum stated her concern for the very low economy of Falls City and suggested a dispensary may help to bring in revenue. Ms. Tatum explained she has no vices but used marijuana for pain management the past 5 years, adding she has been a Certified Nursing Assistant for 22 years. She urged Council not to stifle anything like marijuana dispensaries out here. Ms. Tatum reminded Council Falls City has no law enforcement and that the County does not want to come out for these things. She feels economically it makes sense to bring revenue to town, collect taxes and bring in money & products from outlying areas. People would otherwise have to drive to Salem, Albany, Portland and Eugene. Ms. Tatum closed by saying that marijuana can really be a helpful thing.

Mayor Ungricht thanked Ms. Tatum for her input. He then noted that if there is a ballot vote to ban marijuana dispensaries, the City would not receive a share of taxes collected by the State. He added that under legal counsel, if someone should submit an application for a dispensary with suitable land within City limits, the City would be hard-pressed not to move forward. Mayor Ungricht advised Council that the City of Cave Junction is in process of litigation for denying a marijuana dispensary application based on their interpretation of laws and their zoning code. Councilor Drill is uncomfortable with these limited options and is not willing to fold and urged Council not go along with everyone else. Mayor Ungricht reiterated that Council decision is subject to federal and state laws, which are limiting factors to Council options.

Mayor Ungricht said the Federal Land Access Program (FLAP) Grant application was denied, most likely due to Weyerhaeuser's gates being closed preventing access to Federal Lands. He spoke with Todd Whitaker, Director of Polk County Public Works/County Engineer, Weyerhaeuser and County Commissioner Mike Ainsworth. Whitaker would like to reapply for this grant next year. Whitaker and Ainsworth are in process of negotiating with Weyerhaeuser to keep the gates open. Mayor Ungricht noted the City still has \$95,000 that was awarded for the Dutch Creek Crossing and it is available during the next 4 ½ years. Blocked access to Federal Land does not affect City residents, only county, Black Rock bicycle users and log trucks. Weyerhaeuser has been notified the City would not put more monies into Dutch Creek Crossing if the gates do not remain open.

The Fire Department appointed a small group to identify a nonprofit group to take over the planning and execution of the July 3rd events. Council voted to turn it over to another group to protect the City's recreational immunity. Mayor Ungricht asked if Council wanted to appoint a sub group to work with the Fire Department to organize the event or to wait for Parks and Recreation

to handle it. He reiterated Parks and Recreation Committee has not met for 60 days and a decision needs to be made. He added staff would prefer a local community group. This sub group would formulate viable means of revenue, coordinate and run the 3rd of July event.

Several women in the community are putting a calendar together to raise monies for our parks.

Mayor Ungricht will be out of town November 19 through 24, 2015.

Mayor Ungricht brought to Council's attention of rates hikes with Oregon Health Authority (OHA), which administers water regulations affecting the City. Mayor Ungricht noted our fees have gone from \$750.00 to \$4,125.00. In addition, our water rights have increased from \$600.00 to \$3,300.00. He wanted to make Council aware of the increases.

Mayor Ungricht requested Council to approve his attendance at for Budget training to be held in Coos Bay, Oregon sponsored by League of Oregon Cities (LOC) with a cost of \$150.00. It would also require expenses for one night's lodging.

A motion was made by Councilor D. Sickles and seconded by T. Meier for the City Council of the City of Falls City to allow Mayor Ungricht to attend budgeting training and approve the cost of his 1 night lodging. Motion carried. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles and Julee Bishop

9) Council Announcements

City Clerk Protheroe announced a legislative Town Hall Meeting with state Representative David Gromberg, Wednesday November 18 between 5-6 pm.

City Clerk Protheroe reminded all present of the free Community Thanksgiving Dinner Potluck taking place on Saturday, November 21, from 11am until 3pm at the Community Center. Food donations are needed and lists of items are available at the store and City Hall.

10) Adjourn

The meeting adjourned at 8:35 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk JoHanna Hewitt