City of Falls City
City Council Special Session Meeting Minutes
May 24 6:00 PM
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

**Council Present:** Mayor Jeremy Gordon, Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

**Staff Present:** Renata Wakely, COG City Planner, Mac Corthell, City Manager, City Clerk, JoHanna Birr, City Clerk

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

1) **Roll Call**
Clerk Birr took roll call. Lori Jean Sickles left the room at 7:14 pm and returned at 7:14 pm. Jennifer Drill left the meeting at 6:45 pm.

2) **Pledge of Allegiance**
Mayor Gordon led the pledge.

3) **Motion to adopt the entire Agenda**
A motion was made by Councilor Meier and seconded by Councilor Flynn to adopt the entire agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

The Agenda was rearranged to accommodate Renata Wakely's late arrival. Items 5 (five) through 12 (twelve) were moved to the end of the Agenda and the rest pushed forward. A recess was taken at 6:35 pm and the meeting reconvened at 7:01 pm.

4) **Public Hearing: Frist required hearing on Library Closure in accordance with ORS 357.621**
On November 9, 2017, the City Council of Falls City motioned to close the Wagner Public Library on August 31, 2018. Oregon State Law requires cities to follow ORS 357.621 when deciding to close a public library. This meeting is the first of the public hearing required by ORS 357.621. The second meeting requires by ORS 357.621 will be held August 23, 2018 at 6:00 pm at the Community Center. Notice in accordance with ORS 357.621 was completed as required.

Mayor calls public hearing open at 6:05 pm.
Mayor requests anyone wishing, to speak on the issue.

Brook Robertshaw of Oregon library Association (OLA) and their Legislative Committee from Corvallis, Oregon was present to speak. She read aloud a letter sent by Buzzy Nielsen, President of OLA. (Exhibit A) Ms. Robertshaw expressed sincere understanding of Council's difficult library closer last November and offered information on assistance in the future should Falls City find itself in a position to reopen Wagner Community Library.

Mayor closes the public hearing at 6:16 pm.

5) **Mayor's Partition Script**
Mayor Gordon read the script for Partition Application (1-B) Public Meetings aloud:

Now is the time set for public hearings to consider Three (3) Partition applications.

The first (1st) is for application #PAR-2018-01 at 239 Sheldon Ave., the second (2nd) is for application #PAR-2018-02 located on Montgomery street and the third (3rd) is application #PAR-2018-03 located on Bryant 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 three (3) applications. Is there a motion for the Council to act in place of the Planning Commission?

A motion was made by Councilor Meier and seconded by Councilor Flynn that the City Council of the City of Falls City act in place of the Planning Commission. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

Now we will proceed with the applications. Each application review will be conducted separately, but I will introduce the procedures for each application only once. We will start each application by receiving a staff report. When the staff report has been presented, Council can ask questions of staff and deliberate on the application.

As Partitions are considered, and processed as Type 1-B applications in the Falls City Zoning and Development Ordinance (FCZDO), they are considered Administrative Decisions where the City makes a decision in a public meeting based upon the application materials and staff report. Property owners within 100 feet of the subject properties were notified at least 14 days prior to this hearing and provided an opportunity to submit written comments or testimony for consideration by staff and Council. There is no public hearing or testimony. After Council has deliberated, we will need a motion to approve or deny each application separately.

Are there any questions among the Council about this process?
There were none.

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

Do any Councilors wish to make disclosures?
There were none.

**6) Public Comments**

Pamela Price of Falls City submitted a packet of information in opposition of Partition 2018-03. She was not present for comment. (Exhibit C)

**7) Public Hearing: (PAR18-01) Partition 0.60 Acre Parcel At 239 Sheldon Ave. Into Two (2) Parcels of Approximately .030 Acres Each**

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

Ms. Wakely reviewed the application and found that it met all criteria. Ms. Wakely reviewed the application and found that it met all criteria.

**8) Consider Adoption of the Staff report for PAR 18-01 and Authorize Mayor Gordon to Sign the Final Decision**

A motion was made by Councilor D. Sickles and seconded by Councilor Meier to approve the staff report 2018-01, and to partition property identified as Tax Lot 2100 in to two (2) parcels as presented in the staff report, including the findings of fact. Motion carried. 5-0-0. Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

**9) Public Hearing: (PAR 18-02) Partition the 0.60 Acre Parcel at 390 Montgomery St. Into Two (2) Parcels of Approximately 0.30 Acres Each**

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

Ms. Wakely reviewed the application and found that it met all criteria. Council requested demonstration of existing septic drain field and proposed partition line do not overlap in order to prevent any development violations. (Exhibit B)

Condition C was been modified after review of the site plan by Council. Condition C was amended to read:

The applicant or subsequent owner shall be responsible for extending water and sewer services to both parcels, if applicable. Construction of improvements and connection to water and sewer services shall comply with City Standards. If an on-site septic system is proposed and public works has confirmed sewer is not available within 300 feet of the subject properties, written approval of the proposed septic system for the new parcel(s) shall be required from Polk County. *Evidence of the existing septic and drain field shall also be submitted to the City and County prior to final plat recording to ensure additional violations are not created by the division.*

**10) Consider adoption of the staff report for PAR 18-02 and authorize Mayor Gordon to sign the final decision**

A motion was made by Councilor D. Flynn and seconded by Councilor L. Sickles to approve the staff report 2018-02, and to partition property identified as Tax Lot 4500 in to two (2) parcels as amended by Council. Motion carried. 5-0-0. Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

**11) Public Hearing: (PAR 18-03) Partition the 1.24 Acre Parcel at Bryant St. between Ellis St. and East St. Into Three (3) Parcels of Approximately 18,000 Sq. Ft. Each**

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

Ms. Wakely reviewed the application and found that it met all criteria. Mr. McConnell requested an extension to complete the requirements. Council granted his request.

Condition F was amended to read: Prior to final plat approval, street improvements to existing streets adjacent to the subject properties shall be required at the time of land division. In lieu of street improvements, the City may allow the applicant to record a City approved "waiver of Rights to Remonstrate for Street and Public Utilities Improvements", *and all street improvements to the satisfaction of the City shall be required prior to any permit.*

Condition G was amended to read:
*"Within Two (2) years of the final decision…"* instead of 180 days.

**12) Consider adoption of the staff report for PAR 18-03 and authorize Mayor Gordon to sign the final decision**

A motion was made by Councilor L. sickles and seconded by Councilor Meier to approve the staff report 2018-03, and to partition property identified as Tax Lot 0703 in to three (3) parcels as amended by Council. Motion carried. 5-0-0. Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

**13) New Business: Resolution 10-2018 Small City Allotment (SCA)**

This resolution allows for an agreement to pave 5th Street and a small portion of Fairoaks and request bids.

A motion was made by Councilor D. Sickles and seconded by Councilor Lauder that the City Council of the City of Falls City adopt resolution 10-2018, A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON AND THE STATE OF OREGON (DEPARTMENT OF TRANSPORTATION) FOR PAVING 5TH ST AS DESCRIBED IN RESOLUTION 16-2017. Motion carried: 5-0-0. Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

**14) Correspondence, Comments and Ex- Officio Reports**

**a) Mayor Report**

The Old Dr.'s Office is focus of a grant submitted by Lynn Baily through the Falls City School District for $30,000.00 and is hoped to be awarded. This would provide for students to be a part of the renovation process using a geometry and construction class.

**b) Council Reports**

None

The meeting adjourned at 9:00 pm.

_____ Mayor Jeremy Gordon

Attested: _____ City Clerk JoHanna Birr

Exhibit A

OREGON LIBRARY ASSOCIATION

PO Box 3067 • La Grande OR 97850

May 24, 2018

Falls City Councilors:

We here at the Oregon Library Association were deeply saddened to hear about the pending closure of the Wagner Community Library. As city councilors, you have so many difficult decisions to make, especially in times of tight budgets. We know that you do not make this decision lightly.

While we understand that you have a tough decision to make, the closure of a library anywhere in the state is a sad occurrence. Closing a library means that a toddler may miss out on getting a leg up in school because they aren't able to attend storytime or the Summer Reading Program. It means that a teenager may no longer have a safe place to go after school. And it means that an unemployed person may not be able to apply for a job because they can't access a computer.

We want to emphasize to the residents of Falls City that all hope is not lost. There are many communities and counties in Oregon that have found ways to keep their libraries open or to reopen them after a period of closure. The Oregon Library Association is here to help the City Council and residents of Falls City in any way we can to help preserve or restore library services. We have members who have been through similar situations to you, and they're eager to offer help.

Most especially, however, we want to leave you with hope. Communities are passionate about their libraries, and they find ways to keep them. Even in the most recent closure in Douglas County, communities are reopening their libraries. If there's any way that we can assist in that process, please don't hesitate to let us know.

Cheers!

rural organizing grassroots library committee

Buzzy Nielsen
President, 2017-18
olapresident@olaweb.org
541-447-7978 x301

Exhibit B

Exhibit A11

# LAND PARTITION APPLICATION
## SITE PLAN

JOHN AND KATHRYN MCGEE TRUST
LAND PARTITION APPLICATION

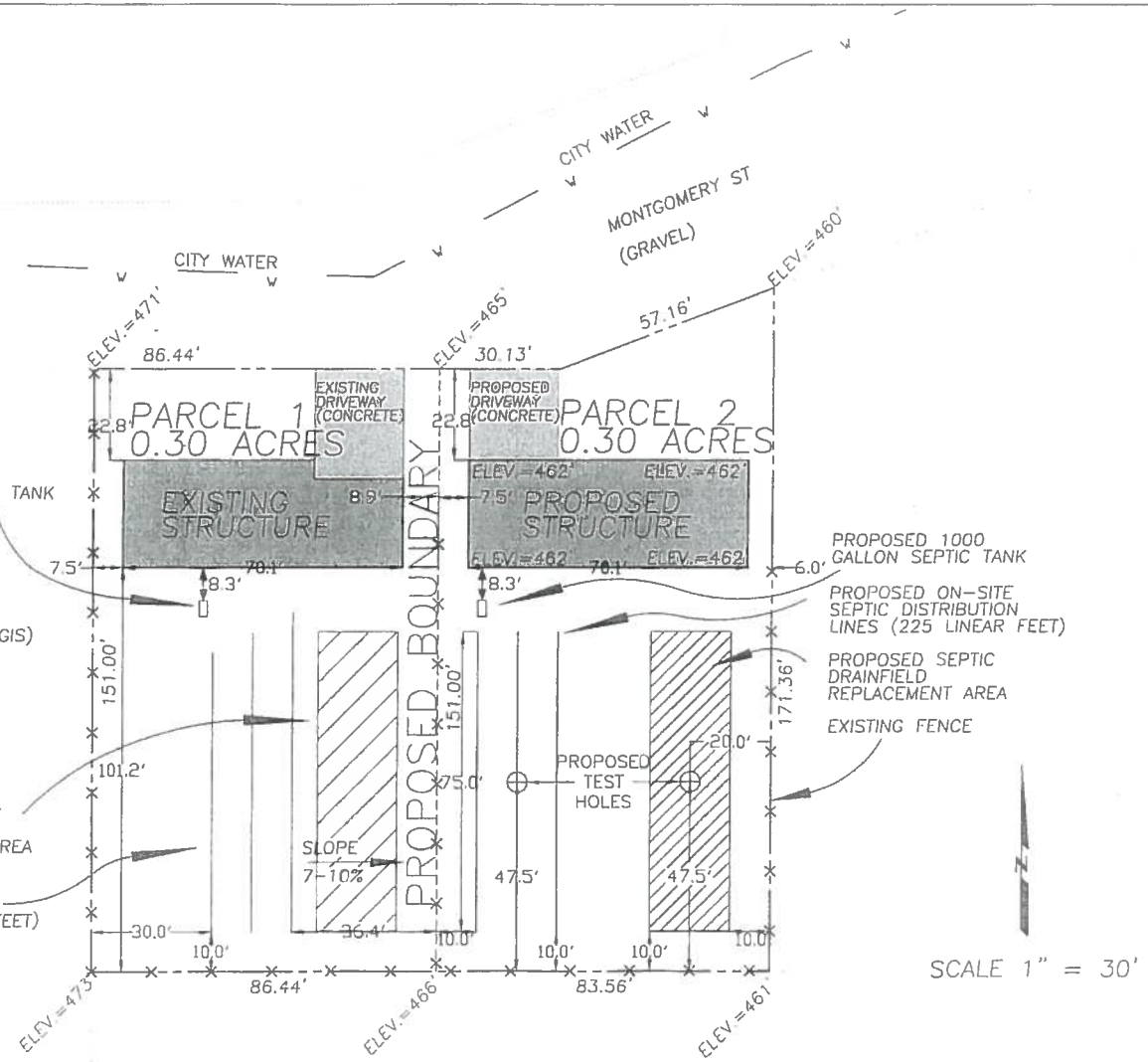
390 MONTGOMERY ST
FALLS CITY, 97344

TAXLOT 4500, MAP 8.6.20AA
DEED REFERENCE: 2010-005863
PARTITION REFERENCE: 1994-0038

ORIGINAL AREA: 0.60 ACRES
ZONING: RESIDENTIAL

**PLANNING LEGEND**

- EXISTING PARCEL BOUNDARY
- PROPOSED PARCEL BOUNDARY
- EXISTING CITY WATER LINE (PER POLK CO. GIS)
- TAX LOT LINES (PER POLK CO. GIS)
- EXISTING FENCE/RETAINING WALL




SCALE 1" = 30'


JDMcGee, Inc.
Engineering & Surveying
Land Use Planning
Wastewater Design
"Solving Problems for You"
1215 Main Street
PO Box 1472
Philomath, OR 97370
(541) 929-4226
(541) 929-4227 Fax


DRAWN BY: JBM
JDM PROJECT #: 15-60
CHECKED BY: JDM

Exhibit C

May 22, 2018

Pam Price
495 Ellis Street, Falls City OR. 97344
Falls City, Oregon

RE: Notice of Partition Request

City Council of Falls City
Falls City, Oregon

**City Council of Falls City,**

Per your Notice of partition request by Michael McConnell, after reading your letter. I did not see the explanation for the propose of dividing the 1.24 acre parcel into the three (3) parcels. If the propose is to sale part or all three (3) parcels, how will the new owners access their property? Per Falls City Codes 2.101.06 A 1 b Minimum Lot Width: 75 feet at the front building line you can see by CS 14805 that both streets Bryant St. and East St. will need to be developed to meet this code if partition is granted.

Per Falls City codes 2.207 DEVELOPMENT STANDARDS FOR PARTITIONS AND SUBDIVISIONS
When will the public be able to read the reports from the City builder and engineer determination on said property?

Per code 2.211 STREET STANDARDS
2.211.04 MINIMUM RIGHT-OF-WAY AND PAVEMENT WIDTHS
The width of rights-of-way and pavement for proposed streets shall conform to the following minimum standards:

| TYPE OF STREET | MINIMUM RIGHT-OF-WAY | MINIMUM PAVEMENT |
|---|---|---|
| Major Arterials | 60 | 40 |
| Collector Streets | 60 | 40 |
| Local Streets | 50 | 32 |
| Cul-de-Sacs (greater than 200 feet in length) | 50 | 30 |

495 Ellis Street, Falls City OR. 97344

1-3

| | MINIMUM RIGHT-OF-WAY | MINIMUM PAVEMENT |
|---|---|---|
| Cul-de-Sacs (less than 200 feet in length) | 45 | 30 |
| Radius for cul-de-sac turnaround | 51 | 48 |
| All Alleys | 20 | 20 |

A. Right-of-way widths shown are exclusive of side slope easements, which may be required in addition for cuts or fills in steep terrain.

B. Exact width standards will be defined in improvement specifications adopted by the City.

C. The minimum roadway width may be modified by the action of the Planning Commission, taking into consideration the unique characteristics of the land, to include geography, topography, and its relation to land developments already present in the area.

Does this mean the city plans on developing Bryant Street and East street because right now both streets or over grown with trees and brush? As you can see from the pictures enclose.

My other concern is that went Michael McConnell had his property surveyed in 2005 when he sold lots 12,13,and14 a survey marker has been placed about 6 inch on my property, and before this 1.24 parcel is divided I would like to see a survey redone on Mr. Michael McConnell's property to verify property lines. Enclose a picture of marker and survey reports.

**Truly Yours**

Pam Price

Pam Price

495 Ellis Street, Falls City OR. 97344

Phone: 541-971-6507

Enclosed: Survey reports of Michael McConnell and My (Pam Price) property. Both highlighted to show property of each owners property.

Pictures of Survey marker on my property

Pictures of East Road and Bryant street.

14805

# RECORD OF SURVEY

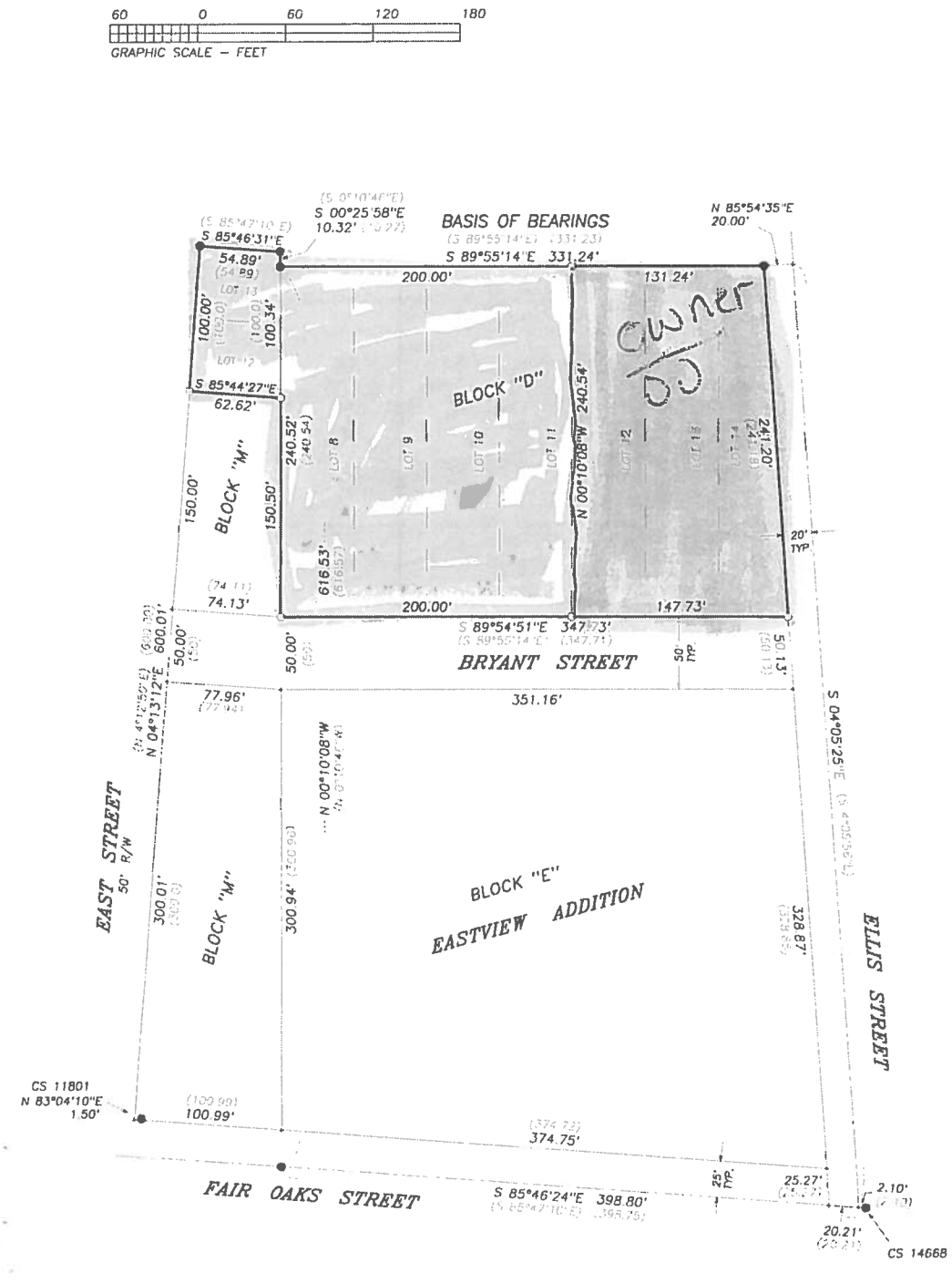
for

## MIKE McCONNELL

in the

SW 1/4 SECTION 16
T 8 S, R 6 W, W.M.
LOTS 12 & 13, BLOCK M
FIRST ADDN. TO FALLS CITY
and LOTS 8–14, BLOCK D, EASTVIEW ADDN.
CITY OF FALLS CITY
POLK COUNTY, OREGON

AUGUST 10, 2005




REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
THEODORE JAMES LANGTON
1823


**NORTHSTAR SURVEYING, INC.**
720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 541-757-9050


### LEGEND

● .....Found Monument: 5/8" rod with 1-1/2" aluminum cap per CS 13251 or other survey shown.

○ .....Set Monument: N•MON = 5/8" x 30" rebar with a red plastic cap stamped " NORTHSTAR PLS 1823 ".

+ .....Computed Position, nothing found or set.

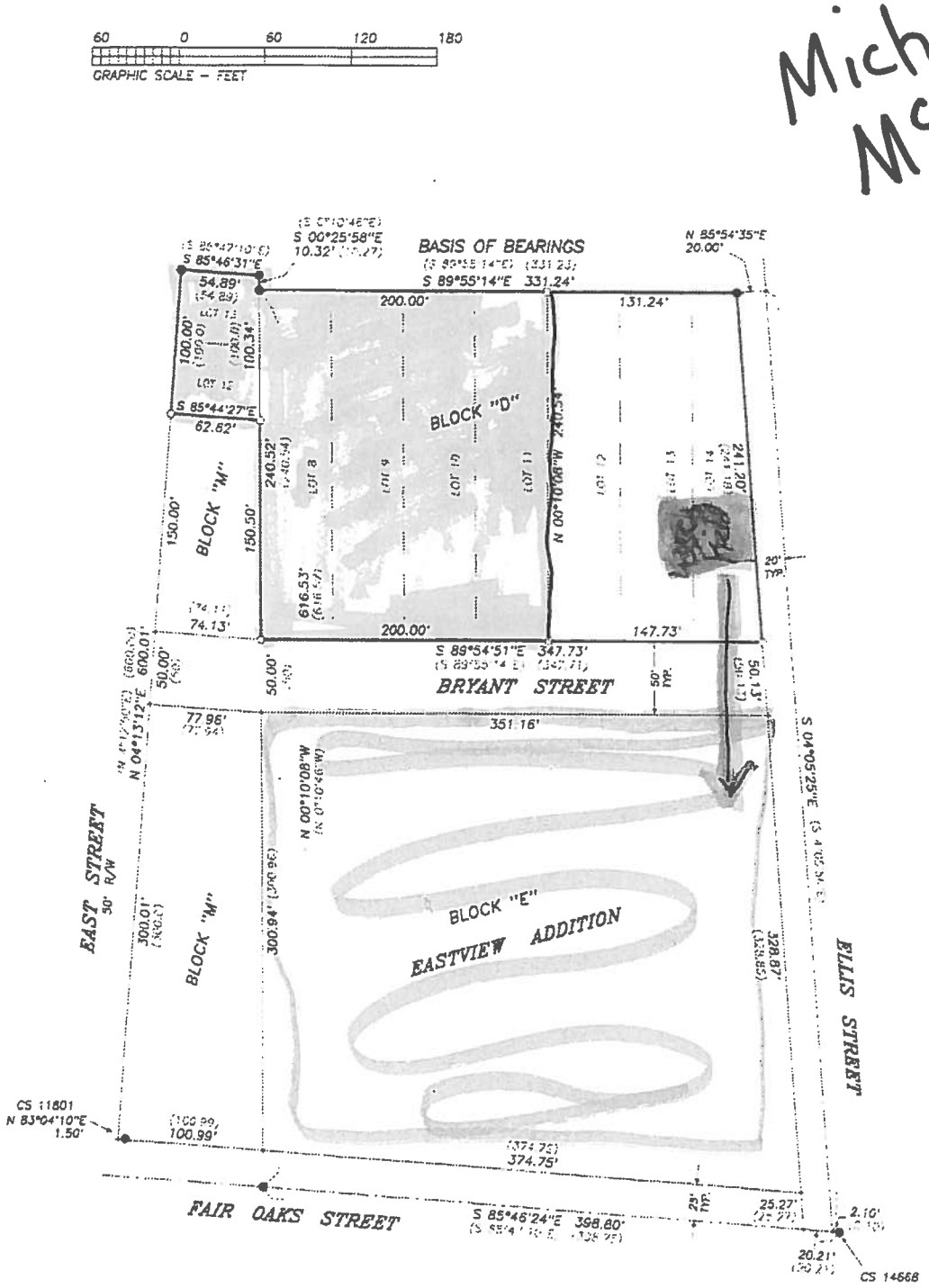
Data of, or computed from, the following:
( )..CS 13251

### NARRATIVE

The purpose of this survey was to find or set the positions around my clients property; Lots 12 & 13, Block M, First Addn. to Falls City and Lots 8 to 14, Block D, Eastview Addn.
In 1996, CS 13251 was filed. On this survey, the north boundary of my client's property was established. This survey also showed the Block divisions of Block D and E, Eastview Addn. and Block M, First Addn. to Falls City. The monuments I found from this survey fit very nicely. I held the record R/W widths and calculated the Lot corners set by proportion from the measurements from this survey.

14805

Michael McConnell

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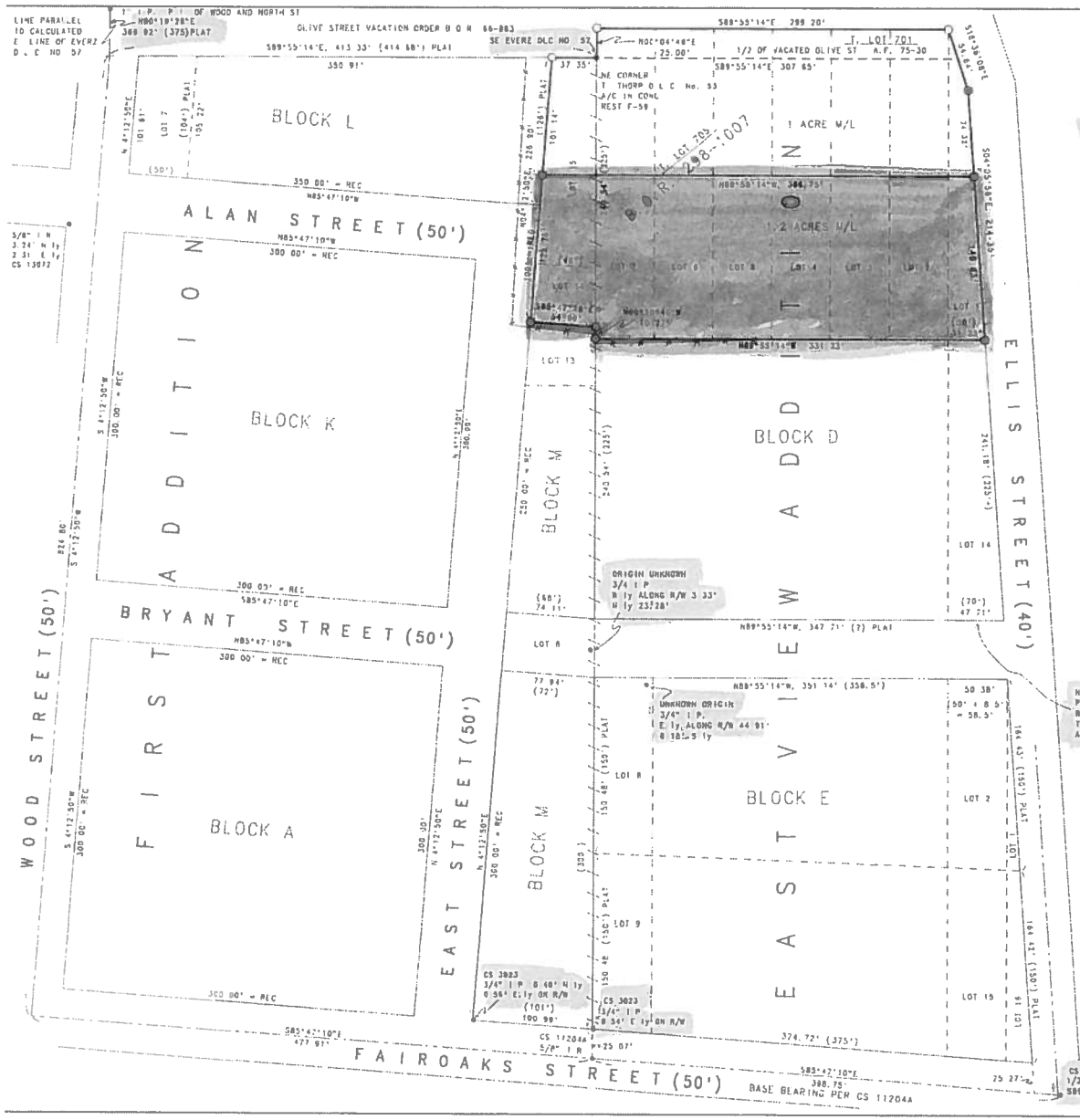
CS 14805




NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE BOUNDS OF TAX LOTS 701 AND 705 AND TO ADJUST THE LINE BETWEEN SAID TAX LOTS TO THAT SHOWN HEREON TO ACCOMPLISH SAID SURVEY I HELD THE MONUMENT AT THE NE THORP CORNER AND MONUMENTS IN FAIROAKS PER C S 11204-A AND AN IRON PIPE IN EAST VIEW ADD AT THE NORTH END OF WOOD STREET AS SHOWN. I LAID OUT THAT PORTION OF WOOD STREET NORTH OF THE CITY LIMITS AT A BEARING PARALLEL WITH THE CALCULATED EAST LINE OF THE EVERZ DLC, AND THAT PORTION FROM FAIROAKS TO THE CITY LIMITS AT 90 DEGREES TO FAIROAKS. I THEN LAID OFF BLOCKS "A, K AND L" PER PLAT RECORDS MEASURING FROM FAIROAKS

I FOUND A FEW MONUMENTS ON THE NORTH SIDE OF FAIROAKS PER CS 3023 & 4897 AND A COUPLE NEAR THE NORTH LINE OF LOT 8 BLK "E" WHICH ARE OF UNKNOWN ORIGIN.

I HELD FAIROAKS AS PER CS 11204-A EVEN THOUGH THE EAST VIEW PLAT SHOWS IT HAVING AN ANGLE WHERE IT CROSSES THE DLC LINE THIS LOCATION OF SAID STREET IS BASED UPON A MONUMENT IN THE INTERSECTION OF ELLIS AND FAIROAKS PER CS 1753 I HAD ESTABLISHED A LINE RUNNING PARALLEL TO N MAIN FROM SAID MONUMENT BY MY 1981 SURVEY ( CS 11204-A ) THE AS-TRAVELLED FAIROAKS AGREES CLOSELY WITH THIS LOCATION I HELD THE LOCATION OF BRYANT ST ALONG THE NORTH LINE OF BLK "E" TO BE PARALLEL TO THE NORTH LINE OF THE CITY LIMITS (DLC LINE EXTENDED) AND STARTING AT THE NE & SE CORNERS OF LOT 8, BLOCK "M" THIS RELATIONSHIP WITH FAIROAKS RESULTS IN BLOCK "E" BEING LARGER THAN RECORD BLOCK "D" IS ALSO LARGER THAN RECORD AND I ESTABLISHED THE LINE BETWEEN LOTS 7 AND 8 BY PROPORTIONING ALONG THE WEST LINE OF THE BLOCK AND RUNNING A LINE PARALLEL TO THE NORTH AND SOUTH LINES OF SAID BLOCK

REFERENCES USED WERE CS 1753, 3023, 4897, 11071, 11080, 11913, 11204-A, 12881 AND 13072 SEE ALSO ALL NOTES AND DEEDS SHOWN HERON

REGISTERED PROFESSIONAL LAND SURVEYOR

Ronald H. Schulson

OREGON

RONALD H. SCHULSON

Lic. Rev. 6-30-96

N

SCALE 1" = 60'

RECORD OF SURVEY

PREPARED FOR

IVAN AND DONNA BARNEY

IN

EAST VIEW ADDITION AND FIRST ADDITION TO FALLS CITY

SW 1/4 SECTION 16, T 8 S, R 6 W, W M

APRIL 30, 1996

J & R No. 96-49-31 | CAD BY R O

J & R SURVEYORS

DALLAS OREGON

P O Box 415 Ph 623-4003

I R. OR I P = Iron Rod or Pipe | A.C = ALUM CAP

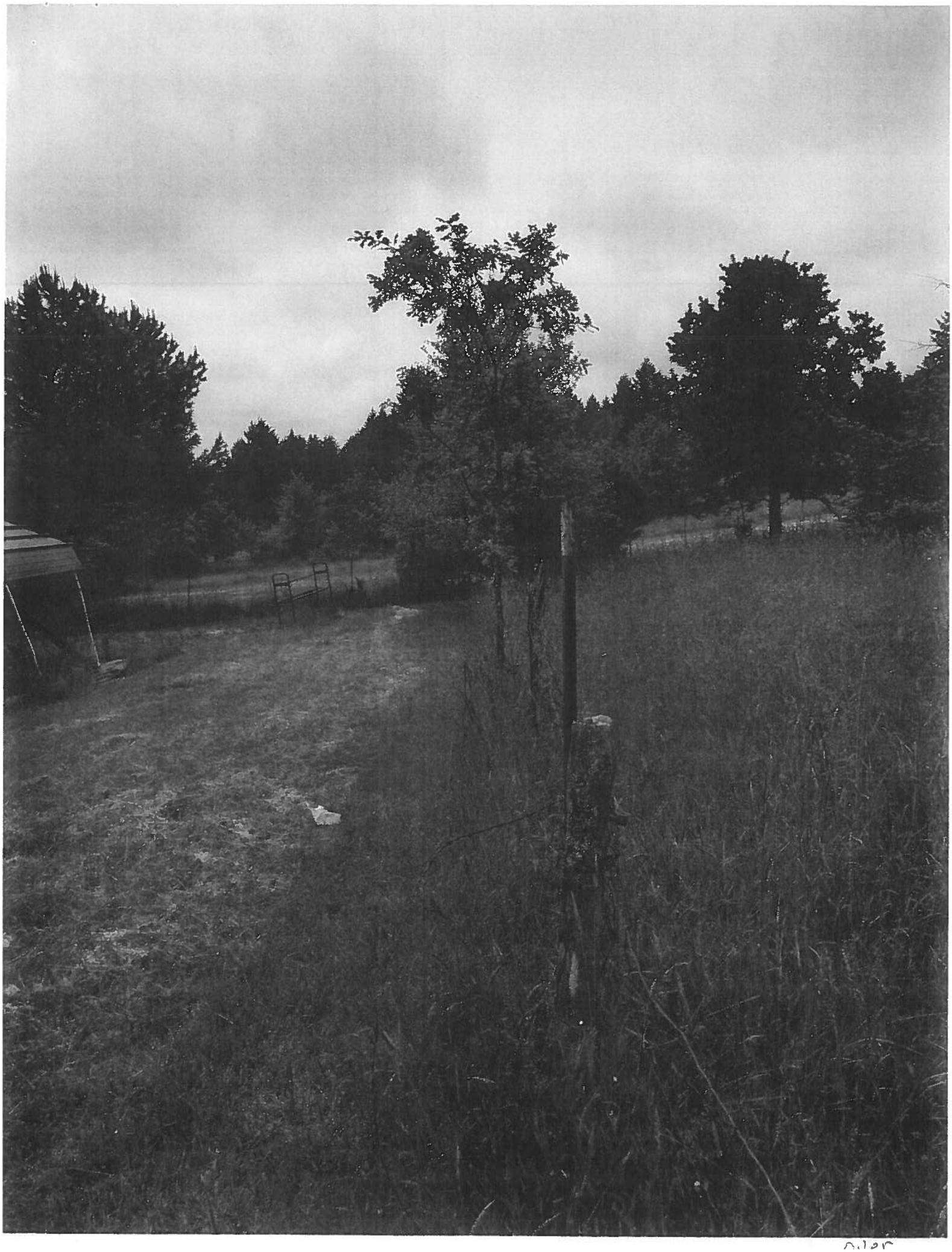
x-x-x = Existing Fences () = Record Data

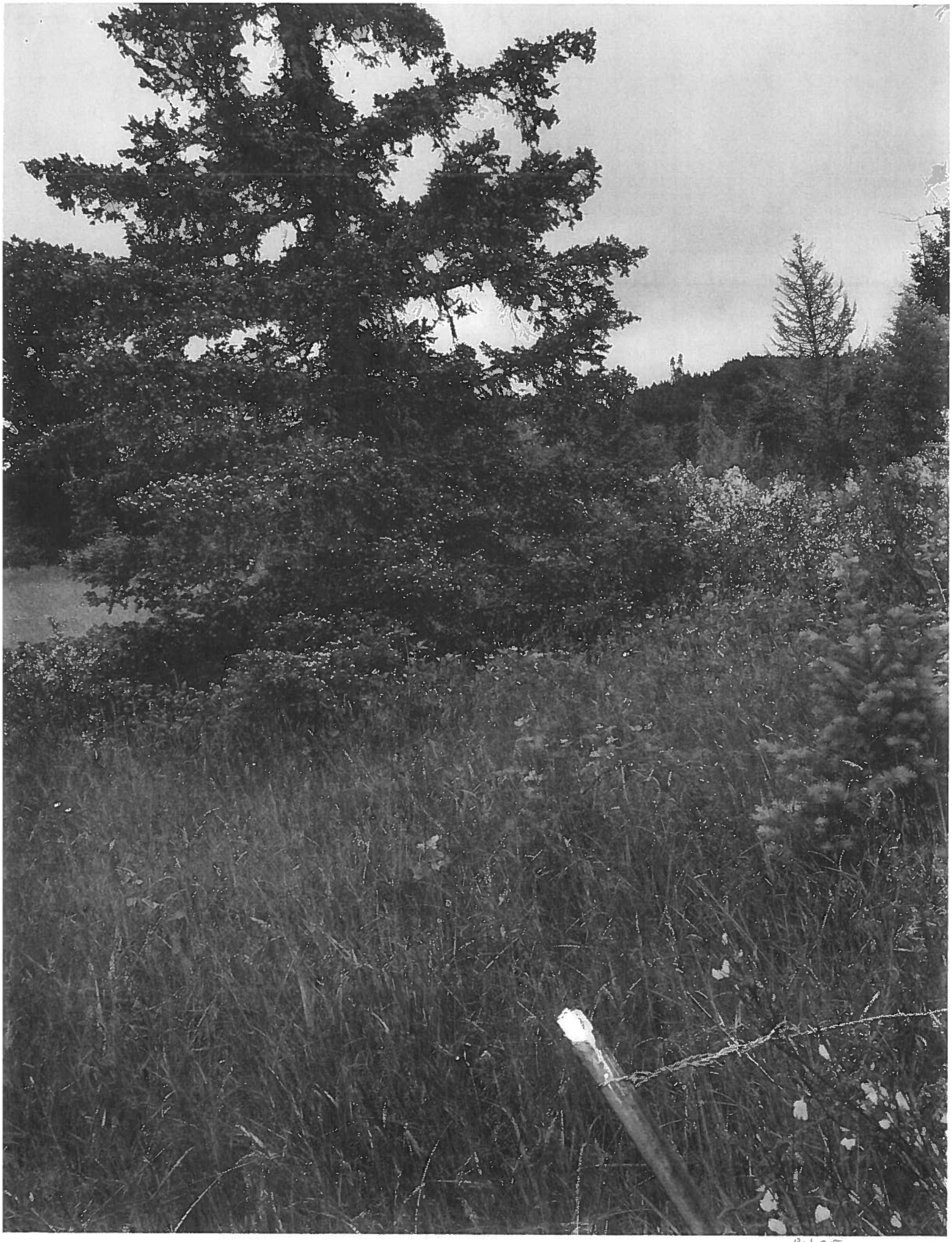
● = Monument Found, 5/8" I R or as noted

○ = Monument Set 5/8" X 30" I R with Alum cap marked LS 1659

New Owners Phillip Martin and Pam Price

CS 13251





over

over

Michael McConnell's marker
Red

Wire fence