
City of Falls City
City Council Regular Meeting Minutes
Monday August 10, 2020 6:00 PM
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Council Present: Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

Staff Present: Jamie Ward, City Clerk; Jon Creekmore, Public Works Director.

1. Call to Order and Roll Call

Mayor Gordon called the meeting to order at 6:00PM. Clerk Ward took roll call. Lori Jean Sickles arrived at 6:05 PM.

2. Pledge of Allegiance

Mayor Gordon led the pledge.

3. Motion to adopt the entire Agenda

A motion was made by Councilor D. Sickles and seconded by Councilor T. Meier to adopt the entire agenda without changes. Motion carried 5-0-0-1. Ayes: Tony Meier, Jennifer Drill, Cliff Lauder, Dennis Sickles, T.J. Bailey

4. Announcements, Appointments and Appreciations

None

5. Community & Government Organizations

- a. Polk County Commissioner Lyle Mordhorst gave an update on Council on a few current events happening in Polk County. Polk County Commissioner Mordhorst stated that Polk County did get reimbursed Nine Hundred and Ten Thousand Dollars (\$910,000.00) in COVID-19 funding after being forced to sign a contract.

Polk County Commissioner Mordhorst's focus as a Polk County Commissioner is auto and transpiration connectivity relaying that a few road projects that have come to fruition are the roundabout at the Clow Corner and Highway 99 intersection. There was some conflict at a previous meeting with Oregon Department of Transpersion and some members in Polk County, but the two groups met again and ironed out the issues.

Mr. Mordhorst stated that one of the worst intersections in Polk County is the intersection of Parrydale Rd. and Highway 22. The accident rate has increased over five hundred percent (500%). Residents of that area scheduled a meeting at Parrydale School and more than one hundred (100) people showed up. Those residents have since been writing letters to the local offices demanding something to be done about that intersection. Due to their due diligence Oregon department of Transpiration has begun taking steps to prevent accidents by extending the safety corridor up to butler hill and install a flashing yellow light to add better safety measures.

Councilor J. Drill stated she has been asked by some Falls City residents about finishing the gravel project on Bridgeport Rd. and would like a status update if Mr. Mordhorst had any.

Mr. Mordhorst stated that he did not have any information on that road specifically but informed Drill that there are quite a few roads in the County that need that done and they are determined importance by how often they are traveled each day and the extent of the damage on the road.

Councilor Drill asked if Polk County was still doing Emergency Preparedness and if so, how often do they meet.

Mr. Mordhorst stated that Dean Bender Polk County's Emergency Manager still runs that program and they meet whenever they feel necessary. Mr. Mordhorst forwarded on Mr. Benders contact information to Councilor Drill.

b. Public Works
No Comments

c. Fire
Councilor T. Bailey asked what "Mutual Aid" meant?

Public Works Director Jon Creekmore stated it meant that Falls City Fire Department would be called to help with other districts calls. i.e. Car Accident on Kings Valley Highway.

d. Polk County Sheriff
No Comments

6. Reports

a. Council

- Councilor J. Drill wanted to let council know that Falls City's Most Improved Yard contest has kicked off and she has received some positive feedback already.
- Councilor D. Sickles informed council that Oregon Schools Activities Association OSAA has cancelled all Falls sports but will allow for shorter seasons in the Spring. So, the season will have Basketball from January and February. Football in March and April and Spring Sports in May and June.

b. Mayor Gordon reported that he is excited about a meeting he had with Paul Teagan, Bauru of Land Management and Oregon Solutions and is close to submitting a proposal for the Valley of the Giants project.

Mayor Gordon also said that he has heard that Oregon Department of Forestry has purchased a parcel of land from Hancock to add a bigger parking lot next to the Blackrock Mountain Biking Trails.

Mayor Gordon wanted to thank Councilor Lauder for the use of his equipment and for volunteer many hours of his time on the pocket park project. Gordon stated that planting

landscaping plants will be done in the Fall as well as the instillation of a dry riverbed. Gordon said the timeline for the remodel to the clinic building should be done by the end of September.

Mayor Gordon also wanted to thank Martin Plumber for building and installing the “Little Library”. Stating it was a wonderful addition to the Pocket park.

- c. Community Outreach and Development Coordinator William Sullivan end of RARE service exit letter (See exhibit A)

Mayor Gordon added that Falls City was lucky to get William Sullivan. Sullivan’s work was exceptional and will leave a lasting effect on the City.

- d. Mayor Gordon noted on a couple highlights from the Managers report (See exhibit B). Gordon stated the pledges for Chamberlain Rd. Repairs have reached approximately Seventy thousand dollars (\$70,000.00). Gordons stated that was very impressive.

Mayor Gordon also noted on Backflow repairs and it being that staff resources may be the issue if the city wants to proceed with citizen reimbursement for repairs.

7. Consent Agenda

A motion made by Councilor T. Meier and Seconded by Councilor L. Sickles to adopt the consent agenda. Motion carried 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

8. Public Comments

None

9. Work Session

- a. Council discussed Falls City’s current burning ordinance and the suggestions Staff received form the City Attorney Ross Williamson. (see exhibit C). Council agrees that changes need to be made to this ordinance to match state law. Council will schedule a work session at the September Meeting.

Councilor Drill would like Mayor Gordon to bring to City Manager CortHELL the idea for a yard debris pile on the mill lot for the Volunteer Fire Department to use as a learn to burn session. Drill would also like staff to come up with some suggestions for residents who do not have trash service who would typically burn their trash. Possibly holding more spring clean dump days.

10. New Business

- a. Council to approve of United States Department of Algaculture (USDA) Rural Development for partial funding of the City’s new wastewater facility. At the July special meeting council directed staff to draft this resolution naming the USDA Rural Development Program as the preferred funding source.

A motion made by Councilor T. Bailey and Seconded by Councilor T. Meier to move that the City Council of Falls City adopt RESOLUTION 20-2020, A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, RECEIVE AND ADMINISTER A USDA RURAL DEVELOPMENT LOAN AND GRANT PACKAGE TO FUND CONSTRUCTION OF A NEW CITY WASTEWATER FACILITY. Motion carried 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

11. Old Business

- a. A Resolution requesting council approval of an application for Safe Routes to School Grant to fund the Falls City Greenway Project.

A motion made by Councilor and Seconded by Councilor to move that the City Council of Falls City adopt RESOLUTION 21-2020, A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, RECEIVE AND ADMINISTER A SAFE ROUTES TO SCHOOL GRANT TO FUND THE FALLS CITY GREENWAY PROJECT. Motion carried 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

- b. Community Outreach Coordinator William Sullivan put together a flyer of three different paint swatches the Falls City Thrives Committee, City Staff and public outreach selected to paint the exterior of the Clinic.

After Council discussion they made a motion. Council agreed that option 2 was the best of the color choices.

A motion made by Councilor T. Bailey and Seconded by Councilor J. Drill to move that the City Council of Falls City choose Option 2 using Universal Khaki as the base and Himalayan Salt for the trim, Fireweed will be used as an accent color. Motion carried 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, T.J. Bailey

Councilor C. Lauder wanted to bring to councils' attention that he believes it would take around Twelve Thousand Dollars (\$12,000.00) to finish the rest of the stairs leading to the grade school.

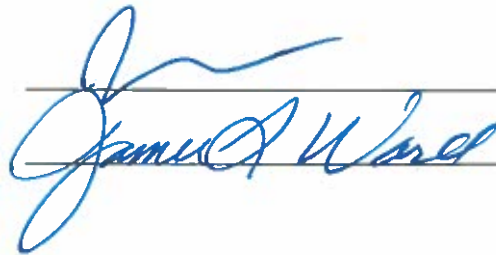
Mayor Gordon recommended that it be put on September's agenda.

12. Adjourn

No Motion Made

The meeting adjourned at 7:03 PM.

Attested:



Mayor, Jeremy Gordon

City Clerk, Jamie Ward



Community Development & Outreach Coordinator Report
August 10, 2020

Dear Honorable Mayor and City Councilors,

With the end of my service year in Falls City, I would like to leave a final report detailing all that was accomplished during my time serving in Falls City. With the support and partnership of City Staff and community volunteers, we have been able to get so much done. I have listed below some facts and accomplishments to illustrate how productive this past year was:

Fast Facts

Volunteers Engaged: 25

Total Volunteer Hours Served by Community Members: 257 hours 10 minutes

RARE Hours Required: 1,700 hours

RARE Hours Served: 1,912 hours

Grants Applied for: 5

Grants Awarded: 1 (\$2,765 for the "Outdoor Living Room" Pocket Park)

Grants Pending: 2 (\$589,400 for Safe Routes to Schools, \$50,000 for Falls City Thrives Clinic renovations)

Grants Denied: 2 (\$2,130 for bike equipment for businesses, runner-up for \$40,000 for Falls City Thrives operations and Clinic renovations)

Accomplishments

Work Plan Project #1: Facilitate Falls City Community Visioning Steering Committee meetings and meetings for Community Visioning Action Teams (Housing, Downtown Revitalization, and Volunteerism). Set committee projects in motion with Committee's input and under the City Manager's supervision.

- I formed Falls City Thrives, a 501(c)3 nonprofit/public benefit corporation with the following mission:
 - "Falls City Thrives empowers the community of Falls City to live with dignity by working to address issues of housing, downtown revitalization, volunteerism, and personal health faced by the Falls City community."
 - Nonprofit formation involved developing bylaws, drafting and submitting articles of incorporation, establishing a framework for operations, and applying for legal recognition from the Oregon Department of Justice Charitable Activities Section and Oregon Secretary of State and for tax-exemption status from the Internal Revenue Service.
- I facilitated meetings on the following dates for Falls City Thrives (formerly "the Steering Committee"):

<ul style="list-style-type: none"> ○ September 10, 2019 ○ October 6, 2019 ○ November 3, 2019 ○ November 21, 2019 (Housing Sub-Committee) ○ December 1, 2019 (Action Planning for 2020, Part 1) ○ December 15, 2019 (Action Planning for 2020, Part 2) 	<ul style="list-style-type: none"> ○ January 22, 2020 ○ January 23, 2020 (with B.R.A.V.E. group) ○ February 13, 2020 ○ March 12, 2020 ○ April 9, 2020 ○ May 12, 2020 ○ June 16, 2020 ○ July 16, 2020
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- I increased volunteer capacity by connecting two community volunteers to the Rural Development Initiatives' Rural Skill Builder Conference (November 23, 2019) and one volunteer to their Ready, Set, Grant! grant-writing workshop (February 8, 2020, March 10, 2020, and March 31, 2020).
- I applied for and was awarded the Oregon Community Foundation's Oregon Parks Fund grant for \$2,765.00 to build the "outdoor living room" pocket park in front of the Clinic building at 304 North Main Street. I co-led (with the Falls City Thrives Board of Directors) volunteer events to build the pocket park, which is expected to be completed at the end of Summer 2020.

Work Plan Project #2: Overhaul Falls City website (fallscityoregon.gov) to create easy access for residents looking for information and resources.

- I re-designed the City's website at no cost. The new website has a more professional appearance and is more easily navigable for residents. It has been a useful tool in helping City Staff to communicate with the public.

Work Plan Project #3: Create handbooks for Parks & Recreation, Public Works, and Historic Buildings citizen committees with all necessary administrative and procedural documents. Also, create a planning handbook for Falls City residents' use.

- I assembled handbooks for City Council, the Land Use Planning Commission, the Parks & Recreation Committee, the Public Works Committee, and the Historic Landmarks Committee. These handbooks will serve as helpful reference guides for those who volunteer their time on City Council and committees.
- Due to operational restructuring, creating the planning handbook would be redundant and would not have served Falls City residents. The City Manager will continue to assist residents until land use planning services are fully transitioned to the Mid-Willamette Valley Council of Governments. Handbooks were instead created for the Land Use Planning Commission to serve as helpful reference during quasi-judicial land use proceedings.

Miscellaneous Projects (Outside of Work Plan):

- I met with five separate contractors and solicited three bids for Clinic building renovations. I reported those bids to City Councilors and have acted as liaison to the contractor selected as he begins renovations on the building at 304 North Main Street. City Council authorized the use of up to \$100,000 from the city's Community Development Revolving Loan Fund (managed by Polk Community Development Corporation). In collaboration with Falls City Thrives, I wrote a grant for an additional \$50,000. Falls City Thrives would receive that grant and through a public-private partnership with the city, can use those funds to cover renovations beyond what the city can cover.
- I met with the City Engineer several times, the Safe Routes to Schools Program Manager, the Falls City School District Superintendent & High School Principal, and the Board of the Falls City School District (on November 18, 2019) to plan and organize a grant application for Safe Routes to Schools proposal. The grant application was submitted at the end of July and a decision is expected at the end of 2020.
- I presented the Falls City Greenway Project (connecting the Falls and Lower Park to Main Street, revitalizing North Main Street, and connecting the Elementary and High Schools) to the Mid-Willamette Valley Regional Solutions team, gaining their endorsement for the project and their technical assistance in seeking funding opportunities (including the Safe Routes to Schools proposal submitted).
 - I commissioned four renderings of Greenway Project from a local landscape architect. These were paid for with remaining grant funds that would have had to be returned to the funder, if not spent. These renderings served as brainstorm-starters for building ideas for downtown

revitalization amongst the Falls City Thrives Board of Directors and North Main Street business owners.

- I led two meetings with the Regional Solutions team about the Greenway project (November 15, 2019 and February 7, 2020). These meetings involved partners from the Governor's Office, the Oregon Department of Transportation, Business Oregon, and the Oregon Parks & Recreation Department.
- I gave a presentation on economic development goals & work-to-date to City Council on March 2, 2020.
- I participated on the action team launching the Great Oaks Food Trail with fellow economic development professionals throughout Polk County. I was also active in the Polk County Tourism Alliance, building relationships with economic development staff in Dallas, Monmouth, and Independence and with local tourism agencies in Polk County, Salem, and throughout the Willamette Valley.
 - I assisted The Bread Board in submitting their application and getting them included on the Great Oaks Food Trail.
- I assisted in the Valley of the Giants project, seeking to bring together diverse stakeholders across public and private spheres to increase access to and stewardship of the Valley of the Giants.
- I participated in Falls City Service Integration Team meetings throughout the past year. I had begun to assist in the planning of Falls City Community Night, but the event was cancelled due to the COVID-19 pandemic.

Professional Development

A cornerstone of the RARE AmeriCorps program is the opportunity for program participants to take advantage of various professional development opportunities. Due to the health and safety concerns during the COVID-19 pandemic, many of those opportunities this year unfortunately had to be cancelled, but I was able to attend the following:

- RARE Orientation, Eugene (September 4-6, 2019)
- Oregon Main Street Conference, Tillamook (October 2-4, 2019)
- RARE Fall Training, Cascade Locks (October 21-23, 2019)
- Oregon Economic Development Association Conference, Salem (October 28-29, 2019)
- RARE Winter Training, Roseburg (December 11-13, 2019)
- Mid-Willamette Valley Council of Governments Governance 101 course, Salem (January 16, 2020)
- RARE Spring Training, moved online due to the COVID-19 pandemic (April 29, 2020)
- RARE End of Service Retreat, moved online due to the COVID-19 pandemic (July 31, 2020)

The above lists are not exhaustive and do not capture many smaller, day-to-day accomplishments. I have enormous gratitude for all the community members, City Hall staff, the Falls City Thrives Board of Directors, and partners in neighboring cities for their support and collaboration.

In particular, the community members who took leadership during the city's Community Visioning process and now sit on the Board of Directors of Falls City Thrives are a very special group who have given so much time and effort to this city. They are poised to continue much of the good work that has been started this year and I ask the City Councilors of Falls City to support them and work with them as they continue to turn the public input expressed during the Community Visioning process into results that benefit the community. Your partnership can yield incredible things for the community!

Thank you for your support this year. I wish Falls City continued success!

Respectfully Submitted,

William Sullivan

William Sullivan
Community Development & Outreach Coordinator
Falls City, OR



City of Falls City
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Manager's Monthly Report August 10, 2020

Dear Citizens, Council, and Staff,

Another highly productive month is in the books! Please read below to learn more about the status of the city's most current projects and initiatives. Please advise if you have additional inquiries. Thank you!

FY 2019-2020 Fiscal Audit

1. Each year the city undergoes a financial audit, performed by a state certified local government auditing firm. The audit is purposed to ensure funds are being accounted for appropriately, that local budget law is being followed, and that no improprieties exist in the city's finances.
 - a. The city has had deficiency free audits for the past three years.
 - b. City Staff has provided the required documentation to the auditor.
 - c. Audit set to take place August 28-29, 2020.

COVID-19

1. Current Restrictions
 - a. Masks Required in Public Places Statewide
 - b. City Hall- Operating on a full schedule, but access remains limited to the foyer door.
 - i. Hours M-Th 10am-5pm
 - ii. Meetings by appointment only
 - c. City Facilities- Closed for non-city use
 - i. Case by case exceptions for social service organizations
 - d. City Parks- Open, social distancing and mask requirements apply
2. Corona Relief Fund Grant
 - a. Applied for reimbursement for all direct COVID related expenses, approved and awaiting distribution of funds.

CDBG Wastewater (Council Goal #1)

1. Property Acquisition-
 - a. School Board to deliberate on pipeline easement at August SB meeting
 - b. Outfall pipeline easement nearing signature
2. Design, Engineering, and Permitting-
 - a. NPDES permit approved, maximum discharge allowance increased
 - b. Preliminary Design submitted to DEQ, awaiting comments
3. Environmental-
 - a. Wetland delineation- additional funding approved by CDBG, project Engineer contracting this work, should begin ASAP.
 - b. Cultural Resources Survey- City Manager applying for grant funding with USDA Rural Development, awaiting USDA review of current comments to determine required scope. After that, the city will pursue contractors using a Request for Proposals.
 - c. Endangered Species Work- City's contract grant administrator consulting NOAA to determine required scope of work. More to come once that determination has been made.
4. Construction Financing

- a. One Stop meeting held 7/7/20 with several funding options.
- b. Council work session held 7/28/20 to discuss funding packages.
- c. Council to vote on proposed funding package at 8/10/20 Council Meeting.

Code Services (Council Goal #2)

1. Municipal Court
 - a. IGA in work with City of Dallas, draft contract complete and awaiting Dallas City Manager review.
2. Code Services Program
 - a. City Staff completed database creation and file organization
 - b. Nearly prepared to hire a Code Officer, communicating with other cities on the possibility
3. Most Improved Yard
 - a. Contest underway 8/1/20-9/11/20, advertised on website, flyers disseminated in water bill, and posted around town.

Greenway Project

1. 2020 Small City Allotment Awarded for 3rd St. improvements (\$50k match for SRTS)
2. 2021 Small City Allotment Applied for N. Main/Mitchell/Bridge St. intersection improvements, including a pedestrian island and cross walks (\$100k match for SRTS)
3. 2020 Safe Routes to School Application final draft complete, final review forthcoming and application will be submitted before end of August.

Historic Digitization Project

1. CLG Grant Awarded, new high output scanner and media organization software purchased
2. Working to scan, label, and organize, then will be posted on Historical Page of city website.

Luckiamute Clinic & Pocket Park Project

1. Pocket Park is moving along on the steam of an Oregon Community Foundation Grant, Donated Pavers, and Volunteer Labor from our very own Falls City Thrives!
2. Clinic renovations under way, Council to select a paint scheme at the 8/10/20 meeting!

Backflow Repairs

1. This initiative was placed on the back burner when COVID-19 hit, staff would like to take a second look at the available options before we proceed.
 - a. Staff resources may be an issue if the city resolves to proceed with citizen reimbursement of repair costs rather than a direct reading of the City Ordinance.

Chamberlain Rd. Repair

1. Timber companies provided approximately \$70,000 in pledge funds
2. Polk County pledged \$28,000 in-kind match
3. Immediate Opportunity Fund application submitted to ODOT

Sincerely,

Macahan "Mac" Corthell, JD
City Manager
Falls City, OR

**LOCAL
GOVERNMENT
LAW GROUP**
A member of Spear-Butt & Kelly LLP

Memo

CONFIDENTIAL

To: **Mac Corthell, City Administrator**

From: **Ross Williamson, City Attorney**

Date: **July 13, 2020**

Re: **Regulation of Open Burning**

This memo is a confidential communication between attorney and client and as such, it is not subject to disclosure. Discussion of this communication should only take place in an executive session called under ORS 192.660(2)(f) for the consideration of information or records that are exempt by law from public inspection.

Question

In the regulation of residential open burning, does Falls City Code Chapter 93 conflict with state law?

Short Answer

Yes, it appears that the Falls City regulations related to burn permits need to be cleaned-up in relation to current DEQ regulation.

Discussion

The City asked for a quick review of Code Chapter 93 and whether it may conflict with current state regulations related to open burning. The specific areas of conflict or the solutions for those conflicts are beyond the scope of this memo.

A City Fire Chief plays a role in implementing and enforcing fire regulations. See ORS 476.060 (providing that local fire chiefs are assistant fire marshals). But, since the adoption of the City's local burn permit regulations found in Code Chapter 93, the Oregon Department of Environmental Quality has taken on a much more active role in open burning issues. Some of these DEQ regulations are to the exclusion of local regulations.

Mac Corthell
July 16, 2020
Page 2

ORS 468A.085 is the primary statute at issue when comparing local regulation of open burning with the regulations that DEQ now imposes on air quality. The statute leaves open the possibility that a city may impose greater regulations on certain open burning. DEQ regulations on the subject are also found in OAR Division 340-264. In particular, OAR 340-264-0110 sets out regulations related to Polk County and Falls City. From a quick review of the DEQ administrative rules, it appears that Polk County residents need to consult with DEQ before burning domestic waste (household paper products) and can burn yard debris during "burn days." But the burning of wet garbage, plastic, and other types of domestic waste is never allowed.

While there is still room for local regulation of open burning, the City's current regulations appear to overstate the City's authority. For example, it is DEQ that establishes burning periods, not the City. Also, if DEQ prohibits the burning of certain materials, the City would not have the authority to issue a burn permit to allow such burning.

Attached is a DEQ "fact sheet" about open burning in Oregon. The fact sheet provides some additional information on the control exercised by DEQ in this regulatory area.