

City of Falls City
City Council Regular Meeting Minutes
April 13, 2017 6:00 PM
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

Staff Present: JoHanna Birr, City Clerk

Mayor Ungricht called the meeting to order at 6:00 pm.

1) Roll Call

Clerk Birr took roll call. Councilor Drill left at 8:47pm and returned at 8:51pm.

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 L. Sickles to adopt the entire agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

Councilor D. Sickles asked that Item G- Park Reservation with alcohol be disregarded. The event will not happen.

4) Consent Agenda

Mayor Ungricht distributed the Sheriff's Report (Exhibit A), and Andy Rommel distributed Library Survey (Exhibit B).

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

Several questions were asked regarding increases in bills. Pacific Power was high, but has been coming back in line with normal charges. High bills were due to the Fire Department doors being left open allowing heat to escape for long periods of time. Kings Pumping has increased to reflect the scheduled maintenance to comply with the City's NPDES permit requirements and is budgeted. The Fire Association dues have been paid through the end of the June 2017 for ease in the budget process.

5) Public Comments

Laura Britton of Falls City and co-owner of the Boondock's requested Council to research Social Gaming to allow for fundraisers such as a Casino Night, Foosball and basketball tournaments. She said the Falls City Alliance would like to raise money to repay the back property taxes when the Falls property loan was assumed from the Alliance by the City.

Mayor Ungricht added an Ordinance should be in place to be compliant and legal. He would bring this to the next Council meeting in May 2017.

Mike McConnell of Falls City requested Council waive the fee of \$1500.00 for a Land Use permit and allow him to pay only actual costs incurred. He has lots on Ellis Street that he would like to divide for his family. Currently lands within a subdivision must follow County requirements and the Falls City Zoning and Development Code.

Renata Wakely of Council of Governments and acting City Planner advised Council to follow the current flat fee schedule. This is because it does not state that a deposit is included or that fees will be waived and was adopted by Council. May 2017 will begin Public Hearings to a Code Amendment concerning the handling of subdivision Land Use activities in a simpler format. This change to the current Falls City Zoning and Development Code would be more in line with state law. She stated it would take approximately three (3) months to complete the legislative process for the Code amendment.

Councilors Drill and L. Sickles requested to table the item with Mr. McConnell.

Patti Sample of Falls City reported from the Economic Development Committee on the planning of the Falls City Solar Eclipse Festival to be held August 21, 2017. Viewing glasses will be available at the library and the Boondock's. Lori Jean Sickles and Laura Britton will host camping on their property and host a breakfast. Other ideas include life size foosball, a band, arm wrestling, horseshoes and possibly a 5k run ending with a jump in the Falls. Councilor Sickles clarified that the School Board should be approached for permission to allow camping on the football field. The City would require an insurance rider for camping and activities held within the parks and other city owned facilities. Questions should be put in writing and brought to City Hall so answers may be researched and not disrupt Council busin

Mayor Ungricht suggested the EDC Committee draw up a plan to submit to Council as an agenda item. This way Council will have a better understanding of what Committee is doing.

6) New Business

A. Public Hearing Script

MAYOR'S SCRIPT FOR NON CONFORMING USE PUBLIC HEARINGS

Now is the time set for public hearings to consider two conditional use permits. The first is for application # CUP 17-01 at 320 North Main Street, installation of two message boards, and the second is for application # CUP 17-02 at 246 South Main Street, operation of a bed and breakfast in a residential zone.

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?

A motion was made by Councilor D. Sickles and seconded by Councilor L. Sickles 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 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? There was none.

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? There was none.

Are there any challenges from the audience as to conflicts of interest, ex-parte contacts, or bias related to any member of the Council? There was none.

Required Statements

The applicable substantive criteria upon which this case will be decided are found in Section 3.201 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- Mayor Ungricht conducted the following-

B. I now open the Public Hearing for application # CUP-17-01 at 6:32 PM.

I call on our City Planner Renata Wakely to present the staff report for the first application.
Ms. Wakely reviewed the CUP and found that it met all criteria.

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 # CUP-17-01 at 6:42 PM.

There were no comments made.

A motion was made by Councilor Meier and seconded by Councilor L. Sickles to approve the Conditional Use Permit

to allow the installation of two message signs on the roof of the Community Center located at 320 North Main Street based upon the findings set forth in the staff report for application # CUP-17-01. The Mayor is authorized to sign a final decision approving the application and incorporating the findings from the staff report. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

C. I now open the Public Hearing for application # CUP-17-02 at 6:46 PM.

I call on our City Planner Renata Wakely to present the staff report for the second application. Ms. Wakely found that the CUP met all criteria.

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.

Two revisions to the CUP will be made on criteria 6 & 7. Text will be added to the final permit by Ms. Wakely to state the first 20 feet of setback hedge or fence screening parking can be no more than 4 ft. high. In addition, the square footage of sign allowance can be increased to 6 sq. ft. under the Zoning and Development Code. David Radke and his wife were present. Mr. Radke said a sign was being made and measured 18 inches by 36 inches.

I close the Public Hearing for application # CUP-17-02 at 7:00 PM.

A motion was made by Councilor L. Sickles and seconded by Councilor Meier to adopt the staff report and approve the Conditional Use Permit 17-02 subject to the conditions of approval as set forth by the City Council tonight: modification #1 to criteria #6 adding the Clear Vision and modification #2 to criteria #7 to limit one sign to the premises not exceeding six square feet in compliance with section 2.2.04 C. The Mayor is authorized to sign a final decision approving the application and incorporating the findings from the staff report. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

D. Resolution 07-2017, A Resolution for Municipal Court Services

This resolution allows for an Intergovernmental Agreement with the City of Independence for use of their code enforcement and court system. This IGA would allow an additional IGA with the Sheriff's department to enforce certain city codes and cite to the Independence court system.

A motion was made by Councilor Drill and seconded by Councilor Meier that the Common Council of the City of Falls City resolves as follows; Adopt resolution 07-2017, A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FALLS CITY AND THE CITY OF INDEPENDENCE FOR THE PROVISION OF MUNICIPAL COURT AND RELATED SERVICES. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

E. Historic Landmark Commission Membership, Ordinance 543-2017

Commissioner McConnell was present to answer questions from Council regarding the proposed inclusion of non-resident commission members to the Historic Landmark Commission. Council asked why they chose three positions to offer to non-residents.

Commissioner McConnell responded the commission does not want to limit historic access or opportunity to contribute to those living out of the area. He gave an example such as the Teal family and relatives who have much to share.

Council's concern was that three non-residents could have a majority vote. Mayor Ungricht clarified the commission would seek professional historians to contribute their skills. Mayor Ungricht is not opposed to non-residents joining the commission and the commission would still need Council approval for all actions. The Historic Landmark Commission operates under state regulations and laws.

A motion was made by Councilor d. Sickles and seconded by Councilor Meier that the City Council of the City of Falls City read Ordinance number 543-2017 an Ordinance amending Falls City Municipal Code Chapter 32.05.020 Historic Landmark Commission Membership. Motion carried 5-1-0. Ayes: Lori Jean Sickles, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn. Nays: Jennifer Drill

F. Business License- Speaks With Eagles Medicinal Herbs & Spices

A motion was made by Councilor Drill and seconded by Councilor Lauder that the city of Falls City approve the business license application for Speaks with Eagles Medicinal Herbs and Spices. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

G. Park Reservation with Alcohol

Item G was pulled from the agenda. Council moved to next item.

H. City Manager Discussion

Mayor Ungricht has met with LGIP and has their assistance support. Hiring a City Manager is one of Council duties. It was decided by Council to have a work session to further discuss the City Manager position after the Budget hearings are finished. Mayor Ungricht encouraged Council to visit the COG websites to familiarize themselves with City Manager duties and job descriptions.

Councilor Drill complimented Mayor Ungricht on his performance as City Manager. She suggested formulating a plan before going to COG.

Clerk Protheroe will be retiring at the end of the year. Managers, Administrators and Recorder job descriptions should be looked at.

I. Park Reservation for School Reunion and Old Timer's Picnic

Council noted this group has been very generous to the city in the form of park projects and donations. They also cleaned up a large mess left by squatters in the park area.

A motion was made by Councilor Drill and seconded by Councilor Lauder that the City Council of the City of Falls City approve camping in the Upper Park for the Old Timer's and School Reunion event on August 11th through the 13th. Motion carried 6-0-0. Ayes: L. Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

J. Green Haven RV Park Water Agreement

Mayor Ungricht thanked Councilor Drill for her work in negotiating a water purchase agreement with Dick Bowman. This agreement appears lower than what Council originally wanted but follows the City Attorney's advice and that of Bowman's Attorney. They will have a 15,000-gallon base at a rate of \$326.58. A charge of \$3.12 per 1,000-gallon unit above the base consumption, and the Capital Improvement fee will increase to \$30.00. Lots will be charged \$15.00 under a Lot Fee code on the utility system similar to separate apartments or dwellings. Councilor Flynn was concerned with the agreement not meeting the goal originally set and referred to 30 occupied permanent lots vs. only three in the new agreement. He asked if this agreement was permanent.

Mayor Ungricht explained this was a special agreement as allowed by Code. When a certified rate study is conducted, that will bring a new ordinance and new charges to customers.

A billing with no overage over their new allotted base would guarantee a \$433.83 charge. Mayor Ungricht agreed his concerns with Green Haven are the same as Council's.

A motion was made by Councilor Flynn and seconded by Councilor Lauder that the City of Falls City adopt resolution 08-2017, A RESOLUTION OF THE CITY OF FALLS CITY, OREGON AUTHORIZING A WATER AGREEMENT BETWEEN THE CITY OF FALLS CITY AND GREEN HAVE RV PARK, A STATE LICENSED BUSINESS OPERATIONG IN FALLS CITY. Motion carried 6-0-0. Ayes: L. Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

7) Correspondence, Comments and Ex-Officio Reports

A. Mayors Report

Mayor Ungricht thanked Councilor Drill for the new clock donation for the Community Center. He received paperwork from the Small City Allotment Grant and will run it through the Public Works Committee for input before bringing to Council.

The funding agencies will know more of what they can offer in June of this year. Mayor Ungricht said he will be asking for \$1.2 to \$1.7 million for distribution. His main concern is the wastewater upgrades. The CBDG is uncertain of availability. There was talk of a possible Trillion-dollar investment and if they do come up with those funds, Falls City has two shovel ready projects. Mayor Ungricht hopes to have more information for Council by July 2017.

He announced the Budget meeting Thursday April 20, 2017 at 7:00 pm.

The FEMA Coordinator has agreed and Dutch Creek Crossing was approved for a new bridge to be built in 2018. The project was approved for \$380,000 total. Distribution upgrade should be taking place at this time as well. The City Engineer noted projects must be sought a year in advance.

The blocks are set in the Michael Harding Park along Parry Rd. The plan is to backfill with dirt, gravel and planted grass to form a curb and as well as a drop-off. It was noted if vehicles do try and drive over the barrier, they will be stuck. The Sheriff's Department could then site them to the Independence court. Roger Fitts donated these blocks. The other larger blocks are too heavy for city equipment to lift and set into place. Mayor Ungricht has been asking logging outfits to help move them with their machinery.

Mayor Ungricht has located and placed a bid on a 1978 grader with only 1,053 hours from the Army Corps of Engineers. The grader is located in Lowell, Oregon. He is second in line for the equipment with a bid of \$4,000. A hauler is on standby to pick it up should the bid be successful. It would be serviced by a mechanic including changing of all fluids. The final cost would be under \$6,000. The City's current 1963 grader would then go to surplus.

The new Public Works truck has been ordered. It may be July before delivery. Mayor Ungricht has money set aside in the 2016-2017 Budget and the 2017-2018 Budget. This allows for two payments with only two remaining.

8) Council Announcements

Councilor L. Sickles reminded those present that the Annual Easter Egg Hunt would be held April 15, 2017 at 11:00 am in the George Kitchin Memorial Park (Upper Park). Anyone wanting to help prepare baskets should be at the Boondocks Friday at noon. Mayor Ungricht will drop ribbon for baskets off to Councilor L. Sickles.

Councilor Drill announced there would be no Town Hall meeting this month and will resume in May. She asked that Council encourage citizens to attend Economic Development Committee meetings. Councilor Flynn suggested putting a poster up at the church during the produce give-away. Councilor Drill thanked Councilor Lauder and Mayor Ungricht for the reader board sign work he is/has done.

Councilor Meier commented on the Library meeting he attended. He said there are basically two choices since the School Board does not want to keep the current arrangement. One is to form a new Library District or two; the City could run the Library. Andy Rommel, librarian of the Wagner Public Library was in attendance.

Councilor Lauder requested staff conduct yearly reviews of all CUP's for compliance. There was discussion of complaints, notification to comply, staff time involved, and LUBA challenges. Mayor Ungricht will research and draft an agenda item. Councilor Lauder will have the reader boards mounted on the Community Center breezeway in three to four weeks.

Councilor D. Sickles asked about a date for the City Manager workshop. Mayor Ungricht said it could be discussed at the end of the upcoming Budget Meeting April 20 at 7pm.

Councilor Flynn was concerned about the flocks wild turkeys in town. Mayor Ungricht asked what could be done under state regulations. There was some discussion on the topic. He also asked if something could be done to detour the pigeons from roosting in the Community Center breezeway rafters. Councilor Lauder suggested bird spike strips to deter the pigeons from perching in the rafters.

A. Library

Wagner Library Librarian Andy Rommel was present and said a few words regarding a Wagner Library Public Interest Survey he handed to Council for review (Exhibit B). Mr. Rommel requested of Council to approve the survey be put into the next utility bill for those citizens who may be without a computer or uncomfortable using a computer. Surveys could be filled out and dropped in the library's drop box. He will have a table at the upcoming Community Night April 18, with physical copies and two school computers available. He hopes the survey will provide definitive information as to whether they should proceed with a ballot measure. The draft of the survey can be condensed to one 2-sided page.

Councilor Meier said his take away from the School Board meeting was that if the ballot measure were not an option; the library would be a write off. Mayor Ungricht said the issue would be discussed at the upcoming Budget meeting.

Councilor D. Sickles inquired if the Council was still meeting with the School Board. Mayor Ungricht stated they were to host the joint Council/ School Board meeting last month and did not receive notice.

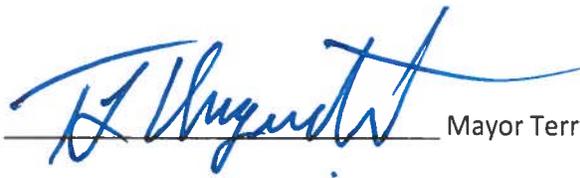
B. Sheriff's Report

Sheriff's Deputy Todd Fenk addressed Council and went over the Sheriff's report for the prior month. Crimes in Falls City continue to lower. Person's crimes are up in arrests. Property crimes are down approximately 25%.

Don Poe announced Weyerhaeuser would be blasting the pit Friday morning at 10:00 or 11:00.

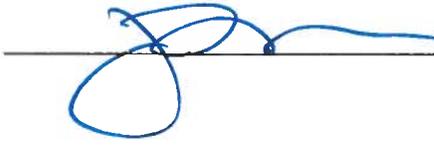
9) Adjourn

The meeting adjourned at 8:15 pm.



Mayor Terry Ungricht

Attested:



City Clerk JoHanna Birr

Hand out

Exhibit A

March 2017 Falls City Stats

| Falls City Calls for Service | | | | |
|------------------------------|---------------|--------------|----------------|---|
| Alarm | DOA | Hit and Run | Susp Activity | 5 |
| Accident | dog bite | Misc Crime | Susp Person | |
| Animal | Domestic Dist | Illegal Park | Susp Vehicle | 1 |
| Area Check | Drug | Mental | Theft | 2 |
| Assault | FIR | Noise | Tow | |
| Assist Other Agency | Fire/EMS | Open Door | traffic assist | |
| ATL (attempt to locate) | Follow up | prowler | Traffic Stops | 3 |
| Burglary | Found Prop | runaway | Trespass | |
| Citizen Contact | Fraud | sex offense | Uncon | |
| Civil Paper Service | GSW | Shots Fired | Welfare Check | 1 |
| Criminal Mischief | Harassment | Stolen Veh | Unclass | |

| | | | | |
|---------------------------------------|------|-----------------------------|---|-----------------------|
| Falls City Calls for Service | 52 | Of the FC Calls for Service | 7 | involved crimes |
| Total Calls for Service (county wide) | 1569 | FC Cases Cleared by Arrest | 5 | 71.4% clearance |
| Falls City % of Total Calls | 3.3% | Total Arrests in Falls City | 2 | 2.0% of total arrests |

| | | | | |
|--|------|----------------------------------|---|---------------|
| Total Service Calls (Polk County) | 1569 | Junvenile Arrests | 4 | (county wide) |
| Of the calls for service (county wide) | 164 | Crimes Occ | 0 | (Falls City) |
| Cases Cleared by arrest | 97 | (only true crimes reported here) | | |
| Total Arrests (county wide) | 102 | | | |

Wagner Community Library

1. How many times have you visited the Wagner Community Library in the last six months?

- Never
- 1-10 times
- 11-20 times
- More than 20 times

2. What services did you use?

- Computer Use
- Book Checkout
- DVD Checkout
- A safe place to hang out
- Restroom

Wagner Community Library

3. Are you aware that Wagner Community Library is part of a bigger library system that allows you to check out books from other libraries in Polk and Marion counties?

- Yes
- No

4. Are you aware we have a summer reading program that provides performers and activities to help children maintain their literacy skills throughout the summer?

- Yes
- No

5. If YES, how many years have your children attended the summer reading program?

- 1-3 years
- 4-6 years
- 7-9 years

Wagner Community Library

6. Are you aware that the Wagner Community Library is in danger of closing due to lack of funding?

- Yes
- No

7. Would you be willing to vote for a bond measure to create a tax to fund the library?

- Yes, I am willing to pay additional taxes to keep the library open.
- No, I am unwilling to pay additional taxes and I understand the library will close without this funding.

8. How much would you be willing to pay in additional taxes to keep the library open?

- Nothing, I am comfortable with the library closing.
- \$1.00 per thousand of assessed value of my property.
This would cost a homeowner \$100 a year for a \$100,000 house.
- \$1.30 per thousand of assessed value of my property.
This would cost a homeowner \$130 a year for a \$100,000 house.
- \$1.50 per thousand of assessed value of my property.
This would cost a homeowner \$150 a year for a \$100,000 house.
- Any amount, it is vital to keep the Wager Community Library open.