

City of Falls City
City Council Regular Meeting
Thursday January 14, 2016
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

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

Mayor Ungricht called the meeting to order at 7:01 pm.

- 1) **Roll Call**
Clerk Protheroe took roll call.
- 2) **Pledge of Allegiance**
Mayor Ungricht led the pledge.
- 3) **Motion to adopt the entire Agenda**
A revised copy of the Agenda was distributed to Council showing the addition of a Public Hearing for an increase of the Capital Improvement Fee (Exhibit A).

A motion was made by Councilor Meier and seconded by Councilor Melin to adopt the entire agenda with the addition of a Public Hearing under New Business, Item B – Resolution 01-2016, Raising Capital Improvement Fee, and a correction to the date of the minutes listed under the Consent Agenda to December 10, 2015. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

- 4) **Consent Agenda**
 - Fire Department Pacific Power bill was high because the bay heaters are old and inefficient and the bay doors were left open. Mayor Ungricht will ask Pacific Power to do an energy audit of the Fire Department and will discuss changing out our streetlights.
 - Kings Pumping bill was high because of the number of sewer tanks pumped in the billing period. Mayor Ungricht stated the goal is to pump a quarter of the city sewer tanks once a year. Shared tanks require more frequent pumping.
 - Councilor D. Sickles asked for a general status of mid-fiscal-year budget vs. actual. Mayor Ungricht reported that line item spending was generally between 35% and 51% of budget. He stated that budget vs. actual was doing surprising well.

Councilor Drill would like to see a breakdown of the bills for the Attorney and Council of Governments.

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, Gerald Melin, Dennis Sickles, Julee Bishop

- 4) **Public Comments**
Mark Garton, Polk County Sheriff introduced himself. One of his goals is to serve as a bridge for communications. Department coverage increased to 20 hours a day, from 10 hours a day. In June or July, the department will have 24-hour coverage and the POINT Team will be reestablished.

Eleven patrol officers were hired and six hired for the Jail; the jail still has overtime. He will create a nine member Sheriff Advisory Team. Each area within Polk County will be represented, including Falls City. Sheriff Graton will appoint five individuals from Polk County to the Sheriff Advisory Team. These five individuals then select four additional individuals from the community. Sheriff Graton welcomed phone calls from members of Council and from the community.

Mayor Ungricht thanked Sheriff Graton for attending the City Council Meeting and for meeting with him earlier in the week where they had discussed a neighborhood watch program and an Intergovernmental Agreement (IGA) for limited code enforcement. Sheriff Graton and Mayor Ungricht will continue to explore an IGA.

Councilor Drill asked Sheriff Graton his goal for Falls City. Sheriff Graton wanted to fix communication issues. He wanted to bring back law enforcement programs in the schools to foster a positive image. Councilor Drill invited Sheriff Graton to the February 23, 2016 Town Hall Meeting and Sheriff Graton agreed to attend.

Sheriff Graton asked the City Council if they wanted a report card for the City. Mayor Ungricht welcomed a monthly report for the Council Packet. Council thanked Sheriff Graton.

Janelle Anzalone of Storybrook asked Council to direct the City to pay volunteers who mitigated fire hazards on City properties under the Oregon Department of Forestry (ODF) Fire Reduction Grant. Ms. Anzalone distributed a one-page report to members of Council (Exhibit B) that listed the names of the volunteers with a breakdown of paid hours and volunteer hours. She had been assigned to serve as a Liaison to ODF for the park clean up and it was her understand that she could offer her volunteers payment for their time not to exceed the grant amount of \$600.00. Ms. Anzalone was frustrated that her volunteers had overheard someone from Council say there was issue with paying the volunteers.

It was not Mayor Ungricht's understanding that volunteers would be paid, stating that a volunteer by definition, is not paid. He had targeted the ODF grant monies for the Parks Fund. He advised Council that the City must consider workers' compensation regardless if the individual is paid or unpaid. City volunteers are required to complete a Volunteer Release Form. If the City paid the volunteers directly, the City would be exposed to liability. These steps had not been taken because Mayor Ungricht had understood the individuals would volunteer for the Falls City Alliance. Ms. Anzalone said the City had paid volunteers for the Stairs project. In actuality, Stair volunteers had not been paid with grant funds. Mayor Ungricht had given a personal donation, from his own pocket, to the Athletics Program. The Stairs grant had paid for the replacement of the generator owned by Cliff Lauder that broke during the Stairs project.

Councilor L. Sickles asked if the City received the ODF grant funds. Mayor Ungricht reported that the City had received grant for \$600.00.

Mayor Ungricht recognized Lilly Boettcher of Falls City, who reported that the small print of the ODF grant required that the property owner be responsible to maintain the area for 10 years.

Councilor Drill suggested that Ms. Anzalone approach the Booster Club to request funds. This would allow the City and the Booster Club to split the \$600.00.

A motion was made by Councilor L. Sickles and seconded by Councilor D. Sickles to direct staff to write a check to the Falls City Alliance for \$600.00. Motion carried 5-1-0. Ayes: Lori Jean Sickles, Jennifer Drill, Gerald Melin, Dennis Sickles, Julee Bishop. Nays: Tony Meier

Beverly Shanklin of Falls City wanted to know if the South Main Street paving project would pave the intersection at South Main and Sheldon. Mayor Ungricht replied that the City could not pave South Main and Sheldon with the limited funds. The paving will run from Bridge Street down South Main, hopefully for 250 feet. A 2" overlay is being considered for the intersection of S. Main Street and Lombard Street. This was the first time Ms. Shanklin attended the City's Council meeting. She was surprised more members of the public were not at a meeting where Council will consider a fee increase.

Mayor Ungricht encouraged the formation of neighborhood associations that could collect funds for road improvements and for matching grant funds for road improvements for their streets. Paving is expensive and the City does not bring in much money.

Mayor Ungricht explained that the Capital Improvement fund recently paid for a \$10,000 pump that had failed. The increase in the Capital Improvement fee would help to build the fund balance in preparation for the projects identified by the Water Master Plan and projects for sewer. His goal was to use the fund for matching grant funds.

Bud Shanklin of Falls City wanted to know if the City would collaborate with the County for the roadwork to keep the cost of paving down. Mayor Ungricht stated that he was trying to collaborate with either the County or the State.

5) New Business

A) Nomination/Election of Council President

Councilor L. Sickles nominated Councilor D. Sickles for Council President and Julie Bishop seconded the nomination. Councilor D. Sickles accepted the nomination. Hearing no additional nominations Mayor Ungricht asked for a roll call vote. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop. Councilor D. Sickles was elected Council President by a unanimous vote.

B) Resolution 01-2016 Capital Improvement Fee and Public Hearing

Mayor Ungricht reported a correction to Section 8 of Resolution 01-2016. Section 8 should state Resolution 07-2014 is repealed.

Mayor Ungricht provided clarification for the Agenda Report. The Public Works Committee had approved two motions: one for a \$3.00 increase to the Capital Improvement Fund, the other for a \$2.00 increase. Both motions carried with four voting in favor and two voting against.

Mayor Ungricht announced that this Public Hearing (per ORS 294.160) is an opportunity for any member of the public to comment on or make request regarding the proposed Resolution increasing the Capital Improvement Fee from \$7.00 to \$10.00.

Mayor Ungricht opened the public hearing at 7:44 PM

Don Poe, Lead Public Works Worker, stated water and sewer connection fee should be a single fee, and not broken down by simple and complexed. Mayor Ungricht stated that a single connection fee for water and one for sewer would be included in the next fee resolution.

Mayor Ungricht closed the public hearing at 7:46 PM

Councilor Drill requested an annual list of expenses charged to the Capital Improvement Fund. Mayor Ungricht stated the Capital Improvement Fund could pay for capital improvement and major repairs exclusively for water and sewer. Capital Improvement funds cannot be used for departments other than Water and Sewer. Fiscal Year 2015-2016 expenses included \$10,000 for the sewer pump. The 2015-2016 budget included an expense of \$60,000 for the cost of the engineer to create of a Water Master Plan; this expense is no longer required. Members of the public have an opportunity to comment on expenditures from this fund during the budget and supplemental budget process. Mayor Ungricht will include the rate increase in the newsletter and on the utility bill message.

A motion was made by Councilor Meier and seconded by Councilor Melin that the City Council of the City of Falls City approve Resolution 01-2016 A resolution raising the Capital Improvement fee from \$7.00 to \$10.00. Motion carried 5-1-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop. Nays: Jennifer Drill. .

C) Parks Video Surveillance

Councilor L. Sickles requested that Council table the agenda item and discuss Park Video Surveillance at the upcoming goal setting session. Council agreed by consensus.

D) Status of Code Enforcement and Municipal Court

Mayor Ungricht reported that that the Agenda Reports for Code Enforcement and Municipal Court and for Abatement provided Council with information on the structure, status, and issues for each area.

Clerk Protheroe reported that the City has not issued a citation since our Code Enforcement Officer resigned. The Municipal Court has been inactive due to the absence of a Code Enforcement Officer and a Court Clerk; both positions are technical and require training. The framework is in place; Falls City has a registered court, a Municipal Judge and a Prosecuting Attorney. Code enforcement is not profitable and the expenses need to be budgeted. She reported that fines issued recently by our court have not been paid.

Mayor Ungricht reported that the recent code enforcement program was implemented with a \$21,000 budget when Amber Mathiesen worked at the City and one case with an appeal took all the funds.

Mayor Ungricht reported that staff was surprised to find that the Municipal Code required Council to approve a Notice of Violation or a citation for nuisance violations. Under the Municipal code, the code enforcement officer can take action for noxious weed and high grass violations without first obtaining Council approval.

Clerk Protheroe updated Council on the status of vacant homes identified by Councilor Drill on a prior date. a) One property had been sold. b) The city called a bank to reported squatters in a home posted as vacant by the bank. c) Nonresponsive banks owned two of the properties. d) One property had a private sales contract. e) One property had a small bank loan and City had not been able to obtain foreclosure information. f) Clerk Protheroe planned to contact the bank on another property.

Mayor Ungricht hopes to develop an abatement process for bank owned abandoned properties that would allow banks to turn the property over to the City. The City could clean up the property and sell for development. Mayor Ungricht reported that the Polk County

Community Development Corporation and the Service Integration Team told him there are people who would develop properties for housing or low-income rentals.

Councilor Drill wanted to know what options the City had for abatement of the vacant homes. Clerk Protheroe stated the City had few options at this time because of several reasons: the abatement code required revisions and the cost of abatement needed to be budgeted. Mayor Ungricht added that the lack of a code enforcement officer was an issue. The Council Agenda Reports outlined issues and served as a first step in revising the nuisance and abatement code. Mayor Ungricht stated that staff was currently focused on the Water Master Plan project because the City is out of compliance.

Councilor Meier reported that big cities experience similar problems because banks do not take care of vacant properties; sometimes the only option for big cities is to condemn the property and bulldoze. Mayor Ungricht stated there is a balance between property rights, public safety, and the value of neighboring properties.

Councilor Drill wanted the City to act by hiring a code enforcement officer and send the court to the county. Mayor Ungricht clarified that Falls City would bear the cost of the court, regardless of location. He asked Councilor Drill if she wanted a safety levy put on the ballot. Councilor Drill stated the public had made it clear that code enforcement is a huge concern and the community needed to be safe. Councilor Bishop agreed, but felt that citizens did not have the money to give due to the economy.

Mayor Ungricht had not given up, but the cost of code enforcement with our limited budget made code enforcement difficult. The main source of income for the General Fund was \$102,000 for property taxes. Expenses for the General Fund included the Fire Department, some of payroll. Other sources of income included cigarette and liquor tax.

Council discussed an Intergovernmental Agreement (IGA) with Polk County for code enforcement. Polk County is a strong believer in private property rights. The County budget for code enforcement is \$1,000/month for a contract code enforcement officer whose primary function is process serving. Mayor Ungricht had reached out to neighboring cities for code enforcement IGA but had not found any interest. Marion County helped Detroit, Oregon when the small town implementation of Council based code enforcement and Yamhill County had a \$120,000 IGA with Amity that covers law and code enforcement, and court costs. Oregon property tax rates were frozen in 1996, at a time when Polk County received revenue from timber. Diminishing timber revenue has negatively affected counties who once relied on this income. Costs are going up but the property tax rate was frozen in 1996.

Mayor Ungricht shared Councilor Drill's frustration. Every turn had revealed issues and the high cost of enforcement. For example, training a court clerk takes two years. He had met with Representative Gromberg to discuss legislation that would fund a public safety officer in each city. If the Oregon Legislature passed this bill, each city would receive funds that would pay for one public safety officer. Mayor Ungricht asked that Council review the Agenda Reports prior to the goalsetting meeting where code enforcement would be discussed.

A Notice of Violation for 513 Cameron Street was distributed to Council (Exhibit C). A travel trailer had been moved onto the vacant lot over the weekend, and someone had requested temporary power service from Pacific Power. Municipal Code Chapter 90, Section 29, states that Council determines that a nuisance exists and then directs staff to post notice and send a

copy to the owner of record by registered mail. Staff was surprised by the requirement to take nuisances issues before Council before taking action. This requirement slows the process.

A motion was made by Councilor Drill and seconded by Councilor Meier that the City Council of the City of Falls City hereby determines that a nuisance has been found to exist at 513 Cameron Street and authorizes staff to post a notice and send a copy of the notice by registered mail to the owner of the property at the last known address. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop.

E) Abatement

See discussion under Item D - **Status of Code Enforcement and Municipal Court.**

F) Waste Water System

The estimated cost to repair the electrical panel and issues with the 1986 recirculation tank was \$20,000 and \$30,000. This serves as a good example of the type of expenses paid from the Capital Improvement Fund.

Staff had instructed Kings Pumping to provide a report for each sewer tank pumped. Under Municipal Code Chapter 50, the City can charge citizens the cost of pumping the sewer tank if the customer is flushing objects such as wet wipes and feminine products. This issue went before the Public Works Committee who recommended that staff send a warning letter on the first occurrence, and charge the customer on the second occurrence. It was noted that some homes share sewer tanks. Yeast used at The Breadboard is causing an issue with the PH imbalance in the system. They may need to install a different trap.

Mayor Ungricht will approach the School to request a bigger footprint for another gravel filter. The additional gravel filter would allow staff to take a one of the filters off line to clean and rest, and run both filters on big rain events.

Staff recommended moving the relays out of the moist area inside of the recirculation tank to the outside of the tank. This would require someone to drill three holes in the cement. Mayor Ungricht requested Council's approval to offer Cliff Lauder wood from trees fell by Weyerhaeuser around the City reservoir, in exchange for drilling the three holes and resealing a vault that is leaking badly. If the work were contracted, it would cost approximately \$300.00 to drill each hole. The City would still need to rent equipment. Council agreed by consensus to offer the tank repair job to Mr. Lauder in exchange for wood.

G) Resolution 02-2016 Authoring Contract for Development Grant

A motion was made by Councilor Drill and seconded by Councilor Meier that the City Council of the City of Falls City approve Resolution 02-2016 authorizing a contract for the Department of Land Conservation and Development \$1000.00 2015-2017 Planning Assistance Grant. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop.

H) Committee Appointments

A motion was made by Councilor Drill and seconded by Councilor Melin that the Falls City Council grant its consent to appoint Guy Mack to the Historical Landmark Commission. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop.

I) OLCC License Renewals

A motion was made by Councilor D. Sickles and seconded by Councilor Meier that the City Council direct staff to write a liquor license renewal recommendation to OLCC for Frink's General Store, The Boondocks,

and The Bread Board. Motion carried 4-1-1. Ayes: Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop. Nays: Jennifer Drill. Abstain: Lori Jean Sickles, reason: she is one of the owners of The Boondocks.

J) Goal Setting Session

Mayor Ungricht requested that Council postpone the goal setting sessions until early February. Mayor Ungricht announced that his application for the State of Oregon budget training session was accepted. This would allow him to bring information from the class to the goal setting session.

Council selected Wednesday February 3 and Wednesday February 4, 2016 at 7 PM for the dates of their goal setting session. Councilor Bishop could not verify her availability because she had a new work schedule.

Correspondence, Comments and Ex-Officio Reports

Councilor Drill asked Mayor Ungricht for an update on street sweeping. Mayor Ungricht reported that the City contracts with the City of Dallas for this service. The City no longer owned a street sweeper.

Councilor Drill reported that that the Community Center kitchen garbage disposal was broken, several outlets did not work in the kitchen, and kitchen items are missing. Councilor Drill agreed to submit a report detailing locations of broken outlets, an inventory of kitchen items, and identify kitchen needs. Associated costs will be considered during budgeting process. Mayor Ungricht reported that garbage disposals are not allowed when connected to sewer. The inventory list can be used by volunteers to check supplies after kitchen rentals.

Councilor Drill reported that kids would like to pick up garbage in town. City Hall would provide Solve garbage bags and small gloves. Volunteer garbage collection would be coordinated by a community organization.

Councilor Meier was concerned about paying volunteers and was concerned that they would be paid such a low wage.

Councilor Bishop voted in favor of paying the Falls City Alliance the \$600.00 ODF grant, because it would not look good if the City withheld the money after the community liaison promised to pay the volunteers. She too thought that the grant money would go to the Parks Fund.

Councilor D. Sickles recommended that in the future, the City have a written agreement with volunteer liaisons to avoid issues. The agreement should state volunteers would not be paid by the City.

6) Mayors Report

Mayor Ungricht had received one application for the new Economic Development Committee. He encouraged citizens and members of Council to consider applying for new committee.

Senator Wyden will hold a town hall meeting at 10:00 AM Saturday, January 16 at the Nesmith Readiness Center in Dallas, Oregon.

Dutch Creek Crossing washed out again in the December 8, 2015 rain event. Weyerhaeuser repaired the crossing before Mayor Ungricht returned from his budget class in Coos Bay. The cost of the Weyerhaeuser repair had been submitted to the County. Polk County will add the cost of the Dutch Creek culvert repair to the cost of repairs for two Polk County bridges, also damaged in the rain event. Polk County Public Works Director Todd Whitaker is working with Polk County

Emergency Manager Dean Bender to determine if the combined costs of bridge damage will qualify for FEMA funding. Governor Brown declared a State of Emergency for Polk County due to the severe storm conditions, which could provide for FEMA funds if the combined costs qualify.

Mayor Ungricht thanked the Polk County Itemizer Observer Newspaper for their article on the Police Officer bill that would be considered during the Oregon State Legislature 2017 Session. He recommended a letter writing campaign to the Governor and Legislators because they can be effective.

Mayor Ungricht reported he had met with the Regional Solutions Representative from the Governor's office. Mayor Ungricht and the Representative toured the town and discussed issues with the condition of our roads, code enforcement issues, and law enforcement issues. The Representative was able to see our many needs.

Staff met with HBH for the Water Master Plan kick off meeting. Staff is gathering information for HBH.

Mayor Ungricht pulled the USDA grant because the grant required an environmental study, which was impossible without knowing what projects will be recommended under the new Water Master Plan. The USDA was informed that the City would reapply for the grant once a project has been identified by the Water Master Plan.

Mayor Ungricht and Lori Albert, Volunteer Fire Association, attended a class on a FEMA grant. Dallas, Oregon Fire Chief, Fred Hertel agreed to submit the grant on our behalf. Mayor Ungricht will work with selected members from the Volunteer Fire Association to identify wants and grant sources, in order to be better prepared for grant cycles. The final paperwork was submitted and accepted for the US Department of Agriculture who administers the wildland fire grant. The grant funds should be received within a month.

Mayor Ungricht will offer the Fire Department a page on the City website www.fallscityoregon.gov. They can submit items for the web page to Clerk JoHanna Hewitt. This will allow the public to see all the ways the Fire Department helps the community, such as the delivering holiday presents.

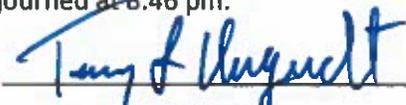
Mayor Ungricht will work with the County and the State to find out if they will have any paving projects in our area that we can piggyback on for the South Main Street paving project. He also spoke to HBH Engineering about the project. South Main will go down to one lane when the work begins.

Clerk Protheroe voiced her appreciation to City Council and the Mayor for their volunteer service.

7) Council Announcements

8) Adjourn

The meeting adjourned at 8:46 pm.



Mayor Terry Ungricht

Attested:



City Clerk Domenica Protheroe

Notice of Public Meeting Notice of Council Meeting

AGENDA

CITY COUNCIL - CITY OF FALLS CITY, OREGON

Meeting Location: 320 N Main Street, Falls City

Thursday January 14, 2016 7:00 p.m.

Posted on January 8, 2016

- 1) **Call to Order**
A) Roll Call: Julee Bishop ____ Dennis Sickles ____ Lori Jean Sickles ____ Jennifer Drill ____
Tony Meier ____ Gerald Melin ____ Terry Ungricht, Mayor ____
- 2) **Pledge of Allegiance**
- 3) **Motion to Adopt the Entire Agenda**
- 4) **Consent Agenda: Motion Action Approving Consent Agenda Items**
A) Approval of the Bills pages 1-6
B) Approval of November 12, 2015 Council Meeting Minutes.....pages 7-30
- 4) **Public Comments:** Citizens may address the Council or introduce items for Council consideration on any matters. Council may not be able to provide an immediate answer or response, but may direct staff to follow up on any questions raised. Out of respect to the Council and others in attendance, please limit your comment to five (5) minutes. Please state your name and city of residence for the record.
- 5) **New Business:**
A) Nomination/Election of Council President.....pages 31
B) Resolution 01-2016, Raising Capital Improvement Fee.....pages 32-38
Public Hearing on rate increase, per ORS 294.160**
C) Parks Video Surveillance.....pages 39-44
D) Status of Code Enforcement and Municipal Court.....pages 45-56
E) Abatement.....pages 57-90
F) Waste Water System.....pages 91
G) Resolution 02-2016 authorizing contract for development grant.....pages 92-103
H) Committee Appointments.....pages 104-106
I) OLCC License Renewals.....pages 107-110
J) Goals Setting Session.....pages 111
- 6) **Correspondence, Comments, and Ex-Officio Reports**
A) Council Reports
B) Mayor Reports pages 112-114
Fire Department Monthly Report, not submitted
Public Works Department Monthly Reportpages 115-117
Library Monthly Reportpage 118
- 7) **Council Announcements**
A)
B)
- 8) **Adjourn**

OPF Lower Park Hours

1/14/2015
Exhibit B

Paid Hours:

| | |
|---------------|----|
| Josh Rieger | 10 |
| Jared Curry | 25 |
| Buddy Shane | 12 |
| Robert Rieger | 11 |

| | |
|------------------|----|
| Janelle Anzalono | 25 |
|------------------|----|

| | |
|---------------------------|----|
| Nancy Rowland + Kadeel | 15 |
|---------------------------|----|

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|-----|--|
| + 2 | |
|-----|--|

for the
falls City Alliance

$$\frac{100}{600} = \$6 \text{ per hr.}$$

Volunteer Hours:

| | |
|------------------|----|
| Janelle Anzalono | 21 |
|------------------|----|

| | |
|---------------|----|
| Nancy Rowland | 12 |
|---------------|----|

| | |
|-----------------------|----|
| Leni Shwartz indruber | 13 |
|-----------------------|----|

| | |
|-----------------|----|
| Tyrone Reynolds | 13 |
|-----------------|----|

(59)

Exhibit C

AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE THROUGH MAYOR UNGRICHT
SUBJECT: NOTICE OF VIOLATION – 513 CAMERON STREET
DATE: 1/12/2016

SUMMARY

City Hall received a complaint on Monday January 11, 2016 that an unlicensed travel trailer had been moved onto a vacant lot at 513 Cameron Street over the weekend.

Site visit performed January 11, 2016:

- Unlicensed Travel Trailer found on vacant property at 513 Cameron St.
- On January 11, 2016 City of Falls City received a 48 Hour Utility Locate for above address for the installation of a temporary electrical service. Falls City has informed Pacific Power that an Encroachment Permit Application may be required.
- The vacant lot at 513 Cameron Street does not have City Sewer or a City Water Meter.

BACKGROUND

Staff prepared a Notice of Violation listing the code violations for the property (Exhibit A Notice of Violation for 513 Cameron Street). Municipal Code Chapter 90, Section 29 requires that Council makes a determination of the Nuisance prior to posting a Notice of Violation. **

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

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

PREVIOUS COUNCIL ACTION

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

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

STAFF RECOMMENDATION

Allow staff to post the Notice of Violation at 513 Cameron Street and send a copy to the owner of record.



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

www.fallscityoregon.gov
Phone: 503.787.3631
Facsimile: 503.787.3023

Notice of Violation

DATE OF REPORT: January 11, 2016
CASE NUMBER: 20160111 A
VIOLATION(S): Travel Trailer moved onto a vacant lot.

PROPERTY OWNER: Kip Schoning
ADDRESS/LOCATION: 513 Cameron Street
MAP/TAX LOT: 08620AA00900 (Vacant Lot)
ZONING: R Residential
SURROUNDING USES: Residential

COMPLAINT

January 11, 2016 – Travel trailer moved on to vacant land over weekend. January 12, 2016 – someone is living in the travel trailer.

INVESTIGATION RESULTS

Site visit performed January 11, 2016

Unlicensed Travel Trailer found on vacant property at 513 Cameron St. No water service, septic or sewer available on property.

On January 11, 2016 City of Falls City received a 48 Hour Utility Locate for above address for the installation of a temporary electrical service. Falls City has informed Pacific Power that an Encroachment Permit Application is required.

CODE VIOLATIONS NOTED

A travel trailer on vacant land is not a permitted use under the Falls City Zoning and Development Code:

2.100 ZONING DISTRICTS 2.101 RESIDENTIAL ZONE (R) 2.101.03 PERMITTED USES

- A. Single Family Dwelling.
- B. Manufactured Home as defined in this Ordinance and developed pursuant to 2.209.02.
- C. Manufactured Home Park pursuant to Section 2.209.06.
- D. Two-family Dwelling (Duplex).
- E. Public Park and Recreation Area.
- F. Planned Unit Developments developed pursuant to 3.211.
- G. Child care facility, as defined by Oregon Revised Statutes Chapter 657A.
- H. Residential home, as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.

Falls City Municipal Code Chapter 90: NUISANCE, Section 14. NUISANCES AFFECTING THE PUBLIC HEALTH: No person may permit or cause a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this Ordinance:

Exhibit A

FALLS CITY ZONING AND DEVELOPMENT CODE SECTION 1.10 VIOLATIONS

- A. It shall be unlawful for any person to violate any provision of this Ordinance, to permit or maintain any such violation, to refuse to obey any provision hereof, or to fail or refuse to comply with any such provision except as variation may be allowed under this Ordinance.
- B. Any use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to this Ordinance shall be and is hereby declared to be unlawful and a public nuisance, and the Council may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent and temporarily or permanently enjoin, abate, or remove the violation. Abatement may be pursued as provided by City ordinance or any other applicable law.

Municipal Code Chapter 90: Nuisances

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

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

Section 31. ABATEMENT BY THE CITY.

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

Section 32. ASSESSMENT OF COSTS.

- (1) The Authorized Representative, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:
 - (a) The total cost of abatement including the administrative overhead.
 - (b) That the cost as indicated will be assessed to and become a lien against the property unless paid thirty (30) days from the date of the notice.
 - (c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, the objector may file a notice of objection with the Authorized Representative not more than ten (10) days from the date of the notice.
- (2) **Objections to Assessment.** Upon the expiration of ten (10) days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.
- (3) **City liens.** If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by council shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from that the nuisance was removed or abated.

Polk County Real Property Assessment Overview

FOR ASSESSMENT YEAR 2016

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

NOT OFFICIAL VALUE

| | | | |
|------------------------|--|--------------------------|--|
| Mailing Name | SCHONING KIP S | Account Status | Active |
| Agent | | Legal Description | Multiple lots. See the Legal Report for a full description. |
| In Care Of | | | |
| Mailing Address | 806 NW 4TH ST STE B CORVALLIS, OR 97330 | Property Class | 100 |
| | | RMV Class | 100 |
| | | Unit Info | No Floorplan 16973-1 |

Situs Addresses
513 CAMERON ST FALLS CITY, OR 97344

| Value Summary | | | | | |
|------------------------|--------------|----------|----------|----------|------------------|
| Code Area | | AV | RMV | MAV | RMV Exception |
| 5701 | Land | | \$21,360 | | Land \$0 |
| | Improvements | | \$0 | | Improvements \$0 |
| Code Area Total | | \$14,960 | \$21,360 | \$14,960 | \$0 |
| GRAND TOTAL | | \$14,960 | \$21,360 | \$14,960 | \$0 |

| Land Breakdown | | | | |
|------------------------|-----------|------------------|-----------|------------|
| Code Area | Plan Zone | Value Source | Size | Land Class |
| 5701 | R | Residential Site | 13,000.00 | sq ft |
| Code Area Total | | | 13,000.00 | |
| GRAND TOTAL | | | 13000 | |

| Tax Information | | | | |
|-----------------|--|----------|-----------|------------------|
| Tax Account | | Tax Year | Code Area | Original Tax Due |
| 293903 | | 2015 | 5701 | 198.01 |

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

| City, School Districts, and Fire Districts | | |
|--|-------------------------------|--------|
| Code Area | District Name | Type |
| 5701 | FALLS CITY | CITY |
| | CHEMEKETA COMMUNITY COLLEGE | SCHOOL |
| | FALLS CITY SD 57 | SCHOOL |
| | FALLS CITY SD 57 LOCAL OPTION | SCHOOL |
| | WILLAMETTE ESD | ESD |

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

| Sales History | | | | | |
|---------------|----------------------|------|----------|---------------------------|-----------------|
| Date | Document (Source ID) | Type | Price | Grantor (Seller) | Grantee (Buyer) |
| 30-May-2007 | 2007-8642 | TRS | \$14,100 | NEIGHBORS TOM F | SCHONING KIP S |
| 06-Nov-1999 | 1999-16859 (389-465) | B&S | | WOODRUFF RICK A & PAULA A | NEIGHBORS TOM F |
| 16-Feb-1994 | - | | \$6,500 | | |

Account 293903 Map 08620AA00900 Code Area - Tax ID 5701-293903

Special Assessments

| Code Area | Description | Year | Acres | Amount |
|-----------|-------------------------|------|-------|--------|
| 5701 | OR FORESTRY FIRE TIMBER | 2016 | 0.30 | 18.75 |

Notations

| Code Area | Notation | Years | Value | Tax |
|-----------|---|-------|-------|-----|
| 5701 | FP/RFPD OVERLAP ZONE - NO CODE SPLIT FORESTRY PER ACRE PROTECTION CHARGE | | | |

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

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

NE1/4 NE1/4 SEC.20 T8S R6W WM
POLK COUNTY

Scale 1" = 100'

8.6.20AA

MERTON ST.

See Map 8.6.20AB

See Map 8.6.17DD

Cancelled No.

280
290
300
310
4100

57-1

See Map 8.6.21BB

06/05/15

See Map 8.6.20

8.6.20AA

