

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 May 14, 2015 7:00 p.m.

Posted on May 8, 2015

- 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 Billspages 2-10
 - B) Approval of Minutes April 9, 2015.....pages 11-15
- 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) Resolution, 04-2015, raising solid waste rates, public comments.....pages 16-18
 - B) Code Enforcement..... pages 19-22
 - C) LDWC, appeal dismissal..... pages 23-24
 - D) AmeriCorps application..... pages 25-30
 - E) Interim City manager exit comments.....pages 31-32
 - F) Ordinance, 541-2015, Taxing of Marijuana products.....pages 33-46
 - G) Adopt Council Goals.....pages 47-51
 - H) City Manager, discussion.....pages 52-60
 - I) Budget update, discussion.....pages 61-63
 - J) Upper Park camping/alcohol, BRMBA.....pages 64-67
 - K) Executive session pursuant to ORS 192.660(2) (a) to consider the employment
Of a new City Manager.
- 6) **Correspondence, Comments, and Ex-Officio Reports**
 - A) Council Reports
 - B) Mayor Reports
 - Fire Department Monthly ReportDid not submit
 - Public Works Department Monthly Reportpages 68-69
 - Library Monthly Reportpages 70
- 7) **Council Announcements**
 - A)
 - B)
- 8) **Adjourn**

The City of Falls City does not discriminate in providing access to its programs, services, and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 503.787.3631 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

City of Falls City
Paid Bills Report
As of April 3, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Al Yother Painting				
4/3/2015		Accounts Payable		-530.00
4/3/2015	Upper Park Bathrooms	Professional Services	01 GENERAL FUND:01.0...	530.00
Total Al Yother Painting				0.00
CenturyLink Business Services				
4/3/2015		Accounts Payable		-1.36
4/3/2015	March	Telephone	01 GENERAL FUND:01.0...	1.23
4/3/2015	March	Telephone	20 WATER OPERATING ...	0.13
Total CenturyLink Business Services				0.00
Dallas Auto Parts				
4/3/2015		Accounts Payable		-483.95
4/3/2015	INV 228689	Equipment Maintenanc...	11 STREET FUND	40.36
4/3/2015	INV 228836	Equipment Maintenanc...	11 STREET FUND	359.00
4/3/2015	INV 228837	Equipment Maintenanc...	11 STREET FUND	39.82
4/3/2015	INV 228844	Equipment Maintenanc...	11 STREET FUND	44.77
Total Dallas Auto Parts				0.00
Falls City Fire Association				
4/3/2015	Mar Donation	Accounts Payable		-916.66
4/3/2015	Donation to Falls City F...	Point System	01 GENERAL FUND:01.0...	916.66
Total Falls City Fire Association				0.00
L & L Equipment				
4/3/2015	0108939	Accounts Payable		-619.33
4/3/2015	0108939	Vehicle Maintenance/...	01 GENERAL FUND:01.0...	619.33
Total L & L Equipment				0.00
Net Assets Corporation				
4/3/2015	66-201503	Accounts Payable		-11.00
4/3/2015	50% Lien service -66-2...	Professional Services	13 SEWER FUND	5.50
4/3/2015	50% Lien service -66-2...	Professional Services	20 WATER OPERATING ...	5.50
Total Net Assets Corporation				0.00
Salem Heating & Sheet Metal				
4/3/2015	204849	Accounts Payable		-1,748.50
4/3/2015	204849	Allocated Expense Ge...	01 GENERAL FUND	1,248.50
4/3/2015	204849	Allocated Expense W...	20 WATER OPERATING ...	100.00
4/3/2015	204849	Allocated Expense Se...	13 SEWER FUND	100.00
4/3/2015	204849	Allocated Expense Ge...	11 STREET FUND	100.00
4/3/2015	204849	Allocated Expense Ge...	01 GENERAL FUND:01.0...	100.00
4/3/2015	204849	Allocated Expense Ge...	01 GENERAL FUND:01.0...	100.00
Total Salem Heating & Sheet Metal				0.00
Surplus Cashier				
4/3/2015		Accounts Payable		-18.00
4/3/2015	ARK41280	Equipment Maintenanc...	01 GENERAL FUND:01.0...	18.00
Total Surplus Cashier				0.00
Van Well Building Supply				
4/3/2015	955781I	Accounts Payable		-15.99
4/3/2015	955781I	Equipment O&M	01 GENERAL FUND:01.0...	15.99
Total Van Well Building Supply				0.00

City of Falls City
Paid Bills Report
As of April 3, 2015

Date	Memo	Account	Class	Amount
Verizon Wireless				
4/3/2015	9742842732	Accounts Payable		-66.90
4/3/2015	February	Telephone	01 GENERAL FUND:01.0...	59.98
4/3/2015	February	Telephone	01 GENERAL FUND:01.0...	6.92
Total Verizon Wireless				0.00
Xerox Corporation				
4/3/2015	078972373	Accounts Payable		-279.90
4/3/2015	65% Use	Copier Lease/Mainten...	01 GENERAL FUND:01.0...	181.94
4/3/2015	10% Use	Copier Lease/Mainten...	11 STREET FUND	27.99
4/3/2015	10% Use	Copier Lease/Mainten...	13 SEWER FUND	27.99
4/3/2015	15% Use	Copier Lease/Mainten...	20 WATER OPERATING ...	41.98
Total Xerox Corporation				0.00
TOTAL				0.00

City of Falls City
Paid Bills Report
As of April 11, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
ACI - Appraisal & Consulting, Inc.				
4/11/2015	661 Mitchell St., Falls C...	Accounts Payable		-800.00
4/11/2015	Appraisal 661 Mitchell St.	Professional Services	01 GENERAL FUND:01.0...	800.00
Total ACI - Appraisal & Consulting, Inc.				0.00
Al Yother Painting				
4/11/2015		Accounts Payable		-525.00
4/11/2015	Upper Park Bathrooms	Professional Services	01 GENERAL FUND:01.0...	525.00
Total Al Yother Painting				0.00
Buhler & Meyer CPA's LLP				
4/11/2015		Accounts Payable		-362.40
4/11/2015	35% Admin Inv 3/31/20...	Professional Services	01 GENERAL FUND:01.0...	126.84
4/11/2015	5% Court Inv 3/31/2015	Professional Services	01 GENERAL FUND:01.0...	18.12
4/11/2015	10% Street Inv 3/31/2015	Professional Services	11 STREET FUND	36.24
4/11/2015	15% Sewer Inv 3/31/20...	Professional Services	13 SEWER FUND	54.36
4/11/2015	35% Water Inv 3/31/2015	Professional Services	20 WATER OPERATING ...	126.84
Total Buhler & Meyer CPA's LLP				0.00
Don Poe.				
4/11/2015	Travel	Accounts Payable		-218.50
4/11/2015	Water/Sewer Certificati...	Education/Training/Du...	20 WATER OPERATING ...	109.25
4/11/2015	Water/Sewer Certificati...	Education/Training/Du...	13 SEWER FUND	109.25
Total Don Poe.				0.00
Edge Analytical				
4/11/2015	inv# 15-05067 & 15-05...	Accounts Payable		-1,044.00
4/11/2015	Lab Service 15-06075	Lab Analysis Services	13 SEWER FUND	20.00
4/11/2015	Lab Service 15-05066	Lab Analysis Services	13 SEWER FUND	1,024.00
Total Edge Analytical				0.00
Les Schwab				
4/11/2015	21600140882	Accounts Payable		-248.21
4/11/2015	tires	Vehicle Maintenance/...	11 STREET FUND	248.21
Total Les Schwab				0.00
Mid Willamette Valley COG				
4/11/2015	1415296	Accounts Payable		-115.50
4/11/2015	COG Land use plannin...	Council of Governmen...	01 GENERAL FUND:01.0...	115.50
Total Mid Willamette Valley COG				0.00
Mountain Valley Monitoring				
4/11/2015	1166	Accounts Payable		-90.00
4/11/2015	Security Monitoring Jan...	Professional Services	01 GENERAL FUND:01.0...	45.00
4/11/2015	Security Monitoring Jan...	Professional Services	01 GENERAL FUND:01.0...	45.00
Total Mountain Valley Monitoring				0.00
Petro Card				
4/11/2015	C920893	Accounts Payable		-117.72
4/11/2015	33%C920893	Vehicle Operation	11 STREET FUND	39.24
4/11/2015	33%C920893	Vehicle Operation	13 SEWER FUND	39.24
4/11/2015	33%C920893	Vehicle Operation	20 WATER OPERATING ...	39.24
Total Petro Card				0.00

City of Falls City
Paid Bills Report
 As of April 11, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Salem Heating & Sheet Metal				
4/11/2015	205016	Accounts Payable		-1,616.50
4/11/2015	205016	Allocated Expense Ge...	01 GENERAL FUND	1,216.50
4/11/2015	205016	Allocated Expense W...	20 WATER OPERATING ...	100.00
4/11/2015	205016	Allocated Expense Se...	13 SEWER FUND	100.00
4/11/2015	205016	Allocated Expense Ge...	01 GENERAL FUND:01.0...	100.00
4/11/2015	205016	Allocated Expense Ge...	01 GENERAL FUND:01.0...	100.00
Total Salem Heating & Sheet Metal				0.00
Speer Hoyt LLC				
4/11/2015	30506 30507	Accounts Payable		-208.50
4/11/2015	Inv30506 & 30507	Attorney/Special Council	20 WATER OPERATING ...	208.50
Total Speer Hoyt LLC				0.00
TOTAL				0.00

City of Falls City
Paid Bills Report
As of April 15, 2015

Date	Memo	Account	Class	Amount
CenturyLink				
4/15/2015	multiple phone bills	Accounts Payable		-418.29
4/15/2015	March	Telephone	01 GENERAL FUND:01.0...	182.50
4/15/2015	March	Telephone	20 WATER OPERATING ...	64.07
4/15/2015	March	Telephone	01 GENERAL FUND:01.0...	171.72
Total CenturyLink				0.00
Consumers Power Inc				
4/15/2015	Account # 1155301	Accounts Payable		-200.45
4/15/2015	Apr Power	Power/Heat	20 WATER OPERATING ...	200.45
Total Consumers Power Inc				0.00
Pacific Power				
4/15/2015	multiple accounts	Accounts Payable		-1,832.51
4/15/2015	March	Power/Heat	01 GENERAL FUND:01.0...	604.97
4/15/2015	March	Power/Heat	01 GENERAL FUND:01.0...	100.13
4/15/2015	March	Power/Heat	01 GENERAL FUND:01.0...	24.81
4/15/2015	March	Power/Heat	13 SEWER FUND	425.54
4/15/2015	March	Street Lights	11 STREET FUND	618.91
4/15/2015	March	Power/Heat	20 WATER OPERATING ...	58.15
Total Pacific Power				0.00
Walter E. Nelson Co.				
4/15/2015	Inv: 22897	Accounts Payable		-249.77
4/15/2015	Invoice # 22897	Maintenance Supplies	01 GENERAL FUND:01.0...	249.77
Total Walter E. Nelson Co.				0.00
TOTAL				0.00

City of Falls City
Paid Bills Report
As of April 25, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
City of Coos Bay				
4/25/2015		Accounts Payable		-218.45
4/25/2015	Charter franchise negot...	Attorney/Special Council	01 GENERAL FUND:01.0...	218.45
Total City of Coos Bay				0.00
Complete Wireless Solutions				
4/25/2015	87596 87597	Accounts Payable		-122.90
4/25/2015	Fire Radios	Equipment O&M	01 GENERAL FUND:01.0...	55.00
4/25/2015	Swiss Phone	Equipment O&M	01 GENERAL FUND:01.0...	67.90
Total Complete Wireless Solutions				0.00
Edge Analytical				
4/25/2015	inv# 15-06061 & 15-07...	Accounts Payable		-376.00
4/25/2015	Lab Service 15-06061	Lab Analysis Services	13 SEWER FUND	227.00
4/25/2015	Lab Service 15-07223	Lab Analysis Services	13 SEWER FUND	149.00
Total Edge Analytical				0.00
Falls City School District #57				
4/25/2015		Accounts Payable		-8,356.95
4/25/2015	Librarian 1/1/2015-3/31...	Professional Services	01 GENERAL FUND:01.0...	8,356.95
Total Falls City School District #57				0.00
Itemizer Observer				
4/25/2015		Accounts Payable		-93.50
4/25/2015	Budget meeting notice	Advertising & Election ...	01 GENERAL FUND:01.0...	93.50
Total Itemizer Observer				0.00
League of Oregon Cities				
4/25/2015	16417	Accounts Payable		-20.00
4/25/2015	web ad city manager	Advertising & Election ...	01 GENERAL FUND:01.0...	20.00
Total League of Oregon Cities				0.00
Oregon Association of Water Utilities				
4/25/2015	18286	Accounts Payable		-305.00
4/25/2015	18286	Dues	20 WATER OPERATING ...	305.00
Total Oregon Association of Water Utilities				0.00
Petro Card				
4/25/2015	C926112	Accounts Payable		-169.10
4/25/2015	33%C926112	Vehicle Operation	11 STREET FUND	56.36
4/25/2015	33%C926112	Vehicle Operation	13 SEWER FUND	56.37
4/25/2015	33%C926112	Vehicle Operation	20 WATER OPERATING ...	56.37
Total Petro Card				0.00
Pitney Bowes				
4/25/2015	Acct# 19659466866	Accounts Payable		-301.50
4/25/2015	February 35%	Postage & Freight	13 SEWER FUND	105.52
4/25/2015	February 50%	Postage & Freight	20 WATER OPERATING ...	150.75
4/25/2015	February 15%	Postage & Freight	01 GENERAL FUND:01.0...	45.23
Total Pitney Bowes				0.00

City of Falls City
Paid Bills Report
 As of April 25, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Pitney Bowes Global Financial Services LL				
4/25/2015	Acct# 8158702	Accounts Payable		-196.80
4/25/2015	Postage machine lease	Postage & Freight	01 GENERAL FUND:01.0...	29.52
4/25/2015	Postage machine lease	Postage & Freight	13 SEWER FUND	72.48
4/25/2015	Postage machine lease	Postage & Freight	20 WATER OPERATING ...	94.80
Total Pitney Bowes Global Financial Services LL				0.00
Polk Community Development Corporation				
4/25/2015	00079011	Accounts Payable		-2,518.63
4/25/2015	Annual Loan payment	Revolving Loan Repay...	01 GENERAL FUND:01.0...	2,518.63
Total Polk Community Development Corporation				0.00
TOTAL				0.00

City of Falls City
Paid Bills Report
As of May 2, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
CenturyLink Business Services				
05/02/2015		Accounts Payable		-3.11
05/02/2015	April	Telephone	01 GENERAL FUND:01.0...	2.77
05/02/2015	April	Telephone	20 WATER OPERATING ...	0.34
Total CenturyLink Business Services				0.00
Dale's Concrete Pumping				
05/02/2015		Accounts Payable		-400.00
05/02/2015		HEAL Cities Grant	01 GENERAL FUND	400.00
Total Dale's Concrete Pumping				0.00
Department of Administrative Services				
05/02/2015		Accounts Payable		-20.00
05/02/2015		Operational Supplies	01 GENERAL FUND:01.0...	20.00
Total Department of Administrative Services				0.00
Department of Environmental Quality				
05/02/2015		Accounts Payable		-160.00
05/02/2015	Sewer Anual Fee	Permits	13 SEWER FUND	160.00
05/02/2015	WQ16WSC-0239	Accounts Payable		-80.00
05/02/2015	Yearly fee	Permits	13 SEWER FUND	80.00
Total Department of Environmental Quality				0.00
Edge Analytical				
05/02/2015	inv# 15-07232	Accounts Payable		-205.00
05/02/2015	Lab Service 15-07232	Lab Analysis Services	13 SEWER FUND	205.00
Total Edge Analytical				0.00
Ferguson Waterworks				
05/02/2015	Account: 50936 Invoic...	Accounts Payable		-18.46
05/02/2015	Inv #0454823	Maintenance Supplies	20 WATER OPERATING ...	18.46
Total Ferguson Waterworks				0.00
Michael Younk Masonry & Cement				
05/02/2015		Accounts Payable		-600.00
05/02/2015		HEAL Cities Grant	01 GENERAL FUND	600.00
Total Michael Younk Masonry & Cement				0.00
MNOP				
05/02/2015		Accounts Payable		-227.37
05/02/2015	A241105-IN	Power/Heat	01 GENERAL FUND:01.0...	227.37
Total MNOP				0.00

City of Falls City
Paid Bills Report
 As of May 2, 2015

<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Amount</u>
Van Well Building Supply				
05/02/2015	9670311, 9718181, 972...	Accounts Payable		-796.51
05/02/2015	Multiple Invoices	HEAL Cities Grant	01 GENERAL FUND	796.51
Total Van Well Building Supply				<u>0.00</u>
TOTAL				<u><u>0.00</u></u>

City of Falls City
City Council Regular Meeting
Thursday April 9, 2015
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Council Present

Mayor Terry Ungricht, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

Staff Present

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

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

1) Roll Call

Clerk Protheroe took roll call. Lori Jean Sickles and Julee Bishop were absent.

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 D. Sickles to adopt the entire agenda. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Dennis Sickles, Gerald Melin

4) Consent Agenda: Motion Action Approving Consent Agenda Items

A) Approval of the Bills

B) Approval of the minutes March 2, 2015

C) Approval of the minutes March 4, 2015

D) Approval of the minutes March 12, 2015

E) Approval of the minutes March 19, 2015

The attorney bill included time spent on the Luckiamute Agreement and court case.

A motion was made by Councilor D. Sickles and seconded by Councilor Meier to approve the consent agenda. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Dennis Sickles, Gerald Melin

5) Public Comments

Jeff Propp of Falls City asked Council for an update on plans to get control of the Michael Harding Park. He reported that boulders no longer prevented vehicles from driving into the park because they were moved. Four-wheel roads off Mitchell Street allowed such vehicles to enter the Upper Park. Mr. Propp was concerned with the expansion of the Michael Harding Park (Falls Park), if controls were not in place. Mr. Propp wanted a copy of the map for the proposed trails.

Mayor Ungricht stated that he hoped to enter an Intergovernmental Agreement (IGA) with the Polk County Sheriff Department if the Safety Levy passes. Mayor Ungricht wanted the Sheriff Department to enforce Falls City park curfew. Mayor Ungricht informed Mr. Propp that the trail map had not been prepared. The Parks and Recreation Committee would draft a Parks Master Plan, which would include the trail system.

Janet Propp of Falls City was concerned about the fire risk of unattended fires in the Michael Harding Park due to a high fire risk season. Last year, a fire was left burning in the park.

- 6) New Business:
A) City Attorney, Resolution 03-2015

A motion was made by Councilor D. Sickles and seconded by Councilor Meier that the City Council of the City of Falls City adopt Resolution 03-2015, A Resolution Authorizing the Appointment of the Local Government Law Group to Serve as City Attorney for the City of Falls City. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Dennis Sickles, Gerald Melin

B) Code Enforcement

Councilor based Code Enforcement was still on the table, but the Mayor had hit a roadblock for training. He had not received a response from the Code Enforcement Association. The group did not have full-time staff, which caused concern that they may not be able to address Falls City training requirements. Mayor Ungricht highlighted the City Attorney's concerns with councilor based code enforcement. Mayor Ungricht met with the Dallas Mayor and with Commission Pope. Polk County was experiencing turnover in Planning and Code Enforcement. Commissioner Pope said his office would help with training once staff was in place.

Council discussed the limited staff budget and acknowledged that hiring a code enforcement officer would affect the ability to hire part time workers in Public Works and the office.

Councilor Melin was disappointed that the Code Enforcement Group had not responded.

Councilor Drill wanted to set a timeframe for code enforcement and requested a work session. She suggested contacting Western Oregon University to request code enforcement training. She offered to help with phone calls.

Councilor Meier believed that the best option was Council based code enforcement. He was concerned that a part-time code enforcement position would not attract a candidate.

Mayor Ungricht reported that researching code was time consuming and was harder than it looked. Mayor Ungricht clarified that without a code enforcement officer the City did not have the power to cite.

Bruce Garret of Falls City reported he had met with a code enforcement deputy in Salem. The deputy said the best way to affect code enforcement was voluntary compliance. Mr. Garret suggested that the City enlist schools, churches, and groups in the city. He wanted everyone on board on voluntary compliance. Improvements would raise property values and revenues for the city.

Councilor D. Sickles did not support Council based code enforcement. He was concerned that there would be no new information presented at a work session.

Mayor Ungricht stated he would reach out to Polk County, neighboring cities and Western University for a resource who could attend the work session. Mayor Ungricht thought it would be beneficial to have the City Attorney attend the work session. He would work with Councilors to set a meeting date after consulting the rental schedule.

A motion was made by Councilor J. Drill and seconded by Councilor Meier that Council meet to discuss a process to put in place until Council can come up with a resolution for code enforcement. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Dennis Sickles, Gerald Melin

C) Application for Park Grant

Mayor Ungricht read aloud the description of the grant. The grant was broken down into two parts; part one would acquire the land and the second part would build a pavilion. The requested grant amount was \$121,391.88. The grant would require matching funds of \$37,809.00, which could be in-kind support, the Heal City Grant, Ford Foundation Grant, and volunteer labor. The grant application had been accepted. The city would be notified if the grant would move forward in June 2015. The grant would be awarded in October 2015, if approved by the agency.

Mayor Ungricht pointed out that the appraised value of the land was \$86,000 and the Falls City Alliance loan value was approximately \$135,000. If the grant were approved, the Falls City Alliance would still owe \$50,000.

Mayor Ungricht stated that Council needed to consider where they wanted City money invested. A lot of money was invested in land, but not in improvements.

Mayor Ungricht asked Council to consider payment of an unbudgeted \$800.00 bill submitted by the Falls City Alliance for a land appraisal for the Falls property. If Council agreed to pay the \$800.00 bill, the Parks Budget would be left with \$400.00 for the remainder of the fiscal year. The City had recently paid \$1,055.00 to paint and seal the park restrooms due to mold. If the Park budget was reduced to \$400.00, the City would not be able to purchase bark dust. Required porta potty rentals cost approximately \$200.00/month. Janelle Anzalone, the author of the grant, stated the State required the appraisal and the \$800.00 would be reimbursed if the grant were awarded. If Council did not approve the payment, the grant application would be rejected. The City would not be reimbursed the \$800.00 if the grant were not awarded by the State.

Polk County Community Development Corporation (CDC) had not provided Falls City the status of the Falls City Alliance loan. It was unknown if required loan payments had been made. Mayor Ungricht was dissatisfied with Polk County CDC reporting and planned to meet with them.

Council agreed to pay the bill for the \$800.00 appraisal by consensus.

D) City Manager Recruitment

The City Manager recruitment had begun. The position had been posted in the newspaper and was posted on the City website www.fallscityoregon.gov. The position would be posted on League of Oregon Cities website.

E) City Manager Resignation

Interim City Manager Jon Hanken had submitted his 15-day resignation and his last day would be April 17, 2015. He was in final negotiations for a position in Lone, California. Mayor Ungricht stated it was exciting for Jon Hanken but sad for Falls City.

7) Correspondence, Comments and Ex-Officio Reports

A) Council Reports

Councilor Drill reported that a date would be established for a Falls City Public Safety Levy Town Hall Meeting to allow citizens to ask questions.

Councilor Drill reported she met with the Fire Department on the 3rd of the July Event. She planned to provide an update to the Parks and Recreation Committee.

Councilor Drill would meet with the Fire Department for a local safety plan. She would work with members of the volunteer fire association to prepare a plan. The goal was to present the safety plan at the June 2015 City Council Meeting.

Councilor Meier reported that he attended the Library Board Meeting. The Library Board decided to attempt to form a library district using the Falls City School boundaries. The Library Board felt there was enough funds to keep the library open for a year and a half or two years based on the figures provided by Interim City Manager Hanken. The formation of a library district would take considerable work. The library district tax rate would be at least \$1.00 per thousand because a new building would be needed. Councilor D. Sickles felt that the current library building would be available for five to ten years.

Councilor Meier wanted citizens to be offered assistance if they received a code enforcement letter.

Councilor Meier voiced concern that Councilor Bishop had missed three meetings. Councilor D. Sickles would call her.

Council Melin reported he had met with a group tasked with exploring alternative locations for the library. He agreed that a new building was not an immediate concern but a plan for the future was needed.

Council considered their endorsement of the Polk County Safety Levy. If the Safety Levy passed the revenue stream would not begin until November 2015.

A motion was made by Councilor Melin and seconded by Councilor Meier that Falls City Council support the Polk County Safety Levy. Motion carried 4-0-0. Ayes: Jennifer Drill, Tony Meier, Dennis Sickles, Gerald Melin

Councilor D. Sickles reported that the Annual Easter Egg Hunt was well attended. He thanked Barb, Connie, and Jane Poe for their donation of approximately sixty Easter baskets. Their donation was a surprise and was very helpful. The basket raffle raised enough money for next year Easter Egg Hunt.

Councilor D. Sickles announced that the Parks and Recreation Committee Meeting would be held Tuesday April 14, 2015 at 10:00 AM.

B) Mayors Reports

Mayor Ungricht announced the Republic Service garbage rate would go up 3.5% on July 1, 2015. He would bring a new rate resolution to Council at the next Council Meeting.

Mayor Ungricht recapped that under the new City Charter, Chapter VII-ELECTIONS, that the mayor or a council office becomes vacant after an absence from 5 council meetings in a calendar year. This included any and all council meetings.

Mayor Ungricht announced there were two active building permits.

Oregon Department of Forestry (ODF) was offering grants to help land owners identify and mitigate fire hazards by reducing brush on properties. ODF would award up to \$600.00 per acre to help with the cleanup. Janelle Anzalone received the grant for the Falls City Alliance Property at the Falls. If they clean up the blackberries, they would receive the \$600.00. Mayor Ungricht planned to assign

the task of identifying City properties to the Public Works Committee. He had informed Public Works and several property owners. Anyone interested should Contact Jerrin at ODF, Dallas Unit. He encouraged Councilors to inform the public about this opportunity. The information would be posted on the city website www.fallscityoregon.gov

Mayor Ungricht met with Bureau of Land Management (BLM) about an agreement that would give \$5,000.00 to the City for a timber road, such as Bridge Street or Mitchell Street. There was a possibility that the City might receive \$90,000 after the fire season under the agreement. The \$90,000 would help with culvert issues. Mayor Ungricht would sign the agreement.

Mayor Ungricht had met the Council goal to include a budget article in the newsletter. He encouraged Council to consider additional budget topics for the newsletter.

Mayor Ungricht confirmed that Councilor Drill would head up the Community Garage Sale and Councilor D. Sickles would work on the Council Goal related to power generation. Councilor D. Sickles would meet with Mayor Ungricht to discuss.

Councilor D. Sickles asked Mayor Ungricht to include the issues at Michael Harding Park in the Code Enforcement work session.

C) City Manager Reports

8) Council Announcements

Clerk Protheroe announced the Polk County Household Hazardous Waste event on May 23 from 9 AM to 2 PM at the Polk County Public Works yard at 820 SW Ash Street in Dallas.

Clerk Protheroe announced that the Spring Clean Event scheduled for Saturday June 6, 2015. Garten would not be able to collect electronic waste at the event. Mayor Ungricht planned to bring a trailer for e-waste. Volunteers were needed to load e-waste.

Clerk Protheroe clarified that the Service Integration Team Falls City Community Night would be held on Wednesday April 28, 2015 from 5:00 PM to 7:00 PM at the Community Center. The event was listed on the water bill with the wrong date.

9) Adjourn

The meeting was adjourned at 8:06 pm.

_____ Mayor Terry Ungricht

Attested: _____ City Clerk Domenica Protheroe

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Resolution 04-2015, Rate increase for solid wastes
Date: April 17, 2015

Summary

Republic Services is requesting a 3.5% rate increase for garbage and recycling services.

BACKGROUND

Ordinance 533-2013 adopting an agreement between the City of Falls City and Republic Services, allows for an adjustment of rates by June 1st of each year, not to exceed 4%. Republic Services is requesting a 3.5% increase to go into effect by July 1, 2015 based on the agreed on cost of living indexes. There was no increase in 2014.

Previous Council Action

Ordinance 533-2013 setting an agreement between Falls City and Republic Services.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Will increase citizen garbage services by 3.5%.

STAFF RECOMMENDATION

Republic Garbage Service has documented the rate increase through the agreed upon indexes, staff recommends passing the resolution.

EXHIBITS

Resolution 04-2015 and attachment A.

PROPOSED MOTIONS

I move that the City Council of the City of Falls City adopt resolution 04-2015, A RESOLUTION ESTABLISHING A SCHEDULE OF SOLID WASTE RATES, FEES AND CHARGES PURSUANT TO CHAPTER 53; AND REPEALING ALL PRIOR FEE SCHEDULES FOR SOLID WASTE, ESTABLISHING A SCHEDULE OF SOLID WASTE FEES; PROVIDING AN EFFECTIVE DATE

RESOLUTION 04-2015

A RESOLUTION ESTABLISHING A REVISED SCHEDULE OF SOLID WASTE RATES, FEES AND CHARGES PURSUANT TO FALLS CITY CODE CHAPTER 53 AND REPEALING ALL PRIOR FEE SCHEDULES FOR SOLID WASTE

Findings:

1. Falls City Code Section 53.01.070 provides the mechanism for adjusting the rates and fees charged by the City's solid waste hauler franchisee.
2. Rates for the franchisee's solid waste services have not increased since inception of the current franchise in July, 2013.
3. Based upon the procedures and requirements of Section 53.01.070, the City's franchisee has provided information to support an increase in rates and City staff has concurred in the justification for the increase in rates.
4. The City Council held a public hearing to hear public comment on the revised rates for solid waste services proposed by the franchisee.

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. The revised schedule of solid waste rates, fees and charges presented by the franchisee and attached hereto as Exhibit A are accepted by the City Council and hereby adopted effective July 1, 2015.

Section 2. All prior solid waste rates, fees and charges are repealed effective July 1, 2015.

Section 3. This Resolution shall be effective immediately upon passage.

Date

Attest:

Date

Terry Ungricht, Mayor

Domenica Protheroe, City Clerk

Date Effective

Service	Monthly	Bi-Monthly
HHW Fee	\$0.00	\$0.00
1 Can	\$19.20	\$38.40
2 Can	\$38.35	\$76.70
3 Can	\$57.49	\$114.98
30g br-wk	NA	NA
20g cart	NA	NA
35g cart	\$18.92	\$37.84
65g cart	NA	NA
90g cart	\$31.44	\$62.88
On call	\$13.66	Per Pick Up
64g cart Monthly	NA	NA
90g cart Monthly	NA	NA
Up-drive	\$16.46	\$32.92
2nd Yr w/Trash	NA	NA
Yr w/o weekly Trash	NA	NA

Service	Rate
Can, 35g, 90g, On Call, RC	
Late Fee	0.75%
Returned Check Fee	\$25.00
Service Interrupt Fee	\$30.00
Account Origination Fee	\$0.00
32/35g Cart Replacement	\$50.00
65g/RC Cart Replacement	\$75.00
90g Yr Cart Replacement	\$75.00

Item	Rate
Off route pickup - Trash	\$18.68
Off route pickup GWTW	NA
CIBB-Extra 32 gal cart/br-wk/theory	\$8.28
Extra loose garbage per yard	\$1.66
Time per minute to pull loose garbage (5 minute min)	\$0.83
Each Extra Person Flea To Put Loose Garbage Per Min	NA
Locking Container Set Up	\$19.20
WAS-Wash Container	NA
Locking Cart Set Up	NA
LOC-Lock & Key Deposit	NA
Industrial Cleaning Fee - Once a Year Free - 452	Do Not Provide Hourly Rate
Container Cleaning Charge including pu and returned - per hour	\$35.80
Relocation Fee On Site	\$51.75
Relocation Fee Off Site	\$51.75
TIR-Tires	\$10.35
Tires with rim	\$15.53
Truck Tires	\$25.88
Truck Tires with rim	\$31.05
Labor Charges Per Hour	\$99.60
Container Over Weight Charge per 500 lbs	\$0.00
Service Exchange (once a yr free)	NA

Temp	1st Dump	Extra Dump
Size	\$68.71	\$59.93
2nd	NA	NA
Day-Fridays Only		

Temp	1st Dump	Extra Dump
Size	\$68.71	\$59.93
2nd	NA	NA
Day-Fridays Only		

Item	Rate
55g Drum	ASK
Bathub	\$35.19
CHA-Chair - recliner or large chair	\$23.44
COU-Couch	\$29.34
Desk/Table	\$23.44
Couch (hide-a-bed)	\$35.19
Lowseat	\$26.13
MAQ-Mattress or boxspring (queen/king)	\$26.13
MAT-Mattress or boxspring (twin/double)	\$23.44
Dead Deer	\$28.00
Dead Deer Millage	\$1.35
APD-Dishwasher	\$23.44
APD-Dryer	\$23.44
APT-TV - console	\$26.13
APF-Freezer	\$36.19
Lawn Mower-Push	\$36.19
Lawn Mower-Riding	\$56.13
APR-Refrigerator	\$36.19
APS-Stove or Range (electric or gas)	\$29.34
APW-Washing Machine	\$29.34
APW-Water Heater	\$23.44

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Day-Fridays Only		

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Day-Fridays Only		

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Code Enforcement
Date: May 5, 2015

Summary

Council has been working on developing a code enforcement program that is affordable with the City's budget.

BACKGROUND

March 19, 2015 Council had a work session which included the topic of code enforcement. The Council directed staff to explore feasibility of a Council based enforcement procedure, which is on-going. Staff wanted to keep Council notified of complaints received. Council also set a goal of a procedure to answer concerns brought up during public comments at meetings. Councilor Drill was able to make contact with the Code Enforcement Association and will be updating staff and the Council with information from that contact.

Previous Council Action

Council is exploring code enforcement programs.

ALTERNATIVES/FINANCIAL IMPLICATIONS

STAFF RECOMMENDATION

Informational

EXHIBITS

Code Enforcement Investigation request, 4-17-2015, Joe Chaon
Public Comment issue report on Michael Harding Park,
Code Enforcement Investigation Report, 05/01/2015, Mcdaniel Agt.

PROPOSED MOTIONS

N/A

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CITY OF FALLS CITY

299 Mill Street, Falls City, OR 97344

CODE ENFORCEMENT INVESTIGATION REQUEST

Today's Date: April 17, 2015

Optional:

Name of person filing Report: _____

Address: _____

Phone Number: _____ Cell Number _____

Resident: Non Resident: _____

Required:

Address of Violation(s): Off Pine

Resident's Name(s): Unknown

Property Owner: Joe Chaon

Nearest Cross Street: _____

Details of complaint (be specific): Someone is living in a travel trailer- the hook up to water is visible.

There is a second trailer with a stove pipe

Continue on back if additional space is required

Are there any known or suspected hazards at this location? Yes _____ No _____ Unknown

If YES, please identify hazard in detail:

FOR OFFICE USE ONLY

Received by: DTP Date: 4/17/2015

Investigation Processed By: _____ Completion Date _____

17 20



City of Falls City
299 Mill Street
Falls City, OR 97344
Ph. 503.787.3631

PUBLIC COMMENT ISSUE/RESPONSE FORM

AT COUNCIL MEETING ON
APRIL 9, 2015

THE FOLLOWING ISSUE WAS BROUGHT UP BY;

JEFF AND JANET PROPP

The issue is;

Problems at Michael Harding Park; noise, driving beyond the barriers the City installed (boulders), want to know if we are going to have a process in place for this summer.

Investigation results of issue;

Priced cement blocks to install, \$98.00 a piece, would need 14 of them.

Talked with Mr. Propp, he is going to try and find some of the bigger barricade blocks and will notify me when he finds some.

City does not have budget for law enforcement. City has talked with Polk County about an Inter-governmental agreement on enforcement, County Will negotiate an IGA if the Public Safety Levy passes. Mr Propp is also wanting the porta potties installed.

Performed by; Terry Ungricht

Date of response to complainant; ongoing

18 21

CITY OF FALLS CITY

299 Mill Street, Falls City, OR 97344

CODE ENFORCEMENT INVESTIGATION REQUEST

Today's Date: May 1, 2015

Optional:

Name of person filing Report: _____

Address: _____

Phone Number: _____ Cell Number _____

Resident: Non Resident:

Required:

Address of Violation(s): 137 Sheldon

Resident's Name(s): MATTHEW MCDANIEL

Property Owner: HURST LORANDA, MATTHEW MCDANIEL AGT (see attached)

Nearest Cross Street: East Ave

Details of complaint (be specific): Erecting a large green house on vacant land.

Installing an accessory use without a primary structure.

Continue on back if additional space is required

Are there any known or suspected hazards at this location? Yes No Unknown

If YES, please identify hazard in detail:

FOR OFFICE USE ONLY

Received by: DTP (over the counter)

Date: 5/1/2015

Investigation Processed By: _____

Completion Date _____

19 22

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Order of dismissal.
Date: April 17, 2015

Summary

Luckiamute Domestic Water Cooperative (LDWC) appealed the Court decision on the ruling of the validity of the contract for the Sale of Water.

BACKGROUND

The City received grant nullifying the water contract between the City and LDWC. LDWC appealed the order, through contract negotiations the City and LDWC reached a new agreement on the sale of water, part of the negotiations was LDWC agree to the dismissal of the appeal on the acceptance of a new agreement. The City and LDWC reached an agreement, so LDWC has dropped the appeal.

Previous Council Action

At the March 12, 2015 Council meeting resolution 01-2015 was passed for a new water sale agreement with LDWC.

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

Informational

EXHIBITS

Order of dismissal.

PROPOSED MOTIONS

N/A

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of the Validity of a Contract for the Sale of Water.

CITY COUNCIL OF THE CITY OF FALLS CITY,
Petitioner-Respondent,

v.

LUCKIAMUTE DOMESTIC WATER COOPERATIVE,
Respondent-Appellant.

Polk County Circuit Court
13P10790

A158457

ORDER OF DISMISSAL AND APPELLATE JUDGMENT

Appellant has moved to dismiss the above-entitled appeal. The case has settled. The motion is granted.

Appeal dismissed.

 4/16/2015
11:13:19 AM
RICK T. HASELTON
CHIEF JUDGE, COURT OF APPEALS

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: None No costs allowed

Appellate Judgment
Effective Date: April 16, 2015

COURT OF APPEALS
(seal)

c: Anthony B James
Ross M Williamson
Polk County Trial Court Administrator

vb

ORDER OF DISMISSAL AND APPELLATE JUDGMENT

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

Page 1 of 1

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AGENDA REPORT

to: City Council
from: Mayor Terry Ungricht
subject: AmeriCorps Assistance
date: 3/05/2015

Summary

Staff was notified of an opportunity to apply for assistance from AmeriCorps for a volunteer to help City staff.

BACKGROUND

The mission of the RARE Program is to increase the capacity of rural communities to improve their economic, social, and environmental conditions, through the assistance of trained graduate-level participants, from across the US. These AmeriCorps members live in and serve the communities for 11 months. RARE participants assist communities in the development and implementation of projects for achieving a sustainable natural resource base and improving rural economic conditions. The RARE program is now in its 21st year and over the years it placed more than 400 volunteers and served every Oregon county.

Previous Council Action

N/A.

ALTERNATIVES/FINANCIAL IMPLICATIONS

\$22,000, this would be total cost for a volunteer through AmeriCorps.

STAFF RECOMMENDATION

Informational

EXHIBITS

Community pre-application

PROPOSED MOTIONS

NONE PROVIDED



Resource Assistance for Rural Environments

RARE AmeriCorps Program

2015-2016 Community Pre-Application

Submit application by email to rare@uoregon.edu by April 17, 2015



Contact Person Name Terry Ungricht

Title Mayor

Organization City of Falls City

Mailing Address 299 Mill St.

Street Address 299 Mill St.

City, State, Zip Falls City

OR 97344

Phone 503-787-3631

Fax

E-mail mayorungricht@fallscityoregon.gov

Cell 503-779-4132

Website fallscityoregon.gov

Supervisor

*if different than the Contact
Person listed above*

Title

Organization

Mailing Address

Street Address

City, State, Zip

Phone

Fax

E-mail

Cell

How did you hear about the RARE Program?

Please indicate how you heard about the program by marking one or more of the boxes below.

I am a current/former RARE Supervisor

I am a current/former RARE Participant

Email from RARE (Call for Communities)

RARE Website

Other Website/Network/Listserv:

Ford Foundation

Other

Member Projects

RARE participants are assigned to work on specific projects during their service in a community. Please describe the projects the member will work on, their role, and their approximate time commitment to the project (in percentages).

Project 1 — Code Enforcement

Project Description: **Develop a Code Enforcement program** Time Input (%): **25%**

Participant's Role: **Would work with our Attorney to develop cases that will be successful in correcting code violations. The City Councils goal is to help our Low income and elderly citizens correct problems, rather than just citing property owners. Work with volunteers to help clean targeted properties. Help train Council on ordinances and procedures of code enforcement.**

Project 2 — Up Date Ordinances and resolutions.

Project Description: **Catalog Ordinances and resolutions** Time Input (%): **15%**

Participant's Role: **Would review current Ordinances and resolutions, catalog in a code book, and help Council to up date outdated Ordinances.**

Project 3 — Help develop e City Master Plans

Project Description: **The City is currently budgeting for a Water Master plan, last plan was in 2000 and needs updated to comply with regulations. Work with Parks Committee to develop a Parks Master Plan. If these plans were successfully implemented and adopted, work on developing a Capitol Plan to guide the City into investing for the long term.** Time Input (%): **40%**

Participant's Role: **Would spend time learning different regulations pertaining to Master plans, zoning, city planning, and City economic development.**

Project 4 — Interaction with community citizens and community organizations'

Project Description: **Help address citizen needs and guide them to organizations that can help them resolve their problem, especially our low income and elderly citizens. Work with Falls City SIT (Service Integration Team) to identify needs in the community and identify partners/agencies to address the needs. Work with representatives of BRMBA to develop bike/walking paths and a new bike park.** Time Input (%): **10%**

Participant's Role: **Would learn about different Social organizations and agencies that offer help to low income, senior, and children issues. Would participate in economic development building on the resources of area clubs. Like BRMBA and the Falls City Alliance.**

Project 5 — Work with local organizations.

Project Description: **Work with The Falls Alliance to develop trails connecting City Parks. Work with area bike organization, BRMBA, to possibly develop a bike park and camp ground within the City. Work with the Library Board and Friends of the Library to form a Library District. Work with Local clubs and organizations to plan City events.** Time Input (%): **10%**

Participant's Role: **Would be involved with local organizations to help achieve goals that would benefit the City.**

Partners/Support

Please share with us the names and phone numbers of three of your community, regional or statewide partners on the projects listed above. As part of the application review process, we will be contacting them to get their insights on the projects (do not list you or your organization).

1. **Dominica Protheroe**

Phone Number: 503-830-7501

2. **Amy Houghtailing**

Phone Number: 503-437-4799

3. **Jennifer Drill**

Phone Number: 503-787-1803

Professional Development for the Participant

A goal of the RARE Program is to provide graduate-level students with professional development while they help rural communities. Please describe three growth opportunities for the participant.

- 1. Would learn every department of City government. In a small City with a low income and aging population, funding proper staff is always an issue; therefore there is a lot of crossover on job tasks.
- 2. Would learn to read, access, and develop Federal, State and Municipality Code and would learn to develop City Master Plans.
- 3. Would learn Community building; from business development, addressing housing needs, infrastructure challenges, utility management, basically every aspect of City management and development.

Potential Funding Source

The RARE program requires each community provide a cash match of \$22,000. Please indicate your potential funding sources and the date you will receive confirmation of funds. Indicate if this is a federal funding source.

- | | |
|-----------------------|---|
| 1. City of Falls City | Date of confirmation: Already Budgeted. |
| 2. | Date of confirmation: |
| 3. | Date of confirmation: |

Fiscal Agent

What organization will be the fiscal agent for the contract with the University of Oregon if you are part of the RARE Program?

City of Falls City

RARE Program Goals

RARE has three programmatic goals: capacity building, assisting community-based groups and volunteer mobilization. The RARE Program will consider these goals in reviewing your application. Please describe how a RARE participant would address each of these goal areas.

1. Describe how a RARE participant will assist with community capacity building.

They would have a direct influence in charting the course for the future development of the Falls City community. We are currently looking at a small power generation process for City owned properties, developing a Park system that will be connected by trails, looking at starting a camp ground to serve visitors to the Black Rock biking trail, and economic development. Would work on developing City Master Plans that will drive the investments that will improve the quality of life for area residents.

2. Identify any community organizations (civic, community-based, education, non-profit, neighborhood or faith-based) with which the participant will partner on projects.

Falls City Alliance, Friends of the Falls City library, Falls City Service Integration Team, Falls City booster club, BRMBA bike association, and the Falls City Fire Association.

3. Describe how the RARE participant will be involved in recruitment, management or engagement of volunteers.

With our limited staff resources we rely on volunteers for many projects. One in particular is a group, Friends of the Library, which is working towards creating a Library District that would help us retain our City Library. BRMBA is another organization that the City is hoping to partner up with to create bike trails, a camp ground, and plan for events.

AGENDA REPORT

TO: CITY COUNCIL
FROM: JON G. HANKEN, INTERIM CITY MANAGER
SUBJECT: EXITING COMMENTS
DATE: 4/3/2015

SUMMARY

Interim City Manager Hanken has submitted some exiting thoughts for Council.

BACKGROUND

I have greatly enjoyed my time in Falls City, but new challenges and opportunities have presented themselves. As I say good-bye to new friends, I would like to offer some suggestions as you move forward. In reviewing the goals established by Council during their March 2nd and 4th goals setting sessions, I would suggest that Council remember that they are in a state of transitions and the implementation of the established goals will take longer than anticipated.

As directed, the proposed budget is based on a half time City Manager with additional funds allocated for a part-time administrative assistant and a part-time public works employee. Council needs to recognize that the City may not get any applications for a part-time Manager. The position closes April 29th. If no applications are received, Council will need to act quickly in order to decide its next move. That decision could have budget implications, but I believe staff has allocated enough money to address any potential changes.

With the limited staff, Council needs for narrow their scope of activities that it plans to accomplish over the course of the first year. After getting the City Manager position filled, working to get a Request For Qualifications (RFQ) out to find an engineering firm that can assist with updating the City's Water Master Plan.

The City will need to review needs to review its fees and charges for services during its June 11th meeting. I think Council will need to increase waste water user fees in the coming year. The budget is set up to allow time for this discussion to occur, but without a rate increase, it is going to become more difficult for the waste water department to be self-sufficient. As part of this discussion Council may also want to consider establishing automatic inflationary adjustments and your utilities funds every year so the system doesn't fall farther and farther behind.

Another area of that is troubling for staff is the waste water connection fee. The current fee structure lists the sewer connection fee as:

- (a) Sewer Connection Fee Simple:
Facility rate of \$2,500.00 plus customer will be responsible for over twenty (20) feet at \$40.00 per foot and/or cost plus.
- (b) Sewer Connection Fee Complex:
Facility rate of \$4,000.00 plus customer will be responsible for over twenty (20) feet at \$40.00 per foot and/or cost plus.

Areas of confusion included: definition of the terms "simple" and "complex". Nowhere are these terms defined in your ordinances. This can lead to disputes and possible litigation. Something no one would want. In addition, the City's Waste Water Ordinance 50.05(C) states:

"The property owner shall pay all costs and expenses incident to the installation of the building sewer and its connection to the community sewer system, including, but not limited to, the costs of interceptor tanks and effluent lines required to service the property."

Since the cost of installation is clearly on the developer, it is difficult to understand the rationale for charging the customer an additional \$40 dollars per foot over 20 fee of distance. It is my opinion that this was an accidental carryover from the water connection fee rate. The City is responsible for all water connections and needs a mechanism to recoup its costs of installing long services. I would recommend that the city get away from the "simple" and "complex" discussion on sewer service connection fees and establish one flat fee of \$3,250 for a connection. I think that this is important to do soon because of the number of inquiries that the City is receiving from people interested in building houses.

Since I broached this topic, the City should be looking at updating its comprehensive land use plan, updating its land use ordinances, adopting a multiyear Capital Improvement Plan to set a course for infrastructure improvements and adopting a set of public works design standards to assure consistency in future infrastructure development. I think the City of Falls City could see an upswing in new housing development in the coming years and it is best to be prepared early for this so that you do not need to scramble when applications do come.

While I am optimistic about the City's future, there is going to need to be discussions regarding how future services are going to be provided and the need for regionalization of some services. One of those services that will be discussed sooner than later is fire protection. The Southwest Park County Fire District is having some financial difficulties and the cost of running a separate Falls City Fire Department is increasing. There will be opportunities to discuss the creation of a new fire district. I hope that Council actively participates in those discussions to determine if this is the best course of action for Falls City's long range future.

Thank you for allowing me to be a part of your community.

PREVIOUS COUNCIL ACTION

None

ALTERNATIVES/FINANCIAL IMPLICATIONS

To be determined

STAFF RECOMMENDATION

None

EXHIBIT

None

PROPOSED MOTIONS

None

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: Ordinance, 541-2015, Taxing of Marijuana
Date: May 5, 2015

Summary

Discussions with staff and City Attorney on current Ordinance 539-2014 on the taxing of Marijuana highlighted some legal issues that we would like to address.

BACKGROUND

At the October 9, 2014 meeting Council adopted Ordinance 539-2014, establishing chapter 34 in the Falls City Code, that set a tax rate for the sale of Marijuana and Marijuana infused products. In talking with the City Attorney Ross Williamson, there was a worry that the City could open itself up to having to pay back any tax collected on the sale of Marijuana. He advised to Change Chapter 34, section 34.12(1), to be able to set the tax rates by resolution, rather than having the rate set by Ordinance. If this Ordinance is accepted he advises to change the rate by resolution to zero percent until the State sets up the regulations for the sale of Marijuana.

Previous Council Action

Council adopted Ordinance 539-2014, which created a tax on the sale of marijuana and Marijuana infused products.

ALTERNATIVES/FINANCIAL IMPLICATIONS

If the Legislature or the State sets up guidelines for the recreational sale of Marijuana, Falls City would be taxing the sales at 5% for a medical registered card holder and 10% for a recreational sale. Depending on the final outcome of the regulations governing the sale of Marijuana the City would possibly have to refund the collected taxes.

STAFF RECOMMENDATION

Adopt Ordinance 541-2015.

EXHIBITS

Chapter 34 of the Falls City Code.

PROPOSED MOTIONS

I move that Ordinance 541-2015 be read for the first reading.

I move that Ordinance 541-2015 be read for the second reading.

I move that the City Council of the city of Falls City adopt Ordinance 541-2015 An Ordinance Amending Falls City Code Chapter 34 pertaining to the taxing of Marijuana and Marijuana infused products.

Ordinance No. 541-2015

**AN ORDINANCE AMENDING FALLS CITY CODE CHAPTER 34
PERTAINING TO THE TAXING OF MARIJUANA AND MARIJUANA-
INFUSED PRODUCTS.**

WHEREAS, the City Council adopted Falls City Code Chapter 34.05 in October 2014 to implement a taxing procedure for marijuana and marijuana-infused products; and

WHEREAS, the City Council wishes to amend the taxing procedures to allow for more flexibility in setting the applicable tax rates for the various forms of marijuana and marijuana-infused products,

NOW, THEREFORE, THE CITY OF FALLS CITY ORDAINS AS FOLLOWS:

SECTION 1: Falls City Code Section 34.12(1), together with each sub-paragraphs (a) and (b) is hereby amended in its entirety to read as follows:

(1) In addition to any fees or taxes otherwise provided for by law, every seller engaged in the sale of marijuana and marijuana-infused products shall pay a tax, with the tax rates to be established by resolution of the City Council.

:

READ FIRST AND SECOND TIME, AND PASSED AND ADOPTED by the Common Council of the City of Falls City this _____ day of _____, 2015.

Terry Ungricht, Mayor

ATTEST

Domenica Protheroe, City Clerk

ORDINANCE NO. 539-2014

An Ordinance establishing a tax on the sale of marijuana and marijuana-infused products in the City of Falls City; and declaring an emergency.

WHEREAS, the City of Falls City is an Oregon home-rule municipal corporation; and

WHEREAS, except as otherwise provided, all powers of the City are vested in the Council; and

WHEREAS, the City Council desires to exercise that power to tax the sale or transfer of marijuana and marijuana-infused products within the City; Now, therefore,

NOW, THEREFORE, THE CITY OF FALLS CITY ORDAINS AS FOLLOWS:

SECTION 1: The provisions attached hereto as Exhibit A, and by reference incorporated herein, are added to and made a part of Falls City Code Chapter 34.

SECTION 2: The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3: Notwithstanding any amendment or repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 4: Nothing in this ordinance shall be deemed or interpreted to authorize or permit a use of property within the City of Falls City that is not otherwise authorized or permitted under the Falls City Zoning and Development Ordinance.

SECTION 5: This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

READ FIRST TIME AND SECOND TIME, AND PASSED AND ADOPTED by the
Common Council of the City of Falls City this 10 day of OCTOBER,
2014, by the following vote.

AYES 5 NAYS 0 ABSENT 1

APPROVED by the Mayor this 10 day of October, 2014.



Amy Houghtaling, Mayor

ATTEST



Amber Mathiesen,
City Recorder/Administrator

MARIJUANA TAX

34.06 Purpose.

For the purposes of this chapter, every person who sells marijuana, medical marijuana, or marijuana-infused products in the City of Falls City is exercising a taxable privilege. The purpose of this chapter is to impose a tax upon the retail sale of marijuana, medical marijuana, and marijuana-infused products.

34.08 Definitions.

As used in this ordinance, unless the context requires otherwise:

- (1) “Administrator” means the City Recorder/Administrator for the City of Falls City or his or her designee.
- (2) “Gross Sales” means the total amount received in money, credits, property or other consideration from sales of marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this chapter.
- (3) “Marijuana” means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- (4) “Oregon Medical Marijuana Program” means the office within the Oregon Health authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto.
- (5) “Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.
- (6) “Purchase or Sale” means the acquisition or furnishing for consideration by any person of marijuana or marijuana-infused product within the City.

(7) "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

(8) "Retail sale" means the transfer of goods or services in exchange for any valuable consideration.

(9) "Seller" means any person who is required to be licensed or has been licensed by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.

(10) "Tax" means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.

(11) "Taxpayer" means any person obligated to account to the Administrator of Finance for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

34.10 Tax Imposed.

A tax is hereby levied and shall be paid by every seller exercising the taxable privilege of selling marijuana and marijuana-infused products as defined in this chapter. The Administrator is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection, and administration of the marijuana tax.

34.12 Amount and Payment, Deductions.

(1) In addition to any fees or taxes otherwise provided for by law, every seller engaged in the sale of marijuana and marijuana-infused products shall pay a tax as follows:

(a) Five percent of the gross sale amount paid to the seller by a registry identification cardholder.

(b) Ten percent of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not registry identification cardholders purchasing marijuana under the Oregon Medical Marijuana Program.

(2) The following deductions shall be allowed against sales received by the seller providing marijuana or marijuana-infused products:

(a) Refunds of sales actually returned to any purchaser;

(b) Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller.

34.14 Seller Responsible for Payment of Tax.

(1) Every seller shall, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the Administrator, on forms provided by the City, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. The seller may request or the City may establish shorter reporting periods for any seller if the seller or City deems it necessary in order to ensure collection of the tax and the City may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the Administrator.

(2) At the time the return is filed, the full amount of the tax collected shall be remitted to the City.

(3) Payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the Administrator, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Administrator may order such a change. The Administrator may establish shorter reporting periods for any seller if the Administrator deems it necessary in order to ensure collection of the tax. The Administrator also may require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by sellers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the City. A separate trust bank account is not required in order to comply with this provision.

(4) Every seller required to remit the tax imposed in this chapter shall be entitled to retain five percent of all taxes due to defray the costs of bookkeeping and remittance.

(5) Every seller must keep and preserve, in an accounting format established by the Administrator, records of all sales made by the dispensary and such other books or accounts as may be required by the Administrator for a period of three years or until all taxes associated with the sales have been paid, whichever is longer. The City shall have the right to inspect all such records at all reasonable times.

34.16 Penalties and Interest.

(1) Any seller who fails to remit any portion of any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax, in addition to the amount of the tax.

(2) If the City determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalty stated in subsection (1) of this section.

(3) In addition to the penalties imposed, any seller who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(4) Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.

(5) All sums collected pursuant to the penalty provisions in this section shall be distributed to the City of Falls City General Fund and may be used to offset the costs of auditing and enforcement of this tax.

34.18 Failure to Report and Remit Tax - Determination of Tax by Administrator.

(1) If any seller should fails to make, within the time provided in this chapter, any report of the tax required by this chapter, the Administrator shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the Administrator shall procure such facts and information as is able to be obtained, upon which to base the assessment of any

tax imposed by this chapter and payable by any seller, the Administrator shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this chapter. In case such determination is made, the Administrator shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may make an appeal of such determination as provided in section 34.20. If no appeal is filed, the Administrator's determination is final and the amount thereby is immediately due and payable.

34.20 Appeal.

(1) Any seller aggrieved by any decision of the Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal such decision to the City Manager by filing written notice of appeal with the City Manager. Any appeal shall be filed within 30 days of the serving or mailing of the determination of tax due. The City Manager shall hear and consider any records and evidence presented bearing upon the Administrator's determination of amount due, and make findings affirming, reversing or modifying the determination. The findings of the City Manager shall be final and conclusive, subject to subsection (2) of this section.

(2) A person aggrieved by a decision of the City Manager may appeal to the City Council by filing written notice of appeal with the City Recorder within 20 days of personal service or mailing of notice of the City Manager's decision. The City Council shall give the appellant not less than 20 days advance written notice of the time and place of the hearing.

34.22 Refunds.

(1) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded as provided in subsection (2) of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Administrator within one year of the date of payment. The claim shall be on forms furnished by the City.

(2) The Administrator shall have 20 days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The Administrator shall notify the claimant in writing of the Administrator's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by

the Administrator to be a valid claim, in a manner prescribed by the Administrator a seller may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The seller shall notify Administrator of claimant's choice no later than 15 days following the date Administrator mailed the determination. In the event claimant has not notified the Administrator of claimant's choice within the 15 day period and the seller is still in business, a credit will be granted against the tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to claimant at the address provided in the claim form.

(3) Any credit for erroneous overpayment of tax made by a seller taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a seller must be so taken or filed within three years after the date on which the overpayment was made to the City.

(4) No refund shall be paid under the provisions of this section unless the claimant establishes the right by written records showing entitlement to such refund and the Administrator acknowledged the validity of the claim.

34.24 Actions to Collect.

Any tax required to be paid by any seller under the provisions of this chapter shall be deemed a debt owed by the seller to the City. Any such tax collected by a seller which has not been paid to the City shall be deemed a debt owed by the seller to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City of Falls City for the recovery of such amount. In lieu of filing an action for the recovery, the City of Falls City, when taxes due are more than 30 days delinquent, can submit any outstanding tax to a collection agency. So long as the City of Falls City has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty \$50.00 or fifty percent of the outstanding tax, penalties and interest owing.

34.26 Violation.

(1) Violation of this chapter shall constitute a civil infraction. It is a violation of this chapter for any seller or other person to:

(a) Fail or refuse to comply as required herein;

- (b) Fail or refuse to furnish any return required to be made;
- (c) Fail or refuse to permit inspection of records;
- (d) Fail or refuse to furnish a supplemental return or other data required by the City;
- (e) Render a false or fraudulent return or claim; or
- (f) Fail, refuse or neglect to remit the tax to the city by the due date.

(2) Filing a false or fraudulent return shall be considered a Class B misdemeanor.

(3) The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

34.28 Confidentiality.

(1) Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall prohibit:

- (a) The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana or marijuana-infused products are sold or provided;
- (b) The disclosure of general statistics in a form which would not reveal an individual seller's financial information;
- (c) Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City or an appeal from the City for amount due the City under this chapter;
- (d) The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or
- (e) The disclosure of records related to a business' failure to report and

remit the tax when the report or tax is in arrears for over six months or the tax exceeds \$5,000.

(2) The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

34.30 Audit of Books, Records, or Persons.

(1) The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the Administrator or an authorized agent of the Administrator.

(2) If the examinations or investigations disclose that any reports of sellers filed with the Administrator pursuant to the requirements herein have shown incorrectly the amount of tax accruing, the Administrator may make such changes in subsequent reports and payments, or make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations.

(3) The seller shall reimburse the City for reasonable costs of the examination or investigation if the action disclosed that the seller paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of 1 percent per month, or the portion thereof, from the date the original tax payment was due.

(4) If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the City may immediately seek a subpoena from the Falls City Municipal Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

(5) Every seller shall keep a record in such form as may be prescribed by the City of all sales of marijuana and marijuana-infused products. The records shall at all times during the business hours of the day be subject to inspection by the City or authorized officers or agents of the Administrator.

(6) Every seller shall maintain and keep, for a period of three years, or until all taxes associated with the sales have been paid, whichever is longer, all records of marijuana and marijuana-infused products sold.

34.32 Forms and Regulations.

The Administrator is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said marijuana tax and in particular and without limiting the general language of this chapter, to provide for:

- (1) A form of report on sales and purchases to be supplied to all vendors;
- (2) The records which sellers providing marijuana and marijuana-infused products are to keep concerning the tax imposed by this chapter.

“My city council wants to permanently ban marijuana dispensaries...”

CIS General Counsel Kirk Mylander recently responded to the following e-mail sent by a member city manager. We thought the response would be interesting to all city and county members as their governing bodies consider future policy.

THE MANAGER WRITES:

Good Afternoon! Our city is looking into a permanent moratorium on medical marijuana dispensaries and we are not sure what to do on the recreational side. I've talked with other city attorneys who have expressed adamant concerns and say we are setting ourselves up for huge lawsuits. Our Agent of Record suggested I contact you for your legal opinion on moratoriums, bans, time, place & manner ordinances, etc. I want to make sure we don't get in a legal battle. I understand that this falls within the city attorney's recommendation; however, I still need CIS's legal liability recommendations. Any input will be appreciated.

KIRK'S REPLY:

This is a tough issue. The key point on liability is what, if anything, the legislature passes this session on the topic of local regulation of marijuana. The best chance for a city to be able to ban dispensaries without getting sued lies with the legislature. If the legislature explicitly allows for local bans, then the City will be okay. So, my first recommendation is that any councilors who want to ban marijuana should start by lobbying the legislature.

If local governments do not get clear legislative authority to ban dispensaries, then a permanent moratorium on medical marijuana dispensaries will make it highly likely that the City will get sued. In addition, it is highly unlikely that the City's insurance will cover the defense costs of such a suit.

The City has coverage through CIS for tort claims and federal civil rights claims that seek money damages. Claims for declaratory relief (saying an ordinance is void or unenforceable) or claims for an injunction (saying an ordinance should not go into effect) are not covered.

If someone wants to open a dispensary, they would file suit to strike down the City's local ordinance that bans dispensaries. Also, it is unlikely such a person will file a federal constitutional claim, since marijuana is still illegal under federal law. As a result, it is unlikely the City's insurance would pay to defend such a lawsuit, and the City will have to hire a private attorney to defend the case.

Now that said, CIS will review any case that comes in to see whether any of the claims are covered. If even one claim is covered, then CIS will defend the entire suit (though only pay damages on the covered claim). We cannot say for sure whether a suit will be covered or not covered until we see the suit, and compare the claims it contains with the CIS coverage agreement.

Although I wish I could tell you 100% one way or the other, the analysis above is my best evaluation of what is likely to happen; I hope this helps the City in weighing the risks and considering the probable costs of the City's different options. Kirk

AGENDA REPORT

TO: COUNCIL
FROM: MAYOR UNGRICHT
SUBJECT: COUNCIL GOALS
DATE: 04-23-2015

SUMMARY

The City Council held 2 workshops to discuss developing Council Goals.

BACKGROUND

Council Goals and objectives offer City staff direction for day to day activities within daily operations. They also offer a means of measurement for staff and Council performance.

PREVIOUS COUNCIL ACTION

Previous Council Goals were adopted in 2014. Several objectives were completed or are still underway.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Lack of adopted Council Goals reduces communication between the residents of Falls City, the City Council and City Staff. This could have a financial impact if operations were to not align with Council intent.

STAFF RECOMMENDATION

Staff recommends adopting the Council Goals with any amendments requested by the Council.

EXHIBIT

Exhibit A - Draft Council Goals

PROPOSED MOTION

I move the City Council of the City of Falls City approve the City Council Goals as amended.

CITY OF FALLS CITY, OREGON

**GOAL-SETTING
WORKSHOP RESULTS**

March 2 and March 4, 2015

GOAL-SETTING WORKSHOP RESULTS

MISSION STATEMENT

Create an environment that supports community rural living at its best by mixing family, work, recreation and social opportunities while providing fiscally sound, responsible municipal services.

GOALS

The City of Falls City will:

1. Maintain City infrastructure at adequate levels to meet current, future and regulatory requirements.
2. Explore the development of an electric generation facility to power City operations.
3. Broaden community understanding of City government and operations by enhancing community communications.
4. Develop a strategy to encourage economic development in Falls City.
5. Explore options for and implement a code enforcement program that fits within available resources.
6. Enhance public safety in Falls City.
7. Develop and implement a staffing plan to carry out City operations.

OBJECTIVES

Goal #1 – Maintain City infrastructure at adequate levels to meet current, future and regulatory requirements.

	OBJECTIVE	PRIORITY
1	Update the Water Master plan	1
2	Create a Parks Master Plan	1
3	Develop a Capital Improvement Plan (CIP) which incorporates projects from other master plans	2
4	Develop funding sources and schedule for chip-sealing City streets	2

Goal #2 – Explore the development of an electric generation facility to power City operations.

	OBJECTIVE	PRIORITY
1	Identify preferred option and funding mechanism	1
2	Determine regulatory process and requirements	1
3	Contract for engineering and design of system	2
4	Begin permitting process	2

Goal #3 – Broaden community understanding of City government and operations by enhancing community communications.

	OBJECTIVE	PRIORITY
1	Schedule town hall meetings to share information with and solicit information from citizens	1
2	Publish a newsletter article on the City budget	1
3	Create a list of community volunteers and resources	1
4	Respond publicly and in a timely fashion to public comment issues received at City Council meetings	1
5	Continue to enhance the City's website	4
6	Post any ordinance changes once decided to make sure the public is informed	4

Goal #4 - Develop a strategy to encourage economic development in Falls City.

	OBJECTIVE	PRIORITY
1	Create Economic Development/Community Beautification Committee to develop and implement a list of projects	1
2	Review City ordinances to ensure compatibility with business development	2

Goal #5 – Explore options for and implement a code enforcement program that fits within available resources.

	OBJECTIVE	PRIORITY
1	Determine desired program model	1
2	Develop and implement program, and train appropriate people	1

Goal #6 – Enhance public safety in Falls City.

	OBJECTIVE	PRIORITY
1	Explore options/feasibility for police presence in Falls City	1
2	Explore use of cameras as a crime deterrent	1
3	Create a City Emergency Plan and educate the public on emergency procedures	1
4	Replace missing traffic signs in the City	4

Goal #7 – Develop and implement a staffing plan to carry out City operations.

	OBJECTIVE	PRIORITY
1	Create a succession plan for replacement of the existing workforce when changes occur	1
2	Determine the City Management staffing needs for the City	1
3	Hire staff as needed according to staffing plans/needs	1

KEY TO PRIORITY RATINGS	
•	1 – Do now – budget in the forth-coming budget year
•	2 – Look at accomplishing 2-3 years in the future
•	3 – Nice to have – not to look at funding for at least 3 – 5 years in the future
•	4 – Routine – on-going from year to year

AGENDA REPORT

TO: COUNCIL
FROM: TERRY UNGRICHT, MAYOR
SUBJECT: CITY MANAGER - DISCUSSION
DATE: 05/03/2015

SUMMARY

Council will discuss hiring a part time City Manager.

BACKGROUND

Council has directed staff to submit an RFP for a part time City Manager. The RFP close date was on 04/29/2015 and we received 7 applicants, 1 applicant withdrew leaving 6 candidates for the Manager Position.

PREVIOUS COUNCIL ACTION

Direct staff to issue an RFP for part time Manager.

ALTERNATIVES/FINANCIAL IMPLICATIONS

Council may need to reimburse travel expenses to include mileage, hotel, and meals for the candidate for the interview process. Any salary or benefits of an interim administrator would be determined through a negotiation process.

STAFF RECOMMENDATION

Staff recommends the City Council discuss the job duties, wage guidelines, and interview process.

EXHIBIT

Excerpt from March 12, 2012 minutes

Excerpt from April 12, 2012 minutes

City of Falls City, City Manager profile, from 2012

PROPOSED MOTION

I move the City Council of the City of Falls City hold a special City Council meeting to interview interim candidates for May, _____, 2015.

**CITY OF FALLS CITY. 299 MILL STREET, FALLS CITY, OREGON 97344
COUNCIL MEETING MINUTES**

MARCH 12, 2012

B) Mid-Willamette Valley C.O.G. recruitment process

Nancy Boyer, Executive Director, Mid-Willamette Valley Council of Governments (COG) provided an overview of their Recruitment process: a) develop a recruitment timeline; b) COG would meet with City Council to draft the position profile; c) COG would draft and place position advertisement; d) COG would receive applications and send out acknowledgement letters; e) COG would screen application down to those individuals which most closely fit the position profile; f) COG would provide an overview of the position to candidates; g) COG would meet with City Council to review candidates, she noted that Council had the option to review all applications if desired; h) COG would perform background and reference checks on finalist, four (4) background checks were provided in the cost of the recruitment, adding Council could elect to perform more or less background checks either before or after the interview; i) COG would work with Council to design the interview process, interview questions and assessments e.g., writing assessments, one on one exercises; j) COG would facilitate the interview process; k) COG would send out regret letters as appropriate during the recruitment process.

Councilor Hughes wondered if cities our size use COG's services for recruitment. Ms. Boyer responded that cities would use either COG or the League of Oregon Cities (LOC) as the effort is time intensive. Costs were similar for both COG and LOC. COG would not make money on this service; they provide the service in order to help cities in their area hire the best-qualified candidate.

Council Hughes explained that the city was considering the possibility of a part time position and wondered if the position of city administrator was typically full-time. Ms. Boyer stated that she had not recently participated in a search for a part time administrator. She worried that a requirement for a part time administrator, may not draw quality candidates, and could limit the quantity of applicants, as well. If the city expanded the recruited to full-time and part-time, they would be able to draw from the full-time pool of applicants, if a good match was not found in the part-time pool. She discussed possible scenarios stating that an administrator could be placed in a second part time position at another city, though she did not know of any smaller cities recruiting for a part-time administrator. She stated that travel time may be of issue should a City Administrator split a full time position between two cities.

Mayor Houghtaling attested that City Hall would not have time to conduct the search due to added projects listing the Transportation System Plan (TSP), Waste Water Master Plan, and Water Master Plan. Each project required added work for city staff due to meeting schedules, meeting packet preparation, and required matching hours for staff. If Council wanted to work towards Council goals, such as retention of records, the city needed COG's assistance. She encouraged the use of COG's recruitment services, explaining that half of the cost would come out of this fiscal year budget, and the second half of the cost would come out of the next fiscal year budget.

Councilor Spencer questioned what the fee paid for. Ms. Boyer stated the fee would be applied to her hours. Her time would be spent, sorting the applications, reviewing applications, develop the profile with council, facilitating interviews, development of questions, all items listed previously.

Ms. Boyer suggested that if Council began the development of the profile, a draft could be available for the April 2012 meeting. Mayor Houghtaling reported that the position of Financial Director may not be funded next fiscal year and stressed that the candidate would need strong

fiscal management that included budget and accounts payable. Council discussed three requirements; able and willing to understand the culture of the town, able to relate to all citizens, and must work well with people. Councilor Sickles added grant writing experience.

Councilor Spencer was not comfortable with spending five thousand dollars and wondered if there was a less expensive option. Mayor Houghtaling recognized that it was a large fee, but stressed that grants had added additional workload to city staff suggesting that City Hall did not have the needed time to run the search. Councilor Sickles feared that if the city did not hire someone specifically for the recruitment, things could be overlooked, adding that the City could not afford mistakes. Mayor Houghtaling added that it would be nice to have a neutral person conduct the search. Mayor Houghtaling and Councilor Sickles felt that unless someone from the outside was hired, the requirement could not be completed within four months. Council discussed the possible need to pay the City Attorney for assistance, should an outside service not be used. City Attorney Shetterly stated that he did not have a background in personnel, adding that there were legal issues in a recruitment process and it would be good to have someone familiar with the legal side to avoid pitfalls that could end up costing the city down the road.

Ms. Boyer described possible choices for educational backgrounds and experience and how such choices could lead to a candidate who had recently graduated with a Masters of Public Administration, but had limited job experience verses an experienced administrator.

Councilor Hughes was convinced that the city needed COG service, adding that COG would provide a more professional response. Councilor Hughes acknowledged Councilor Spencer's concern about the fee, but stated the fee was manageable if spread over two years. Councilor Ferguson reported that she did not agree and that she felt the city was not big enough to need an administrator. Mayor Houghtaling attested that an administrator was needed, at least on a part-time basis.

Councilor Spencer considered abstaining from the vote, as she had not had enough time to consider hiring COG. City Attorney Shetterly explained that the motion would take three votes to pass, and that it would fail if Councilor Spencer abstained from the vote. Councilor Hughes felt that COG services offered the best possibility of finding someone who could meet our needs on a part-time or three-quarter time basis. Council asked Ms. Boyer if she believed Council would have enough experience to handle a recruitment effort going forward. Ms. Boyer responded that it would be unlikely. She reassured Council that should a new recruitment effort be needed within a year, COG could help with no cost, or at a reduced rate, because much of the work would already be done through this effort. Councilor Hughes stated that Council had made an error by not negotiating the salary requirement when hiring the last City Administrator; Councilor Hughes felt strongly that salary would need to be negotiated when a candidate was selected.

Councilor Hughes moved, seconded by Councilor Sickles to enter into a contract with the Council of Government for recruitment services not to exceed \$5,200.

Vote: Hughes-yes; Sickles-yes; Ferguson-no; Spencer-yes

Motion carried 3/1/0

From April 12, 2012 Council minutes

B) City Administrator Profile

Nancy Boyer, Executive Director of Council of Governments (COG) worked in detail with Council to define the city administrator profile, determine if the position is part or full-time, approve advertising, define hiring range, review schedule, and allow public the opportunity to comment. Ms. Boyer explained that the standards, criteria and policy directives to be used in hiring the city administrator must be adopted at a meeting open to the public at which time the public had an opportunity to comment on this criteria, as defined by public meetings law. Ms. Boyer explained that if Council completed this list of tasks at the meeting, they could next meet in executive session to consider applications, which was the recommendation of Ms. Boyer.

Council discussed City Administrator profile with Ms. Boyer (see Attachment A). Ms. Boyer reported that the City of Wheeler had 35-40 applicants for their open position for City Administrator; many of the applicants were applying for their first job after completing internships and/or education. Council discussed education and experience and accepted the language in the draft profile.

Council discussed Skills and Past Performance. Council stated that the candidate would be required to be hands on. The profile was amended to include: Candidate must be a hands on administrator, willing to perform day to day municipal operations, with good overall knowledge.

Council discussed Council Relations with Ms. Boyer. Councilor Hughes offered edits to this section.

Council discussed Budget and Finance with Ms. Boyer. Ms. Boyer asked how much hands on accounting experience was required. Mayor Houghtaling confirmed that the City Financial Director would not be with the city after the transition. She read a list of tasks the Financial Director, Keith Moes currently performs: budget, accounts payable and receivable, supervises payroll contractor, general ledger, cash flow and investing, audits, serves as our Risk Management and Safety Officer, point of contract for liability for auto/property/workers comp/volunteers, point of contact for insurance and health insurance benefits, files insurance loss reports, advises the city on financial matters and grants, coordinates Information Technology upgrades, point of contact for LGIP/USDA/Southwest Rural/CIS/US Bank/PERS, long-term debit and takes deposits to the bank. Mayor Houghtaling asked that the Budget and Finance section be expanded in consideration of these items and recommended a full-time administrator, due to the elimination of the Financial Director position. Ms. Boyer stated that she would add operational knowledge of accounts payable and receivable, payroll, general ledger, cash flow and investment. She suggested amending the profile to state that the candidate would serve as the Risk and Safety Manager and benefits person.

Council did not modify Community Relations or Intergovernmental Relations.

Ms. Boyer asked if there were additional areas where the candidate should have experience. Councilor Volkmann suggested Waste Water Management, as the City was in the process of updating the Waste Water Master Plan. Ms. Boyer suggested adding a requirement of basic infrastructure, specifically Waste Water Management.

Ms. Boyer asked what level of computer skills would be required. Mayor Houghtaling suggested that the candidate would need advanced knowledge of Excel and confirmed that the City uses Quicken.

Ms. Boyer asked for updated information on The Community section. Councilor Volkmann referred back to page 1 of the profile and the second paragraph under City Government. He stated that the information should be updated to reflect the elimination the part-time Financial Director.

Council mentioned the socioeconomic diversity of Falls City. City Attorney suggested adding the following to the Community section: Diverse socioeconomic community with 76% of students on free or reduced lunch in the Falls City School District. Mayor Houghtaling stated that she would verify the percentage.

Ms. Boyer asked council to confirm if the position would be full or part time. Council considered whether they would be better served with two part time positions vs. a full time position. Council Volkmann stated that the profile as defined was daunting. Council discussed the value of separating the administrator and financial position, as this separation provided a check and balance. Ms. Boyer stated the administrator profile may attract someone who would like to move up from a job where they have hands on financial experience. Ms. Boyer worried that professional candidates may not apply for a part-time position. Mayor Houghtaling suggested that a part-time person would be paid for extra hours needed when participating in meetings and appointments, possibly leading to overtime hours, adding the job would be daunting if squeezed into a part time position. Council considered contracting out the financial tasks. City Attorney, Shetterly reported that laws would make it difficult to structure the job to look like a contractor and not an employee and stated that there are risks and penalties for hiring a contractor to perform a job that was typically done by an employee. Ms. Boyer stated that COG had looked at offering back office accounting services, but has been unable to implement due to the unique nature of cities, such as their accounting software and chart of accounts.

Councilor Hughes asked Ms. Boyer if this profile was reasonable and would draw candidates. Ms. Boyer stated that she believed it would and confirmed that the position would need to stress the financial duties. She suggested that this profile likely would not draw someone who recently completed their MBA, but would likely draw candidates who have experience or would like to move up.

Mayor Houghtaling reminded council that a full-time position has been budgeted.

Mayor Houghtaling, Councilor Spencer, Councilor Hughes, and Councilor Volkmann stated that they were inclined to a full-time position, due to the information provided at this meeting. Councilor Sickles and Councilor Bishop stated that they supported a part-time position. Ms. Boyer commented that she was not aware of a city in Oregon where a part time administrator was employed. She stated that for a period of time the City of Willamina shared an administrator with Gervais, and added that this administrator now works full time for the City of Gervais.

Council discussed salary. Council Volkmann stated that Council could exploit the market when offering salary. He added that the City would also realize savings with the reduction of the part-time Financial Directory position. Council acknowledged that revenues would be down in the next fiscal year. Council agreed that the budget committee faces hard decisions at the upcoming April 26, 2012 meeting.

Mayor Houghtaling opened the meeting to the public. She asked for comments or questions regarding the administrator profile. There were no public comments at this time.

Ms. Boyer asked Council to define a hiring range. Wheeler recently advertised for a City Administrator with a salary range between \$45,000 and \$55,000. Wheeler has a smaller population and would consider candidates without municipal experience. The city of Donald is close in size and offered \$50,000-\$60,000. Ms. Boyer reported that Falls City would get applications from across the state, and that it was typical to consider administrator salaries of similar size cities. Mayor Houghtaling confirmed that benefits would be on top on of the salary. She reported that the Financial Directors salary was \$22,500 with payroll taxes of \$2,590. The City Administrator salary was \$66,000 with benefits added onto this amount. Ms. Boyer clarified that Council was considering a hiring range and not a salary range; salary would be negotiated in the hiring contract. Councilor Hughes commented that there was public concern over the salary of our past City Administrator and suggested that hiring at a lower salary would help public relations. Council discussed the hiring range.

Council agreed on a hiring range between \$45,000 and \$55,000.

Council reviewed the advertisement for the position. Ms. Boyer stated that she would fill in the hiring range with \$45,000 to \$55,000. She would eliminate the line *Staff of 3 full-time and 3 part-time positions*. Ms. Boyer pointed out the closing date of May 16, 2012.

Council reviewed the schedule. COG would send acknowledgment letters and would screen applications to those who most closely met the requirements. She reassured Council that they would receive a list of all the applicants which would include only basic information, adding that Council would have access to any of the applications. Ms. Boyer suggested a meeting during the week of May 21-25 to review applications and determine which candidates would have background checks. The contract with COG included four background checks. Ms. Boyer stated that she would google candidates and that Council could ask for additional background checks. Ms. Boyer reported that the schedule called for interviews the last week of June and asked that Council consider a date for the interviews. This would allow candidates to plan their time. Mayor Houghtaling reported that she would be out of the office during the month of July and stated that she would want to be in town to welcome the new employee. Council discussed their availability for the May meeting. May 23 or 24 was available for the meeting.

Ms. Boyer discussed options for advertising the position. She recommended the League of Oregon Cities web site for a cost of \$20.00; this is a popular site for open municipal positions. Ads on this site also go out to the Emerging Leaders Network. She recommended the Association of Washington Cities website where there is no charge. The ad would also be placed on the web sites for the City of Falls City, Council of Governments and Oregon Association of Municipal Records; all of which are free. Ms. Boyer discussed additional sites that were costly and recommended against a newspaper ad due to expense.

Council agreed with the advertising plan.

Councilor Hughes moved, seconded by Councilor Spencer, to approve an ad for a full-time city administrator.

Vote: Hughes-yes; Sickles-no; Volkmann-yes; Bishop-no; Spencer-yes.

Motion carried 3/0/2

Councilor Volkmann moved, seconded by Councilor Hughes, to approve the profile and the advertisements postings with the amendments that Council recommended at the meeting.

Vote: Hughes-yes; Sickles-yes; Volkmann-yes; Bishop-yes; Spencer-yes.

Motion carried 5/0/0

Council thanked Ms. Boyer and the Mayor thanked Council for their participation.

Attachment A



City of Falls City City Administrator Profile

City Government

The City of Falls City is a charter city with a City Council comprised of a mayor and six Councilors elected from the city at large. The City Administrator serves at the pleasure of the City Council. The position of City Recorder/Administrator is the administrative officer of the City and has general supervision of administrative affairs, the work of all City departments and of all non-elective officers and employees of the City, except the Office of Municipal Judge and City Attorney.

The population of Falls City is 960 and the current budget is approximately \$2.6 million. In addition to the City Administrator, the City has three full-time and three part-time positions. The full-time positions include the City Clerk and two public works employees. The part-time employees include a Finance Director, office assistant and public works employee. The City also has a contract City Attorney, City Engineer and City Planner.

The Candidate

Education and Experience

The position requires a Bachelor's degree in public/business administration, accounting or related field and administrative/management local government experience; or equivalent. Master's level coursework in public administration or related field, including internship placements in local government settings may be used to meet the local government experience requirement. Prior experience in a small town environment with limited staff is preferred.



Skills and Past Performance

Administrative Ability

Candidate must be a "hands-on administrator with good overall knowledge of municipal operations, policies and procedures. Excellent communication and interpersonal skills are required to communicate effectively with the community and the City Council. He/she must work well under pressure and possess the ability to multi-task and prioritize effectively. In working with staff, he/she needs to be an effective supervisor who is able to establish clear expectations, provide productive feedback and foster an atmosphere of teamwork and collaboration.

Council Relations

Candidate must have the ability to work effectively with the Council and to keep them informed and to provide them with the necessary information, options and recommendation to be able to make informed decisions. The individual must be able to carry out the intentions and directions of the Council in a positive manner and to effectively move forward on the goals and objectives established by the Council.



Budget and Finance

Candidate must have a strong financial and accounting background. The individual should have knowledge of local budget law and be able to prepare a balanced budget and to manage effectively within budgetary constraints. Experience in grant writing, procurement and administration is desirable.

Community Relations

The individual must be able to relate to and work with all citizens and project a positive image of the City. He/she should be comfortable working in a small town environment and be willing to understand the

culture of the community.

Intergovernmental Relations

Must be able to relate to and develop good working relationships with other governmental entities, including other cities, the County, schools, state and federal agencies.

Innovations and Major Achievements

Compensation

The hiring range for this position is _____ dependent upon qualifications. The City provides health, dental, vision and life insurance through City/County Insurance Services. The City participates in the State of Oregon Public Employee Retirement System.

How to Apply

Persons interested in applying should submit a cover letter indicating their specific interest in this position; a detailed professional resume that identifies the relevant qualifications and experiences outlined in the position profile and a list of five professional references. Send the cover letter and resume to Falls City – City Administrator Recruitment, c/o MWVCOG, 105 High Street SE, Salem, OR 97301 or e-mail to nboyer@mwvcog.org. The closing date is May 16, 2012.

Veterans' Preference – As of January 1, 2010, under Oregon State Law, public employers must grant a preference in hiring and promotion to veterans and disabled veterans who meet the criteria (as set forth under ORS 408.225(1)d). There are four ways to qualify as an eligible veteran:

- A veteran must have served on active duty with the Armed Forces of the United States for a period of more than 178 consecutive days and have been discharged under honorable conditions; or
- A veteran must have served on active duty with the Armed Forces of the United States for 178 days or less and have been discharged under honorable conditions because of a service-connected disability (disabled veteran); or
- A veteran must have served on active duty with the Armed Forces of the United States for at least one day in a combat zone and have been discharged under honorable conditions; or
- A veteran must have received a qualifying military decoration for service in the Armed Forces of the United States.

If you are eligible and wish to claim Veterans' Preference, please indicate so in your cover letter. Please note that you will be required to provide documentation of your eligibility at the time of appointment.

If you would like, you may provide the required documentation with your application material.



The Community

Falls City is named after a waterfall in the Little Luckiamute River that passes through the center of town. In the past, it was a lumbermill town and once had three mills in operation, a bank, hotel, soda shop, jail and several grocery stores and bars. It formerly supported a large logging population and other population in the hills of the Coast Range, such as the smaller lumber-based community of Black Rock and the company-owned mill town of Valsetz.

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: 2015-2016 Budget
Date: April 17, 2015

Summary

I was unable to finish the LB-1 in time to bring the budget for Council approval. The Lb-1 is now done and we need to consider when we would like to adopt the budget, I can publish the notice for the June 11, 2015 meeting or Council can set a special meeting date, the notice needs to be in the paper no less than 5 days before the meeting and no more than 30 days.

BACKGROUND

The Falls City Budget Committee approved the Budget at the Budget meeting on April 23, 2015.

Previous Council Action

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

N/A

EXHIBITS

LB-1

PROPOSED MOTIONS

N/A

FORM LB-1

NOTICE OF BUDGET HEARING

A public meeting of the City of Falls City will be held on June 11, 2015 at 7:00 pm at 320 North Main Street, Falls City, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2015 as approved by the Falls City Budget Committee. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at 299 Mill Street, Falls City, Oregon 97344, between the hours of 10:00 a.m. and 5:00 p.m. or online at www.fallscityoregon.gov. This budget is for an annual budget period. This budget was prepared on a basis of accounting that is the same as the preceding year.

Contact: Terry Ungricht

Telephone: 503-787-3631

Email: mayorungricht@fallscityoregon.gov

FINANCIAL SUMMARY - RESOURCES

TOTAL OF ALL FUNDS	Actual Amount 2013-2014	Adopted Budget This Year 2014-2015	Approved Budget Next Year 2015-2016
Beginning Fund Balance/Net Working Capital	1,017,420	857,153	838,467
Fees, Licenses, Permits, Fines, Assessments & Other Service Charges	538,060	463,455	485,325
Federal, State and all Other Grants, Gifts, Allocations and Donations	108,221	191,506	199,675
Revenue from Bonds and Other Debt	0	26,000	24,750
Interfund Transfers / Internal Service Reimbursements	285,329	233,485	210,180
All Other Resources Except Current Year Property Taxes	8,524	4,000	2,350
Current Year Property Taxes Estimated to be Received	96,877	96,400	97,000
Total Resources	2,054,431	1,871,999	1,857,747

FINANCIAL SUMMARY - REQUIREMENTS BY OBJECT CLASSIFICATION

Personnel Services	281,495	362,934	380,730
Materials and Services	481,783	572,149	548,435
Capital Outlay	53,468	130,731	207,350
Debt Service	73,967	73,868	73,868
Interfund Transfers	305,009	242,610	210,180
Contingencies	0	424,234	371,711
Special Payments	0	65,473	65,473
Unappropriated Ending Balance and Reserved for Future Expenditure	28,511	0	0
Total Requirements	1,204,233	1,871,999	1,857,747

FINANCIAL SUMMARY - REQUIREMENTS AND FULL-TIME EQUIVALENT EMPLOYEES (FTE) BY ORGANIZATIONAL UNIT OR PROGRAM *

Name of Organizational Unit or Program	FTE for that unit or program		
General Funds (programs and departments below)			
City Council	492	1,150	1,500
FTE	0.00	0.00	0.00
Library	3,446	67,136	70,180
FTE	0	0.75	0.75
Court	4,021	16,020	8,480
FTE	0	0.20	0
Fire Department	51,804	186,316	71,006
FTE	0	0.10	0.10
Parks and Cemeteries	12,461	10,600	11,850
FTE	0	0.00	0.00
Administration	185,455	217,851	230,570
FTE	2	2	2
Other/Debt	59,541	49,014	144,769
FTE	0	0.00	0.00
Court Fund	13,424	0	0
FTE	0	0.00	0.00
Cemetery Fund	7,656	0	0
FTE	0	0.0	0.0
Water Fund	273,700	399,800	504,800
FTE	1	1.00	1.25
Sanitary Sewer	139,513	177,209	175,389
FTE	1	1.00	1.25
Streets and Pathways	67,210	113,744	64,775
FTE	0	0.00	0.00
Community Development Revolving Loan Fund	223,612	105,364	83,170
FTE	0	0.00	0.00
State Revenue Sharing Fund	9,741	0	0
FTE	0	0.00	0.00
Wagner Reserve Library 80% Fund	0	190,270	124,773
FTE	0	0.00	0.00
Wagner Reserve Library 20% Fund	0	26,575	34,635
FTE	0	0.00	0.00
Water Debt Fund	65,473	0	0
FTE	0	0.00	0.00
Small City Allotment Grant	25,000	0	0

FTE	0	0.00	0.00
Sewer Master Plan Fund	5,091	0	0
FTE	0	0.00	0.00
Equipment Fund	28,125	0	0
FTE	0	0.00	0.00
Utility Reserve Fund	28,468	310,950	331,850
FTE	0	0.00	0.00
FTE			
Not Allocated to Organizational Unit or Program			
FTE			
Total Requirements	1,204,233	1,871,999	1,857,747
Total FTE	4	5.05	5.25

STATEMENT OF CHANGES IN ACTIVITIES and SOURCES OF FINANCING *

This year the City increased FTE positions from 5.05 to 5.25.

PROPERTY TAX LEVIES

	Rate or Amount Imposed 2013-2014	Rate or Amount Imposed This Year 2014-2016	Rate or Amount Approved Next Year 2015-2016
Permanent Rate Levy (rate limit \$2.9202 per \$1000)	\$2.9202 per \$1000	2.9202 per \$1000	2.9202 per \$1000
Local Option Levy	0	0	0
Levy For General Obligation Bonds	5600	0	0

STATEMENT OF INDEBTEDNESS

LONG TERM DEBT	Estimated Debt Outstanding on July 1.	Estimated Debt Authorized, But Not Incurred on July 1.
General Obligation Bonds	\$0	\$0
Other Bonds	\$991,403	\$0
Other Borrowings	\$57,309	\$0
Total	\$1,048,712	\$0

* If more space is needed to complete any section of this form, insert lines (rows) on this sheet. You may delete blank lines.

AGENDA REPORT

to: City Council
from: Mayor Terry Ungricht
subject: Black Rock Mountain Bike Association (BRMBA) – Upper Park Camping with Alcohol
date: 3/05/2015

Summary

It is a policy that City Council consider Upper Park Reservations where the applicant has indicated alcohol will be served. BRMBA submitted an application for a group campout at the Upper Park on June 13, 2015. They anticipate an attendance of 125 people. The organization will not serve alcohol but attendees might bring alcohol.

City Hall has approved the campout, as allowed by policy.

BACKGROUND

The Upper Park rental agreement states:

ALCOHOL – OPTION ONLY AVAILABLE IN UPPER PARK. An alcohol permit must be approved by the City Council. Table wines and malt beverages with an alcohol content of 14 percent or less and packages in less than kegs or cases may be consumed only in areas clearly designated. *Any beverage with an alcohol content over 14 percent is not allowed.* **When serving alcohol the permittee is required to provide OLCC permit.** A liability insurance rider naming the City of Falls City as an additional insured is required when serving alcohol. The Insurance Rider must be comprehensive or commercial general liability endorsed for alcohol liability, be not less than \$500,000 combined single limits, name the City of Falls City as additional insured, and be evidenced by a certificate of insurance approved by the City Attorney.

Previous Council Action

N/A

ALTERNATIVES/FINANCIAL IMPLICATIONS

N/A

STAFF RECOMMENDATION

N/A

EXHIBITS

Exhibit A – BRMBA Upper Park Reservation form

PROPOSED MOTIONS

I move that the City Council of the City of Falls City grant BRMBA a permit to have alcohol in the Upper Park on June 13 and 14, 2015, limited to wines and malt beverage with an alcohol content of 14 percent or less and packages in less than kegs or cases may be consumed and only in areas clearly designated.



City of Falls City
Park Reservation Request Form/Application
 299 Mill Street, Falls City, Oregon 97344 Phone: 503.787.3631 Fax: 503.787.3023
www.fallscityoregon.gov

Date of Application: May 7, 2015
 Organization/Applicant Name: Black Rock Mountain Bike Association
 Contact Person for Organization: Daniel Shell
 Address: 2789 NW Arlington Dr. City/State/Zip: Albany, OR 97301
 Phone number: 503-679-4948 Alternative Phone Number: 541-829-1950 *Waldo*
 E-mail address: bomba_admin@aol.com
 Nature of Event: Campout for riders of our Shuttle Weekend
 Estimated Attendance: 125
 Date Requested for Event: 6/13/2015 - 6/14/2015 Time Requested-from: 12:00 pm (6/13) to: 12:00 pm (6/14)

- Rental of the Gazebo?
- Will Alcohol be served? Requires approval of City Council.
- Will there be monetary gain if Alcohol is served (donations/sale or tip jar)? Requires OLCC License.
- ADDITIONAL LIABILITY requirement for all Gazebo rentals and for any event that offers alcohol.** An Insurance Rider naming the City of Falls City as an additional insured is required for all paid rentals and for all events that serve alcohol.

Will there be overnight camping? Requires approval of the City of Falls City.
 Describe camping requirements: space for tents up to 125 people

Will there be use of amplified sound equipment? Requires approval of the City of Falls City.

Is power required? Specify use: ~~lights at night, music~~
lights at night, music

I have read, understand, and agree to the guidelines and regulations stated in the "The City of Falls City Park Rules for Use" and policies regarding use of the Park. By my signature, I agree to hold harmless and indemnify the City of Falls City, its officers, agents and employees for all claims arising from the use of park facilities resulting in bodily injury, property damage or personal injury, including but not limited to, settlements, judgments, costs and attorneys' fees.

Applicant's Signature: Daniel J. Shell Date: May 7, 2015

For Staff Use Only:	
Approved/Denied: <u>to Council</u>	Date: <u>5/7/2015</u>
Payment Type: Cash <input type="checkbox"/> Check <input checked="" type="checkbox"/> Check #: _____	Receipt #: <u>350165</u>
<input type="checkbox"/> Confirmation given to applicant	<input checked="" type="checkbox"/> Posted on calendar

CITY OF FALLS CITY
PARK RULES FOR USE AND GENERAL RESERVATION INFORMATION
"Agency" means the City of Falls City acting as the City of Falls City Parks and Recreation Agency

City of Falls City parks include:

Fay Wilson Memorial Park located on South Main Street, also known as our downtown park. This park runs along the Little Luckiamute River and has a wonderful walking bridge over the river with access to the downtown shopping. The park has a basketball court and play equipment. There are no sanitary facilities, except in summer months. This park is available for use without reservation between dawn and dusk.

The Michael Harding Park located on Parry Road. This small park sits above The Falls. There are no sanitary facilities, except in summer months. This park is available for use without reservation between dawn and dusk.

The George Kitchen Upper City on Park Street sits atop a beautiful tree covered hill. The park has restroom facilities, playground equipment, horseshoe area, a baseball field and a large gazebo. There are picnic tables scattered throughout the park. There are limited electrical hook up for the gazebo area. There are no shower facilities. The George Kitchen Upper Park gazebo is the only park facility that can be rented and reserved. This park is available for use between dawn and dusk. Overnight dry camping is available with approval from the City of Falls City.

Polk County Sheriff's Department patrols our city and we have a **volunteer Fire Department** for emergencies. Cell phone use is limited in this area.

RESERVATION HOURS – the hours of the permittee's reservation use are stipulated on the agreement. The user must adhere to the hours stated on the agreement, including the time necessary for setup and cleanup.

RESERVATION CHANGES

- Once the permit has been filed, no changes in hours will be allowed less than five working days in advance of the scheduled use, except in emergency cases. The City Administrator must approve such exceptions.
- The City reserves the right to cancel any scheduled or reserved park or facility due to unforeseen circumstances or emergencies. If the reservation is canceled by the City, the applicant may choose a full refund or request to be rescheduled.

LIABILITY – An Insurance Rider naming the City of Falls City as an additional insured is required for all paid rentals and for all events that serve alcohol.

- All persons and groups to whom a "Use" permit has been granted must agree to hold harmless and indemnify the City of Falls City and, with respect to Falls City parks only, from any and all liability for injury to person or property occurring as a result of this permit's activity, and agree to be liable to said City for any and all damage to any park, facility, building, equipment, and furniture owned or controlled by the City which results from the activity or permittee or is caused by any participant in said activity.
- Each permittee shall be fully responsible for the physical condition in which the facility is left. The expenses resulting from any damage or maintenance, which is above the normal level of service, shall be charged to the permittee. Failure of the permittee to meet this obligation within 30 days of billing will be cause for cancellation of future privileges, as well as legal action.

SOUND EQUIPMENT/NOISE –Use of amplified sound equipment must receive prior approval from the City Administrator and may require a Noise Variance Permit. Noise that violates City Ordinance is not allowed.

VIOLATIONS – Any person(s) or reservation group in violation of any applicable Oregon law or any ordinance or regulation pertaining to parks adopted by the City of Falls City shall be subject to ejection from any park, and to any and all available civil and criminal remedies.

ALCOHOL – OPTION ONLY AVAILABLE IN UPPER PARK. An alcohol permit must be approved by the City Council. Table wines and malt beverages with an alcohol content of 14 percent or less and packages in less than kegs or cases may be consumed only in areas clearly designated. Any beverage with an alcohol content over 14 percent is not allowed. **When serving alcohol the permittee is required to provide OLCC permit.** A liability insurance rider naming the City of Falls City as an additional insured is required when serving alcohol. The Insurance Rider must be comprehensive or commercial general liability endorsed for alcohol liability, be not less than \$500,000 combined single limits, name the City of Falls City as additional insured, and be evidenced by a certificate of insurance approved by the City Attorney.

DISCRIMINATION – The City of Falls City, under Title VI of the 1964 Civil Right Act, the U.S. Department of Interior prohibits discrimination on basis of race, color, national origin, sex, or handicap. If you believe that you have been discriminated against in a program, activity, or facility or you desire further information regarding Title VI, please write: The Office of Equal Opportunity, U.S. Department of the Interior, Office of the Secretary, Washington, D.C. 20240.

CLEANUP – Reservation groups, at a minimum, are expected to insure that their reserved areas are picked up and all garbage is deposited in appropriate receptacles. The expenses resulting from any damage or maintenance, which is above the normal level of service, shall be charged to the permittee. Failure of the permittee to meet this obligation within 30 days of billing will be cause for cancellation of future privileges, as well as legal action.

FACILITY COURTESIES

Your public parks and recreation facilities deserve your respect. Please extend the following courtesies.

1. Confine fires to areas designated for such purposes. (Portable stoves and barbeque grills may be used in any area when operated safely. **DO NOT** dispose of hot coals in park).
2. Do not discharge firearms of any type in or into any park.
3. Keep dogs and pets on a leash except in the exercise area. Pick up and dispose of pet waste in trash receptacles.
4. Observe all other state laws and city and county ordinances.
5. Deposit litter in the proper receptacles.
6. Clean up the area at the end of use.

PARK FEES

Established by Resolution No. 2013-06 Non Refundable FEES

A. Portion of park/per day	
• Gazebo Rental	\$20.00
B. Booth Spaces	
• Individual/Non Profit	\$15.00
• Commercial Business/For Profit	\$60.00
C. Camping	No fee, but City Approval is required

PLEASE NOTE:

- All fees must be paid in advance.
- Public will not be prohibited from having access to the park during rental.

PUBLIC WORKS STAFF REPORT
From March 28th through April 30th

Sat 28 Routine water and se

Sun 29 Routine water and sewer, called out 520 Clark Street broken pipe customers side, turn meter off.

Mon 30 Routine water and sewer, had flat on grader, called out Leswab. Went into Dallas gas, pick up mower from L and L Equipment. Mowed upper park, lower park, mill lot.

Tue 31 Routine water and sewer, end of monthly reports. Work in the upper park. Reconnect water 368 Fair Oaks.

Wed 1 Routine water and sewer, working in the upper park. Reconnect water 502 Lewis Street, deliver door hanger 439 Chamberlain. Change weather tape, clean turbidity analyzers at the WTP.

Thurs 2 Routine water and sewer, working in the upper park, ran grader 7th, East Ave. Reconnect 154 Third Street.

Fri 3 Routine water and sewer, park preparation for Easter on Saturday, mowed City grounds, clean off apron at 7th Street.

Sat 4 Routine water and sewer, Sun the 5th routine water and sewer.

Mon 6 Routine water and sewer, Al Yother Painting, started painting rest rooms in the upper park. Leak on 6th Street, crimp off service line.

Tue 7 Routine water and sewer, working on leak, have to pot whole, have to follow service line back to the main, to abandon this service.

Wed 8 Routine water and sewer, working on leak Mitchell Street, did State of Oregon waist water report.

Thurs 9 Routine water and sewer, having problems finding service line on Mitchell, reconnect water 390 Mitchell, finish painting upper park rest rooms, have to dry closed Intel it does.

Fri 10 Routine water and sewer, ran grader to road to waist water treatment plant, mowed City grounds.

Sat 11 and Sun 12 Routine water and sewer.

Mon 13 Routine water and sewer, finish with leak on Mitchell, could not find the crop stop on the main line, left service there put curb new curb stop on the old service line.

Tue 14 Routine water and sewer, park rest rooms are steel closed, working with owner Valsets Heights, on placement of new water main, pricing on replacing water service line on 6th Street.

Wed 15 Routine water and sewer, went into Glaze Creek intake, WTP flow adjustment preparing for warmer weather.

Thurs 16 Routine water and sewer, sewer samples, chlorine by products for water.

Fri 17 Routine water and sewer, weed control Waste Water Plant, Fair Oaks lift station, mowed upper park, water work order 14685 lock meter, customer moved, clean UV system.

Sat 18 and Sun 19 Routine water and sewer.

Mon 20 Routine water and sewer, spray lower park, City Hall grounds, mowed cementers and WTP.

Tue 21 Routine water and sewer, spray cemetery's, upper park and mowed ball field, did physical shut offs. Called out power outage, set up generators.

Wed 22 Routine water and sewer, went to Glaze Creek after storm, paper work WTP.

Library Director's Report
April, 2015

Attendance totals for the Wagner Community Library April 2015 272; the breakdown is as follows: Adults 163 and Youth 109, regular hours. Volunteer hours logged = 20. Items catalogued, 23.

The monthly programming remains popular. For the April *I Spy* activity, participants weighed in at eighteen. The *I Spy* games were led by Sandra Parks. Sandra is also the volunteer courier driver. In her other life, she works for the SMART Program. Spatial recognition is a key pre-literacy skill. On May 30, Wagner will offer the last Saturday programming until fall. From 11:00 a.m. to 1:00 p.m. volunteers will be recruited to sort out the gardens around the library. The incentive: PIZZA! Spring Cleaning inspires yet another sale. Wagner is putting more emphasis on the DVD format. Many children's VHS tapes will be offered for \$.25 throughout May.

The library was represented at the 4/28 Community Resources Celebration at the Community Center. A variety of poems were distributed for "Put a Poem in Your Pocket Day", April 30. This was the ideal occasion to promote the Summer Reading Program. Summer Reading (*Every Hero Has a Story*) will launch registration on June 1, 2015. I met with the ESD Consultant for the last time. She and I planned the elementary library curriculum through the end of the school year.

The Library Advisory Board has appointed a Chair person for Library District Development. Because the Wagner has enjoyed the school district's non-profit status, the timing of grant applications has come into question. Meeting with the County Clerk may shed some light on that question. The requirements for a feasibility study are now in the committee's hands. Community members have already volunteered for signature collection. I remain focused and motivated on this project.

Respectfully submitted,

Cynthia Hovind, Director
Wagner Community Library