

City of Falls City
City Council Regular Meeting
Thursday May 14, 2015
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

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

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

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

1) Roll Call

Clerk Protheroe took roll call.

2) Pledge of Allegiance

Mayor Ungricht led the pledge.

3) Motion to adopt the entire agenda

A motion was made by Councilor Melin and seconded by Councilor Meier to adopt the entire agenda and move item K- Executive Session after item 7-Council Announcements. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

4) Consent Agenda: Motion Action Approving Consent Agenda Items

A) Approval of the Bills

B) Approval of the minutes April 9, 2015

The upper park bathroom payment represented the second half of bill to paint the upper park bathrooms.

A motion was made by Councilor Meier and seconded by Councilor Melin to approve the consent agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

5) Public Comments: None

6) New Business:

a) Resolution, 04-2015, raising solid waste rates, public comments

Mayor Ungricht stated that the requested rate increase met the criteria under the franchise agreements. Republic Services requested a 3.5% increase and the franchise agreement allowed an annual increase up to 4%. Councilor Drill was concern with the added cost to citizens and wanted to know what would happen if council did not approve the rate increase. She reported the rate had increased last year and the price of gasoline had since fallen. She worried that people would discontinue service. Councilor D. Sickles and Meier felt council was obligated to honor the franchise agreement and approve the increase because it met the criteria. Councilor Drill thought there were other options like using the old dumpsite. Mayor Ungricht would put a copy of the franchise agreement and additional information in council mailboxes. He would also contact the waste service in Independence to see what they offer. The rate increase amounted to \$1.90 per-month for recycling and waste would go into effect on July 1, 2015. Don Poe, Public Works Lead Worker, estimated that the cost to Republic Services for the Spring Clean Up was \$8,000.

A motion was made by Councilor Drill and seconded by Councilor Melin to table the Resolution until the June City Council meeting until additional information could be provided. Motion Filed 2-4-0. Ayes: Jennifer Drill, Gerald Melin. Nays: Lori Jean Sickles, Tony Meier, Dennis Sickles, Julee Bishop

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 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 and effective date. Motion carried 4-0-2. Ayes: Lori Jean Sickles, Tony Meier, Dennis Sickles, Julee Bishop. Abstain: Jennifer Drill, Gerald Melin.

b) Code Enforcement

Mayor Ungricht reviewed the complaints included in the packet.

Councilor Drill had made contact with Code Enforcement Organization about training. Council agreed by consensus that they would attend a Special Session when members of the Code Enforcement group were available to come to Falls City to discuss a code enforcement program.

Mayor Ungricht would use letter templates created by the prior Code Enforcement Officer to notify residents of a complaint and would bring enforcement letters to Council for signatures.

Councilor Drill wanted a porta potty at the Falls Park by June 1, 2015. Mayor Ungricht stated it was the hope of the city to have two at the Falls Park before June 1.

c) LDWC, appeal dismissal

The Luckiamute Domestic Water Cooperative had dropped their court appeal.

d) AmeriCorps application

Mayor Ungricht reported that the City applied for an AmeriCorps RARE Program graduate-level student. AmeriCorps had interviewed him. In June, he would travel to Eugene for interviews with RARE Program participants. If a participant selected Falls City, the City would receive a full-time AmeriCorps graduate for 11 months for \$22,000. AmeriCorps paid all taxes, benefits, and workers compensation. Falls City was required to give the graduate a workstation, mentoring and welcome them into the community. The program was highly competitive with only 25 students and 75 applicants. Falls City could provide exposure to a wide variety of job skills and the student could help the city with a numbers of items, such as updating codes, develop a code enforcement program, creating public work standards, and master plans. The student would also bring the resources of the university to Falls City, such as research staff.

Councilor Drill requested information on what the student would be doing. The Mayor would put information in her mailbox.

e) Interim City manager exit comments

Interim City Manager Hanken had provided exit comments. Councilor D. Sickles agreed with a single rate for a sewer connection. Mayor Ungricht noted that Council would need to consider a sewer rate increase in the next fiscal year because the Sewer Fund would end the current fiscal year with a near zero balance.

f) Ordinance, 541-2015, Taxing of Marijuana products

This would change Chapter 34 of the Municipal Code to allow the tax rate to be set by resolution, instead of specifying the rate in the Municipal Code. The City Attorney recommended that Council set a tax rate at zero percentage until such time the State of Oregon sets up regulations for the

sale of marijuana. Charging a zero percent tax would prevent a situation where the City would be required to pay back any tax collected due to future State laws. Ordinance 541-2015 would take effect in 30 days, if adopted. Mayor Ungricht would bring a rate resolution before Council.

The Falls City Zoning and Development Code states land use shall be consistent with applicable state and federal laws and regulations. Mayor Ungricht noted that Cave Junction was in litigation for denying a business license to a medical marijuana dispensary based on a similar restriction in their Zoning Code. The City Attorney recommended that the City reconsider amending the Falls City Zoning and Development Code to allow marijuana dispensaries, and establish a procedure for licensing dispensaries that considers both zoning and distance from parks and schools. Councilor Meier asked about growers just outside city limits. Mayor Ungricht stated that was regulated by the county.

A motion was made by Councilor Meier and seconded by Councilor L. Sickles that Ordinance 541-2015 be read for the first reading. Motion carried 5-0-1. Ayes: Lori Jean Sickles, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop. Abstain: Jennifer Drill

Mayor Ungricht read the title of the Ordinance: Ordinance No. 541-2015, An Ordinance Amending Falls City Code Chapter 34 Pertaining to the Taxing of Marijuana and Marijuana Infused Products.

A motion was made by Councilor D. Sickles and seconded by Councilor Meier that Ordinance 541-2015 be read for the second reading. Motion carried 5-0-1. Ayes: Lori Jean Sickles, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop. Abstain: Jennifer Drill

Mayor Ungricht read the title of the Ordinance: Ordinance No. 541-2015, An Ordinance Amending Falls City Code Chapter 34 Pertaining to the Taxing of Marijuana and Marijuana Infused Products.

A motion was made by Councilor Meier and seconded by Councilor D. Sickles that The City Council of the City of Falls City adopt Ordinance No. 541-2015, An Ordinance Amending Falls City Code Chapter 34 Pertaining to the Taxing of Marijuana and Marijuana Infused Products. Motion carried 5-0-1. Ayes: Lori Jean Sickles, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop. Abstain: Jennifer Drill

g) Adopt Council Goals

Mayor Ungricht asked Council to adopt the goal document. Councilor Drill requested a monthly status report on goals. Councilor Melin agreed and thought it was a good idea to keep the goals before Council in order to move them forward. Mayor Ungricht would provide a monthly update.

A motion was made by Councilor Melin and seconded by Councilor Meier that the City Council of the City of Falls City approve the City Council goals as amended. Motion carried 6-0-0. Ayes Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

h) City Manager, discussion

Mayor Ungricht reported that seven candidates had applied for the part-time manager position. One candidate had withdrawn. Mayor Ungricht solicited ideas from Council for an interview process. Councilor L. Sickles suggested a special meeting. Council discussed prior interview practices. Councilor Drill suggested inviting a county representative familiar with infrastructure and requirements to join the interview panel. Clerk Protheroe reported that Monmouth City Manager, Scott McClure had participated in the City Manager interview process in 2012. Council agreed by consensus to hold a special meeting and interview all candidates on the same day and to invite a neighboring city manager to participate. If a neighboring City Manager was not available, Council

gave their approval to hire Jennie Messmer at her rate of \$77.00/hour. Councilor Drill would offer a name of a City Manager who might be interested in participating in the interview process.

Mayor Ungricht stated that the City would benefit by hiring a person strong in budgeting, land use planning, and employee law and procedures. Mayor Ungricht reported Clerk Protheroe was spending a great deal of time on Land Use Planning. Clerk Protheroe reported on active land use applications: three lot line adjustments, one subdivision pre-conference, two new site build homes, one new manufactured home awaiting approval of a lot line adjustment. Additional applications expected: one new garage, two new manufactured homes. She had not seen this level of activity in the last four years.

Councilor Meier suggested Council consider a contract manager verses hiring a City Manager and wondered if it would be less costly. Mayor Ungricht stated that the City would pay an hourly rate and would not pay benefits. Mayor Ungricht reported that Craig Johns, a City Manager contractor located in Independence, had interviewed the Interim City Manager position in 2014. Mr. Johns unfortunately had not apply for the open position because he was out of town, but had called with interest and stated he an application on file at City Hall.

Councilor Drill had spoken to an individual who expressed interest in a one-year internship. He had been unable to find an internship position and was interested in a one-year internship with or without pay, providing the City covered expenses. Council agreed they were concerned with the cost of City Manager.

i) Budget update, discussion

Mayor Ungricht reported that the LB-1 budget form and budget resolutions had been prepared with the assistance of Jennie Messmer, Deputy Director, Mid-Willamette Valley Council of Governments (MWVCOG). Her rate was \$77.00 per hour. She had helped Mayor Ungricht with the LB-1 form, supplemental budget preparation, and reviewed other topics including land use.

Mayor Ungricht asked Council to confirm they had confidence that the budget would pass without further modification. If a member of Council required additional modification, a Special Session would be needed to adopt the budget by June 30, 2015, as was required by State Law. Public notice requirements for the LB-1 required the form to be published no more than 30 days in advance of the meeting and no later than 5 days before the meeting. Council confirmed they were confident that the budget would pass without modification. A supplemental budget might not been needed; Mayor Ungricht was closely monitoring.

Council agreed by consensus to wait until the Regular City Council Meeting on Thursday June 11, 2015 to consider budget resolutions.

j) Upper Park camping/alcohol, BRMBA

Mayor Ungricht reported Black Rock Mountain Bike Association (BRMBA) planned to submit a wide-range plan that would include a trail from the Upper Park through the trees to Mitchell Street and a Pump Track for bicycles. Mayor Ungricht had talked to BRMBA about building a campground around the outer regions of the Upper Park. He mentioned that a camp host located at the Upper Park might deter vandalism. Sarah Helmick State Park had an on-site host but did not allow camping.

Councilor Drill requested that the rental fee cover the expense of the rental. Councilor D. Sickles stated that the \$20.00 Gazebo rental fee had been set by resolution. The Gazebo was the only park

facility for rent. In 2013, Council had set up a policy to allow City Hall to approve camping in the park.

Council considered the rental request. Don Poe, Public Works Lead Worker, reported that BRMBA had provided porta-potties at a past camping event at the park, and had left the park in good condition.

A motion was made by Councilor D. Sickles and seconded by Councilor Meier 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, and that they provide a liability insurance rider naming the City of Falls City as an additional insured, and provide two porta-potties to cover the large number of people attending.

7) Correspondence, Comments and Ex-Officio Reports

A) Council Reports

Councilor L. Sickles announce the Wednesday May 27 Circus. Advance ticket sales benefitted the Parents Group. The Boondocks had tickets for sale.

Councilor Drill listed four incidences of vandalism that occurred the first weekend in May: (1) someone drove over the gravel burn and spun gravel about in the Mill Lot, (2) theft at Frink's General Store, (3) Upper Park sink was pulled from the wall, and (4) Grace Fellowship siding, railing, and swing set was ripped off. Councilor Drill felt that vandals were taking advantage of the City because of the lack of police presence. She encouraged Council to take action soon. A deputy had advised Mayor Ungricht to document incidents with photos, license plate numbers, and to call the sheriff. Councilor Bishop clarified that a witness must be able to identify the driver, because anyone could be in the vehicle. Councilor Melin knew two retired police officers in town and wondered if they could help the City. Council wondered if the retired police officers would help set up a neighborhood watch program. Councilor Drill wanted to coordinate a town hall meeting to form a neighborhood watch. Mayor Ungricht advised her to work with resources to find out the requirements and training for a neighborhood watch program prior to scheduling a citizen meeting. Sheriff Wolf stated he could not help Falls City with a neighborhood watch program at this time due to funding issues. Council noted that the Polk County sheriffs had been in Falls City often recently.

B) Mayors Reports

Mayor Ungricht asked Council to consider revising City Hall hours

From: Monday – Thursday 10:00 AM to 1:00 PM, reopen from 2:30 PM to 5:30 PM and Friday, 10:00 AM to 1:00 PM, reopen from 2:30 PM to 4:30 PM,

To: Monday – Thursday 10:00 Am to 1:00 PM, reopen from 1:30 PM to 5:30 PM, and closed to the public on Friday.

The Friday closure would allow staff to work on filing, land use, records retention, and record requests. Closing on Friday would allow the City Clerk to take the occasional Friday off to use compensatory and vacation time, which was building up due to the staffing transition. Mayor Ungricht clarified that the Clerk began work at 9:00 AM. Councilor Drill asked that City Hall remain open on Friday the 25th in order to take last minute utility payments.

Council agreed by consensus to change City Hall hours and asked that notices be posted with the new hours. Mayor Ungricht would include the new hours in the newsletter.

The City Attorney advised Council to form a Planning Commission. Council currently served as both the Planning Commission and appeal board. Five of the seven positions on the Planning Commission were open. Training on Land Use Laws and the Falls City Zoning and Developing would be required because Commissioners consider land use regulations. Mayor Ungricht would prepare a list of requirements and qualifications for the next meeting. He would rely on Council to recruit members. Councilor Bishop had served in the past on the Planning Commission and she had found it frustrating that Council had dismissed the findings of the Planning Commission on a regular basis. Mayor Ungricht replied that the City Council would need to recognize that the Planning Commission training in Land Use. Councilors would require land use training if a Planning Commission could not be formed to limit liability to the City. Councilor Meier requested that Council receive land use training even if a Planning Commission was formed. Clerk Protheroe recommended a review of land use fees because of the added cost for Council of Governments Land Use Planner attending meetings.

Mayor Ungricht reported that he had received bids from Yother Works to paint the handrails, soffits and trim at the water plant, and paint the exterior of City Hall. Mr. Yother was licensed, bonded, and certified by the State of Oregon for lead paint. He was recently hired to paint the Upper Park bathrooms. The Historical Commission tested the jail for lead paint and it came back negative. Council asked Mayor Ungricht to secure additional bids. Councilor Drill suggested Collage Painting. There were funds available in the 2014-2015 budget to begin the work this fiscal year.

There was an after-hours water main break by City Hall. Mayor Ungricht reported it was the first time he had helped on a water main break. The break produced a large hole in the street. Don Poe, Public Works Lead Worker, reported the leak was approximately 75,000 gallons. Water service was restored by 10:15 pm, after which Public Works had to go to the plant. A boil notice was issued and was lifted within 24 hours. The Mayor and Council thanked Public Works for their long day.

Mayor Ungricht asked Council for permission to explore a lease or a loan for a new Public Works pickup. He would bring Council a proposal that would include the monthly expense and budget information. The 2004 Chevy pickup had 150,000 miles mainly idle time and trips to the water plant. The truck required a minimum of \$2,500 in repairs, including tires, front-end repairs, and the seat was gone. This equaled one year's worth of payments on a new truck. The small pickup required a repair for a new leak, this after replacing the head gasket for \$1,000. Mayor Ungricht stated the small pickup would not be repaired because of the condition and age of the vehicle. He had already secured government fleet rate for a new half-ton pickup with four-wheel-drive public works pickup from Chevy (\$22,102) and Dodge (\$21,570).

Councilor Drill asked Mayor Ungricht to explore less expensive options such as Craigslist, Hertz, and surplus. Mayor Ungricht thought a new vehicle would last longer and it would include a service agreement and a warranty. Councilor D. Sickles agreed that a new vehicle should serve as the primary and a used vehicle could serve as the secondary vehicle. Mayor Ungricht hoped a second vehicle was not needed. Councilor Drill wondered how the City had money for a new truck but not for other needs. Council approved by consensus to explore options.

Mayor Ungricht reported he planned to give a list of needed equipment to the State Surplus Manager who would search federal surplus. Federal surplus items are priced low, sometimes a dollar. The City would be required to pay shipping and would sign an agreement for use and maintenance. The generator located in the fire bay was obtained from federal surplus. Mayor Ungricht would request street sweeper, street broom, road grader, one-ton pickup. The 1963 road

grader needed to be replaced. The City could save the money paid to the contract street sweeper if it owned a street sweeper. Mayor Ungricht would check on the contracted street sweeper.

Mayor Ungricht stated that the firetruck and ambulance stored in the Old Mill Lot garage had been surplus by Council in past years. The items had out to bid, but no action was taken. He asked for Council approval to dispose of the items. He would discuss disposal with Fire Chief Bob Young and would put out a bid.

Mayor Ungricht ordered a new desktop computer for due to necessary. The finance desktop had outdated operating system, offered no virus protection, and the new version of QuickBooks required a newer operating system. The cost to replace would be under \$800.00, not including QuickBooks. He had budgeted one computer a year.

Councilor Drill had introduced Mayor Ungricht to Lee Medlock, Oregon Department of Transportation, Transportation Maintenance Coordinator. Mr. Medlock wanted to help the City with maintenance, set up a maintenance schedule, and he wanted to work with the Booster Club to set up a student-training program for sign cleaning. Plans were in the early stages. Public Works would review the State of Oregon sign price. Mayor Ungricht hoped to build a relationship that could help the city with maintenance needs.

Mayor Ungricht reported that Clerk Protheroe was doing a great job with Land Use Planning.

8) Council Announcements

City Clerk Protheroe announced: (1) Spring Clean was scheduled Saturday June 6, 2015 from 8 am to 2 pm. She encouraged Councilors to contact seniors and disabled to schedule home pickup service, (2) Home Hazardous Waste event May 23, 2015 at the Polk County Public works yard located at 820 SW Ash, Dallas, (3) The Booster Club would run the 3rd of July Celebration, and would hold the citywide garage sale/Bazaar the same day, and (3) business License renewal letters would be mailed. New businesses may pick up a packet at City Hall. Completed applications and fees were due by June 30.

9) Executive session pursuant to ORS 192.660(2) (a) to consider the employment of a new City Manager

Mayor Ungricht announced that the City Council of Falls City would meet in executive session for the purpose of considering the employment of a new City Manager, pursuant to ORS 192.660(2)(a) Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience were asked to leave the room. Representatives of the news media were specifically directed not to report on any of the deliberations during the executive session, except to state generally the subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, Council would return to open session and welcome the audience back into the room.

Councilor Drill declared a conflict of interest. Her father, Robert Young, was one of the City Manager candidates. She would reclude herself from discussions about her father.


A member of the media was present for the executive session.


Mayor Ungricht closed the public meeting at 9:03 PM

Mayor Ungricht opened the executive session at 9:07 PM

Mayor Ungricht closed the executive session at 9:45 PM
Mayor Ungricht opened the public session at 9:45 PM

- 10) Adjourn
The meeting was adjourned at 9:46 pm.

 Mayor Terry Ungricht

Attested:  City Clerk Domenica Protheroe