

City of Falls City  
City Council Regular Meeting  
Meeting Minutes  
December 8, 2016 7:00 PM  
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 7:16 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 D. Sickles and seconded by Councilor Meier to adopt the entire agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

**4) Consent Agenda**

Clerk Protheroe distributed an Agenda Report titled "Leak Adjustment Request –Cynthia Sample-Blake" (Exhibit A)

Councilor Drill requested a correction to the November 10, 2016 City Council Minutes on page 5 (page 10 of the Packet), third paragraph, second sentence: replace "voted to direct him to research ways to eliminate vehicle traffic" with "voted to direct him to proceed with the barricades".

A motion was made by Councilor D. Sickles and seconded by Councilor Meier to adopt the Consent Agenda with the addition of Item D on the Consent Agenda – Leak Adjustment for 153 3<sup>rd</sup> Street and the correction to the minutes. 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. Clean Water Act and TMDL Reporting**

Mayor Ungricht informed councilors that the State accepted our 2015-2016 Annual Total Maximum Daily Load (TMDL) Implementation Plan report. Mayor Ungricht welcomed suggestions for the TMDL matrix. Mayor Ungricht reported that City Clerk JoHanna Birr recently attended a TMDL workshop and found the City was ahead of other small communities.

**B. Resolution 23-2016, Tree City USA**

Mayor Ungricht stated the City wanted to be a Tree City Member by the end of the year.

A motion was made by Councilor L. Sickles and seconded by Councilor Bishop to adopt Resolution 23-2016, A Resolution Allowing Falls City to Apply to Become a Member of Tree City USA and Establishing the Falls City Parks and Recreation Committee as the Falls City Tree Board. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

**C. Resolution 24-2016, Arbor Day**

Councilor Drill announced the Saturday, December 10 1:00 PM Arbor Day Celebration at the Community Center. Tree Care brochures, a children's coloring sheet will be available and hot chocolate will be served. She invited people to drop off smaller fir and cedar branches for Arbor Day that will be used to green the walking bridges.

A motion was made by Councilor Melin and seconded by Councilor Bishop to adopt Resolution 24-2016, A Resolution Declaring Support of Arbor Day and Setting a Date to Celebrate Arbor Day for 2016. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

**D. Michael Harding Park expansion, land use application**

Mayor Ungricht informed Council closing papers had been prepared for the purchase of the land owned by Falls City Alliance for the expansion of Michael Harding Park. He was negotiating with the Falls City Alliance for the payment of back property taxes. He hoped that the City and Falls City Alliance could sign the purchase agreement on Monday and so the deed could be recorded in the City's name.

Mayor Ungricht informed Council that the Oregon Park and Recreation Land Acquisition Grant required the City to change the zoning of the land from Residential to Public and record a document protecting the land as open space for fifty years. Mayor Ungricht requested that Council consider waiving the land use fee because the Land Use application will be submitted by the City Hall. Regardless, the City must pay for the land use planner and other application expenses.

A motion was made by Councilor Meier and seconded by Councilor L. Sickles that the City Council of the City of Falls City waive the \$1,000.00 Land Use Application. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

**E. Official Elections Results**

Mayor Ungricht read the official election results into the record:

On the Mayor election the only certified candidate was Terry Ungricht, he received 375 votes, 92.36%, there were 31 write in, and 88 under votes.

The following certified candidates for Council and their vote tally was;

Dennis Sickles, 304 votes

Cliff Lauder, 241 votes

Charlie Flynn, 208 votes

Shane Curry, 164 votes

Jim Partridge, 156 votes

There were also 17 write in votes and 392 under votes for the Council seats.

The certified election results has Dennis Sickles, Cliff Lauder, and Charlie Flynn as our new Falls City Councilors and Terry Ungricht as the Mayor.

**F. Resolution 22-2016, Fire Assistance Grant**

The grant application included an Emergency Rescue Response kit, 10 self-contained breathing apparatuses, and 10 extra tanks. The existing tanks can still be filled, but are old and the City cannot afford to replace them.

A motion was made by Councilor D. Sickles and seconded by Councilor Bishop that the City Council of the City of Falls City adopt Resolution 22-2016, A Resolution Authorizing an Application for a Federal Emergency Management Administration (FEMA) Fire Assistance Grant. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles, Julee Bishop

**G. 200 Church Street Water Service Rate Structure**

Council previously requested an evaluation of the water rate structure for Green Haven RV Park, located at 200 Church Street, to determine if rates are equitable with other dwellings. The review was triggered by notification of the passage of ORS 197.493. This State Law instructs local government not to prohibit placement or occupancy of an RV or impose any limit on the length of occupancy if the trailer is located in a recreational vehicle park and is connected to water and electrical supply system and a sewer disposal system. The Public Works Committee reviewed rate options and recommended a rate multiplier of one on all units not considered temporary under State Law ORS 197.493. Mayor Ungricht clarified that he was asking for direction and he was not asking Council to approve a rate change at this meeting. Additionally, he recommended that a rate increase wait until after he meets with Mr. Bowman and after the Water Master Plan Rate Study is completed.

Mayor Ungricht informed Council that the City charges Green Haven RV Park for one 2" commercial water connection each month. The City charges the duplex one base rate for each dwelling unit. The City had provided two options to the owner of the duplex: install two water meters, one for each unit, or use the existing water meter with a multiplier for each dwelling unit. The owner selected the multiplier, which resulted in a monthly charge of two base rates and provides up to 10,000 gallons of water. Overage charges kick in when the usage exceeds 10,000 gallons. The apartments have a multiplier of five (5) which results in a monthly charge of five base rates, one for each apartment. Overage rates kick in after 25,000 gallons a month.

The RV Park has a Department of Environmental Quality (DEQ) approved septic system and does not use City sewer. The system is in good shape and monitored by DEQ.

Mayor Ungricht asked councilors how to proceed with non-temporary RV spaces:

- Councilor Bishop questioned why a temporary user should pay less than a permanent user and she was in general agreement that rates should be fair across the board.
- Councilor Drill and Councilor Meier thought it was fair to charge non-temporary RV spaces like other Falls City residents.
- Councilor Drill suggested a progressive increase; for example start with a rate multiplier of 15 and increase to 30 after six months.
- Councilor Melin was in general agreement that a rate change was needed.

Councilor D. Sickles stated that the City made a previous agreement for the water rate structure at Green Haven RV Park, and he was concerned that the City wanted to change the original agreement. He was concerned that the RV Park will need to pay for a separate water meter for each non-temporary RV space. Mayor Ungricht stated that ORS 179.493 eliminated restrictions for length of stay in some cases and Council has asked staff to review rates for Green Haven RV Park. Mayor Ungricht thought it was unlikely that the RV Park will choose that option due to the expense. The other option was to assign a rate multiplier up to or less than

the number of non-temporary dwelling units at the RV Park. The Municipal Code also provided an option for a special contract. Council discussed changing the rate structure from the 2" commercial rate to a 5/8" residential rate with a rate multiplier for non-temporary dwelling units. Councilor D. Sickles concluded that the rate should be fair and equitable with everyone else in the community.

Mayor Ungricht clarified that the RV Park could not be considered a manufactured home park under state law.

Mayor Ungricht and Councilor Drill will meet with Mr. Richard Bowman to discuss the water rate structure and ask him how many RV spaces are not considered temporary under ORS 197.493. They will report to Council.

## **7) Correspondence, Comments and Ex-Officio Reports**

### **A. Mayors Report**

Mr. Roger Fitts donated eight stackable cement blocks to the City. Michael Atherton lent his truck for transport. - The cost to the City was 20 gallons of diesel for the truck. Mayor Ungricht sent a thank you letter/donation receipt to Mr. Fitts. Mayor Ungricht hoped Mr. Fitts would donate eight additional blocks. Ole Bergman transported the large blocks that the City purchased; the large blocks are hollow but very heavy and difficult to move. Mayor Ungricht thanked Don Poe for volunteering his time on weekend and Jeff Propp for his help. Mayor Ungricht hoped that the cement blocks would be placed in Michael Harding Park by the end of January. A metal gate was still needed.

The City was declined the CDBG grant funding for the sewer system. Mayor Ungricht wondered if the grant was not awarded because the City was in compliance with DEQ, or because of the amount requested. He will meet with the Oregon Infrastructure Finance Authority and CDBG. He will reapply by March 31, 2017 and will explore options to purchase the land.

Amy Houghtaling submitted a letter of resignation from the Public Works Committee. Mayor Ungricht expected an additional resignation for this Committee. He recommended waiting to fill the position until after new councilors are seated in January 2017.

Mayor Ungricht met with Professor and Graduate Student from Western Oregon University to discuss code enforcement. The graduate student will research other Oregon cities to see if any have a City Council based code enforcement program instead of a municipal court. He will meet with neighboring Camp Adair. Mayor Ungricht had reached out several times to the Code Enforcement Association without receiving a reply. He was waiting to hear from Bob Crowson who previously served as a code enforcement officer in Falls City. He felt the City could begin code enforcement after contracting with a code enforcement officer.

### **B. Council Reports**

Mayor Ungricht thanked Councilor Bishop and Councilor Melin for serving as City Councilors and encouraged them to attend the January City Council meeting to turn their seat over to the newly elected.

Councilor Melin stated he was glad he had the opportunity to serve on City Council; it opened his eyes to many things and some things he did not want to know.

Councilor Drill reported the Tree Lighting event was successful. She thanked Don Poe and Mica Fournier for their help.

The Volunteer Fire Association will donate reflected signs to the RV Park for each RV space. The reflective space number signs will help emergency responders.

Councilor Drill reported the Community Center kitchen did not have paper towels or dishtowels. When she when thought the cupboards it looked like quite a few things are missing. Mayor Ungricht reported the Community Center kitchen sink was plugged after the Community Thanksgiving Potluck dinner. No one notified the City or the Fire Association and by the time the issue was found, it was three weeks after the event. The Thanksgiving group did a great job cleaning the facility, but he wished they had notified the City of the blocked sink before it became rancid. Mayor Ungricht used his shop-vac to unplug the sink. In addition, he reported the black cabinet in the Community Center had been opened. City Hall contacted renters, but all reported they had not opened the cabinet.

Mayor Ungricht asked two councilors to volunteer to inventory the kitchen and identify needed items to consider for the next budget cycle. He also requested they review the community center rental policy in order to limit access to the kitchen. Mayor Ungricht and the Fire Chief agree we need to get control of Community Center keys and restrict access to the kitchen area. Mayor Ungricht was considering requesting all keys be returned in order to create a list of who had a key and to limit access where needed. Clerk Protheroe reported Allsafe could program Community Center keys. Councilor Drill and Councilor-Elect Charlie Flynn volunteered.

Council considered the bear water fountain and foosball table in the lobby of the Community Center. Council agreed to raffle the bear water fountain and Councilor Drill agreed to ask Mountain Gospel Fellowship if they want the game table, which is in bad shape. If Mountain Gospel does not want the foosball table, Mayor Ungricht will offer the table on the Falls City Group Facebook page. Removing these items will allow the lobby door to be opened to the back parking lot as was requested by Randolph Osman.

Councilor Drill asked for the status of signs for parking at Michael Harding Park. Clerk Protheroe reported the Park and Recreation Committee would consider signs at their next meeting.

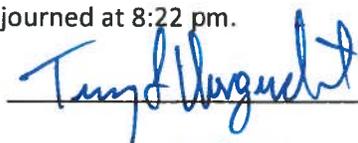
Mayor Ungricht referred to documents distributed earlier in the meeting; Exhibit B – Polk County Sheriff November 2016 Falls City Stats, and Exhibit C- Response Query. Deputy Jenkins explained calls include 911 calls, non-emergency calls, serving papers, traffic stops, and area checks. Deputy Jenkins summarized the November 2016 Falls City Stats. Council thanked Deputy Jenkins.

**8) Council Announcements**

Clerk Protheroe reported that 185 people were served at the Community Thanksgiving Potluck Dinner. An additional 125 to go boxes were distributed; many boxes went to the Green Haven RV Park.

**9) Adjourn**

The meeting adjourned at 8:22 pm.



Mayor Terry Ungricht

Attested:



City Clerk Domenica Protheroe

Exhibit A

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**AGENDA REPORT**

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**TO:** MAYOR AND COUNCIL  
**FROM:** DOMENICA PROTHEROE, CITY CLERK  
**SUBJECT:** LEAK ADJUSTMENT REQUEST – CYNTHIA SAMPLE-BLAKE  
**DATE:** 12/05/2016

**SUMMARY**

Cynthia Sample- Blake, owner of 153 3<sup>rd</sup> Street has requested a leak adjustment for the month of November 2016. She provided a receipt for the plumber. The November 2016 high usage registered at 196,000 gallons amounting to a \$529.01 water charge. The twelve-month average water consumption for this property is 8,300 gallons per month (not including the leak). Staff has calculated a leak adjustment for Council, using the approved formula.

**BACKGROUND**

To date, we've tested two typical methods of leak adjustments. The first was where we adjusted a customer's bill to 1.5 times the average usage. The Public Works Committee thought the adjustments were too generous using this calculation. To address their concerns, the new trial adjustment calculation considers the 12-month average water charge including the month where the leak occurred.

The trial leak adjustment policy considers an adjustment to a single month water charge, in this case the November 2016 charge of \$592.01.

Average water bill amount over 12 months	\$ 90.20	
Multiply the average bill amount by 1.5 times	\$ 135.30	= Calculated base for adjustment
Actual water service charge for month of leak	\$ 529.01	
Subtracted by the calculated base for adjustment	\$ 135.30	
<b>Credit Amount</b>	<b>\$ 393.71</b>	

**PREVIOUS COUNCIL ACTION** The Council has not taken previous action on this request. Past leak requests have been evaluated on a case-by-case basis.

**ALTERNATIVES/FINANCIAL IMPLICATIONS**

The financial impact to the city would be a charge waiver of \$393.71.

**STAFF RECOMMENDATION** Staff recommends this leak request approved by Council.

**EXHIBIT N/A**

**PROPOSED MOTION**

I move that the City Council of the City of Falls City approve the leak adjustment of \$393.71 in the form of a credit to the utility account for 153 3<sup>rd</sup> Street.

# November 2016 Falls City Stats

*Exhibit B*

Falls City Calls for Service						
911 Hangup	3	DOA	1	Miss Person	0	Susp Activity
Accident	0	Fight	0	Misc Crime	2	Susp Person
Animal	3	Domestic Dist	5	OD	1	Susp Vehicle
Area Check	10	Drug	1	Mental	0	Theft
Assault	0	FIR	3	Noise	1	Water Res
Assist Other Agency	3	Fire/EMS	0	Ordin Vio	0	traffic assist
ATL (attempt to locate)	1	Follow up	9	proowler	0	Traffic Stops
Burglary	1	Found Prop	0	runaway	0	Trespass
Citizen Contact	8	Fraud	0	sex offense	1	Uncon
Civil Paper Service	9	Gen Disturb	1	Shots Fired	0	Welfare Check
Criminal Mischief	0	Harassment	3	Stolen Veh	0	Misc

Falls City Calls for Service	99	Of the FC Calls for Service	31	involved crimes
Total Calls for Service (county wide)	1768	FC Cases Cleared by Arrest	19	61.3% clearance
Falls City % of Total Calls	5.6%	Total Arrests in Falls City	11	13.9% of total arrests

Total Service Calls (Polk County)	1768	Crimes Occ	5	(county wide)
Of the calls for service (county wide)	166	Juvenile Arrests	2	(Falls City)
Cases Cleared by arrest	71	(only true crimes reported here)		
Total Arrests (county wide)	79			

# Response Query

*Exhibit C*

Sequence #	Creation Date/Time	Incident #	Type	Response Location	Primary	Zone	Priority	Dispo
DAS201611010043	11/01/2016 20:18		HARASS2	200 CHURCH ST (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P017	DAS03-FALLS CITY	4	00- CLEAR
DAS201611040020	11/04/2016 13:13	DAS16002116	OD1	200 CHURCH ST #13 (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P024	DAS03-FALLS CITY	22	01- REPORT
DAS201611080027	11/08/2016 13:56	DAS16002144	CRIME3	200 CHURCH ST (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P024	DAS03-FALLS CITY	4	01- REPORT
DAS201611080038	11/08/2016 19:06	DAS16002145	DOMDIS1	200 CHURCH ST (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P020	DAS03-FALLS CITY	T2	01- REPORT
DAS20161100016	11/10/2016 10:38		CIVIL1	200 CHURCH ST #10	P024		4	00- CLEAR
DAS201611120002	11/12/2016 00:32		HARASS3	200 CHURCH ST #37 (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P016	DAS03-FALLS CITY	4	00- CLEAR
DAS201611120042	11/12/2016 23:24	DAS16002183	AOA	**DNB** 200 CHURCH ST # 37 (MapBook:4099), FALLS CITY, 97338 (VINE ST/S MAIN ST)	P017		4	01- REPORT
DAS201611140002	11/14/2016 00:45		AOA	200 CHURCH ST ( 200 CHURCH ST, @GREEN HAVEN RV PARK (MapBook:4099), FALLS CITY )	P017	DAS03-FALLS CITY	4	00- CLEAR
DAS201611150012	11/15/2016 07:37		CITCON	200 CHURCH ST (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P024	DAS03-FALLS CITY	4	00- CLEAR
DAS201611150032	11/15/2016 16:27	DAS16002201	AOA	**P023**200 CHURCH ST (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P023	DAS03-FALLS CITY	4	01- REPORT
DAS201611170027	11/17/2016 14:04	DAS16002220	DOMDIS3	200 CHURCH ST (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P033	DAS03-FALLS CITY	3	01- REPORT

DAS20161170041	11/17/2016 19:36	CIVIL2	200 CHURCH ST #10 (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P030	DAS03-FALLS 4 CITY	00- CLEAR
DAS20161190032	11/19/2016 12:18	AOA	200 CHURCH ST (MapBook:4099), FALLS CITY (VINE ST/S MAIN ST; @GREEN HAVEN RV PARK)	P025	DAS03-FALLS 4 CITY	01- REPORT
DAS20161190042	11/19/2016 16:19	AREACK	200 CHURCH ST (MapBook:4099), FALLS CITY (VINE ST/S MAIN ST; @GREEN HAVEN RV PARK)	P025	DAS03-FALLS T2 CITY	00- CLEAR
DAS201611210032	11/21/2016 15:38	CITCON	200 CHURCH ST #10 @GREEN HAVEN RV PARK, FALLS CITY (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P024	DAS03-FALLS 4 CITY	00- CLEAR
DAS201611220026	11/22/2016 13:34	CRIME3	200 CHURCH ST (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P024	DAS03-FALLS 4 CITY	00- CLEAR
DAS201611230018	11/23/2016 09:45	TRF	200 CHURCH ST (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P025	DAS03-FALLS T6 CITY	01- REPORT
DAS201611240034	11/24/2016 16:50	AREACK	200 CHURCH ST (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P025	DAS03-FALLS T2 CITY	00- CLEAR
DAS201611250038	11/25/2016 14:50	CITCON	200 CHURCH ST #34 (MapBook:4099), @GREEN HAVEN RV PARK, FALLS CITY (VINE ST/S MAIN ST)	P025	DAS03-FALLS 4 CITY	00- CLEAR
<b>TOTAL:</b>	<b>19</b>					