

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

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

Staff Present: JoHanna Hewitt, City Clerk; Don Poe, Public Works Lead Worker

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

- 1) **Roll Call**
Clerk Hewitt took roll call. Councilor Bishop was absent.
- 2) **Pledge of Allegiance**
Mayor Ungricht led the pledge.
- 3) **Motion to adopt the entire Agenda**
Added to the Agenda; Item H; Intergovernmental Agreement (IGA) with FEMA and Polk County, (Exhibit A)Item I; Bill Kalpakoff business license for Bill's Auto Repair (Exhibit B) and Consent Item D; Rosenblum Leak adjustment (Exhibit C).

A motion was made by Councilor L. Sickles and seconded by Councilor Meier to adopt the entire agenda. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

H. IGA- FEMA and Polk County

The City Attorney has reviewed the IGA and he is confident the City is protected in the arrangement. Polk County's role will be to handle all project matter with FEMA on the City's behalf. This will eliminate added workload for Mayor Ungricht/City Manager. The schools, post office, emergency entities and others would be notified of closure when repair begins. Mayor Ungricht has informed FEMA and Senator Wyden that in the event Dutch Creek Crossing washes out in the future, it will not be repaired. It will be closed due to budgetary consideration, as it serves no beneficial use to the City. An alternate route would then be necessary to access Federal timber holdings, etc.

FEMA has already rejected one agreement due to the wording of "Whereas". The agreement was rewritten changing the Recitals section's third paragraph first word from "Whereas" to "Therefore". It is hoped FEMA will accept the agreement with this change. A special meeting may be needed for Council to approve the new agreement after the FEMA review. With only a few months of dry weather left, the project engineers need to get started as soon as possible.

A motion was made by Councilor D. Sickles and seconded by Councilor Drill that the City of Falls City adopt Resolution 16-2016, a resolution authorizing an intergovernmental agreement between the City of Falls City and Polk County for the management and work on Mitchell Street/Dutch Creek culvert replacement project. Motion Carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis

Item I; Bill Kalpakoff's business license for Bill's Auto Repair was then discussed. Clerk Protheroe recommended this license approval in her staff report. Councilor Drill had concerns of inoperable vehicles left on the street. Councilor Meier pointed out the effort to acquire a business license.

A motion was made by Councilor Meier and seconded by Councilor L. Sickles that the City of Falls City approve the business license application for Bill's Auto Repair. Motion Carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

4) Consent Agenda

Added to the Consent Agenda: Item D; Rosenblum Leak adjustment for \$53.32. (Exhibit C)

A motion was made by Councilor D. Sickles and seconded by Councilor L. Sickles to adopt the Consent Agenda. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

Councilor Drill questioned a charge for Polk County Sheriff's Office, intergovernmental agreement with the Falls City Fire Department. This is for radio use. Pacific Power's charge was thought to be high. Mayor Ungricht said the invoice caught his attention as well. Upon researching past invoices, he found it was a usual charge.

5) Public Comments

None

6) New Business

A. Emergency Preparedness Group

Staff determined the Emergency Preparedness Group is not subject to Public Meeting Law. No posting of meeting notices or minutes will need to be done. In the event there is a quorum present, minutes will be taken and given to staff. Council does not wish to make this group an official committee at this time. The group will continue as is reporting to Council.

B. Water Service Connection

The outside of city limits request for water service connection was spurred by the properties well drying up. The property is higher than our reservoir making it a costly challenge to provide service. Public Works Lead Don Poe does not recommend the hook up. He said the water Master Plan would need to be completed with the main lines reorganized. When originally put in, the loop lines did not consider the area's topography and failed in purpose. OHA rules require a minimum of 20lbs pressure in the lines at all times. Mr. Poe stated it would be a scant 20lbs load and very low quality water served to the address on Parry. He said it is doable, but cannot be done as a feasible solution. The new Water Master Plan will add measures to increase pressure in elevation and decrease pressure in the lower areas of town. This would allow for additional hookups in the future.

Councilor D. Sickles said there needed to be a long-range solution or the property owners would likely need to drill a well.

Mayor Ungricht suggested the property owners put in a cistern and purchase bulk water from the City.

C. Green Haven RV Park

Council instructed staff to review the Conditional Use Permit entitled Polk County Development Tourist RV Park Permit #2710032 held by Green Haven RV Park due to multiple complaints related to the property and its tenants. There have been numerous code violations reported by citizens and the majority of Polk County Sherriff's calls relating the City of Falls City are to Green Haven RV Park for issues.

Mr. Mike Bowman of Green Haven RV Park was not in attendance at the time this agenda item came due for discussion. Mayor Ungricht and Council postponed Green Haven RV Park discussion until Mr. Bowman arrived after Item G; Notice of Violation, 26 and 10 South Main.

D. Resolution 14-2016, Tap Our Agreement

A motion was made by Councilor Meier and seconded by Councilor L. Sickles that the City Council of the City of Falls City approve Resolution 14-2016, a resolution approving an extension to the intergovernmental agreement between Polk County Emergency Management and the City of Falls City for Tap-Out Communication System. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

E. Resolution 15-2016 Radio Communication Services Agreement

Mayor Ungricht pointed out a correction in the listed motion. It read "Resolution 15-16" and was corrected to "Resolution 15-2016".

Councilor Drill asked if this was the same charges for radio use. Mayor Ungricht said it is for repair to the system. Polk County issues separate agreements for repair and usage services. He said the City of Monmouth with its own police force may do it differently. He offered to provide last year's agreement for comparison.

A motion was made by Councilor D. Sickles and seconded by Councilor Melin that the City Council of the City of Falls City approve Resolution 15-2016 a resolution approving an extension to the intergovernmental agreement between Polk county and the City of Falls City for Radio Communication System Services. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

F. Wagner Library Discussion

The City of Falls City and the Falls City School District met on June 29, 2016 in a work session. Mayor Ungricht said the cook out on July 2, 2016 was well attended and a similar event would be a good way to engage and educate the public on the library issue. He said the City had funds in the budget to support a BBQ event for this purpose asked that Council please consider it. He asked for other ideas Council may have to get the word out about the library issue. Mayor Ungricht noted Council has two FCSD Board Members and we want to keep the library needs fresh in the minds of the public.

G. Notice of Violation, 26 and 10 south Main

There have been several complaints on 26 South Main Street, which is the main problem property. The other property involved is 10 South Main Street. Mayor Ungricht asked Council's permission to post notice at the properties.

Councilor Drill suggested the City speak with the owner to inquire what his plans were for the items on the street. Mayor Ungricht said it was unnecessary due to the number of complaints and history of offenses by this property.

A motion was made by Councilor Meier and seconded by Councilor Drill that the City Council of the City of Falls City hereby determines that a nuisance has been found to exist at 26 South Main Street and authorizes staff to post notices and send copies of the notice by registered mail to the owners of the properties at the last known address. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

Item C; Green Haven RV Park discussion resumed with Mr. Bowman's arrival. Mayor Ungricht hoped Council had read the report and asked Mr. Bowman if he would like to address Council regarding the matter.

Mr. Bowman greeted Council and provided a handout he had prepared to Council and staff. (Exhibit D)A moment was taken to read Mr. Bowman's handout information. Richard Bowman is the current owner of the RV Park, but his son Mike Bowman is acting on his behalf and will take over upon Richard Bowman's retirement. Mr. Bowman informed Council of various changes he has made to the Green Haven RV Park as well as plans for future improvements.

Councilor D. Sickles inquired if Mr. Bowman had an eviction policy he followed. Mr. Bowman responded that yes, they are finally implementing the correct one. Currently he is in the process of issuing evictions, recruiting better tenants and cleaning up the RV Park.

Mayor Ungricht said he had been through the RV Park and he did see work was done to improve the debris and garbage situation. Mr. Bowman invited Council to visit the RV Park and see the improvements that have been taking place over the past several months.

The moving of RVs from one space to another every 180-days will need to be enforced. After a consecutive 180-day stay, RVs are required to leave the RV Park and may reenter and occupy a different space. Mayor Ungricht gave a brief history beginning with Green Haven's initial 90-day tenant stay issued in 1997 by Council. In 2005, Green Haven requested the allowed stay to be increased to twenty-four months. This request was denied.

Mr. Bowman brought Council's attention to the last page of his handout. It was his belief the twenty-four month term was in effect. Councilors Meier and Drill confirmed that Council declined it and only the 180-day term of stay was passed by Council vote in favor 4-2-0 in 2005. The attachment in his handout was simply what Green Haven requested of Council at the time. It was not granted. This 180-day term of stay cannot be changed by Council decision because it is State Law.

Mr. Bowman pointed out that this was not enforced elsewhere in the City. He agreed that he would comply and do what it takes to clean up Green Haven even though the 180-day limit it puts pressure on his business.

Mayor Ungricht concurred that it does put pressure on Mr. Bowman's business. He added that Green Haven clientele put pressure on the City, the Falls City School District and Polk County Sheriff's Department.

Mr. Bowman agreed that three or four people are currently in the eviction process. He said once they are gone, there will not be a need for officers in the RV Park, it will be "smooth sailing". He added one tenant was responsible for over six Polk County Sheriff visits in the past few months. Mayor Ungricht asked if he was the person who broke into Frink's General Store. Mr. Bowman said no, but he is just as bad. He did not name names but said this person was under eviction and that several other tenants would be going to court soon. Mr. Bowman said it was difficult. He said nowadays, tenants have squatters' rights and it is harder to get rid of them. He added that he has been in contact with other RV parks and has acquired new forms and applications for prospective tenants to fill sign. He has no problem evicting; it is just going through the process of doing so. Mr. Bowman informed Council the main offender just left a few days ago. Green Haven had been trying to get rid of this person for a year but he would move from one trailer to the next, staying with other tenants. Mr. Bowman is looking into criminal trespass charges in case he returns.

Mr. Bowman added that there are many good people in the RV Park. Mayor Ungricht agreed there are. Mr. Bowman said that his father had been taken advantage of by tenants, but that would change with Mr. Bowman's ownership.

Mayor Ungricht invited questions from Council.

Councilor Drill asked about the garbage in the RV Park. More specifically about the rats, numerous stray cats and feces, she has observed on visits to the RV Park over the last two years. Mr. Bowman stated he had not witnessed this and was not sure where she had seen it. He said another garbage can was needed and they have caught people from out of town bringing in garbage to their site. He hopes to implement a surveillance system and lighting.

Council assured Mr. Bowman this was not a personal issue and asked how the City could help Mr. Bowman with the RV Park situation. Councilor Drill said it was clear help was greatly needed for the RV Park. Council was in support of Mr. Bowman.

Mr. Bowman was appreciative and invited Council to come over. Councilor Drill stated she lives on that side of town. Mr. Bowman went on to say, he has cleaned up the bathrooms and showers. He said the four non-compliant tenants do not pay rent and are responsible for the mess.

Councilor Drill explained the 180-day lodging limit in an RV Park was actually a way to help Green Haven in this type of situation to remove non-compliant tenants. It allows Green Haven to cite City Ordinance and State Law and cause offenders to leave. Mr. Bowman stated that they have implemented this in the past. However, in the last few months have experienced approximately 85% turnover. He said the tenants Council is addressing in regards to the 180-day stay have been at Green Haven for years. These tenants pay their rent and keep their spaces clean. He said the few that are under eviction cause the problems. Mr. Bowman has added 10 new renters and implemented a pay by the week policy. This is done for the first month or so, and then goes to monthly if they show payment responsibility. So far, this has been successful. A plus side to this, if the rent by the week is four days overdue, the eviction process can start immediately instead of taking months Mr. Bowman added.

Councilor Drill stated her concern was the agreement [CUP #2710032] in place is not being followed. She said when an agreement is in place, it is her expectation to hold those involved accountable. Green Haven RV Park needs to be held accountable to their agreement. Every trailer/RV needs to be moved out every six months, because that was the agreement entered into. Councilor Drill went onto say that when we (Council) give an inch, miles are taken.

Mr. Bowman asked what Council intends to do about the illegal RV Parks within City limits. He defined an RV park as "Two or more RVs on a tax lot". He said there are half a dozen of them illegally hooked up to sewer and water and violating every code there is with the state, city and county. Mr. Bowman concluded by saying he wants to comply with the agreement but that the City should address all violators and not just single him out.

Mayor Ungricht explained the City is working on the problem of squatters in RVs/trailers. The major obstacle is that the City has no court in place and very little funding. Mr. Bowman said he knows what the town is up against and truly, wants to do his part and help.

A program will have to be designed and put in place to track trailers/RV location and have VIN numbers on file. The initial deadline of July 31, 2016 is not feasible at this point. Mr. Bowman said someone from the City would have to come and enforce the Code and look at VINs.

Mayor Ungricht clarified that it is the property owner's responsibility to enforce compliance under the agreement for Green Haven's Conditional Use Permit.

The question of law enforcement aid to escort faulty tenants was brought up. It is thought to be a State Police issue since the 180-day stay limit is a state law. Mr. Bowman said would check into property managements and that may be a solution. Council would like to see a plan of action followed.

Councilor Meier asked about fencing listed in the CUP #2710032 language. It should be 6 feet high and form a barrier. Mr. Bowman said he would replace the missing plants or add a solid section to the area allowing visibility to the designated overflow/storage portion of the property. Council complimented Mr. Bowman on the recently mowed field off Lombard Street and how good it looks.

Councilor Meier brought up hotel tax. It cannot be applied to Green Haven RV Park because the state considers 6 months legal residency. He felt individual water hook ups should be obtained because there was a business with one meter and two separate services elsewhere in town.

Mr. Bowman felt he was the largest purchaser of water and inquired if anyone purchased more than Green Haven. Mayor Ungricht answered yes, there were significantly larger users. He pointed out that individual hookups would require a modification to Green Haven's CUP #2710032.

Councilor D. Sickles suggested Mr. Bowman make a plot map of spaces, the VIN and date the tenant moved in then submit a copy to the City each month. It would be fair to allow time to implement this procedure. Councilor D. Sickles also feels it is fair that the City see progress on Green Haven's part. He commended Mr. Bowman on his efforts and thinks Mr. Bowman will be happier with the improvements as well as solving issues with the City.

Mr. Bowman said some of the vehicles in the RV Park were so old, they may not have VINs.

Mayor Ungricht offered City staff to help develop and implement a tracking plan. Mayor Ungricht said Green Haven had always kept adequate records, which helped the City with population reporting in the past.

Mr. Bowman asked if the 180-day applied to only tenants or to their personal vehicles as well. Council was unsure, but suggested honoring the agreement. The agreement states vehicles must be currently licensed. Mr. Bowman added that the age of RV's allowed in the RV Park is one of the policy changes he would like to make and only allow newer models to move in.

Councilor D. Sickles said he is friends with a long time Green Haven resident. Unfortunately, they are required to vacate and return every six months as well as per the agreement. It was agreed that terms of CUP #2710032 have not been enforced over the last several years by Mr. Bowman to tenants, or by the City to Mr. Bowman. He suggested that instead of trying to correct the issue during this Council meeting, to have staff work with Mr. Bowman and give a fair amount of time for implementation of the process. Councilor D. Sickles stated it would also be fair for the city to see progress during this time. Mr. Bowman had requested six months.

Council agreed to have staff to work with Mr. Bowman. Mayor Ungricht offered to take photographs of problem sites. Mayor Ungricht asked Council to move on.

Mr. Bowman expressed his appreciation and said working together and communications were key in improving our City.

Councilor L. Sickles responded "And we will".

Councilor Drill made note that as a mother, living in the area, she would like to see change for the sake of our children. She visits the location often and it is saddening to see what goes in and out of the RV Park. She said for her personally, she needs it to change. Councilor Drill reiterated it is not anything personal against Mr. Bowman.

Mr. Bowman assured Council the last three or four problematic offenders would be out and this would bring change for the better. Mayor Ungricht added that the problem with Mr. Bowman kicking them out is that those people would end up squatting somewhere else in town creating a problem for the City.

Mayor Ungricht thanked Mr. Bowman for coming in and speaking with Council.

Correspondence, Comments and Ex-Officio Reports

A. Mayors Report

Mayor Ungricht informed Council of recent crimes and vandalism in the park areas. A fire was set in the bathrooms of the Upper Park (George Kitchen Memorial Park). The hand dryer was broken some time ago. Basketball hoops and backboard have been broken at the Lower Park (Fay Wilson Memorial Park), as well as the electrical wiring to the outdoor light vandalized and damaged.

An employee of Royal Flush was threatened by a male, approximately 20-24 years of age while performing maintenance on the chemical toilets at the Falls Park (Michael Harding Memorial Park) because of the odor it was causing. The employee was quite intimidated. The City was notified the following day. The Sheriff was notified. A sergeant was scheduled to attend this Council meeting, but was called away just prior. Don Poe, Lead of Public Works was threatened in the Upper Park not long ago. That was immediately dealt with by calling authorities.

The recurring vandalism has escalated in the past several months and is out of control said Mayor Ungricht. The bathrooms in the Upper Park require daily clean up by Public Works. He asked if the bathrooms should be closed and just opened when the park is reserved. Mayor Ungricht was thinking of using porta potties but with the recent Royal Flush employee being threatened, that probably is not a valid option.

There are several persons of interest linked to the criminal activity. It may be due to recent changes in living arrangements as there has been quite a bit of movement from one area to another in the City. He added that the community group meeting on drug issues would hold a Popsicle in the Park event in August.

Councilor Drill commented that she is frustrated and tired of the drugs, needles and garbage. She suggested closing the Upper and Lower parks completely. Mayor Ungricht said if needles were located, to leave them and call him to collect them. He added that closing the Lower Park would be difficult due to the footbridge. Councilor Drill thought the Sheriff could be called and the persons held accountable and arrested for trespassing. She said other parks do this. She feels it would make

a statement to close the parks and that people would notice and help take our parks back. Councilor Drill is tired of being complacent . This is our town, and it is a beautiful town of 950 people. All of Council agreed that the situation is out of control.

Councilor Meier agreed closing the Lower Park would be very difficult. People would go under the chain.

Councilor Drill said it makes her mad. Her children cannot use the park near their home. They are afraid to go there due to criminal activity.

Councilor L. Sickles said she uses the Lower Park every day. If you stop using the park, people can go and do whatever they want. She said if more people would use the parks; the vandalism would stop because there are witnesses.

Council added a list of recent break-ins including two houses, the Luckiamute Clinic, Frink's General Store and Mr. Fleener's vacant home has been broken into twice.

Councilor D. Sickles commented on the escalation of criminal activity. He agrees something needs to be done. He said he had heard about the clinic break in and the store's door window being smashed. The problem is these offenders are taken off the streets for a day or two, and then they are back out again, doing the same thing because there is no consequence

Mayor Ungricht asked Council if they wanted him to contact Sheriff Garton and the Sergeant assigned to our area to set up a meeting. Sheriff Garton encouraged working to formulate a strategy. Council could choose to hold a public workshop or appoint one or two Council members to attend and keep it private. He has been speaking to Sheriff Garton on possible ways to help address these issues. Ideas should not be made public. There was much discussion for a workshop vs a private, no quorum meeting.

Councilor D. Sickles felt an open public meeting was in best interest. He said the City needs the public involved.

Mayor Ungricht will contact Sheriff Garton and make arrange for such a meeting. A message could be added to utility statements to inform the community to help generate public interest. These would be delivered the first part of August.

Kirby Frink, a Fall City resident and owner of Frink's General Store suggested the City and business owners install surveillance cameras along N. Main and in the parks. Retention for video, chain of custody and privacy make this prohibitive for the City. It was mentioned the City of Independence uses cameras in their parks. Mayor Ungricht said that Independence had stopped using cameras in park areas. Councilor L. Sickles added that Independence has a police department. The person who broke into Frink's General Store was released from jail on June 16, 2016.

Mayor Ungricht encouraged citizens to contact the sheriff on everything. He said it is bad when people are threatened while doing their jobs for the betterment of the City. Mayor Ungricht said no one is safe.

Councilor Meier asked if the original question was about the bathrooms in the Upper Park. Mayor Ungricht asked if Council would like the bathrooms to remain open or close them due to vandalism.

Council decision by consensus was to close the bathrooms in the Upper Park. Closing the parks temporarily was discussed. Before closing the park, Mayor Ungricht has an idea he would like to try, which he did not share at this time.

Public Works has been busy replacing the Bridge Street culvert. Paving will take place on South Main and be completed the first part of August. . While here, the contractor is willing to do side jobs if anyone is interested. This is a good time to do driveways and such as the contractor would only charge for tonnage and no set up fees.

As of July 13, seventy-two surveys (46.2%) have been completed. The City does not have valid contact numbers for thirty-nine of the unreturned surveys. The City needs one hundred thirty-seven completed. Please spread the word and encourage people mail their surveys. The next step will be to call those that have not completed a survey. After that, four to five volunteers will be trained to go door to door on the remaining unreturned surveys.

Mayor Ungricht asked Councilors if they had free time to consider helping by going door to door. He said this survey is extremely critical. If the City is unsuccessful with the survey, we will not receive grant monies and not be successful on sewer. If this [sewer system] fails, the City will cease to exist. The state will step in, a district will be formed and they will control the sewer utility.

Two sewer pumps went out. Public Works pulled and repaired them on site. The pumps are on rails and a flange. Age is a factor and the flange is wearing out. It costs a large amount of money to replace the flange as it is in a confined space. It has been given a band-aid repair and a number one priority when a city engineer comes on board. Replacement will need to be done before the rainy weather sets in.

The City Engineer Review Panel has narrowed the six bidding firms down to two. The Panel would like permission from Council to interview the two firms in order to form a final decision. Permission was also sought to enter into negotiations with the chosen firm to draft an agreement for services to bring before Council for approval. (Exhibit F)

A motion was made by Councilor Meier and seconded by Councilors Melin that the City Council of the City of Falls City allow the City engineer review panel to interview the engineering firms to make a final choice on the firm and allow mayor Ungricht to enter into negotiations for an agreement of services to be brought for Council approval. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

The City's park grant application was successful in the estimated amount of \$70,000-\$75,000 (seventy-thousand to seventy-five thousand dollars). An agreement is expected by the first part of August specifying conditions of expenditures. Polk Co. CDC handles the City's loan and is reviewing City options for acquiring the Falls property. If Mayor Ungricht does not have a reply soon, he will initiate follow up with Polk County Community Development Corporation (PCCDC).

As the City prepares for the annual fiscal year procedural audit due August 8, Council and staff are asked to complete a questionnaire and return it directly to Tom Glogau, the city auditor. City of Falls City Audit Questionnaires were given to Council members by Mayor Ungricht. (Exhibit E)

Mayor Ungricht concluded his report by stating staff is extremely busy with many desperately needed projects. Please make sure to thank them.

B. Council Reports

Councilor L. Sickles thanked volunteers who helped with the July 2nd Independence Day celebration. She said it was a big success. Council thanked Councilor L. Sickles for putting it on; Mayor Ungricht was thanked for cooking one hundred burgers and one hundred twenty hot dogs. Councilor L. Sickles said it was a great group effort.

Councilor Drill announced a good response on the Emergency Preparedness Survey. She suggested the City have Emergency Response Packs and Sanitation Kits stored at various sites such as City Hall and the Fire Department. She would give purchase information to the schools and churches for obtaining their own. A cost for a medical kit has not been obtained as of yet. She said costs would be minimal and gave estimates ranging from \$50.00 to \$150 for the various kits. Councilor Drill would bring prices to the August work session for Council review. (Exhibit G)

Councilor Drill added that water filtration was on hand but extra filters were needed. Mayor Ungricht and Council confirmed those items were previously been requested and approved by Council. Mayor Ungricht apologized for the delay in ordering extra filters.

A motion was made by Councilor D. Sickles and seconded by Councilor L. Sickles to allow the purchase of one sanitation kit in the amount \$150.00. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Gerald Melin, Dennis Sickles

Councilor Melin reported on the EDC Committee ideas and effort. Council discussion added the possibilities of a Tour de Falls/ Falls City or 5K run and participants could enjoy the scenic area. EDC contact with the Black Rock Mountain Bike Association (BRMBA) Treasurer had been successful and more discussion would take place.

Councilor Melin said a special pictorial postmark for the community could be issued from the Post Office. Perhaps a postmark design contest could be implemented. He reminded Council the eclipse is only 14 months away taking place August 21, 2017 at 10:17am. Patti Sample and Rose Bajorins, EDC committee members were present. Mayor Ungricht said he would allow them to speak if it was brief as this portion of the meeting was reserved for Council, and past time for Public comment.

Patti Sample shared the EDC Committee idea of renaming the former Bad to the Bone event. A new name would reflect family orientation, and possibly bring interest to overnight stay. A lack of accommodations are an issue.

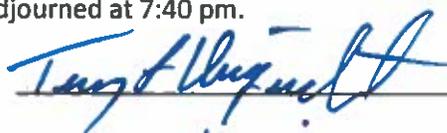
Mayor Ungricht suggested the EDC Committee solidify plans and request they be put on an agenda to bring awareness to Council. Mayor Ungricht thanked the EDC Committee and told them they were doing a wonderful job.

Councilor D. Sickles was going to speak on the rash of crimes the City has experienced. He passed, as this had been discussed at great length. Mayor Ungricht said he finds the crime depressing.

7) Council Announcements

8) Adjourn

The meeting adjourned at 7:40 pm.



Mayor Terry Ungricht

Attested:



City Clerk JoHanna Hewitt

AGENDA REPORT

To: City Council
From: Mayor Terry Ungricht
Subject: IGA with Polk County on FEMA project
Date: July 5, 2016

Summary

Falls City has been working on the FEMA emergency declaration to repair Dutch Creek Culverts.

BACKGROUND

Falls City was awarded an Emergency declaration from FEMA from the December 7, 2015 storm event that washed out the culverts on Dutch Creek on Mitchell Street. Staff has reported that we were hesitant to enter into the project due to the length and requirements of the project.

Staff met with the County Manger and Public Works director and explained our concerns on taking on a project of this scope. The County recognized the complexity of the project and the benefits to the County on seeing the project completed. The County drew up the proposed IGA to manage the complete project; the City will reimburse the County with all funds reimbursed from the funding agencies, IFA and FEMA. The City Attorney reviewed the IGA and gave his approval on meeting the goals of limiting the City's liability and costs on the project.

IFA has reviewed the agreement and approved. I am waiting on FEMA approval and will report at the meeting, I do not expect any problems on receiving their approval.

Previous Council Action

Passed an agreement for disbursal of funds through Oregon Emergency Preparedness.

ALTERNATIVES/FINANCIAL IMPLICATIONS

With this agreement the City should not have to spend funds on the project, we will have to reimburse any funds received to the county.

STAFF RECOMMENDATION

Pass Resolution accepting the IGA.

EXHIBITS

Resolution 16-2016
IGA between the City and Polk County.

*(Add as item H to
agenda 7-14-16)*

RESOLUTION 16 - 2016

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE City OF FALLS CITY AND POLK COUNTY FOR THE MANAGEMENT AND WORK ON MITCHELL STREET DUTCH CREEK CULVERT REPLACEMENT PROJECT.

FINDINGS:

1. The City of Falls City and Polk County have agreed that the Dutch Creek culvert system on Mitchell Street is in need of replacement for the benefit of the County and City.
2. The City has been awarded funding through the Federal Emergency Management Administration, FEMA, and Oregon Infrastructure Finance Authority to cover the costs of the project.
3. The County has the experience to complete a project of this size and regulatory requirements.

NOW THEREFORE;

THE COMMON COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. The contract, which is attached hereto and incorporated herein by this reference is hereby approved and adopted by this Resolution.

Section 2. This Resolution was duly PASSED and ADOPTED by the Falls City Council this Fourteenth day of July, 2016, and takes affect upon signing by the Mayor.

Approved:

Date

Terry Ungricht, Mayor

Attest:

Date

Domenica Protheroe, City Clerk

Construction

This task includes site preparation, replacement of existing stream crossing, disposal of existing structures, road widening, raising road grade (if required), and environmental mitigation (if required).

Project Financing

The COUNTY shall provide project financing until the CITY receives reimbursements from funding agencies.

CITY agrees to perform the following services:

Project Coordination

The CITY shall coordinate with the COUNTY in a timely manner for the execution of COUNTY responsibilities under this agreement.

Services Coordination

The CITY shall coordinate agreements with and notification to service providers such as postal, school and emergency services.

Payment

The CITY shall make prompt payments to COUNTY within 14 days of receipt of reimbursement from funding agencies or receipt of invoice from COUNTY, whichever occurs later.

ARTICLE II - AGREEMENT PERIOD

This Agreement shall become effective on the date of last signature and shall remain in effect for one year from the date of PROJECT completion. Performance may be extended for additional periods by written mutual consent between the parties. Any extension after termination shall be retroactive to the date of termination.

ARTICLE III – CONSIDERATION

CITY agrees to pay COUNTY for eligible costs incurred by COUNTY under this Agreement.

ARTICLE IV - NOTICE

Any notice provided for under this Agreement shall be sufficient if in writing and delivered to the following addressee:

COUNTY:

Todd Whitaker, Public Works Director
Polk County Public Works
820 SW Ash Street
Dallas, Oregon 97338
Phone: (503) 623-9287

CITY:

Terry Ungricht, Mayor
City of Falls City
299 Mill Street
Falls City, OR 97344
Phone: (503) 787-3631

ARTICLE V - INDEMNIFICATION

THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. NO AMENDMENT, CONSENT, OR WAIVER OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY ALL PARTIES. ANY SUCH AMENDMENT, CONSENT, OR WAIVER SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. SPONSOR, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, ACKNOWLEDGES HAVING READ AND UNDERSTOOD THE AGREEMENT AND SPONSOR AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date set forth herein by their duly authorized representatives.

CITY OF FALLS CITY, OREGON

POLK COUNTY, OREGON

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

AGENDA REPORT

TO: CITY COUNCIL
FROM: DOMENICA PROTHEROE THOUGH MAYOR UNGRICHT
SUBJECT: NEW BUSINESS LICENSE – BILL'S AUTO REPAIR
DATE: 07/07/2016

SUMMARY

Falls City Municipal Code requires Council approval of all new business licenses.

BACKGROUND

Bill Kalpakoff, dba Bill's Auto Repair, submitted a business license application for a home based auto repair business. The subject property associated with this business license request is located at 395 Clark Street. The property is zoned Residential. Home Occupation is listed as an Accessory Use under Falls City Zoning and Development Code Section 2.101.04(F).

Home Occupations requirements are outlined in Falls City Zoning and Development Code Section 2.209.04. The code allows for two types of Home Occupations Type A and Type B. The applicant is requesting a Type A Home Occupation. His application did not qualify as a Type B, because he does not have employees or sequential customers that come to the site.

2.209.04 Home Occupation:

- A. Intent: The intent of the home occupation provisions of this Ordinance is to recognize the needs of people who are engaged in small-scale businesses or professional operations from their place of residence. The residential character is maintained and the home occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for which purpose the Residential Zone was created and primarily intended.
- B. Process: Home Occupations are allowed as an accessory use to any residential use in the City of Falls City. The standards of this Section shall govern all home occupations. There are two types of home occupations, Type A and Type B.
 - 1. Type A. The Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, craftspeople, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address without requiring a commercial workplace.
 - 2. Type B. The Type B home occupation is one where either one employee or sequential customers come to the site. Examples are counseling, tutoring, and hair cutting and styling. Type B home occupations are subject to the Type I approval process listed in Section 3.102.

10. Deliveries and Large Vehicle Storage: Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one 1 ton capacity and used in conjunction with a home occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right-of-way shall be prohibited.
11. Parking: Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within the side or rear yard setbacks of the district. No more than 2 home occupation-related vehicles shall be located on the property at one time.
12. Storage and Use of Yard Areas: Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations which involve the care of children by a baby sitter may use rear yard areas for playground equipment.
13. Day care facilities with 12 or fewer children or group care homes shall not be subject to the provisions of this Section.

D. Process. Home occupations are allowed as an accessory use to any residential use in the City of Falls City. Type B home occupations are subject to the Type I approval process listed in Section 3.102. The standards of this Section shall govern all home occupations.

E. Non-Compliance. Any home occupation which does not comply with the requirement of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the penalties and remedies of Chapter One – General Ordinance Provisions.

The business license application indicates it will meet all requirements for a home occupation license in accordance with Falls City Zoning and Development Code Section 2.209.04.

PREVIOUS COUNCIL ACTION

None.

ALTERNATIVES/FINANCIAL IMPLICATIONS

No financial impact to the City.

STAFF RECOMMENDATION

Staff recommends approval of the business license.

EXHIBIT

Exhibit A – Business License Application

PROPOSED MOTIONS

I move the City Council of the City of Falls City approve the business license application for Bill's Auto Repair.

PRODUCTS SOLD OR SERVICES RENDERED

Auto Repair

DESCRIBE AVAILABLE PARKING

Parking Behind Shop

IMPACT ON LOCAL TRAFFIC

low impact

ENVIRONMENTAL IMPACTS (i.e. noise, waste products, odors, storage of hazardous materials)

Waste is taken to Polk County hazardous waste events (e.g. oil)

OREGON STATE LIQUOR CONTROL COMMISSION (OLCC):

Will alcohol be sold on the premises? (Circle one): YES NO

N/A

If YES, provide OLCC PREMISE #

OLCC LICENSE #

COUNTY AND STATE LICENSING INFORMATION:

State Business Registry #:

N/A

Please describe information pertaining to Polk County or State Issued Licenses that you currently hold.

FEE SCHEDULE Business License Regulations: CHAPTER 110: BUSINESS LICENSING. Resolution 2013-03 defines business license fees.

Type of License	Employees	License Fee
Home Occupation, no employees	0 (Self)	\$50.00
Home Occupation, with employees	1 +	\$75.00
Commercial	n/a	\$100.00
Temporary		Same fee as business licenses categories

AGENDA REPORT

TO: MAYOR AND COUNCIL
FROM: JOHANNA HEWITT, CITY CLERK
SUBJECT: LEAK ADJUSTMENT REQUEST - ROSENBLUM
DATE: 07/13/2016

SUMMARY

Marc Rosenblum of 821 Parry Road has requested a leak adjustment for the month of June 2016. He has provided a receipt for parts purchased and a witnessed statement of repairs. The June 2016 high usage registered at 46,000 gallons amounting in a \$158.76 water charge. The twelve-month average water consumption for this property is 9917 gallons per month.

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 June 2016 charge of \$158.76.

Average water bill amount over 12 months	\$ 70.29	
Multiply the average bill amount by 1.5 times	\$ 105.44	= Calculated base for adjustment

Actual water service charge for month of leak	\$ 158.76
Subtracted by the calculated base for adjustment	\$ 105.44

Credit Amount	\$ 53.32
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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 \$ 53.32

STAFF RECOMMENDATION

Staff recommends this leak request approved by Council.

EXHIBIT N/A

PROPOSED MOTION

This item is added under the consent agenda. Approving the consent agenda as presented would give approval for the leak adjustment.

Exhibit D

July 14, 2016

This is a report on the status of Green Haven RV Park In response to the meeting we had with the Mayor.

Currently Falls City's Green Haven RV Park is going through a transitional period. Richard Bowman will be retiring on his 83rd birthday, August 26, 2016. Taking over the responsibility of running the Park will be turned over to me, Michael Bowman and my two brothers Doug & Richard Bowman.

We will be implementing many new policies. All directed towards evicting none compliant tenants. We have already evicted 8 problem tenants so far. We still have 3 or 4 bad apples that are currently in the eviction process. All without exception of the Polk County Sheriffs calls have been caused either directly or indirectly by these non-compliant tenants. The last few are on there way out.

We have been doing our own security, locking down showers and enforcing 10:00 pm to 7:00 am quit time. We are also implementing a new screening process on the new tenants with better background checks and income verification and past rental history. We will be only renting to new tenants by the week until they meet all requirements and prove they are good tenants. After a couple of months they can become monthly renters. This is proving to be a good policy. We have 10 new tenants all proving to be good people.

The last few months things are turning around. The Park is cleaner and quieter than it has been in years. We will also be inspecting RV's as they come in, making sure everything works as it should be as stated in the rental agreement. At this time we will require the tenants to give us there VIN# to be put on file.

As far as moving tenants every six months, this has proven to be redundant and accomplishes nothing. This is a state code that is not enforced anywhere in the states that we could find. We have talked to with many RV Parks, most of which never even heard of it. This is why we had c.u.p. modified in 2005 to 24 months. We also have a high turnover rate only 20% of our best tenants have been living in our Park for more than 24 months.

I would like to suggest that the council give us a time to give updated report every six months on the current status of the RV Park. We are one of the few businesses in Falls City. We would like to work towards making this town a better place to live, which I believe is our current city councils goal. I look forward to working with the city to accomplish this. At this time I would like to invite everyone on the council and the Mayor to visit our Park. In the 14 years we have been in business there has never been a Mayor or city council member visit our office. I would like to see that change.

Thank you,

Sincerely,

Michael Bowman

#4

CITY OF FALLS CITY

299 Mill Street
Falls City, OR 97344
503-787-3631

NOTICE OF CITY COUNCIL DECISION

NATURE OF APPLICATION: Modification of the Conditional Use Permit (CUP) for the Green Haven RV Park (RV Park) to extend stays within the park to 24 months (two years). The current CUP for the RV Park permits guests to stay a total of 90 days, consecutive or intermittent, within a 12-month period.

APPLICABLE CRITERIA Falls City Zoning and Development Ordinance, Article 3, Section 5.030.

PROPERTY LOCATION: South of the Little Luckiamute River, a property the majority of which borders Lombard Street to the east, South Main Street to the north, and Church Street to the west, at 200 Church Street, Falls City, Oregon (T08W, R6W, Section 21BC, Tax Lots 4800 and 5700).

APPLICANT/OWNER: Green Haven RV Park, LLC

ZONE DESIGNATION: Commercial-Industrial (CI)

COMP. PLAN DESIGNATION: Commercial

FILE NUMBERS: CUP 05-01 (Modification)

DATE OF DECISION: June 20, 2005

DECISION

The City Council of Falls City, Oregon approved by a 4-2 vote the above application based on the findings contained in the Staff Report and developed at the public hearing. The approval is a modification of that which the applicant requested. The approval is subject to the conditions of development listed below.

NOTE: For purposes of these conditions, "Applicant" refers to the Owner, Applicant and Developer, their successors and assigns.

The Applicant has the burden to demonstrate compliance with all conditions of approval. The city does not authorize physical development of the property except as specified herein. All development on the property must be consistent with approved plans.

Failure of the Decision to list a particular permit, condition, term, or restriction shall not relieve the Applicant of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions. The City of Falls City shall not waive, modify, or amend by omission from the Decision any matter or thing required under the existing ordinances of the City of Falls City.

*Mailed
to ~~Bonnam~~
6-23-05
(11)*

City of Falls City Audit Questionnaire
for year ending June 30, 2016

Instructions: Professional auditing standards require auditors to contact members of management and others in the entity regarding their knowledge of risks, specifically the risk of fraud. The following questions help us obtain an understanding the entity and of management's role. Please answer the following questions to the best of your knowledge and email your responses back to me. Please expand on your responses whenever possible. If you would feel more comfortable speaking with me on the phone I can be reached at the following number:

Tom Glogau, CPA
Grove, Mueller & Swank, PC
475 Cottage Street, Suite 200
Salem, OR 97301

Office: (503) 581-7788
Fax: (503) 581-0152
E-mail: tom.glogau@gmscpa.com

Your assistance with this audit is greatly appreciated.

Name:

Title:

Phone Number:

E-mail:

- 1) Please briefly describe your role in the City. What are your main responsibilities and duties?
- 2) Do you have any knowledge of any actual fraud or suspicions of fraud affecting the city? If so, what?
- 3) Do you understand the risks of fraud within the city? Are you aware of any areas of operation or specific account balances that may be susceptible to fraud? If so, what areas and how has the council mitigated these risks?
- 4) Do you feel that the programs and controls implemented by the city are sufficient to prevent, deter and detect fraud? What monitoring procedures does the council do to review for fraud?
- 5) Has the importance of ethical behavior and appropriate business practices been appropriately communicated to employees? How is communicated?

- 6) To the best of your knowledge, is the city in compliance with (a) laws, regulations, and provisions of contracts and grant agreements, (b) policies relative to the prevention of illegal acts, and (c) use of directives (for example: a code of ethics)?
- 7) Do you feel that there is appropriate oversight and monitoring of the city's personnel and operations?
- 8) Have you seen any large or unusual journal entries made in the GL software?
- 9) Has anyone ever asked you to do something that you were uncomfortable doing (for example, process a transaction without appropriate approval)?
- 10) Is the city involved in any litigation that could have in impact either in the current year financial statements or in the subsequent year? If so, please briefly explain the issue and the approximate amount of financial liability, if known.
- 11) Are you aware of any transactions that the City conducts with related parties? (Related parties can be members of the board, members of management, certain employees, or their families). If so, are these transactions properly disclosed and performed at arm's length?
- 12) Are there any additional items or comments of which you would like us to be made aware?

Exhibit F

The City Engineer review panel has narrowed the 6 firms down to 2 and would like permission from the Council to interview the 2 firms to make a final decision. I would also like to have permission to enter negotiations with the chosen firm to draft an agreement for services to bring for Council approval.

Motion:

I move the City Council of the City of Falls City allow the City Engineer review panel to interview the Engineering firms and to make a final choice on the firm and to allow Mayor Ungricht to enter into negotiations for an agreement of services to be brought for Council approval.

Exhibit G

Sanitation Kit Items:

black garbage sacks 1 ct at 90 bags
bleach 121 oz (3)
rubber gloves 1 ct at 120 gloves
soap 135 oz 1 ct
rubbing alcohol ...unk
lime 4 lb/ 2 ct
cat litter 42 lb/ 2 ct
baking soda 13.5 lb/ 2ct
hand sanitizer 2L/ 2 ct
contractor bags 1 ct at 32 bags
masks 1 ct at 100 masks
paper towels 1 ct
rags 1 ct

Protecting the public's right to know

A QUICK REFERENCE GUIDE TO OREGON'S PUBLIC MEETINGS LAW

For local and state officials, members
of Oregon boards and commissions, citizens,
and non-profit groups

This guide is published as a public service by
Open Oregon: a Freedom of information Coalition
and the Oregon Attorney General's office.



A Time Saving Reference

This guide is brought to you free of charge as a joint project between Open Oregon: A Freedom of Information Coalition and Oregon Attorney General Hardy Myers. Funding for this booklet came from the National Freedom of Information Coalition through a grant from the John S. and James L. Knight Foundation.

How to Use This Guide

This summary is intended as a quick reference to the Oregon Public Meetings Law. The entire law may be found in Oregon Revised Statutes 192.610 to 192.690. Additional information may be obtained by sending an e-mail request to info@open-oregon.com or visiting www.open-oregon.com

For a comprehensive analysis of the law, refer to the latest edition of the Attorney General's Public Records and Meetings Manual, available for a nominal fee by calling (503) 378-2992 or writing to Department of Justice, Administrative Services, 1162 Court Street NE, Salem, Oregon 97301-4096.

What is Open Oregon?

Open Oregon: A Freedom of Information Coalition is a non-profit educational and charitable organization with a single purpose: to assist and educate the general public, students, educators, public officials, media and legal professional to understand and exercise:

- Their rights to open government.
- Their rights and responsibilities under the Oregon public meetings and records laws.
- Their rights under the federal Freedom of Information Act.

Open Oregon is a 501(c)(3) non-profit corporation.

The Spirit of Oregon's Public Meetings Law

The Value of Openness

Understanding the letter of the Public Meetings Law is critical. Equally important is understanding and committing to the spirit of that law. Public bodies should approach the law with openness in mind. Open meetings help citizens understand decisions and build trust in government. It is better to comply with the spirit of the law and keep deliberations open.

*“Government accountability depends
on an open and accessible process.”*

•

Hardy Myers
Oregon Attorney General

“Public bodies must conduct business
in public - it’s really that simple.”

•

Bill Bradbury
Oregon Secretary of State
Honorary Co-Chair, Open Oregon

“Oregon needs to protect its tradition
of openness.”

•

Dave Frohnmayer
President, University of Oregon
Honorary Co-Chair, Open Oregon

Oregon's Public Meetings Law

"Open government" or "sunshine" laws originally were enacted nationwide in the early 1970s because of growing public unhappiness with government secrecy. As a result, every state and the District of Columbia enacted laws requiring government to conduct its business openly, rather than behind closed doors.

Open government laws benefit both government and the public. Citizens gain by having access to the process of deliberation - enabling them to view their government at work and to influence its deliberations. Government officials gain credibility by permitting citizens to observe their information-gathering and decision-making processes. Such understanding leads to greater trust in government by its citizens. Conversely, officials who attempt to keep their deliberations hidden from public scrutiny create cynicism, erode public trust and discourage involvement.

Policy

Oregon's Public Meetings Law was enacted in 1973 to make sure that all meetings of governing bodies covered by the law are open to the public. This includes meetings called just to gather information for subsequent decisions or recommendations.

The law also requires that the public be given notice of the time and place of meetings and that meetings be accessible to everyone, including persons with disabilities.

The Public Meetings Law guarantees the public the right to view government meetings, but not necessarily to speak at them. Governing bodies set their own rules for citizen participation and public comment.

Who is covered?

Because questions often arise about what groups must comply with the public-meetings law, it is useful to look at the definitions in the law. The law says that any “governing body” of a “public body” is required to comply. It offers these definitions:

- A “public body” is any state, regional, or local governmental board, department, commission, council, bureau, committee, subcommittee, or advisory group created by the state constitution, statute, administrative rule, order, intergovernmental agreement, bylaw or other official act.
- A “governing body” is two or more members of a public body who have the authority to make decisions for or recommendations to a public body on policy or administration. A group without power of decision is a governing body when authorized to make recommendations to a public body, but not when the recommendations go to individual public officials.

Example

- *A school board must meet in public.*
- *So must most advisory committees that the school board creates, such as a budget committee.*
- *But if the school board chair asks several business leaders to meet with him to discuss future building needs, that meeting may be held in private.*

Private bodies, such as non-profit corporations, do not have to comply with the public-meetings law, even if they receive public funds, contract with governmental bodies or perform public services.

Example

- *A school district contracts with Regence BlueCross BlueShield of Oregon to provide health insurance for district employees. The BlueCross BlueShield board of directors is not required to meet in public.*

Public agencies contracting with private bodies may require a private body to comply with the law for pertinent meetings. Federal agencies are not subject to Oregon’s Public Meetings Law.

What is a Public Meeting?

A public meeting is the convening of any governing body for which a quorum is required to make or deliberate toward a decision on any matter, or to gather information. Decisions must be made in public, and secret ballots are prohibited. Quorum requirements may vary among governing bodies.

Example

- *A county commission's goal-setting retreat is a public meeting if a quorum is present and they discuss official business.*
- *A training session for the commissioners is not a public meeting, unless a quorum is present and the commissioners discuss official business.*
- *A staff meeting absent a quorum of commissioners, whether called by a single commissioner or a non-elected official, is not a public meeting.*

Meetings accomplished by telephone conference calls or other electronic means are public meetings. The governing body must provide public notice, as well as a location where the public may listen to or observe the meeting.

Governing bodies must hold their meetings within the geographic boundaries of their jurisdiction. However, a governing body may meet elsewhere if there is an actual emergency requiring immediate action or to hold a training session, when no deliberation toward a decision is involved.

Example

- *A library board is free to rotate meetings at different libraries in its district, but it may not meet outside its district.*

Federal and state law requires that meetings be held in places accessible to individuals with mobility and other impairments.

What is Exempt from the Law?

On-site inspections, staff meetings and gatherings of associations to which a public body or its members belong are not considered public meetings. Chance social gatherings are not considered meetings as long as no official business is discussed.

Example

- *Three out of five city councilors inspect a new landfill site. Their inspection does not constitute a public meeting, unless they deliberate toward a decision on a city matter.*
- *Later, the three city councilors attend a League of Oregon Cities conference. Again, this is not a public meeting, unless the councilors discuss official city business.*
- *That evening, the three councilors chat during a concert intermission. As long as they talk about the music, this is not a public meeting. But if they stray into discussion of official city business, then it is.*

Also exempt from the Public Meetings Law are:

- Meetings of state or local lawyers assistance committees.
- Meetings of medical peer review committees.
- Meetings of multidisciplinary teams reviewing child abuse and neglect fatalities.
- Judicial proceedings. However, see Oregon Constitution, Section 10.
- Review by the Workers' Compensation Board and the Employment Appeals Board of hearings on contested cases.
- Meetings of the Energy Facility Siting Council when it reviews and approves security programs.
- The Oregon Health and Science University regarding presidential selection process, sensitive business matters, or meetings of faculty or staff committees.
- Mediation by the agricultural mediation service program.

For some entities, the deliberation process alone is exempt, although information-gathering and decision-making must be public. This applies to the State Board of Parole, the Psychiatric Security Review Board, and state agencies conducting hearings on contested cases under the Administrative Procedures Act.

Notice of Meetings

Governing bodies must give notice of the time, place and agenda for any regular, special or emergency meeting.

Public notice must be reasonably calculated to give actual notice to interested persons and media who have asked in writing to be notified of meetings and general notice to the public at large.

Governing bodies wishing to provide adequate notice should strive to provide as much notice as possible to ensure that those wishing to attend have ample opportunity – a week to 10 days for example.

At least 24-hour notice to members of the governing body, the public and media is required for any special meeting, unless the meeting is considered an emergency meeting. Appropriate notice is required for emergency meetings and should include phone calls to media and other interested parties. Notice for emergency meetings must also cite the emergency.

A meeting notice must include a list of the principal subjects to be considered at the meeting. This list should be specific enough to permit citizens to recognize matters of interest. However, discussion of subjects not on the agenda is allowed at the meeting.

Example

The State Board of Higher Education plans to discuss building new college campus in Burns. An agenda item that says "Discussion of public works" would be too general. Instead, the agenda should say something like "Discussion of proposed Burns campus."

Executive Sessions

Governing bodies are allowed to exclude the public - but generally not the media - from the discussion of certain subjects. These meetings are called executive sessions.

Executive sessions may be called during any regular, special or emergency meeting. A governing body may set a meeting solely to hold an executive session as long as it gives appropriate public notice. Notice requirements for executive sessions are the same as for regular, special or emergency meetings. However, labor negotiations conducted in executive sessions are not subject to public notice requirements.

Notice of an executive session must cite the specific law that authorizes the executive session. This authorization also must be announced before going into the executive session.

Governing bodies may formally specify that the media not disclose information that is the subject of the executive session. Governing bodies should not discuss topics apart from those legally justifying the executive session. Media representatives may report discussions that stray from legitimate executive session topics and are not required to inform the governing body when they intend to do so.

No final action may be taken in executive session. Decisions must be made in public session. If a governing body expects to meet publicly to make a final decision immediately after an executive session, it should try to announce the time of that open session to the public before the executive session begins.

Example

• City councilors meet in executive session to discuss the city manager's performance. A local reporter attends. During the meeting, the councilors discuss whether the city should put a bond measure on the next ballot. The reporter may write a story on the council's bond-measure discussion, because that discussion was not allowed under the executive session rules. The reporter may not write about the city manager's performance.

Executive Sessions Criteria

Executive sessions are allowed only for very limited purposes. Those include:

- 1. To consider the initial employment of a public officer, employee or staff member, but not to fill a vacancy in an elected office, or on public committees, commissions or advisory groups.** These sessions are allowed only if the position has been advertised, standardized procedures for hiring have been publicly adopted, and the public has had an opportunity for input on the process. Executive sessions are not allowed to consider general employment policies.
- 2. To consider dismissal, discipline, complaints or charges against a public official, employee, official, staff or individual agent, unless that person requests a public hearing.**
- 3. To review and evaluate the job performance of a chief executive officer, or other officer or staff member, unless that person requests an open hearing.** Such evaluation must be pursuant to standards, criteria and policy directives publicly adopted by the governing body following an opportunity for public comment. The executive session may not be used for the general evaluation of agency goals, objectives, programs or operations, or to issue any directive to personnel on the same.
- 4. To deliberate with persons designated to conduct labor negotiations.** The media may be excluded from these sessions.
- 5. To conduct labor negotiations if both sides request that negotiations be in executive session.** Public notice is not required for such meetings.
- 6. To consider records that are exempt by law from public disclosure.**
- 7. To consult with counsel concerning litigation filed or likely to be filed against the public body.** Members of the media that are a party to that litigation, or represent a media entity that is a party, may be excluded.
- 8. To consult with persons designated to negotiate real property transactions.**

9. To discuss matters of trade when the governing body is in competition with other states or nations.
10. To negotiate with a private person or business regarding public investments.
11. To discuss matters of medical competency and other matters pertaining to licensed hospitals.
12. To consider information obtained by a health professional regulatory board or State Landscape Architect Board as part of an investigation of licensee or applicant conduct.
13. To discuss information relating to the security of: a nuclear power plant; transportation of radioactive materials; generation, storage or conveyance of electricity, gas hazardous substances, petroleum, sewage or water; and telecommunications and data transmission.

Media at Executive Sessions

Media representatives must be allowed to attend executive sessions, with three exceptions. Media may be excluded from:

- Strategy discussions with labor negotiators.
- Meetings to consider expulsion of a student or to discuss students' confidential medical records.
- Meetings to consult with counsel concerning litigation to which the media or media representative is a party.

A governing body may require that specific information not be reported by the media. This should be done by declaration of the presiding officer or vote. In the absence of this directive, the executive session may be reported. Any discussion of topics apart from those legally justifying the executive session may be reported by the media.

The media also is free to report on information gathered independently from executive session, even though the information may be the subject of an executive session.

Example

• A reporter attends the executive session on the city council's discussion of the city manager's performance. Afterwards the reporter asks a councilor what she thinks of the city manager's performance. She shares her criticism. The reporter may use that interview to develop a story, even though the reporter first heard the information at the executive session.

Minutes

Written, sound, video or digital recording of minutes are required for all meetings.

The meetings law says minutes must be made available within a "reasonable time" after each meeting, but does not specify the time. Generally, this time frame should not exceed three weeks. Minutes must be preserved for a "reasonable time." This is generally interpreted to be at least one year. Minutes of many governing bodies are subject to records retention rules and schedules established by the State Archivist.

Minutes must indicate:

- Members present
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
- The result of all votes by name of each member (except for public bodies consisting of more than 25 members). No secret ballots are allowed.
- The substance of discussion on any matter.
- A reference to any document discussed at the meeting.

Minutes are not required to be a verbatim transcript and the meeting does not have to be tape recorded unless so specified by law. Minutes are public record and may not be withheld from

the public merely because they will not be approved until the next meeting. Minutes of executive sessions are exempt from disclosure under the Oregon Public Records Law.

Governing bodies are allowed to charge fees to recover their actual cost for duplicating minutes, tapes and records. A person with a disability may not be charged additional costs for providing records in larger print.

Enforcement

County district attorneys or the Oregon Attorney General's Office may be able to answer questions about possible public meetings law violations, although neither has any formal enforcement role and both are statutorily prohibited from providing legal advice to private citizens.

Any person affected by a governing body's decision may file a lawsuit in circuit court to require compliance with or prevent violations of the Public Meetings Law. The lawsuit must be filed within 60 days following the date the decision becomes public record.

The court may void a governing body's decision if the governing body intentionally or willfully violated the Public Meetings Law, even if the governing body has reinstated the decision in a public vote. The court also may award reasonable legal fees to a plaintiff who brings suit under the Public Meetings Law.

Complaints of executive session violations may be directed to the Oregon Government Ethics Commission, 3218 Pringle Road SE, Suite 220, Salem OR, 97302-1544; 503-378-5105, for review, investigation and possible imposition of civil penalties.

Members of a governing body may be liable for attorney and court costs both as individuals or as members of a group if found in willful violation of the Public Meetings Law.

For additional copies of this guide or information about Open Oregon, contact:

Open Oregon: A Freedom of information Coalition
PO Box 172, Portland, Oregon 97207-0172
info@open-oregon.com
www.open-oregon.com

Additional resources:

- Oregon Attorney General's Public Records and Meetings Manual, available by calling 503-378-2992 or writing to Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096; www.doj.state.or.us/oregonians/pubs.shtml
- Oregon Revised Statutes 192.610 to 162.690, the Oregon Public Meetings Law, available in most libraries and on the internet at www.leg.state.or.us.
- Oregon Newspaper Publishers Association, 503-624-6397. Offers legal advice to member newspapers and general information about public records and meetings requirements; www.orenews.com
- League of Oregon Cities, 1201 Court St. NE, Salem, OR 97301. 503-588-6550; www.orcities.org
- Association of Oregon Counties, 1201 Court St. NE, Salem, OR 97301. 503-585-8351; www.aocweb.org
- Oregon School Boards Association, 1201 Court St. NE, Salem, OR 97301. 503-588-2800; www.osba.org
- Special Districts Association of Oregon, PO Box 12613, Salem, OR 97301-0613, 503-371-8667; www.sdao.com

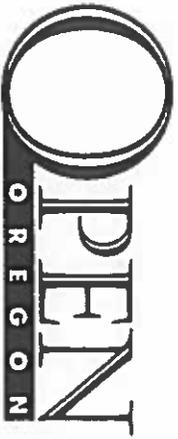
**Open Oregon Board of Directors
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- Bill Bradbury, Oregon Secretary of State

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- Phil Keisling, Former Oregon Secretary
of State, Pro DX
- Kevin Neely, C&E Systems
- Norman Turrill, League of Women Voters



A Freedom of Information Coalition

P.O. Box 172

Portland, Oregon 97207-0172



Protecting the public's right to know

RESOLUTION 13-2015

A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON ESTABLISHING AN ECONOMIC DEVELOPMENT COMMITTEE TO EVALUATE AND MAKE RECOMMENDATIONS TO THE COUNCIL FOR GUIDANCE ON WAYS TO BRING IN EMPLOYMENT, ENCOURAGE NEW BUSINESSES, AND ENCOURAGE SPECIAL EVENTS.

FINDINGS:

1. Goal # 4, Item 1, of the 2015 Council Goals is to create an Economic Development Committee.
2. The Mayor and Council values input of its citizens
3. To increase the viability and stability of the economy of Falls City as a rural residential and commercial center.
4. There will be a total solar eclipse on August 21, 2017 and Council would like to weigh the possibilities of creating an event to draw tourist.

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

Section 1. The Economic Development Committee is hereby established as follows:

- A. The Economic Development Committee shall be comprised of no more than seven members all of whom shall be residents of the City.
- B. The City shall solicit applications for the Economic Development Committee from members of the public.
- C. There will be two members of the City Council and 5 members appointed by City Council.
- D. The Committee will keep minutes per the Oregon Public Meetings Law.

Section 2. The Economic Development Committee has the following duties and responsibilities:

- A. To solicit citizen input regarding these issues by public forums or other processes.
- B. To keep Council informed of direction of discussions.
- C. To prepare a final report by February 9, 2017 or before.
- D. Committee will be deemed void after final report is submitted.

Section 3. Minimum Attendance Requirements:

- A. It is expected that appointed members should attend each meeting. Should a member fail to attend two (2) consecutive meetings, that member shall be deemed to have vacated his or her position.
- B. A Majority of the Committee shall constitute a quorum.

Section 4. All meetings of the Economic Development Committee shall be noticed and open to the public. The public shall be encouraged to submit verbal and written comments to the Committee. The Committee shall have minutes of each meeting, which minutes shall be promptly recorded with City Staff and such records will be open to the public for inspection.

Section 5. This Resolution was duly PASSED and ADOPTED by the Falls City Council this Tenth (10) day of December, 2015, and takes effect upon signing by the Mayor.

Introduced and adopted December 10, 2015:

12-11-2015
Date

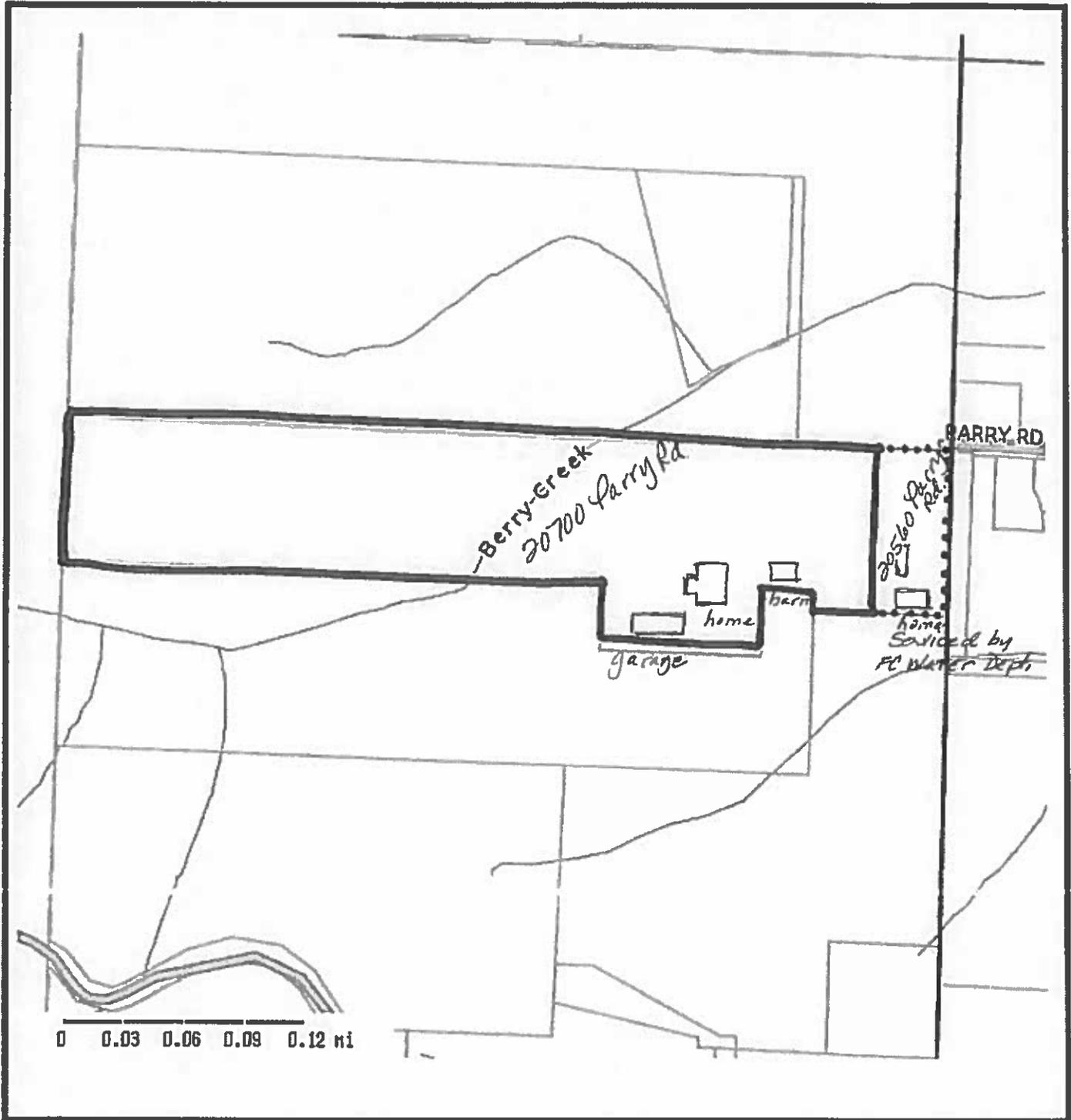
Terry Unglicht, Mayor

Attest:
12/11/2015
Date

Domenica Protheroe, City Clerk

Polk Co Map

Exhibit A



Polk County Web Maps v. 2.0

Disclaimer: This map was produced using Polk County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation.

Printed 06/21/2016

Exhibit B



City of Falls City
Application for Utility Service

Account# _____

SERVICE ADDRESS: 20700 Parry Rd. Falls City, OK START DATE: _____
House Number and Street Name

APPLICATION BY TENANT(S):

I/We hereby make application for the use of City Water and Sewer Facilities, and agree to comply with all of the Code of Ordinances** that govern the use of those facilities. I/we acknowledge that the property owner/manager will receive a copy of my utility bill.

[Redacted]
Print Name of Tenant(s)

[Redacted]
Signature of Tenant(s)

20700 Parry Rd.
Mailing Address

[Redacted]
Phone No. (Primary)

Falls City, OK 97344
City State ZIP

Phone No. (Alternate)

IF UTILITY SERVICE WILL BE IN THE TENANT'S NAME, THE PROPERTY OWNER/AGENT MUST PROVIDE THE FOLLOWING INFORMATION AND SIGN THIS CERTIFICATION.

I/We hereby either make application, or acknowledge the above application by our tenant(s) for the use of City Water and Sewer Facilities, and agree to comply with all the Code of Ordinances** that govern the use of those facilities. I certify that I am the owner of, or one of the owners of the premises, or that I am an authorized agent, or one of the authorized agents of the owner(s), with express authority to bind the owner(s) to the objectives set forth in Chapter 13.05 of the Falls City Municipal Code. I understand and agree that I am liable for unpaid tenant(s) charges as the service address owner/agent of record.

[Redacted]
Print Name(s) of Owner(s) or Authorized Agent(s)

Account #

[Redacted]
Signature of Owner(s) or Authorized

20700 Parry Rd
Mailing Address

[Redacted]
Phone No. (Primary)

Falls City, OK 97344
City, State ZIP

[Redacted]
Phone No. (Alternate)

Indicate Use of Property: Residential [X] Commercial _____ Other (Describe) _____
A change in non-residential use and/or occupancy may require business registration and/or land use permits.

Accounts are due and payable on the 15th of each month. Past due accounts are charged a penalty on the 26th of each month. Service will be disconnected, with notice, if account is 30 days past due. Disconnected services are required to pay a reconnection fee and full account balance prior to reconnection.

** Copies of Applicable Sections of the Code of Ordinances available upon request



FOR OFFICE USE ONLY -

Application Received: [Signature] 9/9/2015 City Representative: _____