

City of Falls City
City Council Regular Meeting Minutes
May 11, 2017 6:00 PM
Meeting Location: 320 N Main Street, Falls City, Oregon 97344

Council Present: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

Staff Present: JoHanna Birr, City Clerk

Council President Meier called the meeting to order at 6:00 pm.

1) Roll Call

Clerk Birr took roll call. Mayor Ungricht was absent with a family emergency. Councilor Drill arrived at 6:01 pm. Councilor Flynn left the meeting at 6:47 pm and returned at 6:51 pm.

2) Pledge of Allegiance

President Meier led the pledge.

3) Motion to adopt the entire Agenda

A motion was made by Councilor Flynn and seconded by Councilor D. Sickles to adopt the entire agenda. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Cliff Lauder, Dennis Sickles, Charlie Flynn.

4) Consent Agenda

Clerk Birr distributed the Library Director's Report (Exhibit A), and the Historic Landmark Commission changes made to the Municipal Code. (Exhibit B)

A motion was made by Councilor L. Sickles and seconded by Councilor D. Sickles to adopt the Consent Agenda. Motion carried 5-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Cliff Lauder, Dennis Sickles, Charlie Flynn.

5) Public Comments

Mike McConnell, of Falls City inquired about the cost of an engineer. He was under the impression he was to use the City Engineer to engineer Bryant Street to city code for additional access to his property and the cost would be \$1,500.00. He asked if there was a way to find out the total cost of subdividing his property and street upgrade.

It was clarified by Council that the \$1,500.00 was for the Land Use Permit for a Subdivision. This money is used to pay Council of Governments (COG) to review the submitted paperwork, revision advice and review to ensure plans lines up with the Zoning and Development Code. COG charges \$79.00 per hour under the City's current contract. The Falls City Fee Schedule (Resolution 2013-06) lists Subdivision permit charges at \$1,500.00 or actual cost. Councilor Lauder informed Mr. McConnell that staff puts a great deal of time in to the permitting paperwork saving the property owner money in the end [City staff time is waived].

Councilor Lauder said using the City Engineer would be a conflict of interest. He explained that a property owner's engineering project is a private matter and nothing to do with COG. Councilor L. Sickles agreed that Mr. McConnell could go to any engineer and receive an estimate. Councilor Lauder sympathized with Mr. McConnell regarding the unknown costs. An engineering estimate was a good place to start, then decide if it were within his budget to proceed further.

Tracy Young, of Falls City heard through the grapevine that the City was going to put gravel on all paved roads. Councilor Drill asked her who had said this. Ms. Young said she did not know. She went on to suggest pot holes be filled with concrete because that lasts longer than typical repairs.

Businesses driving heavy trucks and equipment through the City is another concern Ms. Young has. This heavy equipment is damaging the streets.

Ms. Young also brought to Council's attention there are tent dwellers at 239 Sheldon Avenue. She stated there is no electricity or water serving the address. The house was damaged by arson several years ago and has no functional bathroom.

Clerk Birr confirmed that Mr. Hagedorn had paid the liens on the property and stated there would be people staying there to fix it up and buy it from him.

Councilor Drill agreed it is concerning there is no water, power or sewer. Ms. Young said they have an extension cord running across the property, but does not know where the supply source is located.

There was some discussion and it was determined that the County Sanitarian would not respond to the concern unless actual sewage was smelled and reported.

Councilor D. Sickles suggested for Ms. Young to write up all of her complaints and submit them to the City. He added it is difficult to address issues without a Code Enforcement Officer and suggested Council move on with the meeting.

6) New Business

A. Conditional Use Permit Audit

Council had previously requested that the Conditional Use Permits (CUP's) undergo an annual audit to review compliance. Councilor Lauder clarified, the request was not to exert control and noted that 8 out of the 12 listed were no longer valid.

Councilor Lauder thanked staff for the work put into the report, saying he had meant for Council to review the CUP's not staff. His intent was to ease staff's workload. Councilor L. Sickles responded that staff's work remained the same getting the information to Council.

B. Replacement pages for Municipal Code

Councilor Lauder asked Mr. McConnell if there were non-residents of the city were interested in joining the Historic Landmark Commission. Mr. McConnell replied there were none currently, but the Code change to allow three non-resident members was made to provide an opportunity should interest arise. (Exhibit A)

C. City Manager/Recorder Discussion

Councilor Drill inquired to the cost of COG's professional recruitment services. Councilor L. Sickles estimated it was \$5,000.00. President Meier confirmed the estimate was correct.

Councilor Drill was not in favor. Using COG for hiring purposes was done in the past and cost the City a lot of money. Councilor Drill is against paying COG for people who do not stick around.

President Meier said that Council had hired those people she was referring too. Councilor L. Sickles said during the last hiring phase, there were only two applicants for City Manager. One withdrew because he wanted more money for the position.

He went on to note how well Mayor Ungricht is balancing both positions and that he is doing an excellent job. Councilor Lauder said if he were in Mayor Ungricht's position, he could not fill that job

description. President Meier pointed out Mayor Ungricht created his own job description to save the City money in order to hire a City Manager.

It was determined, that a workshop would be held prior to making a final decision. Councilor Drill requested that Clerk Burr to contact Mayor Ungricht to send available dates to Council and schedule the work session to further discuss the matter.

7) Correspondence, Comments and Ex-Officio Reports

A. Mayors Report

President Meier read the Mayor's report. Because of the demand for portable toilets during the coming eclipse, the company requested payment in advance of \$680.00.

Councilor Drill asked about the Summer Lunch program the School District provides. Last year there were cleanliness issues with the Community Center nearly each time it was used for this purpose. It was noted that Miranda Harrison, who works at the School would be overseeing the program this year, inspecting the location after each use. New serving staff will be operating it as well.

After brief discussion, Council chose to wait until Mayor Ungricht returned to make a final decision whether or not to make the Community Center available to the school for the program this summer. Staff will call Ms. Harrison to let her know Council's decision to wait until Mayor Ungricht is available.

Updating our utility software to radio reads requires an FCC license, for which Mayor Ungricht has already applied.

D.A. Davidson is offering to broker a bond offering for smaller Oregon cities that have an existing USDA loan at 4% interest or higher and have a balance over one million dollars. We will owe \$925,960.00 at the end of May on a 4.5 bond/note with twenty-three years left with payments of \$65,473.00 per year. Councilor D. Sickles commented the City is just under that threshold.

The Gaming Ordinance is more involved than expected and will take some time to develop.

8) Council Announcements

Councilor Drill asked how the Economic Development Committee was advancing. President Meier responded there was no quorum at the last meeting in April.

Councilor Lauder has been busy with several projects. The reader board for the Community Center should be mounted by the end of the week.

The Michael Harding (Falls Park) project is coming along. Don Poe of the Public Works Department has staged the equipment to set the large blocks. There is a bit more finish work to do and then he will start fabrication of the gate. Council thanked Councilor Lauder for his work.

Councilor D. Sickles said he has not been able to complete the brush-clearing project at the north side of Michael Harding Park during the month of May. He apologized to Council for the delay and said he is planning to gather volunteers to complete the project in early June on a Saturday.

He asked Council to help direct any volunteers to him for the project. Councilor D. Sickles is hoping for 10-15 volunteers to clear invasive species such as poison oak and blackberry root removal. Before and after photos of the work project will be taken to demonstrate grant compliance.

Councilor Lauder said he would be happy to donate a bottle of Tecnu for the work party. He recounted a time when juvenile volunteers contracted poison oak while volunteering. The City had to pay the medical bills. Councilor Lauder explained the product is applied like sunscreen prior to being exposed to poison oak (or ivy) and it shields the skin from the plant's harmful oils.

Councilor Flynn said the Rental Review and Inventory process for the Community Center is going well. He is still waiting for a final review from Councilor Drill who is part of the review team. He has already received the City's response. Councilor Drill apologized and thought the draft was informational and directed to the only. She will respond to Councilor Flynn as soon as possible. Councilor Flynn apologized for any miscommunication on his part.

Councilor Flynn also announced his work hours have changed. He will be working nights on a rotating schedule and foresees a conflict with the July Council meeting. He will request the night off from work but cannot guarantee his attendance at Council.

A. Library

Council decided collectively to invite the School Board to the next Council meeting to clarify their position on the Wagoner Community Library funding issue. Council noted the Library Survey responses would be tallied and available for review. Councilors Drill and D. Sickles agreed to bring it up at the School Districts next Budget meeting.

A. Sheriff's Report

Sergeant Kevin Haynes was present in place of Sheriff Garton who was not able to attend the meeting. Deputy Haynes has been with Polk County for 16 years. He said he had nothing to announce. Ms. Young asked Deputy Haynes about the living situation at 239 Sheldon Council had previously discussed during the public portion of the meeting. He responded that the Sheriff's Office could not deal with it criminally. Possibly the CCD could may have an option.

Deputy Haynes went on to say that squatting is "iffy" with the courts now. There must be an eviction process. He said a few months ago he dealt with a situation on or near Sixth Street where a squatter actually told [Sergeant Haynes] he had gone online, read articles and knew his rights. Sergeant Haynes told the person that if they tried to take possession of the property and the owner called him, it would be trespassing.

There is no legal definition of the homeless establishing residency. If the owner calls the authorities when they find out someone is living on their property, it is trespassing and they can respond. If the owner knew about it and a month goes by without taking steps to correct the situation, a case of residency could be argued. Law enforcement looks at the individual's license, insurance and vehicle registration address.

The eviction process is lengthy and filing fees of \$150.00.

Councilor Drill asked his opinion of the criminal activity in the City. Sergeant Haynes felt it was a huge improvement compared to the past. Sheriff Garton has made clear and articulate steps to get patrols in to Falls City more often. The Sheriff's active involvement in social media has resulted in patrols sent out on calls. Most do not even go through dispatch because he sees a post and calls his Sergeant on duty directly. Sheriff Garton monitors community postings even while at home and off duty.

Sergeant Haynes shared that he had sent two Deputies out on a call to accompany DHS on a domestic abuse witnessed by a minor. Neither of the adults involved were cooperative. Due to the

severity, they continued to investigate. Through community interviews, they were able to close the case, adding that this is not something that has happened in the past.

Ms. Young recounted an incident on Prospect Street with two vehicles drag racing in a reckless manner through the residential neighborhood on more than one occasion. She said that all of the neighbors, who witnessed the event, went into the offender's yard and told them to stop or face an alternative option (implying they would be reported to the Sheriff's Office).

Sergeant Haynes added that on his way to the meeting, he got waves on Main Street. Council was very glad to know the community is pulling together and Neighborhood Watch efforts are making a positive difference. This reflects a growing trust in local law enforcement.

Sergeant Haynes went on to note that 200 Church Street is a "pain in their [Sheriff Department's] side." They respond to 2 and 3 calls per night at times at Green Haven RV Park. He said that sometimes, it is as simple as moving one tenant to another spot.

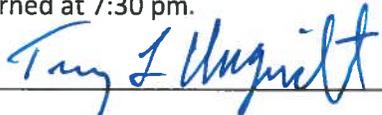
The Sheriff's Department cannot cite for violations they do not witness such as speeding. He said that there is one sergeant and three deputies per shift. The mobile crisis team is very busy responding to calls. One particular night, they actually took all of the calls.

The Sheriff and Captain are hoping to get a traffic position opened and they would focus on vehicular violations. Hitting a speeder in the pocket book causes their behavior to change fast. He jokingly added that Falls City has a "pretty good call- tree when they're [Sheriff's patrols] in town".

Council thanked Sergeant Haynes, and praised the Sheriff's Office for their efforts and helping to make a difference in the City.

9) Adjourn

The meeting adjourned at 7:30 pm.



Mayor Terry Ungricht

Attested:



City Clerk JoHanna Birr

32.05 HISTORIC LANDMARKS COMMISSION

- 32.05.010 Historic Landmarks Commission established.
- 32.05.020 Membership qualifications.
- 32.05.030 Terms of office
- 32.05.040 Meetings.
- 32.05.050 Purpose.
- 32.05.060 Compensation of members.
- 32.05.070 Rules and regulations.

32.05.010 Historic Landmark Commission Established

The historic landmarks commission is hereby established. The commission shall be composed of seven members appointed by the mayor, with the consent of the council. The historic landmarks commission members shall elect, at their first regular meeting, a chairperson, vice chairperson and secretary from their membership. Thereafter, the commission shall elect a chairperson at its first meeting each year, to serve for the calendar year and until the chairperson's successor has been elected; provided, however, that no member shall serve more than two consecutive terms as chairperson.

32.05.020 Membership Qualifications

At least four of the members of the historic landmark commission, must reside in the city at the time of their appointment and at all times during their term in office. Three nonresident members may be appointed and approved when the Mayor and City Council determine that such individuals have special qualifications and expertise in the subject matter of the commission, and have expressed interest in being appointed and serving and advancing the interests of the City.

(Ord. 543-2017 passed 4-13-2017)

32.05.030 Terms of Office; Vacancies and Removal

Historic landmark commission members shall hold office for four years, except when filling the unexpired portion of a vacancy in office. Any vacancies in the commission shall be filled by appointment by the Mayor, with the consent of the council. A member of the commission who is absent from two consecutive meetings without the approval of the commission is presumed to be in nonperformance of duty and the council may remove the member from the commission and declare the position vacant.

32.05.040 Meetings

Four members of the commission shall constitute a quorum. When a quorum is present, the concurrence of a majority of the members present shall be required to decide any matter. It shall meet at least twice per year, at such times and places as may be fixed by the chairperson, or as directed by the city council. If necessary, members may attend a meeting of the committee by conference call in accordance with state law.

Library Director's Report

May 2017

- **Attendance** for the month of April was 81 adults and 82 children (163 total). 128 (79%) were there for research related activity.
- I have purchased over \$400 of incentive books for the summer reading program from an online distributor.
- I attended Scholastic Books' annual book fair in Salem and purchased an additional \$220 of high quality, give-away books for our Summer Reading Program .
- Attended monthly Library Director's PYM meeting at Salem Public Library. Wagner Library is scheduled for RFID tagging the week of May 22 – May 26.
- Have begun actively planning 2017 Summer Reading Program. Looking for interested volunteers.

Andy Rommel – Library Director