

City of Falls City
City Council Regular Meeting Minutes
January 10, 2019 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: Mac Corthell, City Manager; Rachel Inman, Assistant City Clerk

1. Call to Order

Mayor Gordon called the meeting to order at 6:02 pm.

2. Roll Call

Clerk Inman took roll call.

3. Pledge of Allegiance

Mayor Gordon led the pledge.

4. Motion to adopt the entire Agenda

A motion was made by Councilor D. Sickles and seconded by Councilor Flynn to adopt the entire agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

A. Consent Agenda

A motion was made by Councilor D. Sickles and seconded by Councilor L. Sickles to adopt the consent agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

5. Announcements

a. Falls City will soon take credit cards for utility payments. The fee for this service will be the greater amount per transaction of either a flat \$2.50, or 3% of the total transaction. Customers would have the option to log into the current utility billing vendor's portal to make payments. They could view a short summary of charges, arrange recurring payments and use other useful tools.

b. The next regular Council meeting will be on February 14, 2019 at 6:00 pm at the Community Center.

c. Falls City Photo Contest entries are due to City Hall no later than January 15, 2019.

d. Thank You to the Old Guard Riders Co. "F" of Dallas, for placing wreaths on the graves of all Veterans in Falls City Cemeteries for Christmas. Mayor Gordon presented Vice President "Bean" a Certificate of Appreciation for volunteering his time and the generous donation of wreaths to honor our Veterans. The City of Falls City expressed gratitude for their service and dedication to the Veterans in our Community. The Old Guard Riders approached the City in early December for this

purpose. President Bean said this is done annually and Falls City Cemeteries will be part of the “Wreaths Across America” program.

Swearing-In(s)

City Manager Corthell swore in the following to their new terms:

- a. Municipal Court Judge- Honorable Judge, Stan Butterfield
- b. Mayor- Jeremy Gordon
- c. Councilor-Tony Meier
- d. Councilor- Lori Jean Sickles
- e. Councilor- Jennifer Drill

Committee Appointments by Council

- f. Parks and Recreation Committee- Sarah “Rosie” Brownell
- g. Public Works Committee- Mike McConnell
- h. Historical Landmarks Commission- Mike McConnell
- i. Historical Landmarks Commission- Guy Mack

Two additional applications were place before Council. (Exhibit A)

- a. Historical Landmarks Commission- Amy Houghtaling
- b. Budget Review Committee - Amy Houghtaling
- c. Historical Landmarks Commission- Bruce Garrett

Motion made by Councilor Flynn to accept all appointments and seconded by Councilor Meier. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

6. Community & Government Organizations

a. Falls City Public Works Report

Don Poe Public Works Supervisor sent his regrets he did not make the meeting. Public Works dealt with a sinkhole issue most of the day.

b. Falls City Fire Report

No Comments

c. Polk County Sheriff’s Office Report

Sheriff Garton was thanked for his presence and continued support.

7. Communications

None

8. Consent Agenda

A motion made by Councilor Drill and Seconded by Councilor Lauder to adopt the consent agenda. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

9. Public Comments

Tracy Young of Falls City spoke to Council regarding her water bill. She feels she was overpaying. City Staff will look into and will get back to her. Staff researched and found no errors. She thanked Code Services Officer, Steve Birr for the work he has done with complaints of a barking dog and construction. Mayor Gordon thanked her for her feedback regarding City services. He stated that City Manager Cortshell is head of all City employees. Any questions or concerns with staff performance should be addressed to him and not to Council.

10. New Business

a. OLCC Liquor License Renewals

The City has three businesses that hold state liquor licenses: Frink's General Store, The Boondocks and The Bread Board. City Staff could find no reason why Council would table or make an unfavorable recommendation for the businesses and recommend Council directs staff to write a renewal recommendation for all three Falls City businesses as they bring revenue to the City and convenience to customers.

A motion made by Councilor Meier and Seconded by Councilor Lauder to direct staff to write a liquor license renewal recommendation to OLCC for Frink's General Store, The Boondocks, and The Bread Board. Motion carried 4-0-2. Ayes: Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn. Nays: 0 Abstain: Lori Jean Sickles, Jennifer Drill

Councilor L. Sickles is co-owner of the Boondocks and therefore abstained. Councilor Drill did not offer a reason for her abstention. In the future, staff will request the reason is clarified for the record.

b. Election of Council President

The City Charter requires the election of Council president during the first meeting of each year. Council President presides over Council meetings in absence of Mayor and acts as the Mayor when the Mayor is unable to perform duties. Councilor Meier was elected to his first term as Council President in January 2018. Mayor Gordon requested nominations.

A motion made by Councilor D. Sickles and Seconded by Councilor Flynn to nominate Councilor Meier as council President. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

c. Resolution 01-2019 Surplus Property

This resolution would allow the City staff to dispose of surplus equipment by sale or donation. There are three vehicles the City would like to dispose of; a 1992 Ford Ranger, a 1986 Ford L-9000 Fire Pumper, which has served as the 4x4 response rig and a 1963 Western States Fire Engine. The City continues to pay for insurance on these rarely used rigs. David Moellenberndt, President of the Historical Society would like to see the 1963 Fire Pumper donated to the Polk County Historical Museum in Rickreall. The Pumper will have the Falls City logo remain on it. It is planned to be used in parades, summertime family day. Mr. Moellenberndt would like to have a Saturday with the Fire Department to learn about the history of the truck. The fire engine would be part of a larger exhibit for Falls City. Councilor Lauder appreciates the unique pieces to Falls City. Councilor Drill thanked Mr. Moellenbrendt.

A motion made by Councilor Flynn and Seconded by Councilor D. Sickles that the City Council of the City of Falls City adopt Resolution 01-2019, A RESOLUTION DECLARING CERTAIN CITY VEHICLES SURPLUS PROPERTY AND

AUTHORIZING THE SALE FOR DISPOSITION THEREOF. Motion carried 6-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

d. Ordinance 555-2019 Granting Administrative Addressing Authority to City Manager (1st Reading by Title Only)

This ordinance would provide administrative authority to the City Manager to assign property addresses. This must be done according to the review of Fire Chief Bob Young and the US Postal Office Post Master. Addressing is standard and sequential with odd and even number on certain sides of streets and roads. Council approval is an unnecessary formality. Traditionally, individual ordinances have been utilized to assign and or modify street numbers. Ordinance 555-2019 would streamline the process and staff time by approximately 2 (two) hours per address and equate to \$100.00 in cash value. A single reading with unanimous vote may adopt this ordinance and will become effective after 30 days.

A motion was made by Councilor L. Sickles and seconded by Councilor Meier the City Council of Falls City to read Ordinance 555-2019 by Title Only. ORDINANCE GRANTING ADDRESSING AUTHORITY WITHIN THE FALLS CITY LIMITS TO THE CITY MANAGER; AND REPEALING ALL PRIOR CONFLICTING ORDINANCES Motion carried. 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn

A motion was made by Councilor L. Sickles and seconded by Councilor Flynn the City Council of Falls City adopt ordinance 559-2019, AN ORDINANCE GRANTING ADDRESSING AUTHORITY WITHIN THE FALLS CITY LIMITS TO THE CITY MANAGER; AND REPEALING ALL PRIOR CONFLICTING ORDINANCES. Motion carried. 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

e. Ordinance 556-2019 Amending the unnecessary noise section of Ordinance 512-06; and Repealing all conflicting Ordinances (1st Reading by Title Only)

Falls City Municipal Code Chapter 90: Nuisances is being reviewed by Falls City Code Services Officer, Steve Birr and City Manager Corthell. Many portions are antiquated or difficult to address as written. These portions have been in review and steadily revised. Mr. Birr's vast experience in law enforcement has been extremely helpful in this process. Removing some specific wording will allow the Code to be more easily enforced and clear to the layperson researching it. Mr. Corthell explained it has provisions for permitted uses, school activities, construction, events etc. Councilor Drill inquired if AKHA Farms would be exempt because there have been issues in the past with loud noises at odd hours. Council agreed the sounds coming from AKHA are unnecessary late at night and early in the morning. Councilor Flynn suggested stating the provisions for exceptions should not include the running of equipment. Mr. Corthell agreed it was a legitimate concern. Sheriff Garton stated that our current PCSO IGA could be discussed and renegotiated. Currently, the City is doing all possible to resolve issues before it raises to Law Enforcement level if the IGA or state law allow for intervention. For example, there is no County noise ordinance. A single reading with unanimous vote may adopt this ordinance and will become effective after 30 days.

A motion was made by Councilor L. Sickles and seconded by Councilor Meier the City Council of Falls City to read Ordinance 556-2019 by Title Only. ORDINANCE 556-2019 AMENDING THE UNNECESSARY NOISE SECTION OF ORDINANCE 512-06; AND REPEALING ALL CONFLICTING ORDINANCES. Motion carried. 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Cliff Lauder, Dennis Sickles, Charlie Flynn.

11. Next Meeting Items

- a. Polk CDC Revolving Fund Allocation for CDFI
- b. Telecom Master Franchise Ordinance
- c. Event Noise Permit Ordinance

12. City Manager's Report

It was decided to touch briefly on the above items. Information on the Historic Landmark Commission has been resolved by new application submitted and approved.

a. Polk CDC Revolving Fund Allocation for CDFI

With limited staffing, this decision could be put off until next year giving Falls City more time to research and decide whether to pool funding or keep as is in the Revolving Loan Fund.

b. Telecom Master Franchise Ordinance

Century Link is our sole provider for internet and phone services. Falls City is paid a franchise fee of approximately \$12,000.00 per year as opposed to Pacific Power who pays the City \$53,000.00 per year. Republic Services provided \$7,000- \$8,000.00 per year. Franchise payments are based on gross receipts and this is true with most of the City franchise agreements across the board. Currently our 1994 contract agreement is for 5% expired in 2014. The statutory maximum is 7%. However they have been adhering to the 5% that was required however they are only paying on the telephone. All of the cable related items they are not paying. During the last 19 years, larger Telecom companies have been in litigation with cities. Small cities often band together to have sufficient financial resources to combat these large companies. Franchises use ROWs to install their equipment, dig up roads, at the cost of the city and making profit at citizen expense. The State and Federal entities said pay a fee or give up your franchise. This ordinance would provide for all franchises using ROW's in Falls City to pay franchise fees. This would apply not only to our current franchise agreements but also to those whose lines run through the city to get to the coast such as AT&T. Fortunately, the City Attorney has one of the state's premier franchise attorneys working with him.

A Supplemental Environment Plan for the Old Mill Lot cleanup has been completed ahead of schedule. The numerous blackberry briars have been removed along the riverbank. Jeremy Winn, owner of Jay's Property Cleaning and Maintenance pulled the old care out. The school will replant the area as a project. Mr. Corthell and Jill Anzalone are working on a grant to build ADA accessible restrooms in the Michael Harding Memorial Park. This would involve 20% matching funds. The total monies available for the grant are \$130,000.00.

13. Mayor and Council Reports

West Valley Housing has decided not to fund the Direct Connect transportation project in the future due to a cost of \$35,000.00. The route included the tri cities of Dallas, Monmouth and Falls City. Mayor Gordon is working with Craig Pope and Brent DeMoe of Polk County Community Outreach to get the service operating again. Mayor Gordon has approached Chariots, a non-profit that administers grants for transportation. The County is applying for two grants to keep the Direct Connect service going. It is hoped the service will be offered on Saturdays for the Free Clinic, which would give residents a healthcare option. Mayor Gordon, Mr. Corthell have been working on events, how to organize, promote and budget, this is important for economic and community development. Mayor Gordon has been working with Polk County Tourism Alliance and Travel Salem to organize a Pride Celebration. The City would sponsor Pride Celebration 5K race organized by the City, The Boondocks and The Breadboard business owners. WOU offers a Planning/Special Topic

course. It is hoped the students will help with the organization, logo and other special needs we may have. Mrs. Mayor has approached the class's Professor and should have a response soon. Business of Oregon offers a grant that would help fund the Community Development Visionary Project. Notification of the award should be announced shortly. Mr. Corthell and Mike Kidd have been Conducting interviews with students for the Intern Program with the City performing different tasks and acquiring valuable vocational experience.

Councilor Lauder has tried to install the original Fire Hall's Civil Defense siren in various places. He would like to see it donated to the Polk County Historical Museum.

Councilor Meier disagrees with the current absentee policy regarding Council seats. The Falls City Charter, adopted in 2014 states:

Falls City Charter Section 31: Vacancies: The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

- (1) Death,*
- (2) Adjudicated incompetence, or*
- (3) Recall from the office.*

(b) Upon declaration by the council after the incumbent's:

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,*
- (2) Absence from the city for 30 days without council consent*
- (3) Absence from all council meetings within a 90-day period,*
- (4) Absence from 5 council meetings in a calendar year,*
- (5) Ceasing to reside in the city,*
- (6) Ceasing to be a qualified elector under state law,*
- (7) Conviction of a public offense punishable by loss of liberty,*
- (8) Resignation from the office, or*
- (9) Removal under Section 33(i).**

[*Scrivener's error found 1/31/2019- Section 33(i) does not exist.]

Mr. Corthell will review and request additional review by City Attorney Ross Williamson.

Councilor Drill inquired if Green Haven RV Park was adhering to their CUP agreement. Mr. Corthell will conduct the annual review. Green Haven has hired a new manager and is slowly cleaning up the grounds.

14. Adjourn

The meeting adjourned at 7:45 pm.

Mayor, Jeremy Gordon

Attested: _____
City Clerk, JoHanna Birr