

---

City of Falls City  
City Council Meeting Minutes  
Monday April 12, 2021, 6:00 PM  
COVID-19 Related Zoom Meeting

<https://zoom.us/j/98656766387?pwd=bEVRRjBwbnlJWVdhOXplTDFpVG9Wdz09>

Call in #1-253-215-8782, Meeting ID: 986 5676 6387 Passcode: 585730

---

**Council Present:** Lori Jean Sickles, Tony Meier, Amy Houghtaling, Dennis Sickles, T.J. Bailey

**Staff Present:** AJ Foscoli, City Manager; Jamie Ward, City Recorder

**1. Call to Order and Roll Call**

Mayor Gordon called the meeting to order at 6:00 p.m. Clerk Ward took roll call. Jennifer Drill arrived at 6:02 p.m.

**2. Pledge of Allegiance**

Mayor Gordon led the pledge.

**3. Motion to adopt the entire Agenda**

A motion was made by Councilor T. Meier and seconded by Councilor T. Bailey to adopt the entire agenda. Motion carried 5-0-0-1. Ayes: Lori Jean Sickles, Tony Meier, Amy Houghtaling, Dennis Sickles, T.J. Bailey.

**4. Good of the Order**

None. Mayor Gordon stated he will open Good of the Order up at the end of the meeting as well.

**5. Appointment**

- a. Dani Haviland Parks and Recreation Committee Renewal.

A motion was made by Councilor A. Houghtaling and seconded by Councilor L. Sickles to accept the renewal application for Dani Haviland to continue to serve on the Parks and Recreation Committee. 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Amy Houghtaling, Dennis Sickles, T.J. Bailey.

**6. Community & Government Organizations**

- a. Public Works Report

None

- b. Fire Report

None

- c. Sheriff Report

None

**7. Reports**

- a. Mayor Gordon wanted to give a public kudos to City Manager; AJ Foscoli and Falls City Volunteer Fire Department's Assistant Chief, Sharon Volk Greves, for their help with the Salem Health Mobile Vaccination Clinic as well as City Councilor Amy Houghtaling for being such a fierce advocate for finding and working with resources all around the Polk County area.

b. Council

- Councilor. L Sickles reported that they had a very successful Eater Egg Hunt. She thanked Amy and Amber Houghtaling for their help and stated it was really good time and without any complaints. She also reported that other than a couple people everyone was willing to follow COVID guidelines for social distancing and mask wearing. She was also excited about getting her vaccination at the community center.
- Councilor J. Drill ask for clarification regarding an email she sent regarding the packet. Mayor Gordon read ORS 192.640 Public Notice Required (See exhibit A)
- Councilor T. Meier mentioned that the Public Works Committee meeting was a disaster and that there were many members that stated they would not like to meet via conference call again.

Mayor Gordon stated that hopefully we could get the Community Center open for meetings again soon.

- Councilor A. Houghtaling thanked Lori and Laura for the Easter Egg Event and for their efforts in requiring everyone to wear masks.
- Councilor D. Sickles said that the Falls City Football and Volleyball seasons have both ended. Sickles stated that they both had shortened seasons, but it was really good for the kids to get to play. Sickles stated that Falls City is going to Co-op with Dallas for softball and Willamina for Baseball. Track and field is starting as well.
- Councilor T. Bailey gave an update on the skatepark works and that they are still waiting on the cans to be counted to give a budget update but will as soon as he knows. Bailey said he was meeting with City Manager Foscoli to talk about potential grants this week.

c. City Manager Foscoli read his managers' report into record (See exhibit C)

**8. Consent Agenda**

A motion made by Councilor D. Sickles and Seconded by Councilor T. Meier that the City Council of the City of Falls City approve the consent agenda. Motion carried 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Amy Houghtaling, Dennis Sickles, TJ Bailey. Nays:

**9. Public Comments**

None

**10. New Business**

a. Pacific Northwest Douglas Business License

A motion made by Councilor T. Bailey and Seconded by Councilor L. Sickles that the City Council of the City of Falls City approve the Business License for Pacific Northwest Douglas. Motion carried 6-0-0-0. Ayes: Lori Jean Sickles, Jennifer Drill, Tony Meier, Amy Houghtaling, Dennis Sickles, TJ Bailey. Nays:

- b. Letter notification from Department of Environmental Quality regarding EPA takes final action on Revised Willamette Basin Mercury Total Maximum Daily Load (TMDL). (See exhibit B)

**11. Old Business**

None

**12. Good of the Order**

Council held discussion on the appropriate way to respond to email communications as a group. It was decided to exclude the city attorney and any members of the media and only include City Council and City Staff to limit unnecessary charges to the city.

**13. Adjourn**

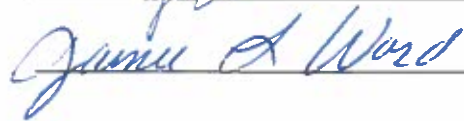
No motion made.

The meeting adjourned at 6:38 p.m.



\_\_\_\_\_  
Mayor, Jeremy Gordon

Attested:



\_\_\_\_\_  
City Recorder, Jamie Ward

## ORS 192.640<sup>1</sup>

### Public notice required

- **special notice for executive sessions or special or emergency meetings**

- (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.
- (2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.
- (3) No special meeting shall be held without at least 24 hours notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

---

<sup>1</sup> Legislative Counsel Committee, *CHAPTER 192—Records; Public Reports and Meetings*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors192.html](https://www.oregonlegislature.gov/bills_laws/ors/ors192.html) (2019) (last accessed May 16, 2020).



# Oregon

Keep It Beautiful

Department of Environmental Quality  
 Agency Headquarters  
 201 NE Oregon Street, Suite 600  
 Portland, OR 97232  
 (503) 221-3000  
 FAX (503) 221-3124  
 (7) 11

Certified Mail 7017 0530 0000 7760 7480

March 3, 2021

RECEIVED MAR 04 2021

Falls City, City Council  
 299 Mill St.  
 Falls City, OR. 97334

Re: EPA takes final action on *Revised Willamette Basin Mercury Total Maximum Daily Load*

Dear City Council Members:

This letter provides notification that the U.S. Environmental Protection Agency (EPA) released the *Total Maximum Daily Load (TMDL) for Mercury in the Willamette Basin, Oregon* on Feb. 4, 2021. EPA notified DEQ that, "EPA has established this TMDL and is hereby providing it to the State for implementation."

The EPA's TMDL says that the required reasonable assurance of implementation for the TMDL relies on DEQ's Water Quality Management Plan. The WQMP was issued on Nov. 22, 2019 as part of the DEQ *Final Revised Willamette Basin Mercury Total Maximum Daily Load*. You received this letter because DEQ listed the City of Falls City as a Designated Management Agency in the WQMP. Therefore, the City of Falls City is responsible for implementing strategies to reduce mercury according to requirements identified in the WQMP that are specific to the City of Falls City.

DEQ submitted its TMDL and associated documents to EPA for review and action on Nov. 22, 2019. EPA disapproved DEQ's TMDL on Nov. 29, 2019. On Dec. 30, 2019, EPA established the Willamette Basin Mercury TMDL, which was in effect until EPA released the revised TMDL on Feb. 4, 2021. EPA's 2019 TMDL, as revised in Feb. 2021, and DEQ's 2019 TMDL WQMP are in effect and apply to the City of Falls City. DEQ's WQMP and additional information can be accessed at: <https://www.oregon.gov/deq/wq/tmdls/Pages/willhqtmdlac2018.aspx>

As a DMA, the City of Falls City is required under OAR 340-42-080 to prepare a TMDL implementation plan to incorporate implementation requirements in the WQMP based on several criteria. TMDL implementation plans must be submitted to DEQ for review and approval by Sept. 3, 2022, which is 18 months from the date of this letter. Should the City of Falls City fail to submit the plan by this date, this matter may be referred to the Department's Office of Compliance and Enforcement for formal enforcement action, including the assessment of civil penalties and/or a Department Order. Please note that civil penalties can be assessed for each day of violation.

Please contact your basin coordinator, Nancy Gramlich, to determine what your specific requirements are and to discuss any questions you may have. Your basin coordinator will work closely with you to support your submittal of all TMDL- required documents and reports.

We appreciate the City of Falls City involvement in TMDL implementation to reduce mercury in the Willamette Basin in order to protect people who regularly eat fish and shellfish from streams and lakes across the basin.

Sincerely,



Zach Loboy  
Water Quality Manager DEQ, Western Region  
(541) 687-7425, [Zach.LOBOY@deq.state.or.us](mailto:Zach.LOBOY@deq.state.or.us)  
165 E. 7<sup>th</sup> Ave. Ste. 100, Eugene, OR. 97401

Nancy Gramlich  
Willamette Basin Coordinator DEQ, Western Region  
(503) 378-5073, [Nancy.H.GRAMLICH@deq.state.or.us](mailto:Nancy.H.GRAMLICH@deq.state.or.us)  
4026 Fairview Industrial Dr. SE, Salem, OR. 97302

cc: Jeremy Gordon, Mayor, City of Falls City



City of Falls City  
 299 Mill Street  
 Falls City, OR 97344  
 Ph 503.787.3631

## City Manager's Report March 8, 2021

### Introduction

Since our last meeting, we've been very busy with trying to get the city back in shape after the ice storm. Additional challenges have come in the form of bureaucratic hurdles associated with the ice storm and our ongoing Wastewater Treatment Plant Project.

**Wastewater Project** – I have been continuing to attend the regular meetings with the multi-organizational team putting together the ultimate application for financing through USDA-RD. As specified in previous city manager's reports, we're still working through the logistics of securing a grant award to cover the costs of the Cultural Resource Survey. As previously stated, the extension of our deadline and modification of the contract for completion of work under the CDBG Grant with the State of Oregon is allowing us more time to cover the cost of the Biological Assessment required by USDA. In order to pay for this administrative requirement, the state's DEQ representative is coordinating with the Army Corps of Engineers in order to identify whether this falls under a programmatic agreement between federal agencies. We will know the outcome of this effort to mitigate upfront costs in the next few weeks. In order to cover all of the additional prerequisite assessments to qualify for USDA funding, we will be looking into an additional CDBG grant, as well as a DEQ interim loan that will then be rolled into the USDA construction funding.

**IT Project** – The work to ensure that council chambers have the ability to livestream council meetings using laptops, microphones and YouTube is complete. We wanted to get the video-camera/microphone set up to be operational for the April meeting, but we are still taking a caution approach regarding in person meetings. According to the Governor's restrictions for Polk County, we may be returning to a High Risk category, from Moderate Risk, so we will be assessing our next steps based on our county's risk category

**Doctor's Office Renovation** – The promotion of the Luckiamute Clinic building space for occupancy by local businesses, non-profits and public partners has begun. The RFI (Request for Information) from potential tenants has gone live and we've received interest from at least 9 parties. We have made progress in getting the facility to be Wi-Fi for future tenants and are holding off on adding heating upgrades until next fiscal year.

Note: If you have questions/concerns, please respond to me individually by email, phone, or in person. This way we avoid violating any public meetings laws with a "reply all" response, or multiple councilors discussing on the same thread.

**Commission & Committee Engagement**– The city’s various commissions and committees in 2020 have had their regular function disrupted by social distancing rules, as well as turnover in membership. At present, the committees with the biggest need for participation are:

- Historic Landmark Commission
- Parks & Recreation Committee
- Budget Review Committee

I’d like to encourage councilmembers to help enlist interested citizens to submit applications for membership.

**Workplace Violence** – Due to a recent instance of verbal abuse by a member of our team toward another member, it has been my sad duty to have had to spend valuable time thoroughly familiarizing myself with our personnel policies regarding workplace violence, instead of focusing on helping Falls City. Since each team member deserves to be in a work environment that is devoid of intimidation, harassment and bullying, it is my sincere intention to ensure that such blatant breach of protocol within our staff is never repeated. If after an investigation of the incident, violations of workplace rules have taken place, the offending team member will be subject to corrective action, up to and including termination.

**Vaccination Event** – Thanks to an amazing collaborative effort initiated by Salem Health, and facilitated by our Mayor Gordon, our community was able to vaccinate over 150 people on April 9<sup>th</sup>. We, as a small community, owe a great debt of gratitude to all of the professional staff of Salem Health who administered the vaccines, as well as the many volunteers who helped make this event a success. We look forward to being able to host another similar event in the future.

Sincerely,



AJ Foscoli