

MISSION STATEMENT

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.



CITY OF SWEET HOME CITY COUNCIL

AGENDA Revised 10/08/19

October 08, 2019, 6:30 p.m.

Sweet Home City Hall, 3225 Main Street

Sweet Home, OR 97386

WIFI Passcode:
guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

A. Call to Order and Pledge of Allegiance

B. Roll Call:

Councilor Coleman
Councilor Gerson
Councilor Goble
Councilor Gourley

Mayor Mahler
Councilor Nash
Councilor Trask

C. Consent Agenda:

- a) Approval of Minutes: September 24, 2019 City Council Minutes (pg. 3-9)
September 24, 2019 Executive Session Minutes (pg. 10)

D. Recognition of Visitors and Hearing of Petitions:

E. Old Business:

- a) Jacob's Regional Manager Brian Helliwell – Formal Deficiencies Update (pg. 11-31)
- b) Discussion Only – Utilities Management Discussion (pg. 32-37)
- c) Information Only Request for Council Action – Exclusion Ordinance (pg. 38-44)
- d) Information Only – Livability Ordinance Code comparison (pg. 45-53)

F. New Business:

- a) Request for Council Action – DLCD Technical Assistance Grant (pg. 54-56)

G. Ordinance Bills

- i. **Request for Council Action and First Reading of Ordinance Bills**
- ii. **Second Reading of Ordinance Bills**
 - (1) Ordinance No. 5 for 2019 – An Ordinance Amending the Unnecessary Noise Section of the Sweet Home Municipal Code (pg. 57)
 - (2) Ordinance No. 6 for 2019 – An Ordinance Relating to Urinating or Defecating in Public Places (pg. 58)
- iii. **Third Reading of Ordinance Bills (Roll Call Vote Required)**
 - (1) Ordinance No. 2 for 2019 – Ordinance No. 1275 -Sweet Home Ordinance Pertaining to Authorizing the Operation of Class IV All- Terrain Vehicles on Streets Located within the City of Sweet Home, Oregon, but Subject to the

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

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- Provision of ORS 821.200(1), and Providing a Penalty for the Violation Thereof (pg. 59-63)
- (2) Ordinance No. 3 for 2019 – Ordinance No. 1276 - An Ordinance Relating to the Unlawful Transfer on Vehicular Portion of the Right-of-Way (pg. 64)
- (3) Ordinance No. 4 for 2019 – Ordinance No. 1277 An Ordinance Amending Title 16 and Title 17 of the Sweet Home Municipal Code and Declaring a Need for an Expediency Clause (pg. 65-70)

H. Reports of Committees:

Administrative & Finance/Property	Goble
Park and Tree Committee	Trask
Youth Advisory Council	Gourley
Chamber of Commerce	Gerson
Council of Governments	Gerson
Area Commission on Transportation	Mahler
Solid Waste Advisory Council	Goble
Ad Hoc Committee on Health	Gourley
Legislative Committee	Coleman

I. Reports of City Officials:

- a) Mayor’s Report
- b) City Manager’s Report
- c) Department Director’s Reports: (1st Meeting of the Month)
 - i. Library Services Director
 - (1) Department Report (pg. 71)
 - (2) Circulation by Type (pg. 72)
 - (3) Patron Statistics (pg. 73)
 - (4) Library Advisory Board Minutes (pg. 74)
 - ii. Community and Economic Development Director
 - (1) Department Report (pg. 75-77)
 - iii. Public Works Director
 - (1) Department Report (pg. 78-80)
- d) Department Director’s Reports: (2nd Meeting of the Month)
 - i. Finance Director
 - ii. Police Chief
 - iii. City Attorney’s Report

J. Council Business for Good of the Order:

K. Adjournment

SWEET HOME CITY COUNCIL
MEETING MINUTES

September 24, 2019

Mayor Mahler called the meeting to order at 6:30 p.m. in the Sweet Home City Hall. The Pledge of Allegiance was recited.

Staff Present: City Manager Ray Towry, City Attorney Robert Snyder, Public Works Director Greg Springman, Finance Director Brandon Neish, Police Chief Jeff Lynn, Community and Economic Development Director Blair Larsen, Library Services Director Rose Peda, and Recording Secretary Julie Fisher.

Visitors Registered to Speak: Vince Adams, Carol Porter, Janet McInerney, Bob Dalton, Chris Bayne, William Whipple, Mr. Neilson.

Media: Scott Swanson, The New Era

Roll Call:	Councilor Coleman	P	Mayor Mahler	P
	Councilor Gerson	P	Councilor Nash	P
	Councilor Goble	P	Councilor Trask	P
	Councilor Gourley	P		

Consent Agenda: **Motion was made to approve the Consent Agenda as submitted (Gerson/Trask) Motion passed with 7 Ayes, 0 Opposed, 0 Absent.**

Items on the consent agenda are as follows:
Approval of Minutes: September 10, 2019 Council Minutes

Recognition of Visitors & Hearing of Petition:

Carol Porter
Chris Dane

Carol Porter and Chris Dane with the Sweet Home Famers Market addressed Council with concerns in the area of the Farmer's Market. The events included harassment and theft and have impacted vendors and shoppers.

Chief Lynn addressed the issue and stated additional presence in that area has deterred depraved behavior.

Mayor Mahler stated the City will develop a plan before the next season for the market which begins on June 1st.

Vince Adams

Vince Adams spoke concerning the Exclusion Ordinance. He felt excluding an individual from the downtown commercial zone would push them to the surrounding residential neighborhoods.

Old Business:

Public Hearing: Resolution No. 23 for 2019- A Resolution Adopting a Supplemental Budget for the Building Reserve Fund.

The Public Hearing was opened at 6:56pm. Mayor Mahler read the Public Hearing statement and explained the process. Mayor Mahler asked the Council if there were any bias, ex-parte, or conflict of interest regarding the matter; there were none.

A Staff Report was presented by Finance Director Neish. FD Neish reported he is requesting funds left over from the Building

Reserve Fund after the completion of the New City Hall Project. The \$53,500 would be transferred and used for construction related purchases to include additional furniture required to furnish the building and a sign.

The floor was opened for public comment. There was none.

The Public Hearing was closed at 6:56pm.

Motion to approve Resolution No. 23 for 2019 – A Resolution Adopting a Supplemental Budget for the Building Reserve Fund (Gerson/Trask)

Roll Call Vote:

Councilor Trask	Aye
Councilor Coleman	Aye
Councilor Gerson	Aye
Councilor Goble	No
Councilor Gourley	Aye
Mayor Mahler	Aye
Councilor Nash	No

Motion passed with 5 Ayes, 2 Opposed (Goble, Nash) and 0 Absent.

Discussion Only – Livability
Ordinance and Rental Registration

City Attorney Snyder reported on the rental registration program and how it works in other cities to obtain a certificate of occupancy. There was discussion about current inspections already taking place by some property management teams. Conversation continued regarding who would complete the inspections and how often, if the City was to create such a program. There were concerns from the public on how the City would fund the program or generate the revenue to continue.

Staff is working to compile a list of issues in the draft livability ordinance and see if current codes already in place would address those issues to find “gaps.” Staff will have the comparison before Council on the October 8th Agenda.

This item will return to Council for further discussion.

Discussion Only – Exclusion
Ordinance

City Manager Towry referred to the draft ordinance known as the Exclusion Ordinance. City Manager Towry explained there were misconceptions regarding the ordinance, it is not an ordinance targeting the homeless population, but rather targets repeat offenders for crimes committed in the downtown corridor. City Manager Towry stated the ordinance will increase economic development making the downtown commercial zone viable, walkable and lead to a successful downtown.

Chief Lynn added the ordinance is an approach to change behavior. Chief Lynn explained what other nearby communities are experiencing with similar ordinances and the differences that might be appropriate for each community.

Members of the community spoke concerning the draft ordinance.

While some were in support, there were concerns about pushing those excluded from the downtown commercial zone into the surrounding residential zone, increasing crimes in those neighborhoods. Additional comments were related to concerns of accessing services if excluded from the downtown area. Council will meet with staff individually with any suggestions to the draft ordinance and whether or not they want it to be on the Agenda for the next meeting.

Discussion Only – Utility Management

PWD Springman presented the Council with options for future management of the Water and Wastewater Treatment Plants. The three options included: Do nothing, management of the plants will continue under Jacobs; secure a new contract with another vendor for management of the plants; or manage both plants with City staff. Timelines and action plans were presented for all three scenarios with a July 1, 2020 end date. The item will come before Council as a Request for Council Action on the October 8, 2019 Agenda.

Request for Council Action – Title VI Plan Updates – Resolution No. 27 for 2019 – A Resolution to Adopt the Revised Limited English Proficiency (LEP) Plan

City Manager Towry introduced the Title VI Plan which was approved by the Council in January and submitted to ODOT Civil Rights Division. Feedback was received from ODOT requesting minor revisions to the plan for compliance. Those edits were made as well as updates to the new City Hall address. The LEP is part of the Title VI Plan and was adopted by Resolution. Minor changes to the LEP requires an updated Resolution. Council had no concerns or questions regarding the updates to the Title VI plan or the LEP.

Motion to approve Resolution No. 27 for 2019 – A Resolution to Adopt the Revised Limited English Proficiency (LEP) Plan (Coleman/Goble) Motion passed with 7 Ayes, 0 Opposed and 0 Absent.

New Business:

Request for Council Action - Resolution No. 28 for 2019 – A Resolution Authorizing City Ownership of Art in the Right-of-Way at Main Street and Holley Road and an ODOT Intergovernmental Agreement

City Engineer presented an IGA to Council between the City and ODOT. The IGA is necessary for the wooden statue in the ODOT ROW. City ownership and maintenance of the sculpture is required for the art to be placed in the ROW.

Motion to approve Resolution No. 28 for 2019 – A Resolution Authorizing City Ownership of Art in the Right-of-Way at Main Street and Holley Road and an ODOT Intergovernmental Agreement (Trask/Coleman) Motion passed with 7 Ayes, 0 Opposed and 0 Absent.

Request for Council Action – Revisions to the OCWCOG IGA for Technological Services Rate Changes

City Manager Towry introduced the revisions to the Oregon Cascade West Council of Governments (OCWCOG) contract for technological services for updated rates. The contract is merely a retainer for services if the City should ever need assistance for IT.

Motion to approve the revisions to the OCWCOG IGA for Technological Services Rate Changes (Trask/Coleman) Motion passed with 7 Ayes, 0 Opposed and 0 Absent.

Request for Council Action – LBCC SBDC IGA for Business Advising and Training Services

Community and Economic Development Director Blair Larsen introduced the request for an IGA between the City and the Small Business Development Center (SBDC) and Linn Benton Community College (LBCC). The agreement aids Council’s goal for Economic Development. The City would provide \$2500 per year in exchange for deliverables reported quarterly.

Motion to approve the IGA for Business Advising and Training Services thru the Small Business Development Center at Linn Benton Community College (Gerson/Trask)

Roll Call Vote:

Councilor Coleman	Aye
Councilor Gerson	Aye
Councilor Goble	No
Councilor Gourley	Aye
Mayor Mahler	Aye
Councilor Nash	No
Councilor Trask	Aye

Motion passed with 5 Ayes, 2 Opposed (Goble, Nash) and 0 Absent.

Request for Council Action and First Reading of Ordinance Bills:

Public Hearing: An Ordinance Amending Title 16 and Title 17 of the Sweet Home Municipal Code and Declaring a Need for an Expediency Clause.

The Public Hearing was opened at 8:31pm. Mayor Mahler read the Public Hearing statement and explained the process. Mayor Mahler asked the Council if there were any bias, ex-parte, or conflict of interest regarding the matter; there were none.

A Staff Report was presented by Community and Economic Development Director Blair Larsen. CEDD Larsen explained the SHMC is outdated and the updates are housekeeping updates that will make the code easier to apply and understand.

The floor was opened for public comment. There was none.

The Public Hearing was closed at 8:38pm.

Motion to move Ordinance No. 4 for 2019 – An Ordinance Amending Title 16 and Title 17 of the Sweet Home Municipal Code and Declaring a Need for an Expediency Clause to First Reading (Goble/Gerson). Motion passed with 7 Ayes, 0 Opposed and 0 Absent.

Community and Economic Development Director Larsen read in its entirety Ordinance No. 4 for 2019 – An Ordinance Amending Title 16 and Title 17 of the Sweet Home Municipal Code and Declaring a Need for an Expediency Clause.

Motion to move Ordinance No. 4 for 2019 – An Ordinance Amending Title 16 and Title 17 of the Sweet Home Municipal Code and Declaring a Need for an Expediency Clause to

Second Reading (Gourley/Nash). Motion passed with 7 Ayes, 0 Opposed and 0 Absent.

City Attorney Snyder read by Title Only Ordinance No. 4 for 2019 – An Ordinance Amending Title 16 and Title 17 of the Sweet Home Municipal Code and Declaring a Need for an Expediency Clause.

Motion to move Ordinance No. 4 for 2019 – An Ordinance Amending Title 16 and Title 17 of the Sweet Home Municipal Code and Declaring a Need for an Expediency Clause to Third and Final Reading (Gerson/Coleman). Motion passed with 7 Ayes, 0 Opposed and 0 Absent.

Request for Council Action – An Ordinance Amending the Unnecessary Noise Section of the Sweet Home Municipal Code.

City Manager Towry introduced the draft noise ordinance for consideration. The Council asked Chief Lynn if the ordinance would help. He stated he believed it would.

Motion to move Ordinance No. 5 for 2019 –An Ordinance Amending the Unnecessary Noise Section of the Sweet Home Municipal Code to first reading (Gerson/Coleman). Motion passed with 6 Ayes, 1 Opposed (Nash) and 0 Absent.

City Attorney Snyder read in its entirety, Ordinance No. 5 for 2019 – An Ordinance Amending the Unnecessary Noise Section of the Sweet Home Municipal Code.

Motion to move Ordinance No. 5 for 2019 –An Ordinance Amending the Unnecessary Noise Section of the Sweet Home Municipal Code to second reading (Coleman/Nash). Motion passed with 7 Ayes, 0 Opposed and 0 Absent.

Request for Council Action – Urinating or Defecating Ordinance.

City Manager Towry introduced the draft Ordinance relating to urination or defecating in Public Places.

Motion to move Ordinance No. 6 for 2019 – An Ordinance Relating to Urinating or Defecating in Public Places to first reading (Coleman/Trask) Motion passed with 7 Ayes, 0 Opposed and 0 Absent.

City Attorney Snyder read in its entirety Ordinance No. 6 for 2019 – An Ordinance Relating to Urinating or Defecating in Public Places.

Motion to move Ordinance No. 6 for 2019 – An Ordinance Relating to Urinating or Defecating in Public Places to second reading (Coleman/Nash) Motion passed with 7 Ayes, 0 Opposed and 0 Absent.

Second Reading:

Request for Council Action – Ordinance No. 2 for 2019 - Sweet Home Ordinance Pertaining to Authorizing the Operation of Class IV All- Terrain Vehicles on Streets Located within the City of Sweet Home, Oregon, but Subject to the

City Attorney Snyder read by title only Ordinance No. 2 for 2019 - Sweet Home Ordinance Pertaining to Authorizing the Operation of Class IV All- Terrain Vehicles on Streets Located within the City of Sweet Home, Oregon, but Subject to the Provision of ORS 821.200(1), and Providing a Penalty for the Violation Thereof.

Motion to move Ordinance No. 2 for 2019 – Sweet Home

Provision of ORS 821.200(1), and Providing a Penalty for the Violation Thereof

Ordinance Pertaining to Authorizing the Operation of Class IV All-Terrain Vehicles on Streets Located within the City of Sweet Home, Oregon, but Subject to the Provision of ORS 821.200(1), and Providing a Penalty for the Violation Thereof, to third and final reading (Coleman/Nash) Motion passed with 6 Ayes, 1 Opposed (Goble) and 0 Absent.

Request for Council Action – Ordinance No. 3 for 2019 – An Ordinance Relating to the Unlawful Transfer on Vehicular Portion of the Right-of-Way.

City Attorney Snyder read by title only Ordinance No. 3 for 2019 - An Ordinance Relating to the Unlawful Transfer on Vehicular Portion of the Right-of-Way.

Motion to move Ordinance No. 3 for 2019 – An Ordinance Relating to the Unlawful Transfer on Vehicular Portion of the Right-of-Way, to third and final reading (Gerson/Trask) Motion passed with 7 Ayes, 0 Opposed and 0 Absent.

Third and Final Reading of Ordinance Bills:

None

Reports of Committees:

Administration & Finance/
Property Committee

No Report

Park & Tree Commission

Councilor Trask reported the City was the recipient of a grant from Gametime for playground equipment in the amount of \$101,000.00. The City also received the Grant from the State of Oregon, Parks and Recreation Department for a total of \$342,809 for Sankey Park rehabilitation.

Youth Advisory Council

No Report

Chamber of Commerce

Councilor Gerson reported the Chamber will move to two meetings per month, one business meeting and one study group.

Council of Governments (COG)

Councilor Gerson gave a written report from the COG regarding their housing study.

Area Commission on Transportation

No Report

Solid Waste Advisory Council
(SWAC)

No Report

Ad Hoc Committee on Health

Councilor Gourley reported Samaritan Health may have grant funds to supply the City with outdoor Sharps containers. This should help with the reckless discard of needles.

Legislative Committee

Councilor Coleman announced SB1013 goes into effect this week.

Reports of City officials

Mayor’s Report

Mayor Mahler announced the Harvest Festival on Oct. 5th.

City Manager's Report

The League of Oregon Cities Annual Conference is scheduled for 09/26 – 09/28. PWD Springman and City Manager Towry are presenting on Saturday. Councilor Coleman, Councilor Trask and Finance Director Neish are also attending the Conference. City Manager Towry will be out on Monday and Tuesday following the conference.

Department Directors Reports

Written reports were submitted by the following Departments: Finance and Police. There were no questions of the Council.

City Attorney

No Report.

Council Business for Good of the Order:

Councilor Trask announced the Fire District received a new ambulance after one was damaged in a MVA.

Adjournment:

With no further business the meeting adjourned at 9:07 pm.

The foregoing is a true copy of the proceedings of the City Council at the September 24, 2019 regular City Council Meeting.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

SWEET HOME CITY COUNCIL
EXECUTIVE SESSION MEETING MINUTES

September 24, 2019

The City Council Executive Session was opened at 5:30 p.m. in the Sweet Home City Hall.

Roll Call:	Councilor Coleman	P	Mayor Mahler	P
	Councilor Gerson	P	Councilor Nash	P
	Councilor Goble	P (5:41pm)	Councilor Trask	P
	Councilor Gourley	P		

Staff: City Manager Ray Towry, City Attorney Robert Snyder, Public Works Director Greg Springman, Finance Director Brandon Neish, Community and Economic Development Director Blair Larsen, and Recording Secretary Julie Fisher.

Media: None

Mayor Mahler read the Executive Session Announcement.

The purpose of the meeting was an Executive Session pursuant to ORS 192.660 (2) (e), which allows the Council to meet in executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

There was time for questions and comments, no official decisions were made.

The foregoing is a true copy of the proceedings of the City Council at the September 24, 2019 Executive Session City Council Meeting.

Mayor

ATTEST:

City Manager– Ex Officio City Recorder



Sweet Home, Oregon

City Council Presentation

October 8, 2019



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10-08-19 City Council Packet pg 11

Northwest Presence

Support and resources from a network of Northwest U.S. service locations



220
Jacobs O&M staff

23
Local and regional sites

Nationwide
Technical, engineering and O&M support



Contract Summary

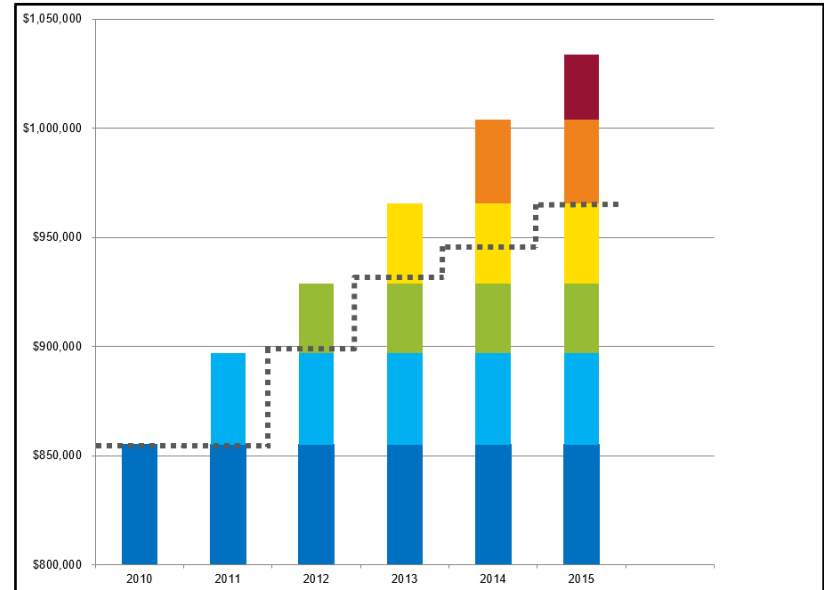
- Jacobs and the City of Sweet Home, OR entered into 10 year agreement for Operations, Maintenance and Management services December 1, 2006.
- The contract was renewed and amended for an additional 16 years on July 1, 2015. The current contract term runs through June 30, 2031.

Scope of Services

- OMI has provided maintenance and operations to the wastewater and water treatment plants at Sweet Home which include but is not limited to:
 - Provide all staff, recruiting, training, scheduling, on-call, emergency response, supervision, management and technical support.
 - Disposal of sludges and biosolids to existing permitted disposal sites.
 - Provided computerized maintenance, process control and laboratory management systems.
 - Performed daily, weekly, monthly, quarterly, and annual lab testing and sampling adhering to State and Federal regulations.
 - Provide for and documented any repairs to the plants.

Pricing and Fee History

Contract Year	Period	Budget History		
		Fee	Increase %	Default CPI
CY01	2006-07	657,694	0.00%	0.0%
CY02	2007-08	404,941	-38.43%	N/A
CY03	2008-09	721,953	78.29%	N/A
CY04	2009-10	760,000	5.27%	N/A
CY05	2010-11	850,021	11.84%	N/A
CY06	2011-12	910,079	7.07%	3.60%
CY07	2012-13	940,634	3.36%	4.00%
CY08	2013-14	968,853	3.00%	3.93%
CY09	2014-15	985,808	1.75%	3.74%
CY10	2015-16	975,950	-1.00%	4.03%
CY11	2016-17	1,000,349	2.50%	2.50%
CY12	2017-18	1,030,359	3.00%	3.95%
CY13	2018-19	1,061,270	3.00%	4.07%
CY14	2019-20	1,093,108	3.00%	3.91%

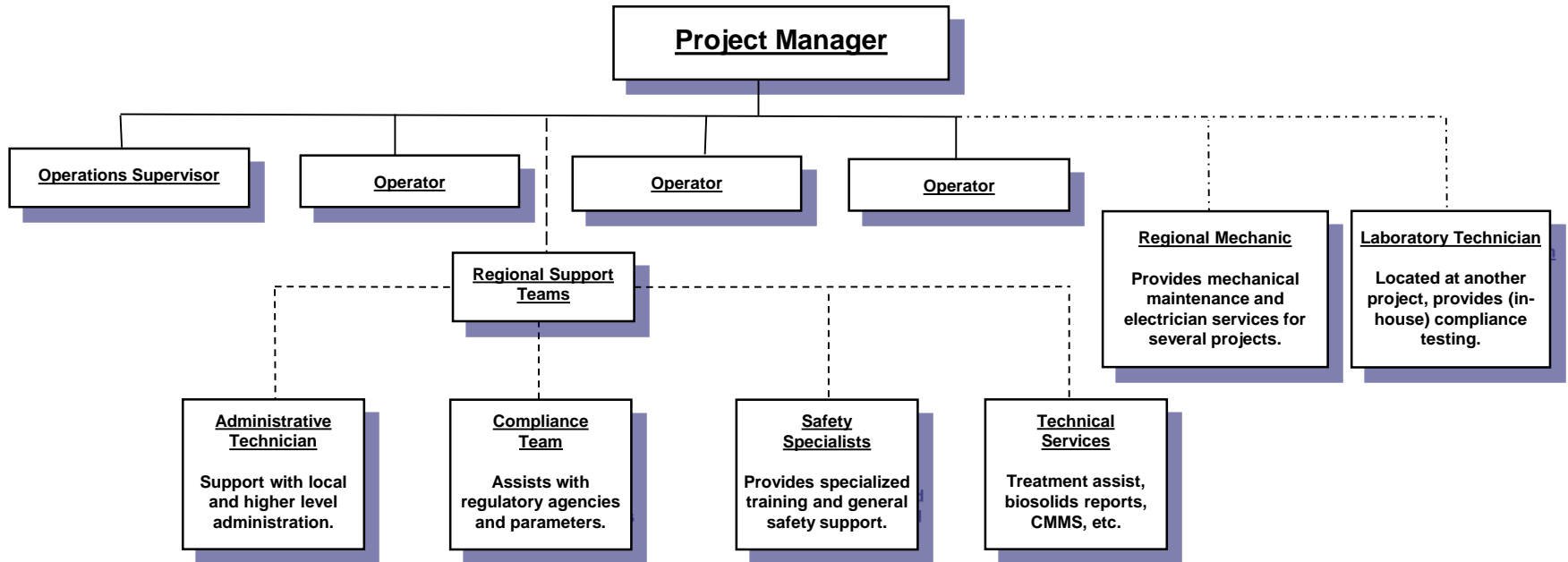


CY14 Proposal:

Jacobs has worked to keep the base fee below default CPI as calculated in the contract.

*For the 2019-2020 contract year, Jacobs is proposing to fund Repairs (up to \$30,000) at no cost to the Owner. Owner will only be responsible for Repairs Costs over \$30,000. **Pending City Acceptance***

Staffing Structure



Key Additional Services

- Provide DRC certification for Collection System
- Provide DRC certification for Distribution System
- Provided Assistance on Oregon Cyanotoxin rule
- Provided short term solution to rag and debris problem at Wastewater plant
- Provide engineering suggestions on Headworks prior to decision to start re-design of new plant
- Provide Mixing zone study for WWTP outfall at discounted rate submitted to ODEQ

Jacobs Value-focused approach

- Project specific fee review often lower than escalation
- Fee adjustments and rebates to support client needs
- Regional support and expertise at no additional cost
- Focus on safety and compliance performance
- Maintenance program including CMMS
- Data Management program including OP10
- Upcoming upgrade to WIMS at no additional cost
- Recruiting, training and staffing topics management
- Cost-effective benefits program
- Community involvement activities
- Back office cost reduction/avoidance (HR, purchasing, procurement, permit review support, operability assessments, legal, contracts)

Community Involvement

Committed to Sweet Home

- Provide the best service at the most reasonable cost
- Perfect compliance and perfect reporting of non-compliance
- Community – Get involved



Members of or involved in: SHCF, Rotary, Chamber of Commerce, Sportsman's Holiday, SHHS Mock Trials, Sweetheart 5k/10k, and the All-Hazards Mitigation Committee

Donated to: SHHS Gear up, Jamboree Arts Festival, Sportsman's Holiday Court, Backpacks for Kids, VFW "Rocking around the Christmas Tree", Sweet Home Library Stained Windows, amongst others.

Facilities Overview: Water Treatment Plant

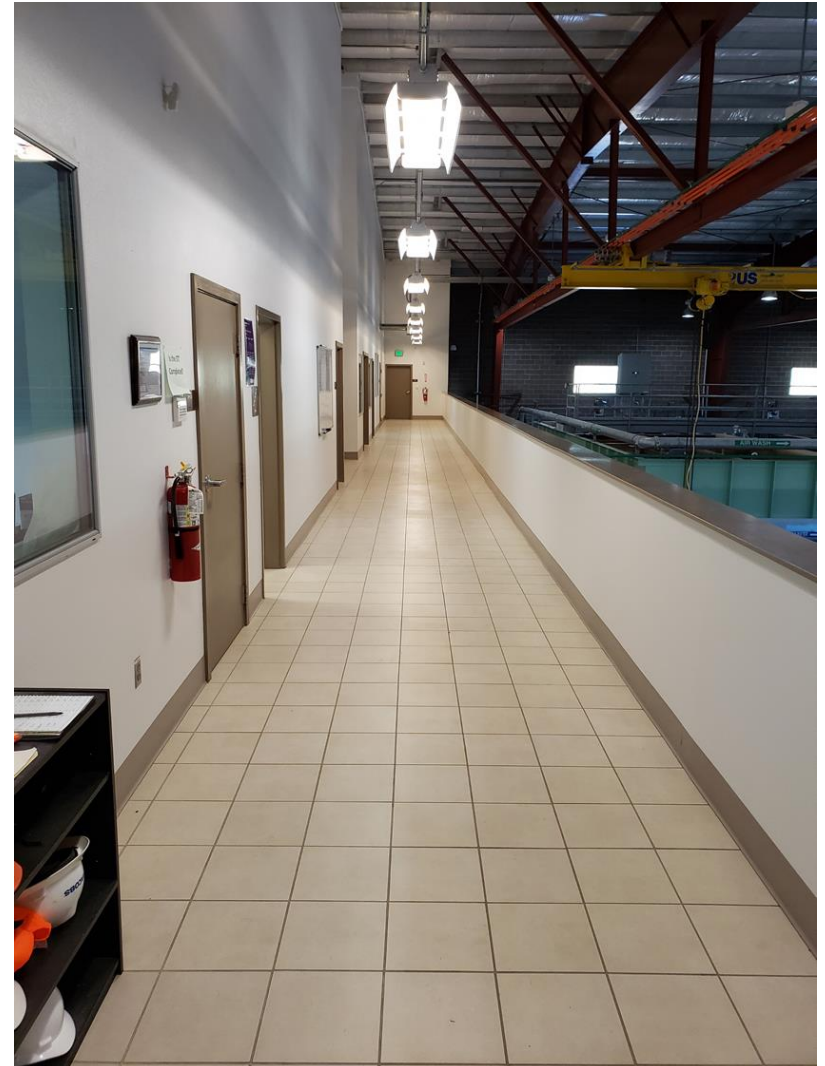
**CITY OF SWEET HOME
WATER
TREATMENT
PLANT**

CITY OFFICIALS:
MAYOR-
CRAIG FENTIMAN
CITY MANAGER-
CRAIG MARTIN
PUBLIC WORKS DIRECTOR-
MICHAEL J. ADAMS
CITY COUNCIL-
JIM GOURLEY
ERIC MARKELL
JIM BEAN
LAURE FOWLER
SCOTT McKEE JR.
GREG MAHLER
RICH ROWLEY

**ENGINEER-
ERWIN CONSULTING ENGINEERING, LLC
CONTRACTOR-
PACIFIC EXCAVATION, INC.
COMPLETED -
JULY 27, 2009**



Facilities Overview: Water Treatment Plant



Facilities Overview: Water Treatment Plant



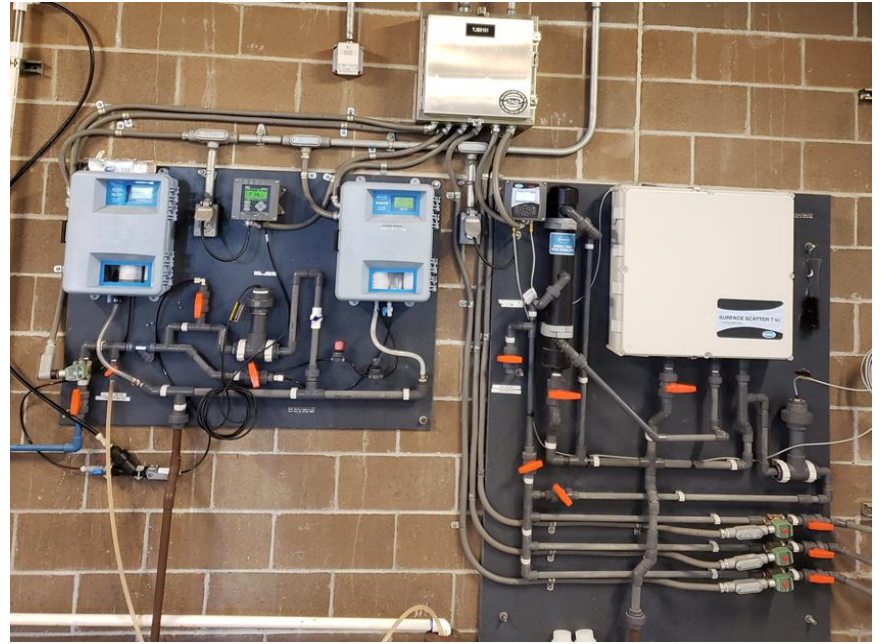
Facilities Overview: Water Treatment Plant



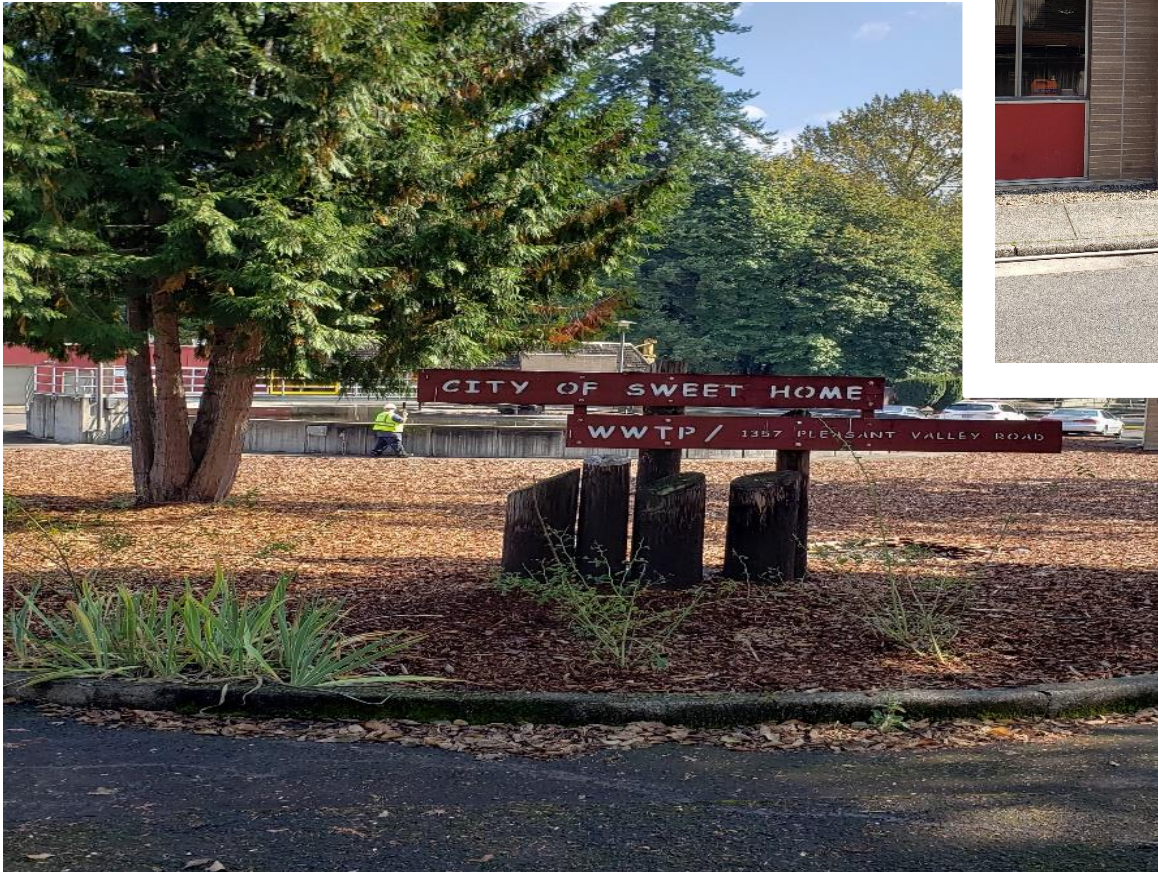
Facilities Overview: Water Treatment Plant



Facilities Overview: Water Treatment Plant



Facilities Overview: Wastewater Treatment Plant



Facilities Overview: Wastewater Treatment Plant



Recent Projects/Activities

- RAS Pump #3 Rebuild
- Raw Influent Pump #1 rebuild
- RAS Pump #2 knife gate valve replacement
- Drained, cleaned and inspected #1 and #2 clarifiers
-

Status of Client Findings

- HVAC** All existing system working properly. Working on getting quotes to add wall mounted heaters where there are none
- Electrical lighting** Lights have been replaced with new LED lighting
- Office/locker Rm** Ceiling tiles replaced as needed
- Stairway** Non-skid strips have been installed
- MCC/Elect** Doors have been adjusted and a new closer was installed
- Control room** UPS Batteries have been installed, tightened screws on door hinge.
- Break Area** There is no break room for staff, the facility was not designed with one. Personnel use office or conference room for breaks and sink in Locker room.
- Raw Water** 24" valve that doesn't close properly was adjusted for better operation, will work with City to add to CIP
- Turbidimeter/pH
SCM's** Turbidimeter controller is becoming obsolete. Getting quotes for 2020 City CIP
All units are currently operational. Local factory representative is scheduled for additional calibration and training in October
- Pipe and Fittings** Working on quotes from vendors that can address with existing condensation
- Clean Trains** Train #2 has been completed, Trains #1 and #3 will be scheduled to be done late October and November 2019

Status of Client Findings

- Recirc System** System # 2 has been inspected and its functional. Train #1 and #3 will be inspected late October and November 2019. These inspections will be done annually moving forward.
- Turbidimeters** Turbidimeters are becoming obsolete. Staff is getting quotes for 2010 CIP list.
- Chem Feed** All pumps have been replaced. Proposal for new Watson-Marlow proposed for City's CIP consideration.
- Hypo Gen** System has been repaired and is currently working.
- Fluoride** Installed new float controller, new pumps and calibrated. Pending to replace parts on online meter and calibrate dosing and alarms
- Clearwell** Obtaining quotes for divers to inspect and clean. If approved will pan to do so in November/December 2019.
- Seimens/Scada** Worked with Jacobs IT, TAG Automation and WES Tech to review the system and correct any issues found and validate set points. Pending SCM tech to calibrate meters.
- Network/internet** System working properly
- Foster Dam** System is being checked weekly as well as manual verifications of blow-offs. Belts and filters are checked routinely.

Enhanced Monthly Report



Executive Summary



H&S



Compliance



Staff &
Operations



M&R and
CIP



Client



Community



R&O



Upcoming
events



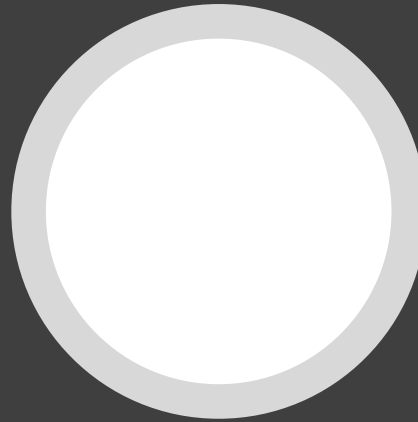
Lookahead

- Continue to partner with the City to further increase value
- Support City efforts towards Wastewater facility upgrades
- Support other City activities as needed
- Conduct a facility assessment to update (or validate) capital improvement recommendations
- Continue to enhance Monthly Report format and content
- Drive enhanced communications and engagement
- Become an integrated City resource



Water/Wastewater Treatment Facilities - Operation & Administration Services Evaluation

By: Greg Springman, Public Works Director



Treatment Services Option Timelines

JACOBS®



City of Sweet Home – Status Quo

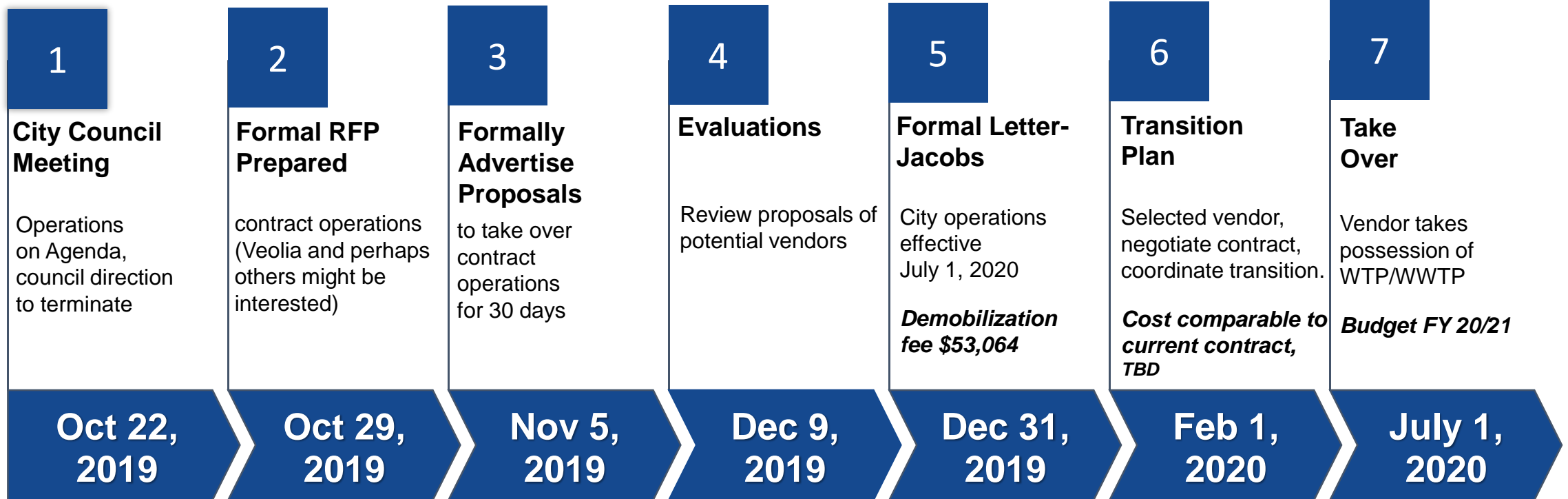
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Maintain Current Contract

Operations
on Agenda,
Cost 3% escalation
\$1,093,108 FY19/20

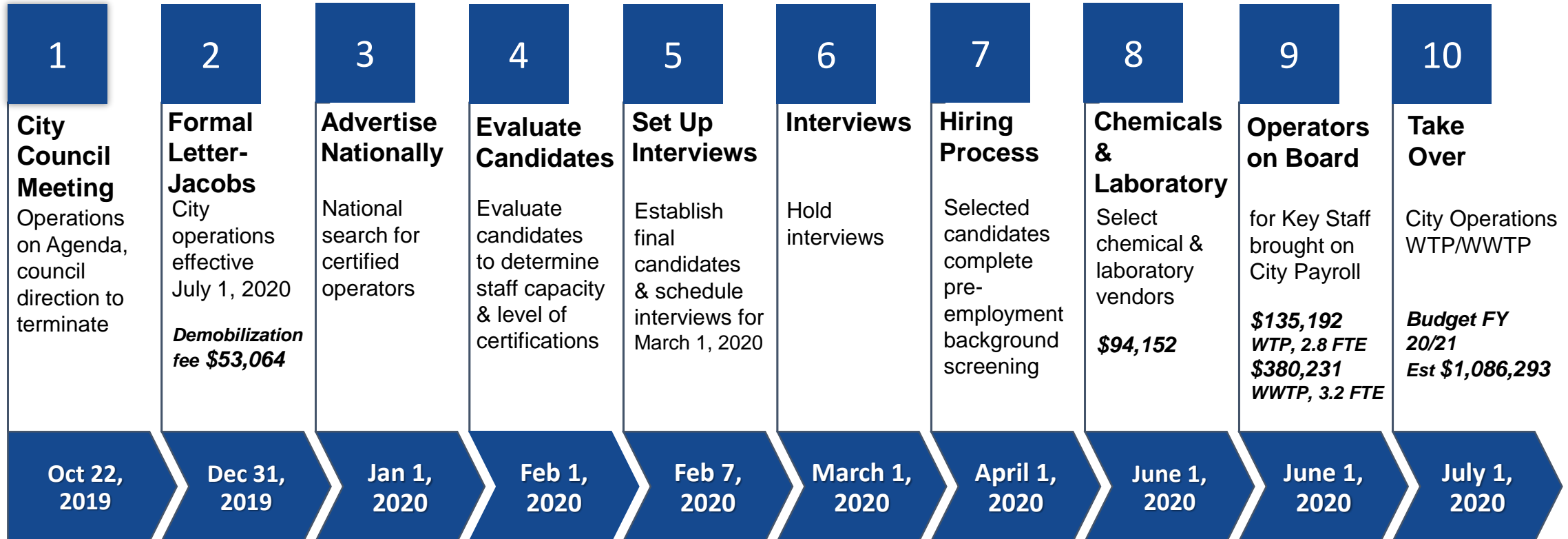


City of Sweet Home – New Contract Operator Timeline





City of Sweet Home – Take Over Scenario Timeline





Discussion

Sweet Home Police Department

Date: October 3, 2019
To: City Manager Ray Towry
From: Chief Jeff Lynn
Re: Enhanced Law Enforcement Area Discussion

Ray,

As the community considers the appropriateness of the proposed Enhanced Law Enforcement area (Downtown Exclusion Ordinance) my hope is that I can address some common misconceptions about it.

The intent of the Enhanced Law Enforcement area was to attempt to address frustrations over illegal activity that repeatedly occurs in downtown Sweet Home. This proposed ordinance is not about homelessness and it's not about solving the issue of homelessness. It's about public safety. I believe that the city has an obligation to maintain a safe environment for its residents. That means enforcing laws against behavior that infringes on the rights of others. Downtown merchants and others have complained that a number of people are engaging in behavior that makes it unpleasant to spend time downtown.

I believe that it is appropriate to expect people who want to be in the downtown area to obey the law and conduct themselves appropriately. That goes for people who are homeless, and it goes for people that have a place to live. The emphasis is on behavior.

As I have talked with several community members, there was lack of information available that described or listed the types of repeated behavior that could trigger a person to be excluded from the downtown area. This could be easy to address by listing out the crimes and ordinances that apply to an exclusion. This is how the Chronic Nuisance Property ordinance is written. Below is a list of offenses that could be included and used in the proposed ordinance.

1. Criminal Homicide - O.R.S. 163.005
2. Rape, Sodomy, and Unlawful Sexual Penetration - O.R.S. 163.355 to O.R.S. 163.411
3. Menacing and Recklessly Endangering Another Person - O.R.S. 163.190 and O.R.S. 163.195
4. Intimidation - O.R.S. 166.155 and O.R.S. 166.165
5. Harassment - O.R.S. 166.065
6. Disorderly Conduct II - O.R.S. 166.025
7. Discharge of Weapons - O.R.S. 166.630 and O.R.S. 166.635 SHMC §§ 9.32.010, 9.32.020, 9.32.030 (See O.R.S. 166.172)
8. Unnecessary Noise - SHMC § 9.20.020

9. Providing Liquor - O.R.S. 471.410
10. Minor in Possession of Alcohol - O.R.S. 471.430
11. Assault and Strangulation - O.R.S. 163.160 to O.R.S. 163.187
12. Sexual Abuse, Contributing to the Delinquency of a Minor And Sexual Misconduct - O.R.S. 163.415, O.R.S. 163.425, O.R.S. 163.427, O.R.S. 163.435, and O.R.S. 163.445
13. Public Indecency - O.R.S. 163.465
14. Controlled Substances - O.R.S. 167.222, O.R.S. 167.262 and O.R.S. 475.525 to O.R.S. 475.894
15. Criminal Mischief - O.R.S. 164.345 to O.R.S. 164.365
16. Criminal Mistreatment - O.R.S. 163.200 and O.R.S. 163.205
17. Criminal Trespass - O.R.S. 164.245 and O.R.S. 164.255
18. Unlawful Use of a Weapon - O.R.S. 166.220
19. Prostitution and Related Offenses - O.R.S. 167.007 to O.R.S. 167.017
20. Theft - O.R.S. 164.015 to O.R.S. 164.140
21. Placing Offensive Substances in Waters, on Highways or Other Property and Offensive Littering - O.R.S.164.785 and O.R.S. 164.805
22. Arson and Related Offenses - O.R.S. 164.315 to O.R.S. 164.335
23. Illegal Gambling - O.R.S. 167.122 and O.R.S. 167.127
24. Curfew - SHMC § 9.28.010
25. Purchasing Sex with a Minor - O.R.S. 163.413
26. Any attempt to commit (as defined by O.R.S. 161.405) or conspiracy to commit (as defined by O.R.S. 161.450 and O.R.S. 161.455) any of the above offenses.
27. Consumption or possession of alcoholic beverages in public places - SHMC § 9.20.030

The proposed Exclusion from the Enhanced Law Enforcement area ordinance also lists multiple variances that *shall* be granted by the Chief of Police or the Municipal Court. These variances or waivers would include;

1. Residing in the exclusion area.
2. Is employed in the exclusion area.
3. To visit the residence of a family member in the exclusion area.
4. To consult with an attorney.
5. To attend alcohol or drug treatment sessions.
6. To attend religious services or otherwise exercise a constitutional right.
7. To pass through the exclusion area.
8. To attend a public meeting.
9. To attend a court hearing.
10. To engage in any activity ordered by the court.
11. To obtain social, medical or like services.
12. For employment purposes.

This proposed ordinance is intended as another tool that law enforcement and the Court would have to deal with repeated issues in the downtown area. It could be used as a piece of the puzzle to address unwanted behavior in the area.

Below are three examples of individuals that could potentially have been excluded from an Enhanced Law Enforcement area if such an ordinance was in place. These examples were pulled from information from the Sweet Home Police Department records system. The information listed will include the date of the law enforcement contact and the charges associated with that contact.

Individual 1

10/19 Criminal Trespass II
10/19 Consumption or Possession of Alcoholic Beverages in Public Places
8/19 Consumption or Possession of Alcoholic Beverages in Public Places
5/19 Criminal Trespass II

Individual 2

4/19 Theft I
3/19 Theft III
3/19 Criminal Trespass II

Individual 3

9/19 Consumption or Possession of Alcoholic Beverages in Public Places
9/19 Criminal Trespass II
12/18 Criminal Trespass II
12/18 Controlled Substance Offense (Meth Possession)
10/18 Criminal Trespass II

Our Department is always open to new ideas and we look forward to having more dialogue on this topic as well as others that are impacting our community.

ORDINANCE BILL NO. __ FOR 2019

ORDINANCE NO. _____

SWEET HOME ORDINANCE PERTAINING TO EXCLUSION FROM ENHANCED LAW ENFORCEMENT AREAS OF CITY OF SWEET HOME

WHEREAS, the City desires to reduce unlawful behavior in certain areas within the City of Sweet Home by excluding certain persons therefrom that are the cause of said unlawful behavior;

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Section 9.20.050 titled ENHANCED LAW ENFORCEMENT AREAS is created to read as follows:

A. Enhanced law enforcement areas are designed to protect the public from those whose illegal conduct poses a threat to safety and welfare. Enhanced law enforcement areas include the area within the City of Sweet Home encircled by the following boundary (and including those portions of the streets and rights-of-way mentioned herein): See Exhibit A attached hereto for area in blue.

B. A person is subject to exclusion for a period of 30 days from entering or remaining within an enhanced law enforcement area if that person has been cited to appear and/or arrested within an enhanced law enforcement area for a total of three (3) or more instances of unlawful behavior within the enhanced law enforcement area within the last five years. If the person to be excluded has been excluded from that enhanced law enforcement area at any time within two years before the date of the present exclusion, the exclusion shall be for 90 days. For purposes of this Section, unlawful behavior means violating or being charged with violating the crimes and violations listed in SHMC 8.12.020.

C. If a person excluded from an enhanced law enforcement area is found within the perimeter of the enhanced law enforcement area during the exclusion period, that person may be arrested for trespass in the second degree, as defined by ORS 164.245. A person is not considered to be within the enhanced law enforcement area if the person is within a vehicle that is

passing through the exclusion area.

D. The Chief of Police is designated as the person in charge of enhanced law enforcement areas for the purpose of issuing exclusion notices in accordance with this Section. Any Sweet Home Police Officer can issue exclusion notices in accordance with this Section.

E. At the time a person is cited to appear and/or arrested within an enhanced law enforcement area for any of the offenses specified in this Section, the officer making such cite to appear and/or arrest may deliver to that person a written notice excluding that person from the enhance law enforcement area. Any exclusion notice shall not take effect until the sixth day after the notice is issued.

1. The notice shall specify the area from which the person is excluded, the length of the exclusion, the penalty for entering the excluded area and contain information concerning the right to appeal the exclusion to the Judge of the Municipal Court.

2. The person to whom the exclusion is issued shall sign a written acknowledgment of receipt or the arresting officer shall make a written record of the refusal.

F. The person to whom an exclusion notice is issued shall have the right to an appeal from the issuance of the notice. The exclusion notice will notify the person of the right to appeal and process for appeal.

1. An appeal of the exclusion must be filed, in writing, within five business days of the issuance of the notice. The appeal must be filed with the Municipal Court. A hearing on the appeal shall be held before the Judge of the Municipal Court within 20 business days of the appeal. The exclusion shall be stayed during the pendency of the appeal.

2. The City shall have the burden to show by a preponderance of evidence that the exclusion was based upon the conduct proscribed by this Section. Copies of documents in its control and which are intended to be used by the City at the hearing shall be made available to the appellant at least two days prior to the hearing.

3. A determination by a court having jurisdiction of the

matter that the officer who issued the exclusion notice at the time had probable cause to cite and/or arrest the person to whom the exclusion notice was issued for the conduct described in this Section shall be prima facie evidence that the exclusion was based on conduct prohibited by those statutes, ordinances or code.

G. Variances from the exclusion may be granted at any time during the exclusion period by the Chief of Police, or by the Municipal Court.

1. The Chief of Police or the Municipal Court shall grant a variance to any person who can establish that he or she is a resident of the exclusion area, is employed within the exclusion area, or will use the waiver to visit the residence of a family member, to consult with an attorney, to attend alcohol or drug treatment sessions, to attend religious services or otherwise exercise a constitutional right, to pass through the exclusion area, to attend a public meeting, to attend a court hearing, to engage in any activity ordered by a court, to obtain social, medical or like services, or for employment purposes. A variance may also be granted when, in the discretion of the Chief of Police or the Municipal Court, the exclusion order is no longer necessary to preserve public health, safety or welfare. The denial of a variance may be appealed within five business days to the Municipal Court using the same procedures as for an appeal of the imposition of the exclusion.

2. All variances shall be in writing, for a specific period of time and only to accommodate a specific purpose, all of which shall be stated on the variance.

3. The person shall keep the variance on his or her person at all times the person is within the exclusion area.

Passed by the Council and approved by the Mayor this ____ day of _____, 2019.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

Livability Ordinance
Code Comparison

	A	B	C	D	E	F	G	H	I
1	All Properties	Rentals Only	PROPOSED LIVABILITY CODE	Sweet Home Municipal Code	Building Code		Landlord Tenant Laws	ORS 90.320	ORS 90.325
2			Section 9.40.090 - Standards.						
3									
4			9.40.090.05.010 - Lighting of Accessible Means of Egress.						
5			1) Every landlord shall at all times provide minimum illumination at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs;		Oregon Electrical Specialty Code (OESC)		Landlord Tenant Laws	ORS 90.320(1)(e)	
6			9.40.090.020 - Ventilation.						
7			Every dwelling shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold, growth, or deterioration of the structure. The total openable window area in every bathroom shall be equal to at least one-fortieth (2.5%) of the area of the room. The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided Kitchens and clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure		Oregon Residential Specialty Code (ORSC)		Landlord Tenant Laws	ORS 90.320(1)(c) ORS 90.320(1)(i)	
8			9.40.090.05.030 - Electrical System.						
9			Every landlord shall replace electrical equipment or portions of electrical systems that have been exposed to water, shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failure unless deemed safe by a licensed electrician.				Landlord Tenant Laws	ORS 90.320(1)(e)	
10			9.40.090.05.030.02 - Circuit Protection.						
11			Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:				Landlord Tenant Laws		
12			Every kitchen and other interior location with a water supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter .		OESC 210.8 (A)(B)		Landlord Tenant Laws	ORS 90.320(1)(e) ORS 90.320(1)	
13			Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.						
14			All receptacle outlets shall have the appropriate faceplate cover for the location.						
15			9.40.090.05.040 - Plumbing System.						
16			Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions. Plumbing components shall be of materials allowed or approved by the Plumbing Code.		ORSC R306 CH 3		Landlord Tenant Laws	ORS 90.320(1)(B)	
17			All sinks, lavatory basins, bathtubs and showers with a dwelling unit shall be supplied with both hot and cold running water which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.						

Livability Ordinance
Code Comparasion

	A	B	C	D	E	F	G	H	I
1	All Properties	Rentals Only	PROPOSED LIVABILITY CODE	Sweet Home Municipal Code	Building Code		Landlord Tenant Laws	ORS 90.320	ORS 90.325
18			9.40.090.05.040.02 - Hot Water.						
19			Water heating facilities shall be supplied for each dwelling unit and shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.		ORSC CH 5		Landlord Tenant Laws	ORS 90.320(1)(C)	
20			9.40.090.05.050 - Interior Sanitation.						
21			The interior of every structure that is rented shall be maintained in good repair , in a clean and sanitary condition , free from any accumulation of rubbish, garbage or solid waste. The term "clean and sanitary" shall mean free from any material or condition that: Provides a breeding place for insects, rodents or vermin ; Produces dangerous or offensive gases or odors ; Blocks exits , hallways, corridors or accessible means of egress; Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.				Landlord Tenant Laws	ORS 90.320(1)(F)	
22			9.40.090.05.050.02 - Occupant Responsibilities.						
23			Occupants shall keep that part of the dwelling unit which they occupy or control in a clean and sanitary condition .				Landlord Tenant Laws		ORS 90.325(B)
24			9.40.090.05.050.03 - Landlord Responsibilities.						
25			Every landlord shall maintain the common halls, stairways, utility rooms and areas, and similar public areas of the dwelling in a clean and sanitary condition ;						
26			The occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected; walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and, The occupants shall keep such spaces in a clean and sanitary condition, be responsible to ensure that every toilet compartment , bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.				Landlord Tenant Laws	ORS 90.320(1)(f)	
27			9.40.090.05.060 - Heat in Bathrooms and Habitable Rooms.						
28			Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms and all bathrooms.				Landlord Tenant Laws	ORS 90.320(1)(d)	
29			All heating devices or appliances shall be of an approved type, no portable or open flame fuel burning devices or cooking appliances shall be used to provide space heating.					ORS 90.320(1)(d)	
30			Every landlord shall supply heat to maintain a year-round temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms and all bathrooms.						

Livability Ordinance
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1	All Properties	Rentals Only	PROPOSED LIVABILITY CODE	Sweet Home Municipal Code	Building Code		Landlord Tenant Laws	ORS 90.320	ORS 90.325
31			9.40.090.05.070 - Window and Door Security.						
32			9.40.090.05.070.02 - Entrance Doors.						
33			Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock , and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.		ORSC R311 CH 3		Landlord Tenant Laws	ORS 90.320(1)(L)	
34			All exterior doors , door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.				Landlord Tenant Laws	ORS 90.320(1)(L)	
35			For the purpose of this subsection, a sliding bolt shall not be considered an acceptable deadbolt lock.						
36			9.40.090.05.070.03. - Operable Windows.						
37			Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device .				Landlord Tenant Laws	ORS 90.320(1)(L)	
38			9.40.090.05.070.04 - Basement Hatchways.						
39			Basement hatchways shall be secure .				Landlord Tenant Laws	ORS 90.320(1)(L)	
40			9.40.090.06 - Exterior Structure and Premises Conditions.						
41			The provisions of this subsection shall be applicable to all structures , properties and premises and for all occupancy and use types, with the exception that children's play structures shall be exempt from the maintenance standards herein established other than with respect to conditions that constitute imminent or incipient hazards, as those terms are herein defined. The assignment of responsibilities for owner, landlord and tenant occupants shall be as set forth within the following standards.						
42			9.40.090.06.010 - Weatherproofing and Waterproofing.						
43			It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:						
44			9.40.090.06.010.01 - Roofs and Drainage.						
45			All roofs , flashing, vent stacks and boots, and chimneys shall have no defects which might admit rain or melt water.	SHMC 8.04.045(C)3a 8.04.045(c)4b					
46			Roof drainage shall be adequate, gutters and down-spouts shall continuously be maintained in good repair.		ORSC R801 CH 8				

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1	All Properties	Rentals Only	PROPOSED LIVABILITY CODE	Sweet Home Municipal Code	Building Code		Landlord Tenant Laws	ORS 90.320	ORS 90.325
47			9.4002.090.06.010.02 - Exterior Walls and Exposed Surfaces.						
48			Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes , breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.	SHMC 8.04045 (3)(A)	ORSC R703 CH 7				
49			All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition.						
50			Every landlord of a structure, building or premises who rents , leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weather-tight condition all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights.				Landlord Tenant Laws	ORS 90.320(1)(A)	
51			Every owner of any structure, building or premises that is not for rent , lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.	SHMC 8.04.045(3)(a)					
52			Exterior metal surfaces shall be protected from rust and corrosion .						
53			9.40.090.06.010.03 - Windows and Doors.						
54			Every window , sash, door and door frame of a building shall be kept in sound condition and in good repair .	SHMC 8.04.045(C) SHMC 15.03.030			Landlord Tenant Laws	ORS 90.320(1)	
55			Every exterior door , door hinge, door knob, door lock, and strike plate shall be maintained in good condition and when closed, shall fit reasonably well within its frame;						
56			Every window frame and casing shall be constructed and maintained to exclude wind						
57			9.40.090.06.010.04 - Glazing.						
58			Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.		ORSC R308 CH3				
59			Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.	SHMC 8.04.045(C) SHMC 15.03.030					
60			9.40.090.06.010.05 - Basement Hatchways.						
61			Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.	SHMC 8.04.045(C) SHMC 15.03.030					
62			9.40.090.06.010.06 - Temporary Measures.						
63			The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or roofing, shall not exceed 45 days in any 12 month period,	SHMC 8.04.045(F)					
64			9.40.090.06.020 - Exterior Sanitation.						
65			All exterior property and premises shall be maintained in a clean, safe and sanitary condition . The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:	SHMC 8.04.020(B)					

Livability Ordinance
Code Comparasion

	A	B	C	D	E	F	G	H	I
1	All Properties	Rentals Only	PROPOSED LIVABILITY CODE	Sweet Home Municipal Code	Building Code		Landlord Tenant Laws	ORS 90.320	ORS 90.325
66			9.402.090.06.020.01 - Responsibilities.						
67			The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements.	SHMC 8.04.020(B)					
68			The occupant shall keep that part of the exterior property in a clean and sanitary condition.						
69			9.40.090.06.020 - Holes, Tanks and Child Traps.						
70			Remove, or fill where filling will abate the nuisance, all holes , cisterns, open cesspools, open or unsanitary septic tanks , excavations, open foundations, refrigerators , freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.	SHMC 8.04.030 SHMC 8.04.040					
71			9.40.090.06.020.03 - Unsecured Structures.						
72			Board over or otherwise secure, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by unauthorized persons through such openings.	SHMC 8.04.045(C)(1)					
73			9.40.090.06.020.04 - Rat Harborage.						
74			Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.	SHMC 8.04.020(B) SHMC 8.04.030(E) SHMC 8.08.010(B)					
75			9.40.090.06.020.05 - Emergency Access Routes.						
76			All brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line, which is likely to obstruct or impede the necessary passage of fire or other emergency personnel , shall be removed and kept clear.	SHMC 8.08.010					
77			9.40.090.06.020.06 - Thickets that Conceal Hazards.						
78			Cut and remove all blackberry vines and other thickets when such growth is found to be concealing trash and debris, creating rat harborage, or creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.	SHMC 8.08.010(B)6					

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1	All Properties	Rentals Only	PROPOSED LIVABILITY CODE	Sweet Home Municipal Code	Building Code		Landlord Tenant Laws	ORS 90.320	ORS 90.325
79			9.40.090.06.020.07 - Trash and Debris.						
80			Remove, and keep removed, unless specifically authorized by ordinance to do otherwise;						
81			All garbage, offal, dead animals , animal and human waste, and waste materials;						
82			Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk , combustible materials, stagnant water, or trash;						
83			All dead bushes, dead trees , and stumps with the exception of such material which: a) Is being maintained as a part of a naturescaped property; b) Does not result in a nuisance as otherwise defined in this chapter; and, c) Is located on a property which is otherwise substantially in compliance with this chapter;	SHMC 8.04.020(B) SHMC 6.04.030 SHMC 8.04.130(F) SHMC 12.16.110(C) SHMC 8.04.130(A)					
84			All trees which are dead , dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or						
85			Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this						
86			6) Accumulations of clothing and any other items not designed for outdoor storage.						
87			9.40.090.06.020.08 - Storage of non-Trash Items.						
88			Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:						
89			Accumulations of wood pallets;						
90			Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester;						
91			Accumulations of vehicle parts or waste tires except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration;	SHMC 8.04.020(B) SHMC 12.16.110 SHMC 08.04.130(D) SHMC 8.04.120 SHMC 8.04.140					
92			All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and that are reasonably expected to be used at the site;						
93			All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration;						
94			All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property;						
95			All recycling materials except for reasonable accumulations that are stored in a wellmaintained manner;						
96			All other non-trash items which are of a type or quantity inconsistent with normal and usual use or likely to obstruct or impede the necessary passage of fire or other emergency personnel.						

Livability Ordinance
Code Comparasion

	A	B	C	D	E	F	G	H	I
1	All Properties	Rentals Only	PROPOSED LIVABILITY CODE	Sweet Home Municipal Code	Building Code		Landlord Tenant Laws	ORS 90.320	ORS 90.325
97			9.40.090.06.030 - Solid Waste Removal.						
98			9.40.090.06.030.01 - General.						
99			All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste.	SHMC 8.04.020(B)					
100			Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid;						
101			Bulk solid waste shall be disposed of within a week of discard	SHMC 8.04.020(B)					
102			9.40.090.06.030.02 - Occupant Responsibilities.						
103			Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.						
104			9.40.090.06.030.03 - Landlord Responsibilities.						
105			Landlords of multi-family dwellings to provide, in a location accessible to all dwelling units, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which all solid waste from the dwellings unit may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,	SHMC 17.08.0303					
106			Subscribe to and pay for weekly solid waste management service, including recycling and yard waste service, by a person holding a valid franchise from the City of Sweet Home. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.						
107			The landlord of any 1 and 2 family dwelling shall provide adequate solid waste receptacle capacity for the containment of solid waste. Receptacles must be of sufficient capacity to prevent the overflow					ORS 90.320	
108			Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Sweet Home.						
109			9.40.090.06.040 - Building and Accessory Structures.						
110			It is the responsibility of the owner of any property to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:	SHMC 15.03.030 SHMC 15.03.040					
111			9.40.090.06.040.01 - General Maintenance.						
112			The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.	SHMC 15.03.030 SHMC 15.03.040					

Livability Ordinance
Code Comparasion

	A	B	C	D	E	F	G	H	I
1	All Properties	Rentals Only	PROPOSED LIVABILITY CODE	Sweet Home Municipal Code	Building Code		Landlord Tenant Laws	ORS 90.320	ORS 90.325
113			9.40.090.06.040.02 - Foundations and Structural Members.						
114			Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.	SHMC 15.03.030 SHMC 15.03.040					
115			All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.						
116			All supporting structural members in every structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.						
117			9.40.090.06.040.03 - Exterior Walls and Exposed Surfaces.						
118			Every exterior wall of a building and all weather-exposed exterior surface shall be free of holes, breaks, loose or rotting boards or timbers.	SHMC 15.03.030 SHMC 15.03.040					
119			9.40.090.06.040.04 - Brick and Veneers.						
120			Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound	SHMC 15.03.030 SHMC 15.03.040					
121			9.40.090.06.040.05 - Chimneys.						
122			Every chimney shall remain adequately supported and free from obstructions maintained in a good condition	SHMC 15.03.030 SHMC 15.03.040					
123			9.40.090.06.040.06 - Roofs.						
124			All building roofs shall be structurally sound.	SHMC 15.03.030 SHMC 15.03.040					
125			9.40.090.06.040.07 - Decorative Features.						
126			All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition so as not to be in a state of deterioration.	SHMC 8.04.045					
127			9.40.090.06.040.08 - Accessory Structures.						
128			Every accessory structure shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.	SHMC 8.04.045					
129			9.40.090.06.040.09 - Vacant Structures and Land.						
130			All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.	SHMC 8.04.020(B) SHMC 8.04.045					

Livability Ordinance
Code Comparasion

	A	B	C	D	E	F	G	H	I
1	All Properties	Rentals Only	PROPOSED LIVABILITY CODE	Sweet Home Municipal Code	Building Code		Landlord Tenant Laws	ORS 90.320	ORS 90.325
131			9.40.090.06.040.10 - Decks, Stairs and Handrails; Maintenance.						
132			It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:						
133			1) Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be: a) Maintained so as to be safe to use and capable of supporting the loads to which it is subjected; b) Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose;	SHMC 15.03.030					
134			Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected;						
135			Handrails and guardrails required by building codes shall be maintained or, if removed, shall be replaced.	SHMC 10.03.030					
136			9.40.09.07 - Fire Safety.						
137			9.40.090.07.010 - Means of Egress Door Locks.						
138			All means of egress doors shall be readily openable		ORSC R311 CH 3				
139			9.40.090.07.020 - Unobstructed Path of Travel.						
140			Every accessible means of egress or means of emergency exit shall be kept free of obstructions of any kind.		ORSC R310 CH 3				
141			Any installed storm windows on windows required for emergency escape must be easily openable from the inside		ORSC R310 CH 3				
142			9.40.090.07.030 - Fire Resistive Assembly; Maintenance.						
143			The fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.		ORSC R302 CH 3				
144			The surfaces of all interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.		ORSC R302 CH 3				
145			9.40.090.07.040 - Smoke Detectors.						
146			Every dwelling unit shall be equipped with an approved and properly functioning smoke detector		ORSC R314 CH 3		Landlord Tenant Laws	ORS 90.320(1)(E)	ORS 90.325(F)



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 8, 2019	TITLE: Resolution No. 29 for 2019	TYPE OF ACTION:
SUBMITTED BY: B. Larsen, Community and Economic Development Director	DLCD Technical Assistance Grant.	<input checked="" type="checkbox"/> RESOLUTION
REVIEWED BY: R. Towry, City Manager	ATTACHMENTS: Text of Resolution No. 29 for 2019	<input type="checkbox"/> MOTION
RELEVANT CODE/POLICY:	TOWARD COUNCIL GOAL: 2.1 Update and streamline processes 2.2 Develop continuity in planning and permitting processes	<input type="checkbox"/> OTHER

PURPOSE OF THIS RCA:

To obtain a Resolution from the City Council authorizing staff to obtain a technical assistance grant to help cover the costs associated with updating our development code.

BACKGROUND/CONTEXT:

The City Development Code consists of Titles 16 and 17 of the Sweet Home Municipal Code, is outdated, difficult for staff to use, and includes many barriers to residential development. In addition, the State of Oregon has passed several statutes that affect residential planning in cities with a population of 10,000 or more (the current population of Sweet Home is 9,225). Given the residential projects planned for the near future, Sweet Home will be rapidly approaching that milestone.

In the last two years the City has worked with John Morgan to prepare for an overhaul of our Development Code. Mr. Morgan has proposed the draft development code being considered by the City of Millersburg as a structural model, and the time has come to begin the process of reviewing that code, and modifying it to fit Sweet Home’s needs.

The City’s development code is outdated and does not adequately serve the community. Funds have been budgeted to update the code, however, the Oregon Department of Land Use and Conservation (DLCD) offers technical assistance grants to help cities with this type of work, as well as other services. Staff has completed an application to DLCD, but a resolution from the City Council is necessary to finalize the application.

THE CHALLENGE/PROBLEM:

How do we update the City’s Development Code to meet the community’s needs, comply with State law, and prepare for future development, in the most fiscally responsible way?

STAKEHOLDERS:

- City of Sweet Home Residents. Residents benefit from a Development Code that preserves the neighborhoods, commercial areas, and industrial lands that they want, and makes it easy for them to develop their properties. In addition, residents pay taxes and fees, and deserve to have those funds used efficiently and appropriately to update the City’s Code.

- City of Sweet Home Planning Staff. Staff members benefit from a clear Development Code that decreases ambiguous language, provides clear standards, and allows them to provide residents with timely and accurate information.
- Sweet Home City Council Members and Planning Commissioners. Council members and Commissioners deserve a Development Code that serves the community well, decreases reliance on staff's interpretation, and promotes their vision for the community.
- Property Owners and Developers Property owners deserve a Development Code that allows them to reasonably benefit from the property they own, and entices developers to build the homes, commercial buildings, and industrial sites that the community desires.

ISSUES & FINANCIAL IMPACTS:

The Adopted Budget for the 2019-2020 Fiscal Year includes \$15,000 for a Development Code update. These funds can be used as a match for a grant application, thereby increasing the City's spending power without adding additional funds from the City. In addition, other operating expenses within the Community and Economic Development Department may be used as an in-kind match.

ELEMENTS OF A STABLE SOLUTION:

An ideal outcome would be to apply for and receive a technical assistance grant from DLCD that would help the City accomplish its goals without spending additional funds.

OPTIONS:

1. Do Nothing. Continue with the Development Code Update with the current \$15,000 budget and no more.
2. Motion to adopt Resolution No. 29 for 2019, authorizing City Staff to submit an application to the Oregon Department of Land Conservation and Development for a Technical Assistance Grant.

RECOMMENDATION:

Staff recommends option 2, Motion to adopt Resolution No. 29 for 2019, authorizing City Staff to submit an application to the Oregon Department of Land Conservation and Development for a Technical Assistance Grant.

RESOLUTION NO. 29 FOR 2019

A RESOLUTION AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE STATE OF OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD) FOR A TECHNICAL ASSISTANCE GRANT FOR THE PREPARATION OF A DEVELOPMENT CODE UPDATE, A DEVELOPMENT CODE AUDIT, AND A HOUSING NEEDS ANALYSIS

WHEREAS, a municipal development code should be updated regularly to meet the needs of the community and provide clear and objective standards; and

WHEREAS, a Housing Needs Analysis should be updated regularly to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process in order to reduce housing costs; and

WHEREAS, the State of Oregon Department of Land Conservation and Development is accepting Technical Assistance Grant applications for land use planning projects, such as hiring a consultant to assist in the development of a Housing Needs Analysis, code implementation, and a code audit, in Oregon communities during the 2019-2021 biennium; and

WHEREAS, the City has allocated \$15,000 in grant matching funds in the 2019-2020 operating budget for a development code update; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sweet Home as follows:

Section 1. The City of Sweet Home hereby authorizes City staff to submit a technical assistance grant application to the State of Oregon Department of Land Conservation and Development for the preparation of a Housing Needs Analysis in accordance to DLCD Goal 10 guidelines and Oregon Administrative Rule chapter 660 (OAR) 660-008, development code update, and code audit.

Resolution adopted by City Council of the City of Sweet Home, this 8th day of October, 2019.

Mayor

ATTEST:

City Manager, Ex-Officio City Recorder

ORDINANCE BILL NO. 5 FOR 2019

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNNECESSARY NOISE SECTION OF THE
SWEET HOME MUNICIPAL CODE

The City of Sweet Home does ordain as follows:

Section 1. SHMC 9.20.020 A. is amended to read as follows:

A. No person shall make, assist in making or permit any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of another person.

PASSED by the Council and approved by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

ORDINANCE BILL NO. 6 FOR 2019

ORDINANCE NO. _____

AN ORDINANCE RELATING TO URINATING OR DEFECATING IN PUBLIC PLACES

WHEREAS, the City of Sweet Home wishes to promote clean and sanitary public areas and provide for the general good health of the public;

Now therefore,

The City of Sweet Home does ordain as follows:

Section 1. SHMC 9.24.050 titled URINATING OR DEFECATING IN PUBLIC PLACES is created to read as follows:

It shall be unlawful for any person to intentionally or recklessly urinate or defecate in any public place except a restroom or toilet facility maintained for such purposes.

Section 2. Violation of this section constitutes a violation and may be prosecuted under the provisions of SHMC Chapter 9.36.

PASSED by the Council and approved by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

ORDINANCE BILL NO. 2 FOR

2019 ORDINANCE NO. 1275

SWEET HOME ORDINANCE PERTAINING TO AUTHORIZING THE OPERATION OF CLASS IV ALL-TERRAIN VEHICLES ON STREETS LOCATED WITHIN THE CITY OF SWEET HOME, OREGON, BUT SUBJECT TO THE PROVISION OF [ORS 821.200\(1\)](#), AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

WHEREAS, the Sweet Home City Council desires to adopt an ordinance authorizing the operation of all-terrain vehicles on City streets as located within the city limits of the City of Sweet Home; and

WHEREAS, the Sweet Home City Council has determined that it is necessary to impose certain restrictions on the operation of all-terrain vehicles on such streets for the purpose of protecting the interest and safety of the general public;

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. – Purpose:

The purpose of this Ordinance is to authorize the operation of All-terrain vehicles on City streets within the City of Sweet Home subject to the terms, provisions, rights and responsibilities as set forth in this Ordinance.

Section 2. – Definitions:

For the purpose of this Ordinance, the following definitions are hereby established:

- (a) All-Terrain Vehicle(s) (ATV(s)), means Class I All-Terrain Vehicles, Class II All-Terrain Vehicles, Class III All-Terrain Vehicles, and/or Class IV All -Terrain Vehicles
- (b) ATV Operator Permit, means the ATV Safety Education Card issued upon completion of an Oregon Parks and Recreation Departments approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by the Oregon Parks and Recreation Department as set forth in [OAR 736-004-0015\(10\)](#).
- (c) Class I All-Terrain Vehicles, as defined by [ORS 801.190](#). is a motorized, off-highway recreational vehicle that (a) is 50 inches or less in width, (b) has a dry weight of 1,200 pounds or less, (c) travels on three or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (d) uses handlebars for steering, (e) has a seat designed to be straddled for the operator, and (f) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other

natural terrain. Class I All-Terrain Vehicles may also be known as quads, three-wheelers, or four wheelers.

- (d) Class II All-Terrain Vehicles, as defined by [ORS 801.193](#) is any motor vehicle that (a) weighs more than or is wider than a Class I All-Terrain Vehicle, (b) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, (c) is not a Class IV All-Terrain Vehicle, and (d) is street-legal, is registered under [ORS 803.420](#), and has a roof or roll bar. Class II All – Terrain Vehicles may also be known as four-by-fours, pickups, jeeps, sand rails, dune buggies, and SUV’s.
- (e) Class III All-Terrain Vehicle and Class IV All-Terrain Vehicle(s), as defined by [ORS 801.194](#). Class III All-Terrain Vehicle means a motorcycle that travels on two tires and that is actually being operated off highway.
- (f) Class IV is any motorized vehicle that (a) travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (b) is designed for or capable of cross-country travel on or immediately over, land, water, snow, ice, marsh, swampland or other natural terrain, (c) Has nonstraddle seating (d) Has a steering wheel for steering control, (e) Has a dry weight of 1,800 pounds or less; and (f) Is 65 inches wide or less at its widest point, or current manufacturing standards of width and weight from the factory. Class IV All-Terrain Vehicles may also be known as side-by-sides.
- (g) Driver License, has the meaning given that term under [ORS 801.245](#).
- (h) Motorcycle Helmet, has the meaning given that term under [ORS 801.366](#). [ORS 801.366](#) defines a Motorcycle Helmet as a protective covering for the head consisting of a hard, outer shell, padding adjacent to and inside the outer shell and a chin-strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.
- (i) Traffic Law(s), means any and all Oregon statutes and regulations relating in any way to the operation or use of motorized vehicles, including, without limitation, the Oregon Vehicle Code ([ORS Chapters 801 to 826](#)) and any regulations or administrative rules promulgated thereunder.
- (j) Street(s) means all roads, streets, and alleys, other than Highway 20 and Highway 228 as located within the boundaries of the City of Sweet Home that are open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.
- (k) Hours of Operations, “daylight hours” means one hour before sunrise to one hour after sunset.

Section 3. – Operation of All-Terrain Vehicles on Streets Authorized.

Subject to the provisions of this Ordinance, Class IV ATV’s may be operated on Streets subject to the conditions and restriction set forth under [ORS 821.200](#). All-Terrain Vehicles are prohibited from operating under this Ordinance on Highway 20 and

Highway 228 as located within the City, except that a person may, while operating a Class IV ATV, cross the above highways to the extent permitted under applicable Oregon law, including, without limitation, [ORS 821.200\(1\)](#).

Section 4. Regulations for Operation of All-Terrain Vehicles.

All-Terrain Vehicles operating under this Ordinance must be operated in compliance with all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, all applicable Traffic Law requirements (including, without limitation, [ORS 811.255](#)) and all posted speed limits.

Section 5. Licensed Driver 16 Years or Older Required.

A person operating a Class IV ATV under this Ordinance must be 16 years of age or older and hold a valid Driver License.

Section 6. – All Terrain Vehicle Operator Permit Required.

A person operating a Class IV All-Terrain Vehicle under this Ordinance must hold a valid Class IV ATV Operator Permit issued under [ORS 390.577](#).

Section 7. – Safety Equipment Requirements.

All-Terrain Vehicles operated under this Ordinance must be equipped with the safety equipment required under all applicable Traffic Laws, including, without limitation, [ORS 821.030](#), [ORS 821.040](#), [ORS 821.220](#), [ORS 821.230](#), and [OAR 735-116-000](#).

Section 8. – Helmet Requirements.

A person who is under 18 years of age must wear a Motorcycle Helmet with a fastened chin strap while riding as a passenger on an ATV operated under this Ordinance.

Section 9. – Safety Belt Requirements.

A person must be properly secured with a safety belt or safety harness while operating or riding as a passenger on an ATV operated under this Ordinance if such ATV as required to be equipped with safety belts or safety harnesses at the time the ATV was manufactured, or safety belts or safety harness have been installed on the ATV.

Section 10. – Speed Limits.

All-Terrain Vehicles operated under this Ordinance must be operated in compliance with all posted speed limits and may not be operated (a) at a rate of speed greater than reasonable and proper under the existing conditions, or (b) in a negligent manner so as to endanger or cause injury, death, and/or damage to the operator or person or property of another.

Section 11. – Prohibition on Operating All-Terrain While Driving Privileges Suspended.

A person may not operate an ATV under this Ordinance while the person’s driving privileges (i.e., Driver License) are suspended or revoked.

Section 12. – Financial Requirements.

All-Terrain Vehicles operated under this Ordinance must meet the financial responsibility requirements under ORS 806. For purposes of this Section 12, “financial responsibility requirements” means the ability to respond in damages for liability, on account of accidents arising out of the ownership, operation, maintenance, and/or use of an ATV, in a manner provided under [ORS 806](#). The exemption in [806.020](#) does not apply to this ordinance.

Section 13. –Hours of Operation Rules.

All-Terrain Vehicles may be operated during daylight hours with headlights and taillights. All-Terrain Vehicles may be operated during hours of darkness and when limited visibility conditions exist if it is equipped with lighting equipment required for a motor vehicle under [ORS 816.320](#) (For example; high and low beam headlights, taillights, turn signals, and brake lights).

Section 14. – Posting.

The City of Sweet Home will post signs giving notice that the operation of ATVs is permitted upon Streets under the provisions of this Ordinance. The City of Sweet Home will post such signs at locations necessary to inform the public that ATVs are permitted upon Streets, which sign locations will be determined by the City of Sweet Home in its sole discretion.

Section 15. – Liability.

The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. The City of Sweet Home, by passing this Ordinance, assumes no responsibility of the operation of such ATVs and will be held harmless in any action arising from the operation of such ATVs on or off any public way within the City limits, including, without limitation, Streets.

Section 16. – Penalties.

Any violation of this Ordinance that constitutes a violation of a Traffic Law, the penalty shall be the same as provided for by Oregon statute. Any other violation of this ordinance shall be commenced by the issuance of a citation and shall be prosecuted in

the Sweet Home Municipal Court as a City Violation as now in effect or as may be amended from time to time.

Section 17. – Reference Statutes and Rules.

All reference to particular laws, statutes, or rules include that law, statute, or rule as now in effect or as may be amended from time to time.

Section 18. – Invalidity.

If any section, subsection or part of this Ordinance is for any reason held invalid, unenforceable or unconstitutional, such holding will not affect the validity, enforceability or constitutionality of the remaining portions of this Ordinance.

Section 19. – Snowmobiles.

Nothing contained in this Ordinance applies to the operation of snowmobiles as that term is defined by [ORS 801.490](#).

Section 20. – Modifications.

The Chief of Police of the City of Sweet Home has the authority to modify the provisions of this Ordinance as a result of the occurrence of special events. Such modifications shall be temporary in nature and shall not violate Traffic Laws.

PASSED BY THE COUNCIL of the City of Sweet Home this 8th day of October, 2019.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

ORDINANCE BILL NO. 3 for 2019
ORDINANCE NO. 1276

AN ORDINANCE RELATING TO UNLAWFUL TRANSFER ON VEHICULAR PORTION OF THE RIGHT-OF-WAY

WHEREAS, this ordinance is established by the City of Sweet Home to promote the safe operation of vehicles upon roadways within the City and provide for the safety of the pedestrian public on and near its roadways;

Now therefore,

The City of Sweet Home does ordain as follows:

Section 1. SHMC 10.04.145 titled UNLAWFUL TRANSFER ON VEHICULAR PORTION OF THE RIGHT-OF-WAY is created to read as follows:

A. A person commits the violation of unlawful transfer on a vehicular portion of the right-of-way if the person, while a driver or passenger in a vehicle on a public highway, street or road within the boundaries of the City of Sweet Home, gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control of any item of property to a pedestrian.

B. This section does not apply if the vehicle is legally parked.

Section 2. Violation of this section constitutes a violation and may be prosecuted under the provisions of Chapter 9.36.

PASSED by the Council and approved by the Mayor this 8th day of October, 2019.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

ORDINANCE BILL NO. 4 FOR 2019

ORDINANCE NO. 1277

AN ORDINANCE AMENDING TITLE 16 AND TITLE 17 OF THE SWEET HOME MUNICIPAL CODE AND DECLARING A NEED FOR AN EXPEDIENCY CLAUSE.

WHEREAS, the Legislative Amendment, LA 19-01, consists of text amendments to Title 16, Land Divisions and Line Adjustments, and Title 17, Zoning, of the Sweet Home Municipal Code (SHMC), including amendments to the following chapters of the SHMC: 16.08.010, Appeal; 16.08.060, Violations; 16.16.030, Procedures; 17.04.030 Definitions; 17.08.050 Considerations; 17.08.100, Access and Driveways; 17.12.020, Public Hearings on Amendments; 17.12.080, Notice of Land Use Decisions; 17.12.090, Appeals; 17.12.150, Enforcement; 17.88.040, Criteria; and Addition of 17.12.085, call by the City Manager; and

WHEREAS, the Planning Commission of the City of Sweet Home held a work session on June 3, 2019 to discuss the code amendment recommendations provided by Staff and considered the text amendments at a public hearing held on August 5, 2019, and unanimously voted to directed staff to prepare a Request for Council Action (RCA) and an Ordinance Bill to go in front of the City Council to consider the code amendment recommendations approved by the Planning Commission.

WHEREAS, the amendments in this ordinance need to go into effect immediately upon its passage and approval so that its new provisions apply as soon as possible to land use decisions before the Planning Commission.

Now, Therefore,

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. The SHMC is hereby amended as follows:

16.08.010 APPEAL.

- A. An appeal of an administrative decision concerning this title will be made to the Planning Commission. Appeals of a Planning Commission decision will be made to the City Council.
- B. An appeal must be filed within 12 days of the date of the mailing of the decision notice.
- C. The established fee will be paid upon filing of an appeal.
- D. At an appeals hearing, the ordinances and criteria must be stated, and the applicant or appellant must address these criteria with sufficient specificity to allow decision makers an opportunity to respond to the issue.
- E. Upon appeal, the appellate authority must consider the record of the action or ruling which resulted in appeal.
- F. An aggrieved party in a proceeding may appeal the City Council decision to the Land Use Board of Appeals (LUBA).

17.12.90 APPEALS.

- A. An appeal of an administrative decision concerning this title will be made to the

Planning Commission. Appeals of a Planning Commission decision will be made to the City Council.

- B. An appeal must be filed within 12 days of the date of the mailing of the decision notice.
- C. A fee set by resolution of Council will be paid upon filing of an appeal.
- D. At an appeals hearing, the ordinances and criteria must be stated and the applicant or appellant must address these criteria with sufficient specificity to allow decision makers an opportunity to respond to the issue.
- E. Upon appeal, the appellate authority must consider the record of the action of which resulted in appeal.
- F. An aggrieved party in a proceeding for a zone change or discretionary permit may appeal the decision to LUBA.

SHMC 16.16.030 PROCEDURES. Subsection (A)(4). Subdivision and Subdivision Replat Decisions:

- 4. The notice of decision shall be mailed no more than seven days after the decision has been finalized. Notice of the decision shall be mailed to the applicant, property owner. Those who provided written comments on the proposal, and those who requested a copy of the decision.

SHMC 16.16.030 PROCEDURES. Subsection (B)(2). Partition and Partition Replat Decisions:

- 2. Decision. The City Manager, or designee, shall take action on the tentative partition plan as submitted, or as it may be modified, if all decision criteria can be met. The notice of decision shall be mailed no more than seven days after the decision has been finalized. Notice of the decision shall be mailed to the applicant, property owner, those who provided written comments on the proposal, and those who requested a copy of the decision.

SHMC 17.12.020 PUBLIC HEARINGS ON AMENDMENTS. Subsection (E):

- E. Within seven days after a decision has been rendered with reference to an amendment, the City Manager shall provide the applicant with written notice of the decision. Notice of the decision shall be mailed to the applicant, property owner, those who provided written comments on the proposal, and those who requested a copy of the decision. Written notice of a decision shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

SHMC 17.12.085 NOTICE OF LAND USE DECISIONS.

Within seven days after a land use decision has been rendered, the City Manager shall provide written notice of the decision. Notice of the decision shall be mailed to the applicant, property owner. Those who provided written comments on the proposal, and those who requested a copy of the decision.

Add the following to the list of Conditionally Permitted Uses in all zones:

SHMC 17.24.030 CONDITIONAL USES PERMITTED.

P. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this Section.

SHMC 17.28.030 CONDITIONAL USES PERMITTED.

E. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this Section.

SHMC 17.30.030 CONDITIONAL USES PERMITTED.

D. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this Section.

SHMC 17.31.030 CONDITIONAL USES PERMITTED.

M. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this Section.

SHMC 17.32.030 CONDITIONAL USES PERMITTED.

J. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this Section.

SHMC 17.36.030 CONDITIONAL USES PERMITTED.

K. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this Section.

SHMC 17.40.030 CONDITIONAL USES PERMITTED.

E. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this Section.

SHMC 17.44.030 CONDITIONAL USES PERMITTED.

L. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this Section.

SHMC 17.60.030 CONDITIONAL USES PERMITTED.

I. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this Section.

Add definition of "Joint Use Driveway" to Section 16.04.030 DEFINITIONS and Section 17.04.030 DEFINITIONS:

Driveway. Joint Use. When land uses on two or more lots or parcels share one driveway.

Amend standards permitting Access easements in Section 16.12.030:

P. Access easements. Where no other practical access to lots or parcels exists, the City may allow an access easement for actual access to lots or parcels. Approval of an easement that is a joint use driveway may be approved pursuant to the standards listed in Section 17.08.100(C)(6).

Add standards for permitting Joint Use Driveways. Add the following as Section 17.08.100(C) (6):

C. Driveway standards.

6. Joint Use Driveways.

A. Joint use driveways are permitted.

B. A joint use driveway shall comply with International Fire Code.

C. A joint use driveway that serves four or more lots or parcels shall be developed to the standards of a local street.

D. Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.

Remove existing SHMC 17.88.040 and 17.88.050.

Add new language for SHMC 17.88.040:

17.88.040 Approval Criteria. The Planning Commission may approve a variance upon finding that it meets all of the following criteria:

A. The variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance:

- B. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site:
- C. The need for the variance is not self-imposed by the applicant or property owner. (For example, the variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant):
- D. The variance does not conflict with other applicable City policies or other applicable regulations:
- E. The variance will result in no foreseeable harm to adjacent property owners or the public: and
- F. All applicable building code requirements and engineering design standards shall be met.

Add SHMC 17.12.085:

17.12.085 Call by the City Manager

- A. After consultation with the City Attorney, the City Manager may call up a decision by the Planning Commission on a quasi-judicial land use application for review by the City Council.
- B. On receiving a call by the City Manager, the Community and Economic Development Department shall provide to the City Council the application and all other documents constituting the entire record for the quasi-judicial land use request.
- C. The City Manager shall set a date and time for a public hearing before the City Council to consider the call under the notice of public hearing process listed in Section 17.12.120. The decision resulting from this public hearing by the City Council shall constitute the final City decision.
- D. A call by the City Manager stays all proceedings by all parties in connection with the matter until the City Council has made a decision on the application.

Add to SHMC 17.12.150:

17.12.150 Enforcement

A. Penalty. Violation of this title constitutes a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 as now enacted or hereafter amended. Each day's violation is a separate offense.

B. Alternative remedy. In case a structure is located, constructed, maintained, repaired, altered or used, or land is used in violation of this title, the structure or land thus in violation shall constitute a nuisance. The city may, as an alternative to other remedies that are legally available for enforcing this title, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use. For abatement the city may follow the procedure set out in Sweet Home Municipal Code Article II of Chapter 8.04 as now enacted or hereafter amended, except no hearing need be held before abatement occurs if a hearing before the Planning Commission or City Council has already been held on the issue in dispute and the body has made a final decision thereon. The city can recover its expenses as set forth in the abatement procedure.

C. Permits or approval, including renewals and extensions, shall not be issued for development on property in which uncorrected code violations exist except to the extent the permits or approvals are needed to correct the violation.

Expediency Clause. It is hereby adjudged and declared that existing conditions are such that this Ordinance is needed to be enforced immediately upon its passage and approval. Therefore, this Ordinance shall take effect and be in full force and effect from and after October 8, 2019.

Passed by the City Council and approved by the Mayor this 8th day of October, 2019

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

MEMORANDUM



TO: Ray Towry, City Manager
FROM: Rose Peda, Library Services Director
DATE: October 2, 2019
SUBJECT: Sweet Home Library Activities Report / September 2019

Statistics

Patrons checked out 3244 items.

Patrons placed 280 items on hold.

Staff issued 35 new library cards to patrons and 7 nonresident cards.

413 individuals signed on to use the computers in the library and printed 687 pages.

Resource sharing savings was \$2,676.04 for the month of May.

Events

The library held 8 storytimes for babies, toddler and preschoolers with 51 children and 47 adults in attendance.

We celebrated Banned Books week with a display of the most challenged books for 2019. This year's theme was "*Censorship Leaves Us in the Dark. Keep the Light On!*" According to the American Library Association these are the most challenged or banned books for 2019:

1. *George* by Alex Gino
2. *A Day in the Life of Marlon Bundo* by Jill Twiss, illustrated by EG Keller
3. *Captain Underpants series* written and illustrated by Dav Pilkey
4. *The Hate U Give* by Angie Thomas
5. *Drama* written and illustrated by Raina Telgemeier
6. *Thirteen Reasons Why* by Jay Asher
7. *This One Summer* by Mariko Tamaki, illustrated by Jillian Tamaki
8. *Skippyjon Jones series* written and illustrated by Judy Schachner
9. *The Absolutely True Diary of a Part-Time Indian* by Sherman Alexie
10. *This Day in June* by Gayle E. Pitman, illustrated by Kristyna Litten
11. *Two Boys Kissing* by David Levithan

On September 22nd, the Library participated in the National Voter Registration Day which enabled Sweet Home residents an opportunity to update their voter registration or to register to vote.

We hosted folksinger, songwriter and guitarist, Sarah McQuaid, from England. We had 18 in attendance.

**QUARTERLY CIRCULATION STATISTICS
BY ITEM TYPE**

2019	July	August	September
Auto Manuals	0	0	0
Books on CD	116	120	102
Children's Board Books	73	94	152
Children's Easy Readers	246	193	199
Children's Fiction	352	351	264
Children's Graphic Novels	172	164	110
Children's NonFiction	218	195	227
Children's Picture Books	519	523	401
Children's Ready to Read	115	88	90
Children's 100 Books	94	44	49
Children's VOX Books	148	140	121
DVDs	644	710	643
Fiction	456	364	316
Magazines	77	47	51
Music CD	27	32	22
Mystery	247	290	273
New Fiction	207	211	188
New NonFiction	75	84	62
New Mystery	109	124	91
New Science Fiction	13	11	3
NonFiction	229	186	241
Northwest	21	25	23
Paperback General	21	30	15
Paperback Mystery	29	50	39
Paperback Romance	53	36	33
Paperback Westerns	4	3	0
Paperback Science Fiction	10	10	2
Science Fiction / Fantasy	45	24	38
Teen Fiction	126	144	101
Teen Graphic Novel	48	35	36
Teen NonFiction	2	5	5
Westerns	21	40	59
Ukuleles	6	2	0
TOTALS	4523	4375	3956

2019 Statistics for July		Statistics for August		Statistics for September	
PATRON ACTIVITY		PATRON ACTIVITY		PATRON ACTIVITY	
OPAC Logins	275	OPAC Logins	256	OPAC Logins	255
SIP2 Logins	429	SIP2 Logins	458	SIP2 Logins	439
CIRCULATION AND RENEWALS		CIRCULATION AND RENEWALS		CIRCULATION AND RENEWALS	
Checkouts	3823	Checkouts	3703	Checkouts	3244
Renewals by Staff	501	Renewals by Staff	403	Renewals by Staff	456
Renewals by OPAC	199	Renewals by OPAC	242	Renewals by OPAC	256
HOLDS REQUESTED		HOLDS REQUESTED		HOLDS REQUESTED	
Holds by Staff	121	Holds by Staff	170	Holds by Staff	142
Holds by OPAC	157	Holds by OPAC	129	Holds by OPAC	138
ACTIVE PATRONS	2425	ACTIVE PATRONS	2367	ACTIVE PATRONS	2337
NEW PATRONS		NEW PATRONS		NEW PATRONS	
Resident	54	Resident	26	Resident	35
NonResident	4	NonResident	3	NonResident	7
ITEM COUNTS	36047	ITEM COUNTS	36096	ITEM COUNTS	36175
PUBLIC ACCESS COMPUTERS		PUBLIC ACCESS COMPUTERS		PUBLIC ACCESS COMPUTERS	
Logins this month	475	Logins this month	546	Logins this month	413
Pages printed	785	Pages printed	839	Pages printed	687

Resource Sharing Savings \$2,633.03

Resource Sharing Savings \$2,357.07

Resource Sharing Savings \$2,676.04

Library Advisory Board Minutes
September 12, 2019 Meeting

Present at the meeting were Kevin Hill, Charlene Adams, Brittany Donnell, Don Hopkins and Rose Peda

Motion to approve the minutes for the July 11, 2019 meeting was made by Kevin Hill with a second from Don Hopkins. Motion approved with 4 ayes and 0 opposed.

Motion to excuse the absence of Eva Journey from the meeting was made by Charlene Adams with a second from Don Hopkins. Motion approved with 4 ayes and 0 opposed.

Kevin Hill welcomed Brittany Donnell to the Library Board.

The fiscal report for the months of July and August. Some of the expenditures were discussed for the large expenditures of annual costs for the library ILS, courier, ebook subscription, and OCLC which provides online cataloging records. The expenditure for TCMS is a quarterly expense for the maintenance of the HVAC system.

The statistical reports for July and August were reviewed and explained. Included in the report were the final statistics for the Summer Reading program. Discussion followed regarding signups, program attendance and discretionary income of parents.

To align our policies with the Linn Libraries Consortium and to share DVDs with consortium patrons, Rose requested an increase of DVDs allowed at checkout from 3 to 5, eliminate the 2 month probationary period for new patrons and to discontinue the calling of 1 day and 14 day on overdue items. Brittany inquired about what types of notifications for overdues were available. Rose explained that the system can email and text patrons to remind them items are 1 day overdue. For those without email or texting, the date due slip given to the patron at checkout serves as a reminder. Patrons are also reminder that they can call the library if they don't recall when their items due. Don Hopkins made a motion to approve these changes with a second from Charlene Adams. Motion approved with 4 ayes and 0 opposed.

Discussion of the three additional community forums with the FFA Architects and library consultant, Penny Hummel. The program, which includes the community input, will be presented on Friday, September 27 at 12:30pm.

Rose informed the Board that she is attending grant writing workshops and a Nonprofit Board training and resources class.

Rose invited the Board members to attend Sarah McQuaid's upcoming performance on Saturday, September 21 at 7pm.

The next Library Board Meeting will be held on October 10, 2019 at 4:30pm.

The meeting was adjourned.

MEMORANDUM



TO: City Council
 Ray Towry, City Manager
 Interested Parties

FROM: Blair Larsen, Community and Economic Dev. Director

DATE: October 8, 2019

SUBJECT: Community and Economic Development Department Report for September, 2019

The Community and Economic Development Department (CEDD) consists of the City’s Building, Planning, Engineering, Economic Development, Code Enforcement, and Parks and Recreation programs. The following is a summary of activities and notes on current projects from September 1st, to September 30th, 2019.

1. BUILDING

- Summary of Building Program Permits Issued.

Construction Category	Number of Permits
Residential 1 and 2 Family Dwellings	0
Residential Manufactured Dwellings	3
Residential Structural	6
Residential Mechanical Permits	7
Residential Plumbing	2
Residential Demolition	0
Commercial Mechanical	1
Commercial Structural	4
Commercial Plumbing	2
Commercial Demolition	1
Commercial Site Development	0
Total Permits	26
Value Estimate of All Permits	\$472,413.00
Fees Collected	\$6,983.39

2. PLANNING

- Summary of Planning Division Applications Approved.

Application Type	Number of Permits
Conditional Use	0
Variance	0
Partition	0
Property Line Adjustments	0

- The Department is currently working on updates to the Sweet Home Municipal Code (SHMC), Planning Commission procedures, and updating and improving Land Use Applications with OCWCOG staff. A comprehensive code update is being readied for staff and peer review, and will be presented to the Planning Commission and public through the review process. We have submitted a grant application to the Oregon Department of Land

Use and Conservation to complete this work, along with a potential housing needs analysis and code audit to ensure compliance with state law.

- A short-term group of amendments to the development code was voted on by the Planning Commission, and two readings were approved at the September 24th Council meeting. The October 8th Council meeting will include the third and final reading.
- The Department has completed work on a property line adjustment for Sankey Park (merging the existing six lots into two). This has been approved by the Park & Tree Committee, and now just needs Council approval. A Request for Council Action on this issue will come before the Council at the October 22nd meeting.
- There is 1 application in the queue for October.

3. ECONOMIC DEVELOPMENT

- Work on a property partition and right-of-way width change for 24th Ave is progressing. This is part of a comprehensive 24th Avenue Corridor Improvement Project. Due to requests from the neighboring property owners, the plan to partition the City's Maintenance Yard property will now move to the planning commission in order to approve a required access easement. Once the easement has been approved, the partition will be completed and the appropriate documents for the land swap will be drafted and signed.
- An application for a new rail crossing at 24th Avenue is being prepared to submit to ODOT Rail, but Staff has learned that due to state-wide policy, it will be denied. We are gathering all the information and stakeholders that we will need to appeal that rejection. We are also exploring ways to bypass ODOT Rail and achieve our goal politically. Representative Sprenger has scheduled a meeting on October 16th with the City and the ODOT Government Affairs Manager on this issue.
- Staff is working on a Master Plan of the old Weyerhaeuser mill site that will detail property divisions, zoning designations, and roadway accesses. We are working with Linn County to determine the location of access easements and potential rights-of-way.

4. CODE ENFORCEMENT

- Summary of Actions.

CE currently has 54 open cases. Violations resolved in September: 8. Cases In Progress (Investigating): 31. Notices issued: 8. Pending Citations: 3. Citations: 1 Abatement:1 Complaints with no violation noted: 3.

Enforcement Type	Number of Cases
Animal	14
Public Right-of-way	1
Junk Vehicle	3
Minimum Housing	1
Occupying an RV	9
Open Storage	4
Other (trespassing)	3
Public Nuisance	13
Tall Grass & Weeds	7

One trial has been scheduled for October for a citation for too many dogs.

The City's Code Enforcement Officer responds to complaints submitted through the City's website, and actively patrols the City and works to resolve identified code violations.

5. PARKS

- As expected, our grant application to the Oregon Parks and Recreation Department for Sankey Park was approved. We will be holding a groundbreaking ceremony in conjunction with the Harvest Festival on October 5th. The grant is for a total amount of \$241,809. In addition, we have applied for and been awarded a grant from Gametime (a playground equipment manufacturer) for \$101,248.50. The total grant funding committed for the project is now \$343,057.50.
- The Harvest Festival will take place Saturday, October 5th in Sankey Park.
- The Park and Tree Committee has begun to discuss and review the City's street tree policies.
- Staff has begun work on the Sweetheart Run, which is planned for next February.

6. OTHER PROJECTS

- Preliminary work on the 18th Ave & Willow St Neighborhood Water LID (Proposed) is making progress. Staff has a list of properties and owners, and a boundary and cost estimate for a Water Line Local Improvement District. Work is commencing on proposed street and sidewalk improvements for the same area.
- Now that the Council has authorized ownership of the sculpture in the ODOT right-of-way near the East Linn Museum, we are waiting on a proposed Intergovernmental Agreement from ODOT, which will come before you when it is ready.
- Consultation with ODOT improvements at 22nd Ave & Main St. is ongoing, multiple options are on the table, including lighting, location, median refuge, RRFB pedestrian lights, etc. Staff is working on an informational RCA on the issue.
- The property line adjustment for the east property line at the NCH is still pending. The adjacent owners are in favor of it, and a map has been created. We plan to come to the Council for final approval by the end of October.
- The ODOT Foster Lake Sidewalk Project: ODOT has begun site survey work. Construction is estimated to start next year.

MEMORANDUM



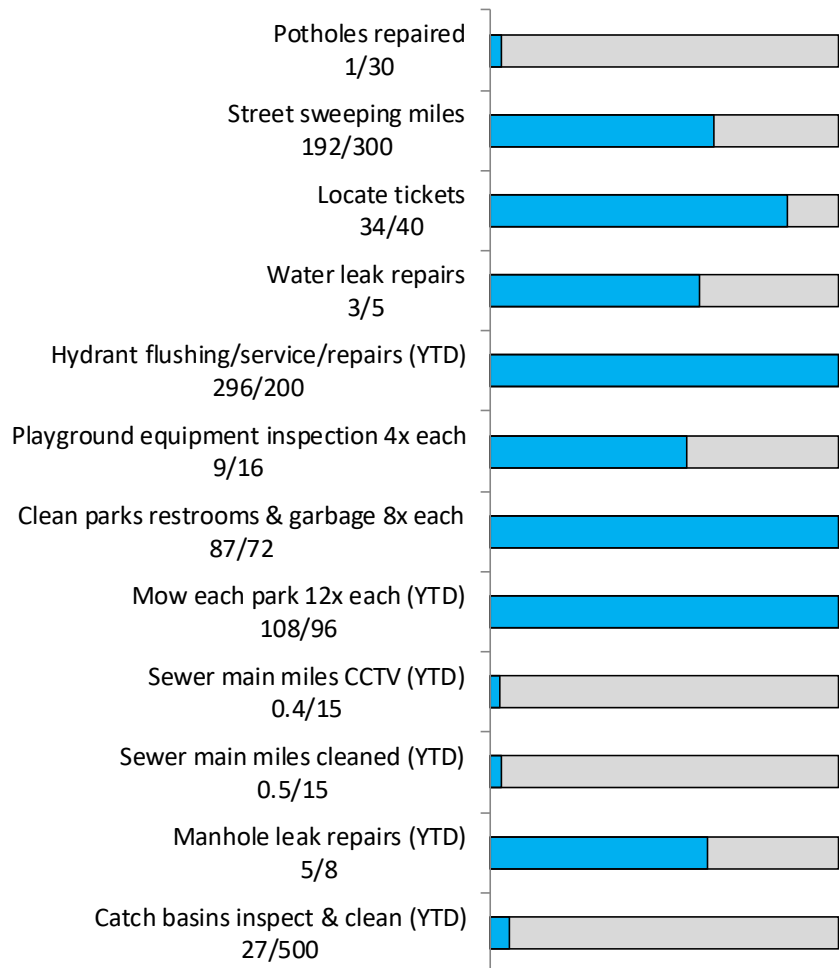
TO: Ray Towry, City Manager
 FROM: Greg Springman, Public Works Director
 DATE: October 1, 2019
 SUBJECT: Public Works Activities Report/September 2019

This memorandum provides a brief periodic update of specific projects and activities performed by the Public Works Department.

Key Performance Indicators (KPI's) Dashboard

This dashboard section summarizes work done on key maintenance activities. Goals will be adjusted over time as workloads shift to keep up with current requirements. Routine activities are tracked monthly. Seasonal activities are tracked on a year-to-date basis.

September 2019



<u>Work Orders</u>	
Posted:	791
Completed:	798
<u>Top 10 Categories</u>	
Hydrant Flushing	154
Water Turn Ons/Offs	102
Bathrooms/Garbage	87
City Hall 3225 Main	41
Locates	35
Tree/Brush Trimming - Streets	34
Meter Re-Read	34
Catch Basin Inspection	24
Park Maintenance	20
Developmental Inspection - Parks	14

Current & Upcoming Projects

Wastewater Treatment Plant Improvement Project

Scope: Upgrades to equipment & processes for DEQ Compliance.

Status: Project on schedule. Council approved Murraysmith for final design in June, 2019.

City Curb Painting

Scope: Improve curb visibility, identifying restricted parking areas.

Status: Staff pressure cleaned all curbs in May, 2019. Annual curb painting was completed June, 2019. Project completed for 2019.

Water Leak Detection Project

Scope: Contract services to identify water leaks throughout the 54 miles of water distribution system.

Status: PW staff has completed all repairs on the identified water leaks. Approximately 78 repairs have been completed by PW staff to date. Staff will calculate water loss quarterly. Staff purchased new leak detection equipment to begin program in-house.

Timber Consultant Selection

Scope: Ability to manage City-owned timber resources in a proactive manner to maximize public safety and efficiently recover the value of removed timber.

Status: Staff developed RFP to select consultant. Staff selected Cascade Timber Consultants as the City's timber consultant.

City Engineer of Record Selection

Scope: Contract Engineering Services to assist with City projects and development/planning support.

Status: Staff developed RFP to select consultant. The selection process is closed, and staff selected Murraysmith for the Engineer of Record in July, 2019.

Sankey Park Restroom Installation

Scope: Install new restroom facility in Sankey Park.

Status: Restroom has selected and ordered. Staff selected CXT as the manufacturer, delivery tentative scheduled for January, 2019. PW staff completed rough grading for restroom, offsite utilizes in pad, and completed parking lot improvements. Project completed.

Parks Irrigation System Improvements

Scope: Inspect and repair existing irrigation systems in Sankey Park, Northside Park, and Ashbrook Park.

Status: Staff completed installation of new irrigation system at Ashbrook Park. Staff has ordered materials to install new irrigation system at Northside Park, east side of Clover Park, and Sankey Park.

and remainder of lower Sankey Park. Staff has discovered an irrigation system installed in Strawberry Park. Staff to investigate costs for repair. Project will resume in Summer 2019.

2019 Overlay Project

Scope: 2" pavement overlay on Juniper St., 32nd Ct., 45th Ave., and 46th Ave. at Main St.

Status: Project in design.

DEQ - 18th Ave Groundwater Contamination Resolution

Scope: Support DEQ project to resolve neighborhood issue of contaminated groundwater east of 18th Ave and north of Tamarack St.

Status: Staff will proceed with LID for secure funding.

Air/Vacuum Valve Program

Scope: Locate air/vacuum relief valves on city water system and prioritize recommended maintenance, to resolve distribution issues caused by air pockets.

Status: New valve installed at Lake Pointe Pump Station. New valve installed at highway by Murphy Mill. Replaced existing dysfunctional valve at 44th Ave. Work will be ongoing.

Linn Shuttle Bus Shelters

Scope: Support Linn Shuttle grant project to install bus shelters at highway locations.

Status: Linn Shuttle has retained a contractor for installation and has ordered the shelters. Staff assisted Linn Shuttle with the ODOT application and has secured permits. Under construction.