



# CITY OF SWEET HOME CITY COUNCIL AGENDA

September 10, 2024, 6:30 PM  
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.

## 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.

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## Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, visit <http://live.sweethomeor.gov>. If you do not have access to the internet, you can call in to 541-367-5128, choose option #1, and enter the meeting ID to be logged in to the call. Meeting ID: 276 473 769 028

This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon Public Meeting Law, and have been approved by the Mayor and Chairperson of the meeting.

### I. Call to Order & Pledge of Allegiance

### II. Roll Call

### III. Consent Agenda

- a) Approval of Minutes:
  - i) [2024-08-27 City Council Meeting Minutes](#)

### II. Recognition of Visitors & Hearing of Petitions

### III. New Business

- a) [Information Only - Food Truck Regulations](#)
- b) [Request for Council Action - Resolution No. 22 for 2024 - Stop Signs at Long Street & 47th Avenue](#)
- c) [Request for Council Action – Granting the City Manager Pro Tem Hiring Authority](#)

### IV. Ordinance Bills

- a) Request for Council Action & First Reading of Ordinance Bills
  - i) [Shopping Cart Ordinance](#)
- b) Second Reading of Ordinance Bills

### III. Reports of Committees

Ad Hoc Committee on Arts & Culture - Councilor Gourley

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*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.*

Administration, Finance & Property Committee - President Pro Tem Mahler

Community Health Committee - Mayor Coleman & Councilor Gourley

Library Advisory Board - President Pro Tem Mahler

Park & Tree Committee - Councilor Trask

Public & Traffic Safety Committee - Councilors Richards & Thorstad

Youth Advisory Council - Councilor Sanchez

**IV. Reports of City Officials**

City Manager's Report

Mayor's Report

**V. Department Director Reports**

Police Chief

i) [Police Chief Report - August 2024](#)

**VI. Council Business for Good of the Order**

**VII. Adjournment**



# CITY OF SWEET HOME CITY COUNCIL MINUTES

August 27, 2024, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

## 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.

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## Call to Order & Pledge of Allegiance

The meeting was called to order at 6:30 PM.

## Roll Call

PRESENT

Mayor Susan Coleman  
President Pro Tem Greg Mahler  
Councilor Lisa Gourley  
Councilor Dylan Richards  
Councilor Angelita Sanchez  
Councilor Josh Thorstad  
Councilor Dave Trask

## STAFF

Jason Ogden, City Manager Pro Tem  
Cecily Hope Pretty, Assistant City Manager  
Megan Dazey, Library Services Director  
Ray Grundy, Building Permit Technician  
Blair Larsen, Community & Economic Services Director  
Adam Leisinger, Special Projects Manager  
Robert Snyder, City Attorney  
Greg Springman, Interim Assistant Public Works Director

## MEDIA

Sarah Brown, The New Era

## VISITORS

Chelsea Augsburger, 1051 1<sup>st</sup> Avenue, Sweet Home, OR 97386  
Gavin Doner, Citizen Honoree  
Frank Gallagher, 1420 First Avenue,  
Dave Holley, 607 7<sup>th</sup> Avenue, Sweet Home, OR 97386  
John Jackson, 1335 1<sup>st</sup> Avenue, Sweet Home, OR 97386  
Rob Lambert, 4615 Long Street, Sweet Home, OR 97386  
Dawn Miller, 331 8<sup>th</sup> Avenue, Sweet Home, OR 97386  
Jeff Parker, 1300 1<sup>st</sup> Avenue, Sweet Home, OR 97386  
Brandy Wysong-Frick, 4680 Long Street, Sweet Home, OR 97386

Mayor Coleman thanked those in attendance for their commitment to the community and called for a moment of silence.

## **Recognition of Visitors & Hearing of Petitions**

### a) Citizen Recognition

City Manager Pro Tem Ogden recognized Gavin Doner for his service picking up trash voluntarily in Sankey Park. He read a letter of recognition and gratitude and presented Gavin with gifts from the City.

Mayor Coleman invited those registered for Public Comment.

Brandy Wysong-Frick expressed concern with traffic safety due to the placement of a new stop sign at 47<sup>th</sup> Avenue and Long Street.

Chelsea Augsburger requested removal of the stop sign at 47<sup>th</sup> Avenue and Long Street due to traffic safety concerns.

Dawn Miller expressed concern with the future appointment of the City Attorney.

Jeff Parker expressed support for the temporary closure of First Avenue based on public safety concerns.

John Jackson expressed support for the temporary closure of First Avenue based on public safety concerns.

Rob Lambert requested removal of the stop sign at 47<sup>th</sup> Avenue and Long Street due to traffic safety concerns.

Dave Holley discussed transitional housing and the importance of setting clear time limits for residents.

## **Old Business**

### a) Request for Council Action – Resolution No. 21 for 2024 – First Avenue Traffic Modifications

City Manager Pro Tem Ogden stated that First Avenue had a long history of traffic safety complaints. He noted that the issue had been raised by the Public & Traffic Safety Committee which requested a temporary closure of one side of the street. He reviewed traffic data for the area and noted concerns with the width of the street for passing traffic through the neighborhood safely. He reviewed four options for Council consideration:

- Installation of speed tables
- Partial restriction of southbound access at Highway 20
- Temporary, six-month full closure of First Avenue at Highway 20 (staff recommendation)
- No changes

Assistant City Manager Pretty stated that the City Council was provided with copies of a petition submitted by the Chair of the Public & Traffic Safety Committee with signatures from area residents.

Mayor Coleman asked the Council Liaisons to the Public & Traffic Committee, Councilors Richards and Thorstad, to provide additional comments. Councilor Thorstad stated that the majority of the committee was in favor of the temporary closure.

Councilor Gourley asked what would be used to ensure a temporary closure was not disregarded by vehicular traffic. City Manager Pro Tem Ogden stated that staff would research the best option to prevent access.

Councilor Trask stated that he did not take issue with a detour to allow a trial period at the request of the neighborhood.

Mayor Coleman stated she frequently encountered commercial vehicles on the road.

President Pro Tem Mahler expressed support for installation of speed tables and noted concerns with a temporary closure.

Mayor Coleman stated that ODOT indicated to her that they would be in favor of the closure.

Councilor Richards stated he was not in favor of any type of closure.

Councilor Sanchez requested a traffic impact analysis be performed prior to any closure and expressed concerns with the potential diversion of traffic to other areas.

Councilor Gourley expressed support for a temporary closure if a review could be brought back to the City Council after four months.

Councilor Gourley moved to approve a six-month trial period for a complete closure of First Avenue at Highway 20. Mayor Coleman seconded the motion. The motion failed by the following vote:

AYE: Coleman, Gourley

NAY: Mahler, Richards, Sanchez, Thorstad, Trask

Councilor Sanchez moved to approve the purchase of temporary speed tables. Councilor Richards seconded the motion.

Mayor Coleman expressed concern with prioritizing convenience over safety.

The question was called. The motion carried by the following vote:

AYE: Mahler, Richards, Sanchez, Thorstad, Trask

NAY: Coleman, Gourley

Discussion ensued regarding improved signage or other means to restrict commercial vehicle usage on First Avenue.

Mayor Coleman invited Frank Gallagher, Chair of the Public & Traffic Safety Committee to speak.

Mr. Gallagher stated that the committee voted to bring the proposed temporary closure to the full City Council. He expressed concern that convenience was being prioritized over safety.

### **New Business**

#### a) Request for Council Action – Resolution No. 20 for 2024 – Appointing a City Attorney

City Manager Pro Tem Ogden stated that the current City Attorney, Robert Snyder, had indicated his intent to retire and had been operating under a contract extension while a new City Attorney was selected. He reviewed the recruitment process to date. He noted that there was consensus following an Executive Session to bring the selection of Blair Larsen forward.

Councilor Gourley moved to table the discussion until an Executive Session could be held to discuss the details of the employment contract. Councilor Trask seconded the motion. The motion carried by the following vote:

AYE: Coleman, Mahler, Gourley, Sanchez, Thorstad, Trask

NAY: Richards

Mayor Coleman requested that the Executive Session be scheduled prior to the next City Council meeting.

### **Reports of Committees**

Mayor Coleman requested that Committee Liaisons provide available reports. There were none to be heard.

### **Reports of City Officials**

#### City Manager's Report

City Manager Pro Tem Ogden stated that staff had performed a significant cleanout of the space next to Council Chambers in preparation for a future tenant. He highlighted the heavy effort of Public Works in assisting with the removal of materials. He stated that staff would prepare an update on requested food truck information at the next City Council meeting. He noted that the Santiam Feed store was now in the position of the City and staff was assessing quotes for needed repairs. He stated that Ridgeway Health had moved into the previous City Hall and that mold remediation had been performed. He reminded the community of the upcoming Harvest Festival.

## Mayor's Report

Mayor Coleman stated that the Siletz Tribe provided a grant to the City in the amount of \$6,000 to support the installation of murals. She highlighted the Community Health Committee's successful support of the annual Sweet Home Health Fair.

## Department Director Reports

Community & Economic Development Director

- a) Community & Economic Development Director Report - July 2024

Public Works Director

Police Chief

- a) Police Chief Report - July 2024

City Manager Pro Tem Ogden stated that traffic citations increased 42.9% from June to July in support of the recent focus on traffic violations. He highlighted a significant decrease in property crimes.

## Council Business for Good of the Order

Councilor Gourley highlighted that the Ad Hoc Committee on Arts and Culture was successful in negotiating with ODOT to do a project with the Sweet Home High School to provide cutouts that could be installed on Highway 20.

Councilor Richards expressed support for removal of the stop sign at 47<sup>th</sup> Avenue and requested that it be added to the next agenda. There was Council consensus for same.

Councilor Sanchez expressed her gratitude to the City Manager Pro Tem for his work to date, especially for ensuring the remediation at the former City Hall site was performed. She expressed concern that Facebook as the City's primary method of communication was insufficient if comments were not allowed. City Manager Pro Tem Ogden stated that monitoring comments was taking up an undue amount of staff time and it was an industry best practice to turn off comments. He reminded City Council and citizens that they were able to share the information and engage on their own pages and community groups. Councilor Sanchez requested that staff investigate the cost of additional communication options such as mailers.

## Adjournment

There being no further discussion, the meeting was adjourned at 7:48 PM.

ATTEST:

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Mayor

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City Manager Pro Tem – Ex Officio City Recorder



# REQUEST FOR COUNCIL ACTION

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**Title:** INFORMATION ONLY: Food Truck Regulations

**Preferred Agenda:** September 10, 2024

**Submitted By:** Blair Larsen, Community & Economic Development Director

**Reviewed By:** Jason Ogden, Interim City Manager

**Type of Action:** Resolution \_\_\_\_\_ Motion \_\_\_\_\_ Roll Call \_\_\_\_\_ Other \_\_\_\_\_

**Relevant Code/Policy:** N/A

**Towards Council Goal:** Aspiration I: Desirable Community

**Attachments:** N/A

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**Purpose of this RCA:**

The purpose of this RCA is to inform the Council of pending policy changes that will regulate food trucks within the public right-of-way.

**Background/Context:**

The City of Sweet Home Development Code regulates the placement of food trucks on private and public property, however, it does not govern food trucks operating within public rights-of-way, that is, parked in on-street parking spaces. City Code also requires that transient merchants obtain a license from the City.

Sweet Home Municipal Code §10.08.150 authorizes the City Manager to establish and maintain parking zones along certain streets, mostly in the in the downtown area. This authorizes the City Manager to determine the location of parking spaces and designate the time limitations for any time limitations for parking in those areas. These parking zones include:

- Main Street
- Long Street
- 9th Avenue from Main Street to Nandina Street
- 10th Avenue from Long Street to Main Street
- 12th Avenue from Kalmia Street to Nandina Street
- 13th Avenue from Kalmia Street to Nandina Street
- 15th Avenue from Long Street to Nandina Street
- The north side of Kalmia Street from its western terminus to 15th Avenue
- 43rd Avenue from Long Street to Airport Road
- Airport Road from 43rd Avenue to 49th Avenue
- 49th Avenue from Airport Road to Main Street

During the most recent Oregon Jamboree, two food trucks obtained transient merchant licenses and sought permission from the City Manager to operate from on-street parking spaces—one on Main Street and one near the library, both of which were granted. This was the first time that any staff are aware of food trucks requesting to operate within the public right-of-way.

Unfortunately, the City then received complaints from local residents and businesses, and the food truck on Main Street was hit by a passing vehicle. Complaints centered on issues of safety, (such as blocking the sidewalk, posing a danger to passing vehicles, and improperly storing propane tanks), and concern about the placement of food trucks close to competing brick and mortar businesses. The City Council asked Staff to investigate the problem and develop solutions so that similar problems do not happen in the future.

### **The Challenge/Problem:**

How does the City regulate food trucks parked within public rights-of-way within the City?

### **Stakeholders:**

- Sweet Home Residents – Residents deserve safe and clean commercial areas with a variety of shopping and dining options.
- Local and Transient Businesses – Businesses operating in the City deserve opportunities to fairly compete for customers.
- Sweet Home City Council – The City Council is responsible for enacting ordinances and regulations that meet the needs of residents, businesses, and visitors.

### **Issues and Financial Impacts:**

Fees for transient merchants do not bring in enough revenue to have much of an impact, and Staff do not expect that food trucks will have any more of a financial impact.

### **Elements of a Stable Solution:**

Because the Sweet Home Municipal Code already grants the City Manager the authority to set time limitations for parking spaces, Staff have determined that any impacts from food trucks in the public right-of-way can be addressed through a parking permit specifically developed for food trucks and other vendor that wish to operate from an on-street parking space.

Staff are developing a parking permit for such businesses that will grant them the right to occupy an on-street parking space for up to three days, subject to the following requirements:

- Food trucks must be completely self-contained (no seating, tables, materials, or any fuel stored on the ground next to the unit or on the sidewalk).
- Food trucks must be parked completely within the marked parking space and may not protrude into the travel lanes of the road or the neighboring parking spaces.
- The adjacent sidewalk must allow for the free passage of pedestrians (at least three feet).
- No vendor may park within 100 feet of a competing brick-and-mortar business.
- No vendor may park within 20 feet of a street corner.
- No vendor may park within 5 feet of a driveway.
- On street vendors are only permitted in commercial zones.
- Vendors must also obtain a transient merchant license.
- Waste must be contained within the vehicle or trailer and may not be discharged into the gutter.
- Any violation of the above requirements will result in the revocation of the permit and towing of the vehicle or trailer.

Staff are still developing this parking permit and are open to additional requirements. Staff do not anticipate any requests to operate food trucks within any public rights-of-way until next summer.



**Recommendation:**

Staff recommend that a permit program be developed within the City Manager’s existing authority. The Council may, if they wish, direct staff to provide additional options for regulating food trucks.



# REQUEST FOR COUNCIL ACTION

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**Title:** Resolution No. 22 for 2024 – Revising Various “Stop” Signs

**Preferred Agenda:** September 10, 2024

**Submitted By:** Cecily Hope Pretty, Assistant City Manager

**Reviewed By:** Jason Ogden, City Manager Pro Tem

**Type of Action:** Resolution  Motion  Roll Call  Other

**Relevant Code/Policy:** SHMC §10.04.030

**Towards Council Goal:** Infrastructure

**Attachments:** Resolution No. 8 for 2024 – Various Stop Signs  
Resolution No. 22 for 2024 – Revising Various Stop Signs

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## **Purpose of this RCA:**

The purpose of this RCA is to present Resolution No. 22 for 2024.

## **Background/Context:**

At the March 26, 2024 City Council Work Session, the City Council discussed additional stop signs at various intersections. Based on discussions at that work session, Resolution No. 7 for 2024 was adopted at the April 9, 2024 Council Meeting directing staff to install stop signs at identified locations. However, at the March 26<sup>th</sup> workshop, additional locations were also discussed, and these were referred to the City’s Public & Traffic Safety Committee for their recommendation. The committee met on April 10, 2024 and voted to recommend several intersections for stop sign installation, including two at Long Street and 47<sup>th</sup> Avenue making it a three-way stop.

The City Council met on April 23, 2024 and approved all of the recommendations forwarded by the Public & Traffic Safety Committee, after which staff installed the stop signs as authorized.

Following the installation of the stop signs at Long Street and 47<sup>th</sup> Avenue, City staff received almost 30 complaints via phone and email from residents regarding negative impacts to public safety. Additionally, multiple residents spoke in favor of removing the stop sign during Public Comment at the September 20, 2024 City Council Regular Session. There was Council consensus to place this stop sign location back on the agenda for reconsideration.

## **The Challenge/Problem:**

Should the City reconsider the authorization of stop signs at Long Street and 47<sup>th</sup> Avenue?

**Stakeholders:**

1. Sweet Home Residents – Residents deserve intersections with traffic controls that allow for the safe and efficient movement of pedestrians, bicycles, and vehicles.
2. Sweet Home City Council – The City Council are empowered to authorize alterations to traffic controls and the installation of new traffic controls.
3. Sweet Home City Staff – City Staff, particularly the Police Department, are responsible for enforcing adherence to traffic controls within the City and ensuring public safety.

**Issues and Financial Impacts:**

Multiple stop signs installed at this location since the approval of the previous resolution have been stolen, creating additional costs for the City to reinstall signage each time. Receiving and documenting complaints has also taken up increasing staff time that must be diverted from other projects and issues.

**Elements of a Stable Solution:**

An ideal outcome would be one which provides for the safe and efficient flow of pedestrian and vehicle traffic through the intersections in question that also considers recent public input.

**Options:**

4. Do nothing. Leave traffic controls at the intersection in question as they currently exist.
5. Approve Resolution No. 22 for 2024 as presented. This will allow staff to remove the stop sign at Long Street and 47<sup>th</sup> Avenue.
6. Approve Resolution No. 22 for 2024 with changes (Specify).

**Recommendation:**

Staff recommend option 2, Approve Resolution No. 22 for 2024 as presented.

**RESOLUTION NO. 22 FOR 2024**

**A RESOLUTION REMOVING “STOP” SIGNS AT LONG STREET AND 47<sup>TH</sup> AVENUE.**

WHEREAS, Sweet Home Municipal Code §10.04.030 states that the City Council may, by resolution, establish or alter traffic controls which shall become effective upon the installation of appropriate signs, signals, or other markings; and

WHEREAS, the City Council previously approved the installation of “Stop” signs at various intersections through Resolution No. 8 for 2024, including Additional “Stop” signs at Long Street and 47<sup>th</sup> Avenue; and

WHEREAS, the City Council through consensus determined it necessary to revisit the placement of the “Stop” sign at Long Street and 47<sup>th</sup> Avenue;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SWEET HOME

That the additional “Stop” signs previously approved regulating traffic at Long Street and 47<sup>th</sup> Avenue shall be removed at the northeast and southwest corners.

This resolution shall serve as an addendum to Resolution No. 8 for 2024 and shall become effective immediately upon passage by the City Council and signature of the Mayor.

PASSED by the Council and approved by the Mayor, this 10<sup>th</sup> day of September, 2024.

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Mayor

ATTEST:

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City Manager Pro Tem – Ex Officio City Recorder

## RESOLUTION NO. 8 FOR 2024

### A RESOLUTION TO INSTALL “STOP” SIGNS AT VARIOUS INTERSECTIONS

WHEREAS, Sweet Home Municipal Code §10.04.030 states that the City Council may, by resolution, establish or alter traffic controls which shall become effective upon the installation of appropriate signs, signals, or other markings; and

WHEREAS, the Public & Traffic Safety Committee of the City of Sweet Home has considered and does recommend that the following controls be established; and

WHEREAS, the City Council has reviewed the recommendation of the Public & Traffic Safety Committee regarding the following controls and has agreed that they should be established.

NOW, THEREFORE, the City of Sweet Home does resolve as follows:

Section 1. Additional “Stop” signs regulating traffic at Long Street and 23<sup>rd</sup> Avenue shall be installed at the northeast and southwest corners, thus making the intersection a four-way stop, and shall be in full force and effect upon sign installation.

Section 2. An Additional “Stop” sign regulating traffic at Live Oak Street and 44<sup>th</sup> Avenue shall be installed at the northeast corner, and shall be in full force and effect upon sign installation.

Section 3. Additional “Stop” signs regulating traffic at Airport Road and 44<sup>th</sup> Avenue shall be installed at the northeast and southwest corners, thus making the intersection a four-way stop, and shall be in full force and effect upon sign installation.

Section 4. Additional “Stop” signs regulating traffic at Airport Road and 46<sup>th</sup> Avenue shall be installed at the northeast and southwest corners, thus making the intersection a three-way stop, and shall be in full force and effect upon sign installation.

Section 5. Additional “Stop” signs regulating traffic at Airport Road and 47<sup>th</sup> Avenue shall be installed at the northeast and southwest corners, thus making the intersection a three-way stop, and shall be in full force and effect upon sign installation.

Section 6. Additional “Stop” signs regulating traffic at Long Street and 47<sup>th</sup> Avenue shall be installed at the northeast and southwest corners, thus making the intersection a three-way stop, and shall be in full force and effect upon sign installation.

Section 7. Additional "Stop" signs regulating traffic at Mountain View Road and Elm Street shall be installed at the north and south corners, thus making the intersection a three-way stop, and shall be in full force and effect upon sign installation.

This resolution shall become effective immediately upon passage by the City Council and signature of the Mayor.

PASSED by the Council and approved by the Mayor, this 23<sup>rd</sup> day of April, 2024.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
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City Manager – Ex Officio City Recorder



# REQUEST FOR COUNCIL ACTION

**Title:** Request for Council Action – Granting the City Manager Pro Tem Hiring Authority

**Preferred Agenda:** September 10, 2024

**Submitted By:** Cecily Hope Pretty, Assistant City Manager

**Reviewed By:** Jason Ogden, Interim City Manager / Police Chief

**Type of Action:** Resolution  Motion  Roll Call  Other

**Relevant Code/Policy:** City Charter Chapter VI, Section 20(E)

**Towards Council Goal:** Be an Effective & Efficient Government

**Attachments:** N/A

**Purpose of this RCA:**

To review vacant positions and authorize the City Manager Pro Tem to appoint employees to fill the vacancies.

**Background/Context:**

The City of Sweet Home’s Charter states in Chapter VI, Section 20(E) that “a manager pro tem shall have no authority to appoint or remove any city officer or employee except with the approval of five members of the council.” The City of Sweet Home currently has an acting City Manager Pro Tem and therefore City Council approval is needed to fill staff vacancies.

**The Challenge/Problem:**

There are multiple positions needing to be filled citywide, which include a Planning Assistant, Code Enforcement Officer, Public Works Director, Plant Operator, Administrative Services Manager, part-time Community Services Officer, and Police Officer. Based on the above referenced Charter language, the current City Manager Pro Tem Jason Ogden does not have the authority to fill these vacancies without City Council approval.

This RCA seeks authorization from the City Council for the City Manager Pro Tem to fill these positions in coordination with appropriate department leadership.

**Stakeholders:**

1. **Citizens**: Citizens deserve competent, qualified service that is not negatively impacted by ongoing vacancies.
2. **City Council**: City Council reviews and adopts the annual budget which outlines what is reflective of full staffing for the organization.
3. **City Staff**: Staff will have the ability to perform their intended functions in a timely manner and provide the services that are expected of them rather than being negatively impacted by ongoing vacancies.

**Issues and Financial Impacts:**

Each of these positions is budgeted for the fiscal year. Long-term vacancies contribute to staff burnout, negatively affecting retention and leading to additional vacancies that will need to be filled and loss of institutional knowledge.

**Elements of a Stable Solution:**

A process that allows the City to identify and hire qualified candidates in a timely fashion.

**Options:**

1. Do nothing: The City Council could choose not to allow the appointment of any new employees to fill existing vacancies.
2. Authorize the City Manager Pro Tem to appoint the positions as described: The City Manager Pro Tem will proceed with the recruitment and hiring process for the specific positions referenced in this RCA.

**Recommendation:**

Staff recommends Option 2: Authorize the City Manager Pro Tem to appoint the positions as described.





# REQUEST FOR COUNCIL ACTION

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**Title:** Shopping Cart Ordinance

**Preferred Agenda:** September 10, 2024

**Submitted By:** Blair Larsen, Community & Economic Development Director

**Reviewed By:** Jason Ogden, City Manager Pro Tem / Police Chief

**Type of Action:** Resolution \_\_\_\_ Motion X Roll Call \_\_\_\_ Other \_\_\_\_

**Relevant Code/Policy:** N/A

**Towards Council Goal:** Aspiration I: Desirable Community

**Attachments:** Ordinance Bill No. 3 for 2024 Abandoned Shopping Carts

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**Purpose of this RCA:**

The purpose of this RCA is to request approval and first reading of a proposed ordinance regulating abandoned shopping carts within the City.

**Background/Context:**

The City of Sweet Home has long dealt with shopping carts belonging to local businesses being abandoned in various parts of the City. City staff collect these carts to keep them from being an eyesore and danger to others and notify the local business that they are in the City's possession. Some businesses will collect them as soon as they are notified, while others do little to address the problem. This leaves the City with a large collection of abandoned shopping carts that they cannot use, which takes up valuable space and staff time.

Oregon Revised Statutes chapter 98.515 and 98.520 provide requirements and authorize tools that cities can use to address this problem, including requiring that businesses include ownership and contact information on the carts themselves, post a phone number that people can call about their carts, and penalties that the City can impose on businesses that do not collect their carts within a reasonable amount of time (72 hours). In addition, the statute allows cities to take title to any abandoned shopping carts that are not claimed by the owner within 30 days. The attached proposed ordinance is required to allow the City to use these tools.

**The Challenge/Problem:**

How does the City address the problem of abandoned shopping carts? How does the City properly dispose of abandoned shopping carts in its custody?

**Stakeholders:**

- Sweet Home Residents – Residents deserve safe and clean neighborhoods, parks, and public and commercial areas.
- Sweet Home City Council – The City Council is responsible for enacting ordinances and regulations that meet the needs of residents, businesses, and visitors.
- Sweet Home Staff – Staff will realize time savings and efficiency in storage space if carts are collected or can be disposed of more timely.

**Issues and Financial Impacts:**

This ordinance involves no financial impact to the City. Full enforcement of the ordinance is expected to decrease the amount of time staff spend collecting and trying to return shopping carts, and may bring in a small amount of revenue from the storage and sale of abandoned carts.

**Elements of a Stable Solution:**

A stable solution includes an ordinance that allows the City to utilize the tools authorized by the State Legislature to address this problem.

**Options:**

1. Do Nothing – If the Council chooses to do nothing, then the City will continue to experience the current problem with abandoned shopping carts.
2. Motion to conduct a first reading of the proposed ordinance as presented – If the voting is unanimous, a second reading, by title only, may take place during the same meeting.
3. Motion to conduct a first reading of the proposed ordinance with changes – The Council may make changes to the proposed ordinance. If the voting is unanimous, a second reading, by title only, may take place during the same meeting.
4. Direct Staff to research other ways to accomplish the same goals.

**Recommendation:**

Staff recommends option 2: Motion to conduct a first reading of the proposed ordinance as presented.

**ORDINANCE BILL NO. 3 FOR 2024**

**ORDINANCE NO. \_\_\_\_\_**

**SWEET HOME ORDINANCE FOR THE RECOVERY OF ABANDONED SHOPPING CARTS**

WHEREAS, the City of Sweet Home is experiencing multiple problems with shopping carts from grocery and other retailers being stolen from those retailers and then abandoned throughout the City; and

WHEREAS, the City Council wishes to implement regulations for shopping carts within the City to reduce the nuisance impacts of stolen shopping carts; and

WHEREAS, the City spends time and resources to frequently retrieve shopping carts, return shopping carts to their proper businesses, and clean-up or provide other actions in areas when shopping carts have been abandoned; and

WHEREAS, the purpose of this ordinance is to promote responsible shopping cart use within the City, emphasizing individual responsibility and community engagement through the imposition of fees; and

WHEREAS, this ordinance complies with Oregon Revised Statutes 98.515 and 98.520, which provide requirements under which municipalities may provide for the recovery and disposition of abandoned shopping carts; and

WHEREAS, the cost of City staff time in dealing with abandoned shopping carts is in excess of \$50 per abandoned cart, and this fee is not subject to the limitations of article XI, section 11b of the Oregon Constitution.

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. SHMC §8.04.035 is created to read as follows:

**8.04.035 ABANDONED SHOPPING CARTS.**

- A. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*ABANDONED CART.* Any cart that has been removed from the cart owner's premises without written consent of the owner and is located on either public or private property.

*CART or SHOPPING CART.* A basket that is mounted on wheels or a similar device that is provided by an owner to a customer for the purpose of transporting goods of any kind, including a basket used in a laundromat or similar business.

*ENFORCEMENT OFFICER.* Any Sweet Home Police officer, code enforcement officer, or other staff member designated by the City Manager with the authority to enforce the provisions of this section.

*OWNER.* Any person or entity that, in connection with the conduct of a business, provides carts available to the public for use at their business.

*PREMISES.* The entire area owned, occupied, or utilized by an owner, including any parking lot, loading area, and adjacent public rights-of-way, or any other property provided by or on behalf of an owner for customer parking or use.

- B. Cart removal warnings, cart identification, and reporting abandoned carts. A person that supplies shopping carts for public use at the person's business shall:
1. Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under O.R.S. 164.015, and provide a toll-free or local telephone number that members of the public may use to report abandoned shopping carts;
  2. Identify the person's business on each shopping cart and post a sign on the shopping cart that:
    - a. Notifies any member of the public using the shopping cart that unauthorized appropriation of a shopping cart is a crime under O.R.S. 164.015; and
    - b. Provides a toll-free or local telephone number for use in reporting an abandoned shopping cart.
  3. Establish, maintain and make available to the public, at the person's own expense, a toll-free telephone line for the purpose of reporting abandoned shopping carts. The person shall forward each report the person receives concerning an abandoned shopping cart to the owner of the shopping cart and to the appropriate local government within one business day after the person receives the report. The person may forward the report to the local government by means of electronic mail or in any other manner provided for in a local government regulation.
- C. Retrieval of abandoned shopping carts.
1. Owner may agree with other persons to share and to pay expenses related to the toll-free or local telephone line described above. The agreement shall provide that any person designated to operate the toll-free or local telephone line and receive reports concerning abandoned shopping carts must forward the reports in accordance with subsection (B)(3) above.

2. Owner shall retrieve a shopping cart within 72 hours after receiving notification that the shopping cart has been abandoned.
3. If the city identifies, salvages, or reclaims an abandoned shopping cart, it shall use the toll-free or local telephone line described in subsection (B)(2)(b) above to report the existence and location of an abandoned shopping cart to the owner of the shopping cart, if the owner is identifiable.

D. Custody, enforcement, and disposal of abandoned shopping carts.

1. The city may take custody of an abandoned shopping cart and impose a fee of \$50 on the owner of the shopping cart if the owner does not retrieve the shopping cart within 72 hours after the city makes a report under subsection (C)(3) above or after the owner receives a report under subsection (B)(3) above.
2. The city may release a shopping cart held in the city's custody to the owner upon payment of the \$50 fee.
3. The city may take title to a shopping cart in the city's custody and dispose of the shopping cart as the city deems appropriate, if the owner does not claim the shopping cart within 30 days.

E. Rulemaking authority. The City Manager or designee is authorized to promulgate any rules necessary for the implementation of this section.

PASSED by the Council and approved by the Mayor this \_\_\_ day of September, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager Pro Tem - Ex Officio City Recorder

SWEET HOME POLICE DEPARTMENT

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CITATIONS ISSUED	Aug-24	Aug-23	2024 TO DATE	2023 TO DATE	YEAR TO DATE CHANGE
<b>Chapter 803 Vehicle Title and Registration</b> (Fail to Register Vehicle, Fail to Renew Registration, Altered Plate, Switched Plates, Fail to Display Plate, etc.)	2	1	10	13	-23.08%
<b>Chapter 806 Financial Responsibility Law</b> (Driving Uninsured, Fail to Carry Proof of Insurance, False Info Regarding Liability Insurance, etc.)	11	9	108	84	22.22%
<b>Chapter 807 Driving Privileges, Licenses and Permits</b> (No Operator License, Fail to Carry and Present License, Fail to Change Name and/or Address on Operator License, etc.)	4	4	23	25	-8.00%
<b>Chapter 811 Rules of the Road for Drivers</b> (Speeding, DWS, Reckless Driving, Careless Driving, Hit and Run, Fail to Obey Traffic Control Device, Follow too Close, Illegal Parking, Fail to Yield to Pedestrian, Fail to Wear Seatbelt, etc.)	25	20	225	165	26.67%
<b>Chapter 813 Driving Under Influence of Intoxicants</b> (Drive Under Influence of Intoxicants, Refuse the Breath Test, etc.)	2	4	22	13	40.91%
<b>Chapter 814 Pedestrians; Passengers; Livestock; Motorized Wheelchairs; Motorcycles; Bicycles</b> (Improper Use of Lanes, No Motorcycle Helmet, Bicyclist failing to Signal, etc)	0	0	0	0	0.00%
<b>Chapter 815 Vehicle Equipment Generally</b> (Improper Fenders or Mud Guards, Unreasonable Noise, Obstructed Vehicle Windows, etc.)	0	0	0	0	0.00%
<b>Chapter 816 Vehicle Equipment</b> (Operate Without Lighting Equipment, Operate Without Tail Lights, etc)	0	0	2	0	100.00%
<b>Chapter 818 -821</b> (Vehicle limits, abandoned vehicle, special provisions, off road vehicles)	0	0	3	0	100.00%
<b>TOTAL CITATIONS ISSUED</b>	44	38	393	300	23.66%
<b>TOTAL PERSONS CITED</b>	29	26	252	187	25.79%
<b>TOTAL WARNINGS ISSUED</b>	155	175	1015	894	11.92%
<b>TOTAL TRAFFIC STOPS</b>	184	201	1203	1149	4.49%

MOTOR VEHICLE CRASHES	Aug-24	Aug-23	2024 TO DATE	2023 TO DATE	YEAR TO DATE CHANGE
MVC-FATAL	0	0	1	0	100.00%
MVC-INJURY	0	1	20	21	-4.76%
MVC-NON INJURY	4	4	83	61	26.51%
HIT & RUN VEHICLE INJURY	0	0	5	0	100.00%
HIT & RUN PROPERTY	4	6	50	33	34.00%
<b>TOTAL CRASHES</b>	8	11	159	115	27.67%

<b>CRASHES INVOLVING DUII ARREST</b>	0	0	5	1	80.00%
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SWEET HOME POLICE DEPARTMENT

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	Aug-24	Aug-23	2024 TO DATE	2023 TO DATE	YEAR TO DATE CHANGE
<b>CALLS FOR SERVICE</b>					
<b>PERSON CRIMES</b> (Homicide, Assault, Harassment, Sex Crimes, Menacing, Reckless Endanger, Kidnap, Domestic Violence, Elder & Child Abuse, etc)	36	22	204	143	29.90%
<b>PROPERTY CRIMES</b> (Arson, Burglary, Theft, Criminal Mischief, Motor Vehicle Theft, Robbery, Unlawful Entry into Motor Vehicle, Reckless Burning, etc)	68	74	363	388	-6.44%
<b>SOCIETY CRIMES</b> (Drive Under Influence of Intoxicants, Disorderly Conduct, Resisting Arrest, Criminal Trespass, Escape, Runaway, Drug Offenses, Weapon Offenses, etc)	22	21	193	189	2.07%
<b>OREGON SPECIFIC CRIMES</b> (Protective Custodies, Traffic Crimes other than DUII, Warrant Arrests)	55	69	440	468	-5.98%
<b>TOTAL CRIMES REPORTED</b>	181	186	1200	1188	1.00%
<b>TOTAL CRIMES CLEARED</b>	106	110	780	805	-3.11%
<b>NON CRIMINAL CALLS FOR SERVICE</b> (Abandoned Vehicles, Agency Assists, 911 hangups, Alarm Calls, Ambulance Assist, Animal Calls, Death Investigations, Disturbances, Domestic Disputes, Juvenile, Motor Vehicle Crashes, Public Assists, Suspicious Activity, Traffic, Trespass Warnings, etc)	813	773	5608	5109	8.90%
<b>TOTAL CALLS FOR SERVICE</b>	994	959	6808	6297	7.51%
<b>TOTAL INCIDENT NUMBERS ISSUED</b>	937	895	6278	6731	-6.73%
<b>TOTAL CAD NUMBERS ISSUED</b>	1720	1751	12046	12828	-6.10%

	Aug-24	Aug-23	2024 TO DATE	2023 TO DATE	YEAR TO DATE CHANGE
<b>CUSTODIES</b>					
<b>TOTAL PERSONS IN CUSTODY</b>	66	64	495	548	-9.67%
<b>TOTAL ADULTS ARRESTED</b>	65	61	471	527	-10.63%
<b>TOTAL JUVENILES IN CUSTODY</b>	1	3	38	21	44.74%
<b>TOTAL CHARGES</b>	129	142	890	1086	-18.05%
<b>TOTAL ADULT CHARGES</b>	126	139	731	1061	-31.10%
<b>TOTAL JUVENILE CHARGES</b>	3	3	58	24	58.62%