



CITY OF SWEET HOME CITY COUNCIL AGENDA

December 08, 2020, 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.

Meeting Information

The City Council will hold a Regular City Council meeting at 6:30 p.m. in the City Council Chambers at City Hall, 3225 Main Street. In order to protect residents, staff, and elected officials due to the novel COVID-19 virus, the frequency and length of public meetings, including the City Council, boards and commissions, will be minimized. Non-urgent and non-essential City business with expected public feedback will be postponed whenever possible. Individuals attending public meetings in person will be limited to the first six people, required to maintain appropriate social distancing, (6-ft.) and be free of symptoms related to COVID-19. The City of Sweet Home City Council 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 City Council meeting live, online visit **live.sweethomeor.gov**. If you don't have access to the internet you can call in to 541-367-5128 and choose option #1. When prompted, enter the conference ID: 473 954 605#.

This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon public meeting law, and has been approved by the Mayor as Chairperson of the meeting. All votes will be conducted by Roll Call Vote.

Call to Order and Pledge of Allegiance

Roll Call

Consent Agenda:

- a) Excuse Councilor Nash from 2020-11-01 Special Meeting

Approval of Minutes:

- a) [2020-10-22 City Council Training \(pg. 4\)](#)
- b) [2020-11-24 City Council Minutes \(pg. 6\)](#)
- c) [2020-12-01 Executive Session \(pg. 11\)](#)
- d) [2020-12-01 City Council Meeting - SP \(pg. 13\)](#)

Recognition of Visitors and Hearing of Petitions:

Old Business:

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.

- a) [Request for Council Action – City Attorney Contract \(pg. 16\)](#)
- b) [Request for Council Action - City Manager Contract \(pg. 21\)](#)

New Business:

- a) [Proclamation Declaration of Candidacy and Canvassing of Election \(pg. 38\)](#)
- b) [Proclamation Canvassing of the Voting on the Police Levy Measure \(pg. 41\)](#)
- c) [Canvassing of the Voting on the Library Levy Measure \(pg. 43\)](#)

Ordinance Bills

Request for Council Action and First Reading of Ordinance Bills

- a) [Request for Council Action - Ordinance No. 12 for 2020 - Business License Ordinance \(pg. 45\)](#)

Second Reading of Ordinance Bills

- a) [Request for Council Action - Ordinance No. 13 for 2020 -Vacant Building Ordinance \(pg. 53\)](#)

Third Reading of Ordinance Bills (Roll Call Vote Required)

Reports of Committees:

Administrative and Finance/Property
 Charter Review Committee
 Park and Tree Committee
 Youth Advisory Council
 Chamber of Commerce
 Council of Governments
 Area Commission on Transportation
 Solid Waste Advisory Council
 Ad Hoc Committee on Health
 Legislative Committee

Reports of City Officials:

Mayor's Report
 City Manager's Report

Department Director's Reports (1st meeting of the Month)

Library Services Director

- a) [Library Monthly Report - November, 2020 \(pg. 77\)](#)

Community and Economic Development Director

- a) [CEDD November Report \(pg. 79\)](#)

Public Works Director

- a) [Public Works Department Monthly Report - November 2020 \(pg. \)](#)

Department Director's Reports (2nd meeting of the Month)

Finance Director
 Police Chief
 City Attorney

Council Business for Good of the Order

- a) [Comcast Customer Fees \(pg. 87\)](#)

Adjournment



CITY OF SWEET HOME CITY COUNCIL MINUTES

October 22, 2020, 5:30 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.

Meeting Information

Notice is hereby given of the possibility of a quorum of the Sweet Home City Council during a City Council candidate training session held at the date, time and place as listed above. The purpose of the session is to discuss systems and processes to help elected candidates transition to their office(s) quickly if elected - to help them "hit the ground running."

Individuals attending public meetings in person will be limited, required to use a mask, maintain appropriate social distancing, (6-ft.) and be free of symptoms related to COVID-19. 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, online visit live.sweethomeor.gov. If you don't have access to the internet you can call in to 541-367-5128 and you'll be asked to choose option #1 to be logged in to the call.

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Call to Order and Pledge of Allegiance

The meeting was called to order at 5:30 PM.

Roll Call

PRESENT

Councilor Cortney Nash
Councilor Dave Trask
Councilor James Goble
Mayor Greg Mahler
President Pro Tem Diane Gerson

ABSENT

Councilor Lisa Gourley
Councilor Susan Coleman

VISITORS

Angelita Sanchez

David Lowman

Dylan Richards

STAFF

Community and Economic Development Director Blair Larsen

Finance Director Brandon Neish

New Business:

Staff, current City Council members, and City Council candidates met to discuss the role of City Council and City operations. The training was meant for Q&A from candidates to learn more about what might be expected from them if they are elected.

a) Handouts (7)

This training was intended for Questions and Answers as well as review of policies, procedures and processes for City Council Elect. There was time for discussion. No official decisions were made during this training event.

Adjournment

The meeting adjourned at 7:16 PM.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



CITY OF SWEET HOME CITY COUNCIL MINUTES

November 24, 2020, 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.

Meeting Information

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Call to Order and Pledge of Allegiance

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

Roll Call

PRESENT

Mayor Greg Mahler
President Pro Tem Diane Gerson
Councilor Dave Trask (video)
Councilor James Goble (video) Excused at 8:39 PM
Councilor Lisa Gourley (video)
Councilor Susan Coleman (video)

ABSENT

Councilor Cortney Nash

STAFF

Administrative Assistant Julie Fisher
City Manager Ray Towry (video)

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.

Community and Economic Development Director Blair Larsen
Finance Director Brandon Neish
City Attorney Robert Snyder
Public Works Director Greg Springman (video)
Chief of Police Jeff Lynn (video)
Library Services Director Rose Peda (video)

Motion made to excuse Councilor Nash from the meeting by President Pro Tem Gerson, Seconded by Councilor Coleman.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Trask, Councilor Gourley, Councilor Coleman

Councilor Goble was unable to vote due to audio/video issues.

Consent Agenda:

Motion made to approve the Consent Agenda by President Pro Tem Gerson, Seconded by Councilor Gourley.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Trask, Councilor Gourley, Councilor Coleman

Councilor Goble was unable to vote due to audio/video issues

- a) December 22nd Meeting Schedule (pg. 3)

Approval of Minutes:

- a) 2020-11-10 City Council Meeting (pg. 4)
- b) 2020-10-13 City Council Meeting (pg. 8)

Recognition of Visitors and Hearing of Petitions:

City Manager Ray Towry explained how public could comment on any item not on the agenda at this time by either calling in via telephone or using the raise hand button on MS Teams platform.

Extra time was given to allow for public comment. There was none.

Old Business:

- a) Request for Council Action – Fire Hall Property Transfer (pg. 12)

City Attorney Robert Snyder gave a brief history on the City owned property where the Sweet Home Fire District facility is built. City Attorney Snyder reported the transfer of the property to the Sweet Home Fire District was reviewed by the Administrative, Finance, and Property Committee. He also noted staff from SHFAD stated they are in the process of applying for grants for seismic upgrades, and this would help clarify, simplify and update property ownership necessary for those grants. The Fire Department has no plans on moving.

Motion made by Councilor Gourley, Seconded by Councilor Coleman.

Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Trask, Councilor Gourley, Councilor Coleman

Councilor Goble voted Yea when he joined the meeting. He had been having audio/video issues and had not been able to voice his vote, but had been logged into the meeting.

- b) Discussion Only: Modifications to the Commercial Exterior Improvement Program (pg. 17)

CEDD Blair Larsen brought the topic to Council after interest in increasing the loan amounts from \$5,000 to \$10,000-\$15,000.

City Manager Ray Towry clarified the funds are left over from Federal Community Development Block Grant (CDBG) designed to help with economic development and housing loans.

Consensus of the Council was to increase the amounts to \$15,000 with a partial match from the grantee. The Council was interested in empowering the CEIP Committee to recommend any projects over \$15,000 for vote by City Council. In addition, the Council desired to allow grants without a match up to \$5,000.

New Business:

- a) Information Only - City Manager Evaluation/Contract - Set Roundtable Date (pg. 20)

City Manager Towry presented the items necessary to complete the yearly City Manager review. An Executive Session was scheduled for December 1st at 6pm.

- b) Request for Council Action - COVID-19 Business Loan Program (pg. 37)

Community and Economic Development Director Blair Larsen presented the draft COVID Business Loan Program, stating some businesses have shut down with most recent freeze. Due to the most recent mandate issued by Governor Kate Brown, gyms and entertainment businesses are not able to operate. The draft loan program would use City economic development funds.

There was Council discussion on interest rates, payment period, and additional specifics, thinking forward to all possible consequences. Discussion ensued regarding contracts, the securing of collateral, and general parameters to best protect the City.

Consensus of the Council was not to offer business loans. The item died for lack of a motion.

Request for Council Action and First Reading of Ordinance Bills

Ordinance Bills

- a) Request for Council Action - Ordinance No. 12 for 2020 - Business License (pg. 41)

Community and Economic Development Director Blair Larsen presented the draft ordinance pertaining to business licenses within the City. CEDD Larsen explained the intent is simply to improve relationships with businesses and gather information and would have no regulatory effect. A business license would apply to anyone conducting business in Sweet Home and not require licenses from business doing work in Sweet Home from out of town. All information collected would be Public Record. A fee would be set by resolution, and Council would decide on fee amount, if any. It was discussed a higher initial cost, and lower renewal fee to cover cost of staff time and criminal history check. Consensus of the Council was to be an information only, not regulatory. Criminal history checks would not be required. Consensus of the Council was more research by staff and modification. Staff will revise and bring back to Council.

- b) Request for Council Action - Ordinance No. 13 for 2020 - Vacant Building (pg. 49)

Community and Economic Development Director Blair Larsen presented a draft ordinance regarding vacant buildings sited in commercial and industrial areas of Sweet Home. The ordinance puts a requirement for maintenance on a vacant building and notification to the city as to status of the property and owner contact. The ordinance speaks to fences, gates, landscaping, windows and doors, weathertightness, and graffiti being promptly removed. The Council wanted to add roofing. In addition to being secure, owner contact must be posted on property. the vacant building must be inspected regularly by owner and a local presence responsible for property within 30 miles be identified. Registration fee will be set by Council resolution. The ordinance will be enforced thru code enforcement, however; the intent is not to be a burden on owners but the need to have some basic care of vacant buildings.

Motion made to move Ordinance Bill No. 13 for 2020 to first reading by Councilor Gourley, Seconded by Councilor Goble.

Voting Yea: Mayor Mahler, Councilor Trask, Councilor Goble, Councilor Gourley, Councilor Coleman

Voting Nay: President Pro Tem Gerson

The ordinance was read into the record.

Motion made to move Ordinance Bill No. 13 for 2020 to second reading by Councilor Gourley, Seconded by Councilor Trask.

Voting Yea: Mayor Mahler, Councilor Trask, Councilor Gourley, Councilor Coleman

Voting Nay: President Pro Tem Gerson

Councilor Goble left the meeting at 8:39 PM and did not vote.

Second Reading of Ordinance Bills

Third Reading of Ordinance Bills (Roll Call Vote Required)

Reports of Committees:

Administrative and Finance/Property

Charter Review Committee

Park and Tree Committee

Youth Advisory Council

Chamber of Commerce

Council of Governments

Area Commission on Transportation

Solid Waste Advisory Council

Ad Hoc Committee on Health

Councilor Gourley stated the committee has continued to meet and good things are happening.

Legislative Committee

Reports of City Officials:

Mayor's Report

Mayor Mahler reported he spoke with the Mayor of Detroit in regards to the City of Sweet Home donating the City Council Annex modular to the City of Detroit after they lost their facilities to wildfire.

City Manager's Report

City Manager Towry stated the City has been busy working on policy updates to comply with new Temporary COVID Rules from OSHA. CM Towry stated the 2 week freeze issued by Governor Kate Brown has added additional challenges for operations. It was reported City facilities are closed to the public with the exception of the Police Department lobby which is open for emergencies.

Department Director's Reports (2nd meeting of the Month)

Finance Director

Finance Director Brandon Neish reported on the property tax payments and forecasted a delinquency rate as well as presented information on gas tax revenues. Staff is concerned of possible shortfalls and planning accordingly.

- a) First Quarter Financial Status Update for Fiscal Year 2021 (pg. 61)

b) October 2020 Monthly Report (pg. 65)

Police Chief

a) Police Department Monthly Report (pg. 75)

City Attorney

None

Council Business for Good of the Order

None

Adjournment

The meeting adjourned at 9:02 PM.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



CITY OF SWEET HOME

CITY COUNCIL EXECUTIVE SESSION

MINUTES

December 01, 2020, 6:00 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.

Please sign in if you wish to speak as Executive Sessions are not open to the public.

Call to Order

The meeting was called to order at 6:02 PM.

Mayor Mahler read the Executive Session Announcement

- a. The City Council will hold an Executive Session meeting on December 1, 2020 at 6:00 p.m. In order to protect residents, staff and elected officials due to the novel COVID-19 virus, this meeting will be held virtually.

The executive session is held pursuant to ORS 192.660(2)(i)

Representatives of the news media and designated staff shall be allowed to attend the Executive Session. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. Representatives of the news media must contact Administrative Assistant Julie Fisher at jfisher@sweethomeor.gov for an invite to this video session.

This video session is allowed under Council Rules, meets the requirements for Oregon public meeting law and has been approved by the Mayor as Chairperson of the meeting. No final action or final decision may be made in executive session.

Roll Call

PRESENT

Mayor Greg Mahler
President Pro Tem Diane Gerson
Councilor Cortney Nash
Councilor Dave Trask
Councilor James Goble
Councilor Lisa Gourley
Councilor Susan Coleman

STAFF

City Manager Ray Towry
Administrative Assistant Julie Fisher

MEDIA

Kelly Kenoyer, The New Era

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.

Executive Session as authorized by ORS 192.660(2)(i) - To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing, in this case, the City Manager.

The City Council met for the purpose of the evaluation of the City Manager. No official decision was made during the Executive Session.

Adjournment

With no further business, the meeting adjourned at 6:51PM.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



CITY OF SWEET HOME CITY COUNCIL MINUTES

December 01, 2020, 7:00 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.

Meeting Information

The City Council will hold a City Council work session at 7:00 p.m. In order to protect residents, staff, and elected officials due to the novel COVID-19 virus, this meeting will be held virtually. The City of Sweet Home City Council 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 City Council meeting live, visit live.sweethomeor.gov. If you don't have access to the internet you can call 541-367-5128 and choose option #1 to be logged in to the call.

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Call to Order and Pledge of Allegiance

The meeting was called to order at 7:02 PM.

Roll Call

PRESENT

Mayor Greg Mahler
President Pro Tem Diane Gerson
Councilor Cortney Nash (absent)
Councilor Dave Trask
Councilor James Goble
Councilor Lisa Gourley
Councilor Susan Coleman

STAFF

Community Services Officer Sean Morgan
Police Chief Jeff Lynn
City Manager Ray Towry
Administrative Assistant Julie Fisher
Community and Economic Development Blair Larsen

MEDIA

Kelly Kenoyer

New Business:

Homelessness Roundtable

City Attorney Snyder cited case law regarding homelessness specifically Boise and Grants Pass rulings related to sleeping, sitting, and lying down in public places. City Attorney Snyder also discussed SHMC related to littering, and time, place, and manner.

Police Chief Jeff Lynn and Community Services Officer Sean Morgan reported how the City is regulating the public property and still affording those who are homeless their basic rights to sleep, sit, and lie. Chief Lynn discussed the time, place, manner restrictions as they relate to homeless sleeping in our community.

Pastor Bethany Young, Pastor of the Nazarene Church, presented to the group on actions the church has taken to accommodate homeless, partnering with One Sweet Home during the COVID Shelter in Place mandate. From that beginning, the homeless camp has evolved to what it is today. Pastor Young explained the situation is not what their vision for the homeless is, however they are working with the occupants to make the area cleaner and safer. Services have been able to visit the site and some of the temporary residents have transitioned to other more permanent housing. The predicted upcoming cold winter has prompted additional conversations leading to an extreme weather shelter plan. The Nazarene is working on plans to transition all residents off the streets.

Chief Lynn added that there have been unintended advantages to having the 13-15 homeless in one area together. Sean Morgan reported on successes the police have had bringing services to those transients, specifically mental health, housing aid, Veteran, and addiction services.

Beth Lambert, neighbor to the Nazarene Church, spoke to the disruptions the homeless community next door has caused her business and her rental property.

Mayor Mahler stated he has received many complaints of the same issues from businesses and neighbors. Mayor Mahler spoke to some of the successes Eugene has had with their homeless shelter. Mayor Mahler suggested looking at options including vacant buildings.

Councilor Goble reported that the City has made it very clear that the City did not want a homeless camp and is bothered that a warming shelter on private property has turned into a homeless camp. He has heard and received a lot of complaints but understands the homeless issue.

Councilor Trask spoke to issues he saw firsthand when at a business in the area, he was also concerned about the location being at the city entry.

Councilor Gerson asked if the City was consulted when One Sweet Home built tent platforms. She was also concerned about the usage of tarps. Police Chief Lynn stated he was aware those were being built.

Councilor Coleman acknowledge the area is an eyesore for our community, but also acknowledge how tragic it would be if someone was to die from exposure or cold.

There was discussion on liability regarding involvement by the City. City Manager stated staff has not been directly involved with any of the physical work, and only are trying to connect those individuals to services. City Manager Towry stated the site was accidental, however has made it easier for services to connect to the homeless.

Councilor Gourley suggested a partnership with One Sweet Home to find long term solutions to make a difference for everyone in the community.

Mayor Mahler added that if each church in Sweet Home would aid one homeless individual to help them get to their appointments, find resources, or help with finance, it might help the issue. Councilor Coleman stated One Sweet Home is made up from multiple churches working together on the issue. Pastor Bethany Young added a City representative has been attending the One Sweet Home meetings helping clarify options and laws in Sweet Home. Pastor Young added what has happened

was not planned and happened due to the COVID crisis, and they are working on trying to manage the crisis and manage a better solution moving forward. Pastor Young stated this is a short-term solution for an immediate state and not permanent.

Community and Economic Development Director Blair Larsen stated what is a detriment to one business, is a boom to another. The congregating in other areas has diminished, and an economic benefit to the downtown area. CEDD Larsen stated there is a benefit to having a location set aside specific for this issue. One location, less visible, but accessible to services, would be a better option according to CEDD Larsen.

City Manager Towry stated the City will continue to work with One Sweet Home and Pastor Bethany on a location that would be better. CM Towry acknowledged the City is limited on funding and staff, but still trying to be supportive of the groups working toward a solution.

City Manager stated the purpose of the work session was to let the community know of the successes, and the continuance towards a better solution.

Beth Lambert stated that having the homeless in one place is also an attraction for drug dealers. Mrs. Lambert spoke towards liability, stating the City has condoned the homeless camp, breaking multiple ordinance, and will assume some liability if there is a tragedy on the property.

Chief Lynn gave solutions that Mrs. Lambert could take to help the issues, including trespassing individuals, however, Mrs. Lambert stated they were afraid of retaliation.

Dr. Larry Horton stated the weather will be in the low 30's the rest of the week and asked if those individuals will be allowed to remain at the Nazarene Church the remainder of the week? He also asked who will be responsible for finding a new location, and what time frame? Mayor Mahler responded there is a sense of urgency, however he does not have a time frame. Dr. Horton stated our community has always come together with solutions.

Mayor Mahler requested the Ad Hoc Committee for Community Health review the issue and add the topic to the next meeting agenda.

Council Business for Good of the Order

None

Adjournment

With no further business, the meeting adjourned at 8:15 PM.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

Title: Request for Council Action – City Attorney Contract

Preferred Agenda: December 8, 2020

Submitted By: City Attorney Robert Snyder

Reviewed By: City Manager Ray Towry

Type of Action: Resolution ____ Motion X Roll Call ____ Other ____

Relevant Code/Policy: SHMC Charter Chapter II Section 4

Towards Council Goal: Goal 2 (1) Update and streamline processes.
Vision Statement II We Aspire to have an effective and efficient local government

Attachments: Proposed City of Sweet Home Employment Agreement

Purpose of this RCA:

Presentation of the City Attorney's employment contract to the Sweet Home City Council.

Background/Context:

The City Attorney, Robert Snyder, has been employed by the City of Sweet Home since 1981. First as Assistant City Attorney from 1981 to 1989 and as City Attorney from 1989 to present. The proposed contract incorporates the current monthly salary with no changes. The City Attorney position is an at will position per the City of Sweet Home Charter Chapter II Section 4 that states that a City Attorney shall hold office subject to the discretion of the City Council and may be removed by the City Council with or without cause. I worked approximately 19.6 hours a week on city matters this last year. For background information the City Attorney's salary is equivalent to about 60% of what it costs the city to hire a new police officer in salary and benefits.

The Challenge/Problem:

Should the City of Sweet Home and City Attorney, Robert Snyder, enter the proposed contract setting forth the terms of his employment?

Stakeholders:

- City Council – for a just and stable City Attorney's office.
- Sweet Home Citizens – for an effective and efficient local government.

Issues and Financial Impacts:

The financial terms of the proposed contract do not change from the current contract terms for compensation.

Elements of a Stable Solution:

City Council review of the proposed employment contract for Robert Snyder, City Attorney.

Options:

1. Motion to approve the proposed contract.
2. Motion to amend the proposed contract.
3. Motion to reject the proposed contract.

Recommendation:

Option 1 is the recommended option: Move by motion that the proposed employment contract between the City of Sweet Home and Robert D. Snyder, City Attorney be approved and authorize the Mayor to sign the contract for the City of Sweet Home.

City of Sweet Home Employment Agreement

This Agreement, made and entered into this 8th day of December 2020 by and between the City of Sweet Home, Oregon, a municipal corporation, (hereinafter called "City" and Robert D. Snyder, City Attorney (hereinafter called "Employee"), both of whom agree as follows:

Section 1: Term

The Employee shall serve at the pleasure of the City Council and hold office subject to the discretion of the City Council and may be removed by the City Council with or without cause per SHMC Charter Chapter II Section 4.

Section 2: Employment, Duties and Authority

The City agrees to employ Employee as City Attorney to perform the functions and duties of that position. The duties and authority of Employee, consistent with State law, City Charter or Ordinance, shall include as directed and/or needed, but not be limited to the following:

- Prosecute City Municipal Cases in Sweet Home Municipal Court and on Appeal;
- Prepare Complaints, Affidavits for Warrants and other Court documents;
- Prepare Offers, Victim Letters and Discovery;
- Attend City Council Meetings;
- Prepare and Review Ordinances, Resolutions, Contracts, Deeds and other legal documents;
- Research legal issues presented by the City Council and City Staff; and
- Make himself available to perform other functions and duties of a City Attorney as directed and/or needed.

Section 3: Compensation

A. The City agrees to pay the Employee a monthly salary of \$4,749.42 beginning January 1, 2021.

B. All pay shall be in installments at the same time and in the same manner that the other employees of the City are paid.

Section 4: Performance Evaluation

The City Council may conduct performance evaluations of the Employee, as they deem appropriate.

Section 5: Professional License

The Employee is required to maintain a current license with the Oregon State Bar and be a member in good standing.

Section 6: Termination

Cause shall not be required for removal of the City Attorney. The Employee shall serve at the pleasure of the City Council and can be removed with or without cause.

Section 7: Resignation

In the event that the Employee voluntarily resigns his position with the City, the Employee shall provide a minimum of 60 days notice in order to resign in good standing with the City, unless the parties agree otherwise.

Section 8: Indemnification

To the full extent permitted by law, the City shall defend, save harmless and indemnify the Employee as it would any other Employee against any tort, administrative proceeding or action, or demand or other legal action done in the scope of his employment as City Attorney until the statute of limitations has expired without regard to his continued employment with the City. Any settlement must be made with prior approval of the City in order for indemnification to be available. The Employee recognizes that the City shall have the right to compromise or settle any claim, suit, proceeding or action.

Section 9: Other Employment

The Employee may accept other employment provided that such employment does not substantially interfere with his duties as City Attorney as set forth herein.

Section 10: Other Terms and Conditions of Employment

The City may fix such other terms and conditions of employment relating to the performance of the Employee, as it may determine from time to time, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City of Sweet Home Charter, or any other law.

Section 11: General Provisions

Notices. Notice by this Agreement can be made by personal delivery or by mail to the office of the City Manager at 3225 Main Street Sweet Home OR 97386 and City Attorney at PO Box 486 Sweet Home OR 97386 for mail and 1275 Main Street Sweet Home OR 97386 for delivery .

Severability. The invalidity of any portion of this Agreement will not affect the validity of any other provision.

Amendment. The parties may amend this Agreement at any time by mutual consent and said amendment shall be valid when in writing and signed by the Mayor and the Employee.

Waiver. Failure of either party at any time to require performance of any provision of this Agreement shall not limit the parties' rights to enforce the provision or provisions, nor shall any waiver of any breach of any provision or provisions be a waiver of any succeeding breach of the provision itself or any other provision.

Benefits. The Employee and City acknowledge that there is no retirement, paid leave, or additional employment benefits beyond those specified in this Agreement that will be afforded to the Employee.

Greg Mahler, Mayor

Robert D. Snyder, City Attorney

Date

Date

CITY OF SWEET HOME
CITY MANAGER
EMPLOYMENT CONTRACT

WHEREAS this EMPLOYMENT CONTRACT is made and entered into effective the ~~9th~~^{8th} day of ~~June, 2020~~^{December 2020}, by and between the City of Sweet Home and RAYMOND TOWRY.

NOW THEREFORE, the City of Sweet Home, Oregon (City) acting by and through its City Council and RAYMOND TOWRY (Manager) agree as follows:

1. City herewith employs Manager as City Manager and Manager agrees to be so employed to carry out the functions and duties specified in City's charter, this contract, required by law, such other duties involved in city management, and as directed by City directly or by resolution or ordinance. This agreement may be terminated at any time as provided herein.
2. Manager shall be paid in accordance with established salary schedule for the City Manager position as adopted and or otherwise approved by City Council. Manager shall be paid in installments at the same time and similar manner as other employees. With successful completion of an annual satisfactory performance evaluation, Manager's base salary shall automatically increase to the next step on the approved salary schedule until reaching the top step.
3. Manager shall have standard benefits offered all full-time employees of City. City shall provide medical, dental, vision, life, and disability insurance coverage for Manager and his family as offered other full-time non-represented city employees. The City agrees to provide retirement benefits for the Manager under the same ICMA retirement program and terms offered to other non-represented administrative employees of the City.

Manager shall receive vacation leave in the same manner and amount as all other regular exempt management employees as defined in the City Personnel Policies Manual for, "At least 5 and less than 10 years, 120 hours" annual accrual.

Manager shall also receive Management Leave in the same manner and amount as all other regular exempt management employees as defined in the City Personnel Policies Manual.

Manager shall accrue sick leave in the same manner and amount as all other regular exempt management employees as defined in the City Personnel Policies Manual. Manager shall be eligible for sick leave buyout as other non-represented administrative employees in accordance with adopted personnel policies.

Manager shall be allowed paid holidays as other City employees in accordance with adopted personnel policies.

Manager will be allowed use of city vehicle for work and "on call" purposes. Manager understands the use of the vehicle will be reported by the city and taxed according to the IRS rules. City-owned cars are provided solely for business activities and should not be used for any other purposes other than di minis stops. Manager's use will be consistent with City Policy regarding safety and use privileges.

4. Manager acknowledges the proper and full performance of this contract constitutes a full-time job, he must devote a great deal of time outside normal office hours in furtherance of City's business and interests, and that he is an exempt professional from the overtime provisions of the federal Fair Labor Standards Acts and its counterpart under Oregon law. Manager shall be actively involved in community activities and civic organizations and City shall pay related membership dues and fees. Manager shall not engage in non-city activities for pay unless approved by City.
5. City encourages Manager to be involved in professional organizations for his development and advancement and the benefit of City. Manager is encouraged to attend conferences offered by League of Oregon Cities such as the Annual Conference, Northwest City Managers' Spring Conference, and Oregon City Managers' Association (OCCMA) Summer Conference. Manager is authorized to be a member of ICMA and OCCMA with cost to be paid by City if money is available. Meals, housing, travel and cost for attending approved conferences and meetings shall be paid by City based upon the amounts allowed other administrative employees and in accordance with applicable personnel policies. All out of state travel must be pre-approved by the City Council.
6. Manager agrees to remain in the exclusive employ of the City during the term of this agreement, unless otherwise agreed to in writing by the parties.
7. Manager shall be bonded as required by City, its charter, and Oregon law with cost of the bond(s) to be paid by City. City shall defend, save harmless, and indemnify Manager against any tort, professional liability claim or demand, or other legal action whether valid or not arising out of the performance of manager's duties except that caused by willful or wanton conduct by Manager.
8. City shall place no restriction on the residency of the Manager except that Manager agrees to regularly be available for work as scheduled, and that job performance shall not be adversely impacted by residence location.

9. Should Manager decide to resign, he shall give City through its Mayor as much advance written notice as possible but not less than thirty (30) working days. At that time Manager shall give City a plan for operation of the City during the interim listing all projects then on-going with status for each and a report concerning each department.
10. Should Manager resign at the request of City or is terminated at the will of the City and Manager is willing and able to perform, the City shall pay severance pay equal to four (4) months base pay of City Manager plus one month for every year of employment with a maximum of 12 months, plus accrued vacation benefits. Severance pay will be paid in a lump sum or monthly payments equal to the number of months severance earned by the Manager at the option of the City. Severance pay will cease should Manager become employed elsewhere during this time.
11. If Manager is terminated for cause during the term of this Agreement, City shall have no obligation to pay the separation pay under this agreement. For the purposes of this agreement, "cause" is defined as follows:
 - A. Indictment for an illegal act. If such indictment does not ultimately result in conviction, then Manager shall receive separation pay, if the indictment does ultimately result in conviction, Manager shall receive no severance pay;
 - B. Abandonment by Manager of position as City Manager; or
 - C. Determination by City that Manager is guilty of fraud, dishonesty or any other serious act of misconduct in performance of Manager's duties on behalf of City. Such determination by City shall be made in accordance with disciplinary and grievance procedures set forth in the adopted personnel policies of the City in force and effect on the date of the alleged misconduct.
12. Except as this agreement recites rights and responsibilities of City employees and the City in established City policies, the entire agreement between the parties with respect to the subject matter hereunder is contained in this agreement. Except as herein expressly provided to the contrary, the provisions of this agreement are for the benefit of the parties solely and not for benefit of any other person, persons, or legal entities.

Manager acknowledges that he has not been induced to enter into this agreement by any representation or statement, oral or written, not expressly contained herein or expressly incorporated by reference. City makes no representations, warranties

or guarantees, expressed or implied, other than expressed representations, warranties and guarantees contained in this agreement.

13. Any written notice hereunder shall become effective as of the date of mailing by receipt sent by certified mail, and shall be deemed sufficiently given if sent to the addresses as stated in this agreement, or at such other address as may hereafter be specified by notice in writing. In lieu of mailing, written notice shall become effective as of the date it is personally delivered to the addressee. Any notice required to be given under the terms and conditions of this agreement shall be given as follows:

City of Sweet Home
Mayor
3225 Main St
Sweet Home, Oregon 97386

Manager
Raymond Towry
PO Box 698
Sweet Home, Oregon 97386

If any part, term, or provision of this agreement is held by the courts to be illegal or in conflict with the laws of the State of Oregon, the validity of the remaining portions of the agreement shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain that particular part, term or provision. This agreement shall be binding on the City and Manager and their heirs, assigns, executors, personal representatives and successors in interest.

14. This agreement shall become effective as of ~~June 9, 2020~~December 8, 2020, and unless terminated consistent with the terms hereof. this agreement will automatically renew. Nothing shall restrict the ability of the City and Manager to amend or adjust the terms of this Agreement at any time. However, no amendment or adjustment shall be valid unless in writing and signed by an authorized representative of the City and by Manager. Manager reserves the right to discuss the terms of this agreement with the City Council as a whole in either closed Executive Session or open Regular Session as state law allows and as Manager deems appropriate.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the ~~9th~~8th day of ~~June~~December 20~~2019~~.

CITY OF SWEET HOME

MANAGER

Mayor

Date

Ray Towry

Date

CITY OF SWEET HOME
CITY MANAGER
EMPLOYMENT CONTRACT

WHEREAS this EMPLOYMENT CONTRACT is made and entered into effective the 8th day of December, 2020, by and between the City of Sweet Home and RAYMOND TOWRY.

NOW THEREFORE, the City of Sweet Home, Oregon (City) acting by and through its City Council and RAYMOND TOWRY (Manager) agree as follows:

1. City herewith employs Manager as City Manager and Manager agrees to be so employed to carry out the functions and duties specified in City's charter, this contract, required by law, such other duties involved in city management, and as directed by City directly or by resolution or ordinance. This agreement may be terminated at any time as provided herein.
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 - C. Determination by City that Manager is guilty of fraud, dishonesty or any other serious act of misconduct in performance of Manager's duties on behalf of City. Such determination by City shall be made in accordance with disciplinary and grievance procedures set forth in the adopted personnel policies of the City in force and effect on the date of the alleged misconduct.
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City of Sweet Home
Mayor
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Sweet Home, Oregon 97386

Manager
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PO Box 698
Sweet Home, Oregon 97386

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14. This agreement shall become effective as of December 8, 2020, and unless terminated consistent with the terms hereof. this agreement will automatically renew. Nothing shall restrict the ability of the City and Manager to amend or adjust the terms of this Agreement at any time. However, no amendment or adjustment shall be valid unless in writing and signed by an authorized representative of the City and by Manager. Manager reserves the right to discuss the terms of this agreement with the City Council as a whole in either closed Executive Session or open Regular Session as state law allows and as Manager deems appropriate.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the 8th day of December 2020.

CITY OF SWEET HOME

MANAGER

Mayor

Date

Ray Towry

Date

1. City Council Relationships

RATING SCALE DEFINITIONS (1-5)

(1) Unsatisfactory* - The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.

(2) Improvement Needed* - The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.

(3) Meets Job Standard - The employee's work performance consistently meets the standards of the position.

(4) Exceeds Job Standard - The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.

(5) Outstanding - The employee's work performance is consistently excellent when compared to the standards of the job.

Not Observed (NO) The employee's work performance was not observed during this evaluation period.

*Any score of a (1) Unsatisfactory or (2) Improvement Needed MUST be justified in the comment section.

A.) Effectively implements policies and programs approved by the City Council

5=Outstanding	4	3= Meets Standard	2	Unsatisfactory	No	4.285714
2	5					

B.) Effectively aids the City Council in establishing long range goals.

5=Outstanding	4	3= Meets Standard	2	Unsatisfactory	No	4.428571
3	4					

C.) Keeps the City Council informed of current plans and activities of administration, best governmental practices and regulations, etc.

5=Outstanding	4	3= Meets Standard	2	Unsatisfactory	No	4.285714
2	5					

COMMENTS:

Ray works diligently at implementing policies and programs the City Council has approved. Development code is getting close to completion, Charter Review is underway, our WWTP and WTP are now back in house. All of these are goals that have been discussed for a few years. It is good to see them coming to fruition. Our goal planning sessions, led by Ray, have provided an opportunity for the council formulate long range goals that will do the most good for the most people for the longest period of time. He has worked to keep the City Council informed of current plans, activities, practices, etc. This was especially apparent during the wildfires. (SC)

Ray is always available to communicate with me. He provides clear and effective guidance to the Council. I am impressed with how much of the business of the city encompasses our goals. He has made this a priority (DG)

City Manager Evaluation
Ray Towry 04/02/2020

2. Performance Related to the Job Description

“Serves as the administrative head of the government of the City and is responsible for the overall management, administration and supervision of all City departments and functions. Exercises direct or indirect supervision of all City Employees with the exception of the City Attorney and Municipal Judge.”

5=Outstanding	<u>4</u>	3= Meets Standard	2	Unsatisfactory	No	4.285714286
2	<u>5</u>					

1. Maintain effective relationships with elected officials, the media and the public at all times.

5=Outstanding	<u>4</u>	3= Meets Standard	2	Unsatisfactory	No	4.428571429
3	<u>4</u>					

2. Follow established City Policies at all times.

5=Outstanding	<u>4</u>	3= Meets Standard	2	Unsatisfactory	No	4.285714286
2	<u>5</u>					

3. Recommend programs and policies to the City Council to ensure that the management of the City is effective and reflects current advances in city government.

5=Outstanding	<u>4</u>	3= Meets Standard	2	Unsatisfactory	No	4.285714286
2	<u>5</u>					

4. Develop professionally through formal and informal training and membership in professional organizations.

5=Outstanding	<u>4</u>	3= Meets Standard	2	Unsatisfactory	No	4
1	<u>5</u>	1				

5. Control City expenditures within budgetary limitations to ensure that public funds are spent wisely.

5=Outstanding	<u>4</u>	3= Meets Standard	2	Unsatisfactory	No	4.571428571
4	<u>3</u>					

6. Supervise City personnel to effectively train, motivate and promote a high degree of morale.

5=Outstanding	<u>4</u>	3= Meets Standard	2	Unsatisfactory	No	4
1	<u>5</u>	1				

COMMENTS:

Amidst the extreme challenges faced by the city this year, Ray has done an exceptional job. In the midst of covid, wildfires, and regular management responsibilities, he has maintained professionalism, kept citizens informed, worked well with other elected officials, the media, and the public. In this uncertain future, of limited property taxes coming in, the city's finances are doing reasonably well. This has much to do with the foresight Ray had to implement a spending freeze in March. Now, when tax revenues are thin, the savings that have occurred because of the spending freeze have been able to cover salaries of employees. Ray has put together and trained a team of leaders. The leaders he has gathered effectively train, motivate and promote morale within their departments. (SC)

Even in difficult times, we are able to complete projects and maintain fiscal stability because of his leadership (DG)

3. Evaluation Based on Council Goals - Complete After Round Table Discussion

GOAL #1: INFRASTRUCTURE

1. Develop specific steps for implementation of the adopted infrastructure master plans.

Water, Sewer, Streets, Parks, Property

2. Increase community awareness of infrastructure needs and appropriate planning documents.

Water, Sewer, Streets, Parks, Property

5=Outstanding	4	<u>3= Meets Standard</u>	2	Unsatisfactory	No	#REF!
1	6					

Comments:

GOAL #2: BE AN EFFECTIVE AND EFFICIENT GOVERNMENT

1. Update and streamline processes

2. Develop continuity in planning and permitting processes.

3. Invest in long-term staff stability & training.

4. Develop transparency in all communication.

5. Continue to implement strong financial practices.

6. Employ sound technology to maximize efficiency.

5=Outstanding	4	<u>3= Meets Standard</u>	2	Unsatisfactory	No	4.142857
1	6					

GOAL #3: ESSENTIAL SERVICES

1. Increase access to quality healthcare services in Sweet Home.

Memory Care, Senior Assisted Living, Physical Therapy, Urgent Care, Mental/Behavior Health

2. Improve community safety, Police, Community Design, Etc.

3. Develop partnerships w/ regional services and work to connect them w/ the appropriate members of the public.

5=Outstanding	4	<u>3= Meets Standard</u>	2	Unsatisfactory	No	4.142857
1	6					

GOAL #4: ECONOMIC STRENGTH

1. Implement vitalization programs

2. Lead community economic development efforts

3. Develop economic opportunities w/ regional partners

4. Develop a downtown streetscape plan.

5=Outstanding	4	<u>3= Meets Standard</u>	2	Unsatisfactory	No	4.142857
1	6					

Goal #1 Our infrastructure is improving in some areas exponentially, in other areas steadily. The fact that we have the staff, knowledge and motivation to bring on our own WWTP and WTP management speaks to the improvements being made. (SC)

Goal #2 We are running more efficiently. One improvement that came within this last year that highlights our improvements in transparency is the Clear Gov link on the website. I am so pleased that we are able to provide residents the information of where their tax dollars go. Another efficient implementation this last year is the technology that has been put in place to be able to virtually conduct City Council meetings. We are leaps and bounds ahead of many surrounding governmental agencies. (SC)

City Manager Evaluation

Ray Towry 11/07/2017

Goal #3 This has been a difficult area and the progress that was being made was halted by Covid. On the other hand, during the wildfires, partnerships with regional services is what assisted our community in being able to

Goal #4 We are now on our way to putting some feet to these goals. I expect in the next year the city will see some gains in this area. (SC)

As mentioned, Ray has used our goals as a focus for the business of the city government. He has impressed these goals upon staff and provided leadership and direction to them (DG)

I still would like to see more progress regarding economic growth but I understand COVID issues created a lot of roadblocks moving our city forward. (GM)

City Manager Evaluation
Ray Towry 04/22/20

4. Summary Rating of City Manager Self Evaluation

Complete After Round Table Discussion

1. Identifies challenges?

5=Outstanding	4	<u>3= Meets Standard</u>	2	Unsatisfactory	No	4.4285714
3	<u>4</u>					

2. Identifies progress?

5=Outstanding	4	<u>3= Meets Standard</u>	2	Unsatisfactory	No	4.1428571
2	4	<u>1</u>				

3. Identifies improvements?

5=Outstanding	4	<u>3= Meets Standard</u>	2	Unsatisfactory	No	4.2857143
2	5					

COMMENTS:

There have been many challenges this year and all have been met with intelligence and professionalism. These events, while scary, have increased the public confidence in city government. Ray recognizes we do need to toot our horn a bit louder as much is being accomplished and the public needs to know about it. (DG)

Overall Ray did a great job especially with all of the COVID issues and Wildfire problems we faced this year. (GM)

City Manager Evaluation
Ray Towry 04/22/2020

5. Summary Rating - Complete After Round Table Discussion

Overall Performance Rating - Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

5=Outstanding	<u>4</u>	3= Meets Standard	2	Unsatisfactory	No	4.285714
2	<u>5</u>					

COMMENTS:

Over all this is a strong city manager who recognizes and appreciates the strengths of his staff and learns from each experience. His growth into the job over four years has been built on his willingness to reach out for help when struggling, his understanding of current practices, and a strong desire to do what is best even when it is hard. I applaud this hard work (DG)

I think you are doing a good job considering all of the issues we have had during the COVID pandemic. Looking forward to getting back to normal. (DT)

I appreciate your patience and how much you have been willing to help this Councilor. Thank you for all you do. (CN)

**City Manager Evaluation
Ray Towry 04/22/2020**

Signature Page

This evaluation has been reviewed and discussed between the City Council and the City Manager on:

Date: _____

Sweet Home City Council Concurrence

Mayor Greg Mahler YES / NO

Council President Pro-Tem Diane Gerson YES / NO

Councilor Cortney Nash YES / NO

Councilor Susan Coleman YES / NO

Councilor Dave Trask YES / NO

Councilor James Goble YES / NO

Councilor Lisa Gourley YES / NO

City Manager Date

City Manager Evaluation
Ray Towry 04/22/20

	Nash	Coleman	Gerson	Goble	Gourley	Mahler	Trask	Avg
Sec. 1 City Council Relationships								
A)	4	4	4	4	5	4	5	4.285714
B)	4	5	4	4	5	4	5	4.428571
C)	4	4	4	4	5	4	5	4.285714
Sec. 2 Performance Related to the Job Description								
)	4	4	4	4	5	4	5	4.285714
1)	4	5	4	4	5	4	5	4.428571
2)	4	4	4	4	5	4	5	4.285714
3)	4	4	4	4	5	4	5	4.285714
4)	4	4	4	4	5	3	4	4
5)	4	5	4	4	5	5	5	4.571429
6)	4	4	4	4	5	3	4	4
Sec. 3 Eval Based on Council Goals								
	4	4	4	4	5	4	4	4.142857
	4	4	4	4	5	4	4	4.142857
4)	4	4	4	4	5	4	4	4.142857
Sec. 4 Summary Rating								
1)	4	5	4	4	5	4	5	4.428571
2)	4	3	4	4	5	4	5	4.142857
3)	4	4	4	4	5	4	5	4.285714
1)	4	4	4	4	5	4	5	4.285714
Overall Av								4.260504



PROCLAMATION

WHEREAS, there has been put to the voters of the City of Sweet Home, petitions to fill vacancies on the City Council; and

WHEREAS, declarations of candidacy were voted upon in the statewide general election November 3, 2020; and

WHEREAS, the results of said election have been counted, canvassed and returned;

NOW, THEREFORE, I, Greg Mahler, Mayor of the City of Sweet Home, do proclaim as follows:

The outcome of the voting on the Council positions described above was:

Theo White	845	
Dave Trask	1960	
Dylan Richards	1762	
James Goble	1194	
Lisa Gourley	1883	
Cortney Nash		1408
David Lowman	1327	
George Yeager	524	
Angelita Sanchez	1991	
Write – In	108	
Over Votes	52	
Under Votes	6734	

Dave Trask, Lisa Gourley, and Angelita Sanchez will fill the four-year terms.
Dylan Richards will fill the two-year term on the City Council.

PROCLAIMED this 8th day of December, 2020.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

Office Report
Linn County
General Presidential Election - Nov. 3, 2020
All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Final and Official
Total Ballots Cast: 73216

City of Sweet Home - Council Members (Vote for 4)

Precinct	Total Votes	Thad White	Dave Trask	Dylan Richards	James Goble	Lisa Gourley	Courtney Nash	David Lowman	George S Yeager	Angelika N Sanchez	Write-in
Precinct 025	2542	164	367	342	226	350	294	281	95	381	14
		7.24%	14.44%	13.45%	8.91%	13.77%	11.57%	11.05%	3.74%	14.99%	0.55%
Precinct 059	1650	95	259	230	123	220	174	216	47	254	24
		5.76%	15.70%	13.94%	7.45%	13.33%	10.55%	13.21%	2.85%	15.39%	1.45%
Precinct 061	1161	54	186	147	127	170	100	146	45	170	7
		4.65%	16.02%	12.66%	10.94%	14.64%	8.61%	12.58%	3.88%	14.64%	0.60%
Precinct 062	2987	217	407	404	271	436	351	293	138	444	20
		7.26%	13.63%	13.53%	9.07%	14.60%	11.75%	9.81%	4.62%	14.86%	0.67%
Precinct 080	3336	200	511	442	325	511	341	284	147	516	32
		6.00%	15.32%	13.25%	9.74%	15.32%	10.22%	8.51%	4.41%	15.53%	0.96%
Precinct 082	1378	95	230	197	120	196	146	95	52	224	11
		6.93%	16.69%	14.30%	8.71%	14.22%	10.74%	6.93%	3.77%	16.26%	0.80%
Total	13054	845	1960	1762	1194	1883	1408	1327	524	1891	108
		6.47%	15.01%	13.50%	9.15%	14.42%	10.79%	10.17%	4.01%	15.25%	0.83%

Office Report

Linn County

General Presidential Election - Nov. 3, 2020

All Precincts, All Districts, All ScanStations, All Contests, All Boxes

Final and Official

Total Ballots Cast: 73215

City of Sweet Home - Council Members (Vote for 4)

Precinct	Total Votes	White-In	White-In	White-In	Over Votes	Under Votes
Precinct 025	2542	3	2	1	12	1405
		0.12%	0.08%	0.04%	8	845
Precinct 059	1650	3	2	1	0	479
		0.18%	0.12%	0.06%	0	
Precinct 061	1161	5	3	1	0	1785
		0.43%	0.26%	0.09%	8	
Precinct 082	2987	5	1	0	0	
		0.17%	0.03%	0.00%		
Precinct 080	3336	9	3	3	12	1532
		0.27%	0.09%	0.09%		
Precinct 092	1378	4	3	3	12	585
		0.29%	0.22%	0.22%		
Total	13054	29	14	9	52	6734
		0.22%	0.11%	0.07%		



PROCLAMATION

WHEREAS, there has been referred to the voters of the City of Sweet Home, Measure 22-185 bearing the following title:

Sweet Home 5Yr. Police Levy

Should the City continue to Police Operating Levy beginning in fiscal year 2020 to maintain current services another five years?

WHICH the measure was voted upon at a General Election held on November 3, 2020; and

WHEREAS, the results of said election have been counted, canvassed and returned; and

WHEREAS, the Mayor shall issue a Proclamation as follows:

NOW, THEREFORE, I, Greg Mahler, Mayor of the City of Sweet Home, do proclaim as follows:

Section 1. The canvassing of the voting on the Measure above described shows the following results:

YES: 3533 NO: 1231 OVER VOTES: 1 UNDER VOTES: 195

and a majority of those who voted on the measure were in favor of it.

Section 2. This measure becomes effective July 1, 2021.

Section 3. The City Recorder shall publish or post this Proclamation and shall file it with the measure.

PROCLAIMED this 8th day of December, 2020.

ATTEST:

Mayor

City Manager – Ex Officio City Recorder

General Presidential Election - Nov. 3, 2020

All Precincts, All Districts, All ScanStations, All Contests, All Boxes

Final and Official

Total Ballots Cast: 73216

22-185 Sweet Home 5Yr. Police Levy (Vote for 1)

Precinct	Total Votes	Yes	No	Over Votes	Under Votes
Precinct 0525	548	703 74.16%	245 25.84%	1	44
Precinct 059	597	456 76.38%	141 23.62%	0	29
Precinct 061	392	293 74.74%	99 25.26%	0	18
Precinct 062	1162	864 74.35%	298 25.65%	0	33
Precinct 060	1174	871 74.19%	303 25.81%	0	46
Precinct 052	491	346 70.47%	145 29.53%	0	28
Total	4764	3533 74.16%	1231 25.84%	1	195



PROCLAMATION

WHEREAS, there has been referred to the voters of the City of Sweet Home, Measure 22-184 bearing the following title:

Sweet Home 5Yr. Library Levy

Should the City continue the Library Operating Levy beginning in fiscal year 2022 to maintain current services another five years?

WHICH the measure was voted upon at a General Election held on November 3, 2020; and

WHEREAS, the results of said election have been counted, canvassed and returned; and

WHEREAS, the Mayor shall issue a Proclamation as follows:

NOW, THEREFORE, I, Greg Mahler, Mayor of the City of Sweet Home, do proclaim as follows:

Section 1. The canvassing of the voting on the Measure above described shows the following results:

YES: 3460 NO: 1291 OVER VOTES: 0 UNDER VOTES: 209

and a majority of those who voted on the measure were in favor of it.

Section 2. This measure becomes effective July 1, 2020.

Section 3. The City Recorder shall publish or post this Proclamation and shall file it with the measure.

PROCLAIMED this 8th day of December, 2020.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

Office Report

Linn County

General Presidential Election - Nov. 3, 2020

All Precincts, All Districts, All ScanStations, All Contests, All Boxes

Final and Official

Total Ballots Cast: 73215

22-184 Sweet Home 5Yr. Library Levy (Vote for 1)

Precinct	Total Votes	Yes	No	Over Votes	Under Votes
Precinct 025	941	676 71.84%	265 28.16%	0	49
Precinct 059	595	423 71.09%	172 28.91%	0	31
Precinct 061	306	208 75.25%	98 24.75%	0	14
Precinct 062	1153	875 75.89%	278 24.11%	0	42
Precinct 080	1175	827 70.38%	348 29.62%	0	45
Precinct 082	491	361 73.52%	130 26.48%	0	28
Total	4751	3460 72.83%	1291 27.17%	0	209



REQUEST FOR COUNCIL ACTION

Title: Business License Ordinance

Preferred Agenda: November 24, 2020

Submitted By: Blair Larsen, Community & Economic Development Director

Reviewed By: Ray Towry, City Manager

Type of Action: Resolution ____ Motion __X__ Roll Call ____ Other ____

Relevant Code/Policy:

Towards Council Goal: Vision Statement, Aspiration V: Economically Strong Environment; Goal 4.2: Lead Economic Development Efforts

Attachments: Ordinance Bill No. 12 for 2020

Purpose of this RCA:

The purpose of this RCA is to propose a business license ordinance in order to promote cooperation and the sharing of information with the Business Community.

Background/Context:

The COVID-19 pandemic has shown the value of information about local businesses, and the lack of that information in Sweet Home. The various measures taken to combat the virus had and continue to have a devastating toll on local businesses. As the City attempted to help with information and various aid programs, City Staff realized that the lack of reliable information on what businesses existed in Sweet Home and what products and services they offered made it extremely difficult to help businesses through the crisis.

We experienced similar difficulties and challenges during the eclipse in 2017.

The City Council discussed this matter during various meetings and directed staff to move forward with a Business License Ordinance.

The Challenge/Problem:

How does the City gather the information needed to assist businesses and promote cooperation between them and the City?

Stakeholders:

- Sweet Home Residents – Residents appreciate the businesses and services available in the City and have an interest in strong, local businesses that serve their needs and desires.
- Sweet Home Businesses – Local businesses benefit from having a voice in City affairs and having the City as a reliable partner.
- Sweet Home City Council – The City Council is responsible for adopting ordinances and policies that accomplish the City's purposes and goals.

Issues and Financial Impacts:

The only financial impact is publicizing the new requirements and the staff time required to develop and process applications. There are software products that may make this easier for a cost, however Staff recommends using existing software initially, since the Sweet Home business community is not large. We estimate that existing personnel are sufficient to operate this program.

Elements of a Stable Solution:

A stable solution includes the adoption of an ordinance requiring businesses to provide the City with basic information regarding the business.

Options:

1. Do Nothing – The Council could choose to do nothing at this time.
2. Approve Ordinance Bill No. 12 for 2020 as presented – Ordinance pertaining to the Licensing of Businesses within the City.
3. Approve Ordinance Bill No. 12 for 2020 with changes – The Council may choose to revise the ordinance or direct Staff to do so.
4. Direct Staff to Research Other Options – The Council may direct staff to research other ways to promote cooperation and information-sharing with local businesses.

Recommendation:

Staff recommends option 2: Motion to approve Ordinance Bill No. 12 for 2020 as presented.

Update for December 8, 2020:

Based on the discussion at the November 24th Council meeting, staff has updated the draft ordinance to be less regulatory, and more directed toward collecting information. The ordinance now only requires information to be submitted in order to obtain a license, and a license can only be denied if the application is incomplete, the business submits false or fraudulent information, the activity would not comply with City or State laws, or the activity would endanger property or the public's health or safety. The draft has also been changed to indicate that the fee may be increased or decreased on an annual basis by the City Council. Other minor changes were made after consulting with the City Attorney.

Updated Recommendation:

Staff recommends that the ordinance be approved as modified, along with any other changes that Council wishes to make.

ORDINANCE BILL NO. 12 FOR 2020

ORDINANCE NO. ____

SWEET HOME ORDINANCE PERTAINING TO THE LICENSING OF BUSINESSES WITHIN THE CITY

WHEREAS, the City of Sweet Home desires to provide for the health, safety, and welfare of the citizens and businesses of Sweet Home by requiring all businesses operating within the City to obtain a City Business License.

NOW THEREFORE,

The City of Sweet Home does Ordain as follows:

Section 1. Sweet Home Municipal Code Chapter 5.10 titled BUSINESS LICENSES is created to read as follows:

§5.10.010 Purpose.

This chapter is enacted for the purpose of providing for the health, safety, and welfare of the citizens and businesses of Sweet Home by requiring all businesses within the corporate limits of the City of Sweet Home to obtain a City Business License.

§5.10.020 Definitions.

As used in this chapter, except where the context indicates otherwise, the following definitions apply:

BUSINESS. An individual, shop, firm, company, corporation, association or partnership conducting any trade, profession, occupation or pursuit for gain. This definition includes, but is not limited to, non-profit organizations which sell food or liquor, and home occupations.

CITY. The City of Sweet Home, a municipal corporation of the State of Oregon.

EMPLOYEE. Any person working for, within or under the auspices of a business, other than a certified independent contractor or leased employee, including common law and statutory wage-earning, commission and salaried employees; executive and common employees; agents; sales representatives; sole proprietors; partners; corporate officers and any and all persons associated directly with the business, whether full- or part-time.

EXCLUSIVELY LICENSED BUSINESSES. Businesses exclusively licensed by the state of Oregon, or the activities of which are exclusively subject to regulations by the United States as being solely interstate in character.

GARAGE SALE. A commercial activity, open to the public, conducted at a private residence where personal property is sold or auctioned to others, provided the number of sale days at a

particular residence does not exceed 63 days per ~~occurrence and no more than 2 occurrences~~ ~~per~~ calendar year.

LICENSE or *BUSINESS LICENSE*. The document issued by the city granting the privilege to carry on a particular business or pursue a certain occupation within the city.

NON-PROFIT. Any business or organization which holds a certificate of exemption from taxes from the Internal Revenue Service.

PLACE OF BUSINESS. A business location inside the city of Sweet Home, which meets all City ordinances, within a permanent structure or building which rest on a permanent foundation and which substantially complies with the Uniform Building Code or at a fixed location on public or private property not within a permanent structure.

TRANSFER. To transfer the name or ownership of a business, but does not include a change in business location.

§ 5.10.020 Business License Required.

There is hereby imposed upon the businesses a license fee in the amount prescribed by City Council resolution, and it is unlawful for any person to conduct, transact or carry on any such business in the city without first having obtained the license therefore for the current calendar year as herein provided and without first complying with any and all application provisions of this chapter.

§ 5.10.030 Exceptions.

The following activities are exempt from the provisions of this chapter:

- A. Peddlers, Solicitors, and Transient Merchants, as defined and regulated in Chapter 5.12.
- B. Wholesale deliveries to a licensed business from operations based outside the limits of the city.
- C. Casual labor activities performed by minors or others, including, but not limited to, lawn mowing and babysitting services. Childcare facilities are not exempt.
- D. Any activity conducted solely for charitable, religious, community, or public purpose including fairs, festivals, fundraisers, and public entertainment events by nonprofit organizations. A non-profit organization which sells food or liquor on an ongoing basis is not exempt.
- E. Producers of farm products raised in Sweet Home and produced or cultivated exclusively by said producers or their immediate families, shall not be subject to license fees prescribed herein that may apply to the selling of such products if the farm products are sold by themselves or their immediate families exclusively.
- F. Businesses that are exempt from the payment of municipal license fees pursuant to Oregon or federal law.
- G. Any person involved in the home delivery of newspapers, groceries, or other goods purchased outside the city.
- H. Garage Sales entailing the periodic sale of personal property by an individual or group of individuals at their own personal residence, provided the number of sale days at a

particular residence does not exceed 36 days per ~~occurrence and no more than 2 occurrences per~~ calendar year.

- I. Any person, contractor, consultant, firm, company or corporation who do not normally conduct business from or in, or otherwise occupy, a particular site, location or structure within the city limits.
- J. Governmental bodies and their administrative agencies which are engaged in governmental functions.
- K. Other businesses or business related activities that, due to their minimal activities, may be declared exempt by the City Manager.

§ 5.10.040 License Application and Procedure.

- A. All business licenses required under this chapter or any other ordinance shall be issued by the City Manager or designee. Application for all licenses shall be made to the City on forms prescribed by the city. The application for any permit shall contain the following information:

- 1. ~~The A~~ description of the business carried on within the city.
- 2. The name of the applicant, with a statement of all persons having an interest in the business, either as proprietors or owners of the business.
- 3. The location at which the business is conducted.
- 4. Contact information for the owner or manager business, including phone number, email -address and mailing address.
- 5. The date of application.
- 6. The amount of the fee collected with the application.

- ~~B. The following additional items may be required at the sole discretion of the City Manager or designee:~~

- ~~1. Proof of the applicant's possession of any permits, certificates, or registrations that are required by city, county, state or federal laws to conduct the type of business listed on the application.~~
- ~~2. Site plan of the area where the structure will be located. The site plan shall clearly show any parking spaces, which may be impacted, any necessary driving lanes, utility pole locations, nearby buildings, and sidewalks.~~
- ~~3. Proof of compliance with all applicable building codes.~~
- ~~4. If food or beverages is to be sold, then the applicant shall provide a copy of proof of the applicable food handler's license from Linn County.~~
- ~~5. Any other information necessary to enable the city to review the application and to determine the appropriate fee as established by resolution of the Council. If on private property, a signed letter of authorization from the property owner, or copy of lease agreement.~~

- ~~C.B. The City Manager shall refer each application to the appropriate departments for review. Review of the application shall be based on consideration of all available evidence as to whether the business will meet the requirements of the city charter and ordinances. The application permit may be denied if:~~

- ~~1. The application is incomplete.~~
- ~~2. The activity to be permitted would not comply with city ordinances or state laws.~~
- ~~3. The permitted activity would endanger property or the public's health or safety.~~

~~4. The applicant's violation of law or ordinance represents a reasonable doubt about the applicant's ability to perform the permitted activity without endangering property or the public's health or safety.~~

~~5.4.~~ The applicant fails to supply the information required, or submits misleading or false information, or submitted misleading or false information on a previous application.

~~D.C.~~ ~~Upon a favorable recommendation from each department~~ After review to ensure that the application is complete, the City Manager or designee shall either issue or deny the ~~license~~ permit. If the application is denied, the City Manager or designee shall notify the applicant in writing of the denial and the reasons for denial.

~~E.D.~~ The City Manager or designee shall issue or deny the permit within 10 business days of receiving the application.

~~F.E.~~ Approved business licenses shall remain on file in the City Manager's Office ~~and a copy shall be provided to the Sweet Home Fire District.~~

§ 5.10.050 Multiple Businesses at Same Location—Branch Office—Professional Offices.

- A. If more than one business takes place at the same location and is operated under the same ownership, but is operated under more than one business name, one application may be filed, provided each business is clearly identified and all relevant information is included in the unified application.
- B. Each branch establishment of a business or location of a business conducted by any person shall, for the purposes hereof, be treated as a separate business subject to the registration provided for in this chapter. Warehouses used incidentally with a duly registered business shall not be deemed to be a separate place of business or branch establishment.

§ 5.10.060 Transfer of License.

- A. The license shall be the property of the applicant, and may not be assigned or transferred.
- B. Business licenses shall be void if the name of the business changes, the location of the business changes, ownership changes or the business goes out of business.

§ 5.10.070 False Information

It is unlawful for any person to supply false information in connection with any application required by this chapter with intent to obtain ~~the a permit or~~ license required in this chapter.

§ 5.10.080 Revocation of License.

A business license may be revoked on any one or more of the following grounds:

- A. Approval of the business license was obtained by fraud or misrepresentation;

- B. The use for which approval was granted has ceased to exist;
- ~~C. The use does not meet the conditions specifically established for it at the time of approval of the application;~~
- ~~D-C.~~ The business is in violation of any other applicable statute, ordinance or regulation.

§ 5.10.090 Appeals.

- A. Any person whose application for a permit has been denied, or whose permit has been denied renewal, has been suspended or has been revoked, may, within 30 days after the notice of denial, suspension, or revocation is mailed, appeal in writing to the City Council. The appeal shall state:
 - 1. The name and address of the appellant.
 - 2. The nature of the determination being appealed.
 - 3. The reason the determination is incorrect.
 - 4. What the correct determination of the appeal should be.
- B. An appellant who fails to file a statement within the time permitted waives all objections, and relinquishes all rights to appeal. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. At the hearing, the appellant may present testimony and oral argument. The decision of the Council is final.
- C. An appellant may continue operating until the Council reaches a decision on the appeal.

§ 5.10.100 Expiration and Renewal.

- A. The license year shall commence January 1 in each year and shall terminate at midnight, December 31, of the same year; provided, however, that all businesses required to pay a license fee in the amounts hereinafter prescribed shall apply for a license under the terms of this chapter not later than February 1 of the year for which the license is needed, and failure so to do shall be a violation of this chapter and subject to the penalty provisions herein.
- B. The license fee set by resolution shall be due and payable on January 1 of each year for the calendar year commencing with such date and shall be delinquent on and after the following February 1.
- C. Licenses for persons who first begin engaging in a business after January 1 in any year shall be due and payable prior to such person engaging in business. All license fees shall be delinquent if not paid within 10 days after due.

§ 5.10.110 Violations and Penalties.

- A. Violation of this chapter constitutes a violation and may be prosecuted under the provisions of Chapter 9.36 and any amendments thereto. Each day's violation of a provision of this chapter shall constitute a separate offense. In addition, the City may enjoin the continued operation of the business

A.B. The remedies, which include penalties herein provided for in this chapter or sections thereof, shall be cumulative and not exclusive and shall be in addition to any other remedies available to the City.

§ 5.10.120 Disclaimers.

- A. The levy or collection of a license fee shall not be construed to be a license or permit to engage in any business which is unlawful, illegal or prohibited by the laws of the State of Oregon, the County of Linn or ordinances or resolutions of the city.
- B. Nothing herein contained shall be taken or construed as vesting any right in any license as a contract obligation on the part of the city. Business license fees, as set by City Council resolution, may be increased or decreased ~~at any time~~ annually by the City Council. No person having paid the fee required, and having made application for a business license, shall be entitled to any refund.

§ 5.10.130 Severability.

If any portion of this chapter shall be held to be invalid for any reason, the same shall be stricken from the ordinance and the remainder shall be regarded as having been adopted by the Council and shall remain enforceable.

Passed by the Council and approved by the Mayor this ___ day of _____, 2020.

Mayor _____

ATTEST:

City Manager – Ex Officio City Recorder

ORDINANCE BILL NO. 12 FOR 2020

ORDINANCE NO. ____

SWEET HOME ORDINANCE PERTAINING TO THE LICENSING OF BUSINESSES WITHIN THE CITY

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CITY. The City of Sweet Home, a municipal corporation of the State of Oregon.

EMPLOYEE. Any person working for, within or under the auspices of a business, other than a certified independent contractor or leased employee, including common law and statutory wage-earning, commission and salaried employees; executive and common employees; agents; sales representatives; sole proprietors; partners; corporate officers and any and all persons associated directly with the business, whether full- or part-time.

EXCLUSIVELY LICENSED BUSINESSES. Businesses exclusively licensed by the state of Oregon, or the activities of which are exclusively subject to regulations by the United States as being solely interstate in character.

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TRANSFER. To transfer the name or ownership of a business, but does not include a change in business location.

§ 5.10.020 Business License Required.

There is hereby imposed upon the businesses a license fee in the amount prescribed by City Council resolution, and it is unlawful for any person to conduct, transact or carry on any such business in the city without first having obtained the license therefore for the current calendar year as herein provided and without first complying with any and all application provisions of this chapter.

§ 5.10.030 Exceptions.

The following activities are exempt from the provisions of this chapter:

- A. Peddlers, Solicitors, and Transient Merchants, as defined and regulated in Chapter 5.12.
- B. Wholesale deliveries to a licensed business from operations based outside the limits of the city.
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- D. Any activity conducted solely for charitable, religious, community, or public purpose including fairs, festivals, fundraisers, and public entertainment events by nonprofit organizations. A non-profit organization which sells food or liquor on an ongoing basis is not exempt.
- E. Producers of farm products raised in Sweet Home and produced or cultivated exclusively by said producers or their immediate families, shall not be subject to license fees prescribed herein that may apply to the selling of such products if the farm products are sold by themselves or their immediate families exclusively.
- F. Businesses that are exempt from the payment of municipal license fees pursuant to Oregon or federal law.
- G. Any person involved in the home delivery of newspapers, groceries, or other goods purchased outside the city.

- H. Garage Sales entailing the periodic sale of personal property by an individual or group of individuals at their own personal residence, provided the number of sale days at a particular residence does not exceed 6 days per calendar year.
- I. Any person, contractor, consultant, firm, company or corporation who do not normally conduct business from or in, or otherwise occupy, a particular site, location or structure within the city limits.
- J. Governmental bodies and their administrative agencies which are engaged in governmental functions.
- K. Other businesses or business related activities that, due to their minimal activities, may be declared exempt by the City Manager.

§ 5.10.040 License Application and Procedure.

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 - 2. The name of the applicant, with a statement of all persons having an interest in the business, either as proprietors or owners of the business.
 - 3. The location at which the business is conducted.
 - 4. Contact information for the business, including phone number, email address and mailing address.
 - 5. The date of application.
 - 6. The amount of the fee collected with the application.
- B. The application may be denied if:
 - 1. The application is incomplete.
 - 2. The activity to be permitted would not comply with city ordinances or state laws.
 - 3. The permitted activity would endanger property or the public's health or safety.
 - 4. The applicant fails to supply the information required, or submits misleading or false information, or submitted misleading or false information on a previous application.
- C. After review to ensure that the application is complete, the City Manager or designee shall either issue or deny the license. If the application is denied, the City Manager or designee shall notify the applicant in writing of the denial and the reasons for denial.
- D. The City Manager or designee shall issue or deny the permit within 10 business days of receiving the application.
- E. Approved business licenses shall remain on file in the City Manager's Office.

§ 5.10.050 Multiple Businesses at Same Location—Branch Office—Professional Offices.

- A. If more than one business takes place at the same location and is operated under the same ownership, but is operated under more than one business name, one application may be filed, provided each business is clearly identified and all relevant information is included in the unified application.
- B. Each branch establishment of a business or location of a business conducted by any person shall, for the purposes hereof, be treated as a separate business subject to the

registration provided for in this chapter. Warehouses used incidentally with a duly registered business shall not be deemed to be a separate place of business or branch establishment.

§ 5.10.060 Transfer of License.

- A. The license shall be the property of the applicant, and may not be assigned or transferred.
- B. Business licenses shall be void if the name of the business changes, the location of the business changes, ownership changes or the business goes out of business.

§ 5.10.070 False Information

It is unlawful for any person to supply false information in connection with any application required by this chapter with intent to obtain the license required in this chapter.

§ 5.10.080 Revocation of License.

A business license may be revoked on any one or more of the following grounds:

- A. Approval of the business license was obtained by fraud or misrepresentation;
- B. The use for which approval was granted has ceased to exist;
- C. The business is in violation of any other applicable statute, ordinance or regulation.

§ 5.10.090 Appeals.

- A. Any person whose application for a permit has been denied, or whose permit has been denied renewal, has been suspended or has been revoked, may, within 30 days after the notice of denial, suspension, or revocation is mailed, appeal in writing to the City Council. The appeal shall state:
 - 1. The name and address of the appellant.
 - 2. The nature of the determination being appealed.
 - 3. The reason the determination is incorrect.
 - 4. What the correct determination of the appeal should be.
- B. An appellant who fails to file a statement within the time permitted waives all objections, and relinquishes all rights to appeal. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. At the hearing, the appellant may present testimony and oral argument. The decision of the Council is final.
- C. An appellant may continue operating until the Council reaches a decision on the appeal.

§ 5.10.100 Expiration and Renewal.

- A. The license year shall commence January 1 in each year and shall terminate at midnight, December 31, of the same year; provided, however, that all businesses

required to pay a license fee in the amounts hereinafter prescribed shall apply for a license under the terms of this chapter not later than February 1 of the year for which the license is needed, and failure so to do shall be a violation of this chapter and subject to the penalty provisions herein.

- B. The license fee set by resolution shall be due and payable on January 1 of each year for the calendar year commencing with such date and shall be delinquent on and after the following February 1.
- C. Licenses for persons who first begin engaging in a business after January 1 in any year shall be due and payable prior to such person engaging in business. All license fees shall be delinquent if not paid within 10 days after due.

§ 5.10.110 Violations and Penalties.

- A. Violation of this chapter constitutes a violation and may be prosecuted under the provisions of Chapter 9.36 and any amendments thereto. Each day's violation of a provision of this chapter shall constitute a separate offense. In addition, the City may enjoin the continued operation of the business
- B. The remedies, which include penalties herein provided for in this chapter or sections thereof, shall be cumulative and not exclusive and shall be in addition to any other remedies available to the City.

§ 5.10.120 Disclaimers.

- A. The levy or collection of a license fee shall not be construed to be a license or permit to engage in any business which is unlawful, illegal or prohibited by the laws of the State of Oregon, the County of Linn or ordinances or resolutions of the city.
- B. Nothing herein contained shall be taken or construed as vesting any right in any license as a contract obligation on the part of the city. Business license fees, as set by City Council resolution, may be increased or decreased annually by the City Council. No person having paid the fee required, and having made application for a business license, shall be entitled to any refund.

§ 5.10.130 Severability.

If any portion of this chapter shall be held to be invalid for any reason, the same shall be stricken from the ordinance and the remainder shall be regarded as having been adopted by the Council and shall remain enforceable.

Passed by the Council and approved by the Mayor this ___ day of _____, 2020.

Mayor _____

ATTEST:

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

Title: Vacant Building Ordinance

Preferred Agenda: November 24, 2020 (Introduction & First Reading)
December 8, 2020 (Second Reading)

Submitted By: Blair Larsen, Community & Economic Development Director

Reviewed By: Ray Towry, City Manager

Type of Action: Resolution ____ Motion X Roll Call ____ Other ____

Relevant Code/Policy:

Towards Council Goal: Vision Statement, Aspiration V: Economically Strong Environment; Goal 4.2: Lead Economic Development Efforts

Attachments: Ordinance Bill No. 13 for 2020

Purpose of this RCA:

The purpose of this RCA is to propose an ordinance regulating vacant commercial and industrial buildings.

Background/Context:

The City of Sweet Home suffers from a high number of vacant commercial and industrial buildings. While it can often be difficult to sell such properties or find a tenant, vacant buildings often fall into disrepair, become a target for vandalism or squatting, and generally bring down the appearance of the area. This condition makes it even harder to sell such properties or find good tenants.

At recent meetings, the City Council has identified the Vacant Building problem as a priority and indicated its desire to enact an ordinance that will improve the situation.

Staff has developed a draft ordinance that requires property owners to notify the City of vacant buildings, maintain their properties in watertight and secure condition, and have a local property manager assigned to the property. The ordinance also enrolls such properties into the Police Department's voluntary business watch program, and allows the City to create a database of available properties.

Staff recommends that an ordinance not punish property owners for their buildings being vacant, which can often be out of their control. However, basic information and maintenance requirements can improve the situation.

The Challenge/Problem:

How does the City address the problem of vacant commercial and industrial buildings?

Stakeholders:

- Sweet Home Commercial and Industrial Property Owners – Property owners are responsible for the maintenance and management of their own properties.
- Sweet Home Residents – Residents deserve safe and well-kept commercial and industrial areas.
- Sweet Home Businesses – Local businesses benefit from well-maintained commercial and industrial building stock for their current and future operations.
- Sweet Home City Council – The City Council is responsible for adopting ordinances and policies that accomplish the City's purposes and goals.

Issues and Financial Impacts:

While there are a large number of vacant buildings in the City, Staff believe that current personnel and resources can enforce this draft ordinance.

Elements of a Stable Solution:

A stable solution includes the adoption of an ordinance that collects information on vacant properties and holds property owners responsible for the condition of their properties.

Options:

1. Do Nothing – The Council could choose to do nothing at this time.
2. Approve Ordinance Bill No. 13 for 2020 as presented – Ordinance pertaining to the Registration, Maintenance, Safety, and Security of Vacant Commercial and Industrial Buildings.
3. Approve Ordinance Bill No. 13 for 2020 with changes – The Council may choose to revise the ordinance or direct Staff to do so.
4. Direct Staff to Research Other Options – The Council may direct staff to research other ways to promote cooperation and information-sharing with local businesses.

Recommendation:

Staff recommends option 2: Motion to approve Ordinance Bill No. 13 for 2020 as presented.

Update for December 8, 2020:

The Ordinance has been updated as follows:

- Council included an additional requirement that roofing on vacant buildings be maintained in sound and watertight condition,
- During the discussion at the November 24th Council Meeting, Council indicated a desire for the definition of "Local" to be broadened so that Corvallis and Albany could be included, but this was neglected in the motion at that meeting. Staff has updated the ordinance to define "Local" to be within 40 miles of the building.
- During the discussion at the November 24th Council Meeting, Council indicated that inspections should only be required on a monthly basis, rather than twice monthly, but this was neglected in the motion at that meeting. Staff has updated the ordinance to require inspections only once a month.
- During consultations with the City Attorney, staff determined that a building being declared vacant after only 15 days was too strict, and changed it to 30 days.
- Various clarifications in the language were made based on consultations with the City Attorney.

Updated Recommendation:

Staff recommends that the ordinance be approved as modified, along with any other changes that Council wishes to make.

ORDINANCE BILL NO. 13 FOR 2020

ORDINANCE NO. ____

SWEET HOME ORDINANCE PERTAINING TO THE REGISTRATION, MAINTENANCE, SAFETY, AND SECURITY OF VACANT ~~COMMERCIAL AND INDUSTRIAL~~ BUILDINGS IN COMMERCIAL AND INDUSTRIAL ZONES

WHEREAS, the City of Sweet Home desires to preserve and protect the habitability and promote the productive use of real property in the City, and to protect the city from blight by requiring that vacant buildings in commercial and industrial properties-zones be adequately secured and maintained.

NOW THEREFORE,

The City of Sweet Home does Ordain as follows:

Section 1. Sweet Home Municipal Code Chapter 8.20 titled VACANT BUILDINGS IN COMMERCIAL AND INDUSTRIAL BUILDINGS-ZONES is created to read as follows:

§8.20.010 Purpose and Applicability.

This chapter is enacted for the purpose of preserving and protecting the habitability of ~~commercial and industrial~~ real property in the City's commercial and industrial zones, and the peaceable, safe, sanitary, and secure occupancy, and productive use of ~~commercial and industrial real property in the City~~ such real property. The provisions in this chapter shall apply only to buildings in commercial and industrial zones, according to the most recent City of Sweet Home zoning map.

§8.20.020 Definitions.

As used in this chapter, except where the context indicates otherwise, the following definitions apply:

"Abandoned building" means:

1. A building that is both vacant and subject to either pending judicial execution sale under ORS 18.901 et seq., or to nonjudicial foreclosure pursuant to ORS 86.752 et seq.; or
2. A building that is both vacant and subject to either a judicial execution sale under ORS 18.901 et seq., or nonjudicial foreclosure pursuant to ORS 86.752 et seq. where legal title is retained by the beneficiary(ies) of a foreclosed trust deed or was otherwise transferred to beneficiary(ies) pursuant to a deed in lieu of foreclosure.

"Building" means a site-built or manufactured structure, including mobile homes, built to the support, shelter or enclosure of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection according to the uniform building code standards.

"Chief" means the chief of police of the Sweet Home police department, or designee.

"City Manager" means the City Manager of the City of Sweet Home, or designee.

"Code enforcement officer" means a code enforcement officer of the City of Sweet Home.

"Commercial building" means a nonresidential building constructed or used for purchasing, selling or conducting other transactions involving the handling or disposition of any article, substance, commodity or services for livelihood or profit, and places where commodities, services or merchandise are sold or agreements are made to furnish them.

"Foreclosed building" means a building upon real estate that an owner obtains as a result of:

1. Foreclosing a trust deed on the real estate;
2. Obtaining a judgment foreclosing a lien on the real estate;
3. Purchasing the real estate at a trustee's sale or a sheriff's sale; or
4. Accepting a deed to the real estate in lieu of foreclosure.

"Industrial building" means a nonresidential building constructed or used for manufacturing, processing, compounding, packaging or assembling of products.

"Lender" means any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees, beneficiaries under trust deeds, vendors under conditional land sales contracts, trustees, and a successor in interest to any mortgagee, beneficiary, vendor, or trustee. The term also includes any mortgagee, beneficiary, or trustee that accepts a deed in lieu of foreclosure.

"Local" means within ~~thirty-fourty~~ (34) miles of a building.

"Natural person" means a real human being, as opposed to a legal person, which may be a private or public organization.

"Owner" means any person holding or claiming to hold any legal title or interest in real property, including, but not limited to, a fee owner, a mortgagee in possession, a vendee under a land sale contract, or a beneficiary under a deed of trust.

"Person" means any natural person, association, partnership, or corporation, or other form of legal entity or entity in fact capable of owning or using property.

"Premises" means real estate, including that upon which a building is located or constructed, that is in the same ownership as the building, and that a reasonable person

would associate with ownership or use of the building when viewing the building and premises from outdoors. Where there is more than one building on premises, or where multiple buildings on premises are owned by different owners, the premises are common to each building. Premises are often, but not always, defined by tax lot lines or recorded legal descriptions.

"Real property" means any real property, including, but not limited to, lots, parcels, tracts, premises, buildings, houses, rooms, structures, or any separate part or portion thereof, whether temporary or permanent, and whether or not on the ground itself, and any conveyance or any part or portion thereof.

"Tenant" means a residential tenant as defined by the Oregon Residential Landlord and Tenant Act, and any other person, organization or business holding real property under the terms of a rental agreement.

"Vacant" means:

1. Lack of building habitation or use, or abandonment of habitation or use; or
2. Use of a building, either intermittent or continuous, by persons with no legal right to be present.

"Vacant building" means:

1. A building, or substantial portion thereof, that is unoccupied or has not actively been furnished and so used as a place of business, employment, residence, or other human activity, for more than ~~fifteen-thirty~~ (4530) days. This includes manufactured structures and mobile homes, whether located in a mobile home park or not. A vacant building also includes any building under construction where no substantial work has taken place for more than sixty (60) days. "Vacant building" does not include a building designed for storage, intermittent or similar types of use, if such building is secure from unauthorized entry, in good repair, and does not otherwise constitute a nuisance; or
2. A building where one or more conditions is present, either singularly or in combination, that would lead a reasonable person to conclude that the building is vacant. Such conditions include, but are not limited to:
 - a. Overgrown or dead vegetation at the property;
 - b. Accumulation of newspapers, circulars, flyers, mail, or similar items;
 - c. Past due utility notices or disconnected utilities;
 - d. Accumulation of trash, junk, or debris;
 - e. Absence of furnishings or other items typically found inside a residential, industrial, or commercial building as the case may be;
 - f. Evidence of criminal mischief or criminal trespass; or
 - g. Statements or other evidence supplied by neighbors, delivery agents, passersby, or government employees, that the building is vacant
3. For the purposes of this ordinance, a building with an active building permit is not considered vacant.

- A. A building owner shall register the building with the City Recorder-Manager, or designee, in the event:
1. Of an anticipated judicial foreclosure of the property, no earlier than the commencement of any of the actions described by ORS 18.904, 18.906, 18.908 ~~(2017)~~ and not later than the date first set for the execution sale described in ORS 18.930 ~~(2017)~~;
 2. Of an anticipated nonjudicial foreclosure of the property under ORS 86.752 et seq. ~~(2017)~~ not later than the date of service or mailing of the notice of sale described in ORS 86.764 ~~(2017)~~;
 3. That the owner becomes aware that the building is vacant, as defined in this chapter; or
 4. The owner receives written notice from the code enforcement officer that the code enforcement officer believes the building is a vacant building, abandoned building, or foreclosed building.
- B. Each registration shall be made on a form approved by the City Manager and shall contain, at a minimum:
1. If subsection A.1 or A.2 applies, then:
 - a. The name of the lender;
 - b. The address of the vacant building;
 - c. Legal description and tax parcel identification number of the property per the county assessor's records;
 - d. The date the property became vacant or the lender took legal possession;
 - e. The direct address of the lender and post office box, if applicable (post office boxes alone are not acceptable);
 - f. A direct contact name and telephone number for the lender;
 - g. If the lender does not reside in or have a business office in the City, then the name, mailing address, telephone number, and email address of a local individual or entity charged with responsibility by the trustee, mortgagee, or beneficiary, for ensuring compliance with the obligations imposed by this chapter; and
 - h. A person or entity appointed by the lender ~~who resides in or has a business office in the City~~, who is authorized to receive service of process, if applicable.
 2. If subsection A.3 applies, then:
 - a. The name of the owner(s);
 - b. The address of the vacant building;
 - c. Legal description and tax parcel identification number of the property per the county assessor's records;
 - d. The date the property became vacant or the owner took legal possession;
 - e. The direct address of the owner(s) and post office box, if applicable (post office boxes alone are not acceptable);
 - f. A direct contact name and telephone number for the owner(s);

- g. If the owner does not reside or have a principal office in the City, the name, mailing address, telephone number, and electronic mail address of a local agent for the owner(s).
- C. Each registration must be accompanied by a payment of a registration fee in an amount to be set by Council resolution.
- D. The City Recorder or designee shall maintain a list of registered buildings and deliver a copy thereof to the code enforcement officer upon request.
- E. The City Recorder or designee shall share all registration information with the Police Department, and all vacant properties shall be enrolled in the Police Department's Property Watch program.
- F. If ownership of a registered building changes, the registrant shall send notice of the change to the City Recorder within thirty (30) days of the change.
- G. The registration is valid for one year. The property owner or lender must secure a new registration annually if the property remains vacant.
- H. An owner or lender who has registered a property under this chapter must report any change of information contained in the registration to the City within 10 business days of the change, including but not limited to any change in ownership or designation of a responsible person.
- I. Properties subject to this chapter shall remain under the registration requirement as long as the property remains vacant.

§8.20.030 Maintenance.

- A. Every owner of an abandoned building, foreclosed building, or vacant building shall cause the building and premises to be maintained in a generally well-kept condition, at least consistent with conditions found on surrounding or nearby occupied property, and including all of the following:
 - 1. Ensuring that the condition of the subject property does not constitute a public nuisance or a chronic public nuisance as described by the code.
 - 2. Keeping the premises free of weeds, dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and other items or conditions that would cause a reasonable person to suspect the building or real property is vacant or abandoned.
 - 3. Regular watering, irrigation, cutting, pruning, and mowing of the lawns and other vegetated areas of the subject real property and the removal of all trimming and debris resulting from such work.
 - 4. All fences and gates shall be maintained in sound condition and in good repair.
 - 5. Foundations, basements, cellars and crawlspaces shall be maintained in sound and watertight condition, adequate to support the building, and protected against the entry of rodents or other animals.
 - 6. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or the interior spaces, and shall be protected against the entry of rodents or other animals.

7. Exterior windows and doors shall be maintained in sound condition and good repair, with hardware for locking and the locking mechanism maintained in property functioning condition.
 8. Any window which is broken, cracked, or missing glass or glazing shall be replaced and maintained in good repair.
 - 8-9. Roofs shall be maintained in sound and watertight condition.
 - 9-10. All graffiti shall be promptly covered or removed.
- B. Compliance with this section does not relieve a person of any obligations imposed by state law, other sections of this code, or any covenants, conditions, and restrictions that apply to the building or premises. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or any other ordinance, the provisions which are more restrictive shall govern.

§8.20.040 Security.

- A. Every owner of an abandoned building, foreclosed building, or vacant building, shall cause the building to be secured (including closure and locking of windows, doors, gates and other opening(s) allowing access to the building) and thereafter maintained so as not to be accessible to unauthorized persons.
- B. The owner shall post notice which provides, at a minimum, a direct contact name and a telephone number available twenty-four (24) hours a day for persons to report problems or concerns with the building or real property. The following standards apply to this notice:
 1. The telephone number listed in the notice must:
 - a. Be answered, or reasonably likely to be answered, by a human being during the hours of eight a.m. and five p.m., local time;
 - b. Be connected to a voicemail system that records calls between the hours of five p.m. and eight a.m., local time, if no human is available to answer the phone; and
 - c. Be a domestic number or a toll-free number but not an international number.
 2. The notice must be placed on the interior of a window facing the street to the front of the property so the notice is easily decipherable from outside of the building. If no such area exists, then the posting must be placed on the exterior of the building in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather-resistant materials.
 3. The notice shall be printed in a typeface at least eighteen (18) points in size, and must list the name and contact information of the owner(s) or local individual or entity charged with complying with this chapter, along with the following phrases completed with the appropriate identification and contact information:

"THIS PROPERTY OWNED/MANAGED BY: ."

"TO REPORT PROBLEMS OR CONCERNS CALL ."

§8.20.050 Inspection.

- A. Every owner of an abandoned building, foreclosed building, or vacant building shall inspect the building and premises no less than ~~twice~~ once monthly to verify the requirements of this chapter, and any other laws applicable to the building, are being met.
- B. The owner or agent inspecting the property shall record and present to the City Manager, code enforcement officer or designee (upon request) the dates of inspection in a form to be provided by the City.

§8.20.060 Local Presence or Property Management Required.

- A. If an owner or lender has no local presence, as defined in this chapter, that owner or lender shall contract with a local person or property management company in order to ensure compliance with this chapter.
- B. An 18-inch by 24-inch notice shall be posted by the owner or responsible person identifying a local direct contact name and 24-hour contact phone number for persons to report problems or concerns, and the posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street. If no such area exists, then the posting shall be placed on the exterior of the property in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather resistant materials.
- C. If an owner fails to comply with the requirements of this chapter within fifteen (15) days after receiving notice that the Code Enforcement Officer believes that the property is vacant, then the owner(s) or lender(s) shall contract with a property management company, to perform the inspections outlined in SHMC §8.20.050 and verify that the maintenance and security requirements of SHMC §8.20.030 and SHMC §8.20.040 are being carried out.
- D. A property management company retained under this section must post the notice described in SHMC §8.20.040(B).
- E. Nothing in this chapter prevents a local owner(s) from contacting with a property management company to assist the owner in meeting the owner's responsibilities under this chapter.

§8.20.070 Additional Authority.

The code enforcement officer may require, with City Manager approval, an owner(s) or lender to implement any additional maintenance listed below:

- A. Installation and operation of additional security lighting;
- B. Increased frequency of property inspections; and
- C. Employment of an on-site security guard.
- D. Any other measures as may be reasonably required to prevent the decline of the property.

§8.20.080 Additional Remedies; Lien Against Real Property.

- A. In addition to other penalties or enforcement specified in this chapter, if a lender or owner(s) fails to register the building or premises as provided in this chapter, the code enforcement officer may give notice of such failure by certified mail. The notice shall:
1. Be directed to all persons shown on the assessor's records or otherwise known to the City to be the owner(s);
 2. Refer to the real property involved with convenient certainty, a building's street address, if any, being sufficient; and
 3. Notify the owner to comply with the registration requirements in this chapter within fifteen (15) days of mailing.
- B. If a lender or owner(s) fails to maintain, inspect, or secure the building or premises as provided in this chapter, then notwithstanding whether the premises is registered, the code enforcement officer may give notice and abate such conditions as follows:
1. Give written notice to the owner that includes the following:
 - a. A statement that the code enforcement officer has evaluated the building as being a vacant building pursuant to the definition of "vacant building" set forth in SHMC §8.20.020, along with a statement of the reasons why the building has been so evaluated;
 - b. A reference to the building with convenient certainty, a building's street address, if any, being sufficient;
 - c. Notice of the deficiency in maintenance, inspection, or security that has been observed, and direction to comply with the maintenance, inspection, and security requirements of this chapter within seventy-two (72) hours of the time described in subsection B.2.a;
 - d. Notice that if the condition is not corrected within seventy-two (72) hours, the City may cause the real property to be maintained, inspected, or secured, as provided in this chapter and will charge the costs to the lender or owner(s) and register the same on the City's lien docket against the real property. This subsection B.1.d constitutes the authority needed for the City to so maintain, inspect, or secure property to the standards of this chapter.
 2. A copy of the notice described in subsection B.1 must, at a minimum, be:
 - a. Posted to the front door of the building, or to that side of the building fronting the most well-traveled street adjacent to the building, with the date, time of day, and name of the person posting the notice written on the front of the document in permanent ink;
 - b. Mailed, at least ~~three~~ five business days before abatement, to the owner or owners at their last-known mailing addresses on record with the Linn County Assessor's office on the date of posting or available from Title Company or other documents, by certified mail, no later than the date the real property is posted. If no mailing address is of record with the assessor's office or known to the City of Sweet Home ~~police~~ at the time of posting, then a good

faith effort to locate an address for an owner or owners, conducted on or before the day the notice is posted, will satisfy this section.

3. The code enforcement officer shall make a good faith effort to locate the telephone number of the owner, and call the owner on the day notice is posted and give a person reasonably appearing to be meaningfully connected to the real property oral notice that the building has been evaluated as vacant and that there are seventy-two (72) hours to secure or maintain the building, as the case may warrant. Efforts to locate phone numbers and call the owner qualify as good faith if they are reasonable under the circumstances then existing.
 4. Notices mailed under subsection B.2.b must be placed in the mail three business days before commencement of City abatement activity under this chapter. For this purpose, a business day is any day except a Saturday, Sunday, or a legal holiday observed by the state of Oregon under ORS 187.010 and 187.020.
 5. If the building is registered with the City then the code enforcement officer must also send the notice required under subsection B.2.b to the lenders listed in the registration materials. The code enforcement officer will send this notice concurrently with the notice required under subsection B.2.b.
 6. If the building is not registered with the City, then the code enforcement officer may send a courtesy copy of the notice required under subsection B.2.b to one or more lenders if the lenders have an ownership interest in the property, as opposed to a mere security interest, and if the code enforcement officer has actual knowledge of the ownership interest on the day the code enforcement officer sends the owner notice under subsection B.2.b. This provision does not create or impose a duty on the code enforcement officer or any other City employee, official, or agent to receive or collect information about lenders or to send courtesy notice to a lender.
- C. Nothing in this section obligates the City to remedy the problem conditions alleged in the code enforcement officer's letter without charging the cost of such abatement as a lien against the real property on which the building is constructed. The total cost of such abatement, including but not limited to time of City employees or contractors, materials, expenses, overhead, and legal fees and costs, shall be included in such lien filing.
- D. The City Manager, at or near the time Council passes this vacant building ordinance or any amendment thereto, shall promulgate a press release that announces passage of the legislation. A press release is adequately promulgated under this section if it is directed to the media sources customarily contacted by the City Manager for distributing newsworthy City information. Failure of or disagreements about compliance with this subsection supply no defense in any action.

§8.20.090 Penalty.

- A. Any person who violates any provision of this chapter may be prosecuted and penalized under the provisions of SHMC Chapter 9.36 and any amendments thereto.
- B. Each day a violation is allowed to persist by a lender or owner(s) constitutes a separate occurrence.
- C. In addition to any the remedy, the City may use the abatement procedures outlined in SHMC Chapter 8.04, Article II.
- D. The remedies, which include penalties herein provided for in this chapter or sections thereof, shall be cumulative and not exclusive and shall be in addition to any other remedies available to the City.

B.

§8.20.100 Duties Joint and Several.

Where a building or premises is owned by more than one person, any duty created by this chapter is joint and several as to all owners.

§8.20.110 Appeals.

- A. A lender or owner ~~who is required to implement additional maintenance or security measures as provided for in SHMC §8.20.070~~ shall have the right to appeal any obligation of this chapter, including any additional maintenance or security measures as provided for in SHMC §8.20.070, to the municipal court by filing a petition for a hearing before the court with the court clerk. Additionally, a lender or owner who has received a notice of abatement outlined in §8.20.080(B), may, within fifteen (15) days after mailing of such notice, may likewise appeal to the municipal court for relief by filing a petition.
 - 1. Such petition must include:
 - a. A copy of the code enforcement officer's notice;
 - b. Facts upon which petitioner relies for relief from the obligations of this chapter relative to the building or premises;
 - c. The petitioner's signature, telephone number, and mailing address. If a petitioner is not a natural person, a natural person must sign the petition on behalf of the petitioner and provide his or her mailing address and direct telephone number; and
 - d. The payment of a filing fee, if any is established by City Council from time to time for the petition.
 - 2. If the municipal court finds that strict compliance with this chapter would cause a real and unnecessary hardship upon the petitioner, then the court may relieve the petitioner of one or more obligations of this chapter.
 - 3. Filing a petition under this subsection does not:
 - a. Relieve an owner(s) or lender from complying with any requirement of this chapter, including requirements listed in posted or mailed notices;

- b. Stay City abatement of a building or premises under other City ordinances;
 - c. Require the City to reverse, cancel, or undo any abatement action or effort completed, planned, or in progress at the time the petition is filed; or
 - d. Avoid any abatement cost or lien, whether or not the cost or lien has been calculated or, if calculated, charged against real property.
4. Any relief granted under this section operates only upon an owner or lender listed as a petitioner.

Passed by the Council and approved by the Mayor this ___ day of _____, 2020.

Mayor _____

ATTEST:

City Manager – Ex Officio City Recorder

ORDINANCE BILL NO. 13 FOR 2020

ORDINANCE NO. ____

SWEET HOME ORDINANCE PERTAINING TO THE REGISTRATION, MAINTENANCE, SAFETY, AND SECURITY OF VACANT BUILDINGS IN COMMERCIAL AND INDUSTRIAL ZONES

WHEREAS, the City of Sweet Home desires to preserve and protect the habitability and promote the productive use of real property in the City, and to protect the city from blight by requiring that vacant buildings in commercial and industrial zones be adequately secured and maintained.

NOW THEREFORE,

The City of Sweet Home does Ordain as follows:

Section 1. Sweet Home Municipal Code Chapter 8.20 titled VACANT BUILDINGS IN COMMERCIAL AND INDUSTRIAL ZONES is created to read as follows:

§8.20.010 Purpose and Applicability.

This chapter is enacted for the purpose of preserving and protecting the habitability of real property in the City's commercial and industrial zones, and the peaceable, safe, sanitary, and secure occupancy, and productive use of such real property. The provisions in this chapter shall apply only to buildings in commercial and industrial zones, according to the most recent City of Sweet Home zoning map.

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and having a fixed base on or fixed connection according to the uniform building code standards.

"Chief" means the chief of police of the Sweet Home police department, or designee.

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"Code enforcement officer" means a code enforcement officer of the City of Sweet Home.

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1. Foreclosing a trust deed on the real estate;
2. Obtaining a judgment foreclosing a lien on the real estate;
3. Purchasing the real estate at a trustee's sale or a sheriff's sale; or
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"Industrial building" means a nonresidential building constructed or used for manufacturing, processing, compounding, packaging or assembling of products.

"Lender" means any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees, beneficiaries under trust deeds, vendors under conditional land sales contracts, trustees, and a successor in interest to any mortgagee, beneficiary, vendor, or trustee. The term also includes any mortgagee, beneficiary, or trustee that accepts a deed in lieu of foreclosure.

"Local" means within forty (40) miles of a building.

"Natural person" means a real human being, as opposed to a legal person, which may be a private or public organization.

"Owner" means any person holding or claiming to hold any legal title or interest in real property, including, but not limited to, a fee owner, a mortgagee in possession, a vendee under a land sale contract, or a beneficiary under a deed of trust.

"Person" means any natural person, association, partnership, or corporation, or other form of legal entity or entity in fact capable of owning or using property.

"Premises" means real estate, including that upon which a building is located or constructed, that is in the same ownership as the building, and that a reasonable person would associate with ownership or use of the building when viewing the building and premises from outdoors. Where there is more than one building on premises, or where

multiple buildings on premises are owned by different owners, the premises are common to each building. Premises are often, but not always, defined by tax lot lines or recorded legal descriptions.

"Real property" means any real property, including, but not limited to, lots, parcels, tracts, premises, buildings, houses, rooms, structures, or any separate part or portion thereof, whether temporary or permanent, and whether or not on the ground itself, and any conveyance or any part or portion thereof.

"Tenant" means a residential tenant as defined by the Oregon Residential Landlord and Tenant Act, and any other person, organization or business holding real property under the terms of a rental agreement.

"Vacant" means:

1. Lack of building habitation or use, or abandonment of habitation or use; or
2. Use of a building, either intermittent or continuous, by persons with no legal right to be present.

"Vacant building" means:

1. A building, or substantial portion thereof, that is unoccupied or has not actively been furnished and so used as a place of business, employment, residence, or other human activity, for more than thirty (30) days. This includes manufactured structures and mobile homes, whether located in a mobile home park or not. A vacant building also includes any building under construction where no substantial work has taken place for more than sixty (60) days. "Vacant building" does not include a building designed for storage, intermittent or similar types of use, if such building is secure from unauthorized entry, in good repair, and does not otherwise constitute a nuisance; or
2. A building where one or more conditions is present, either singularly or in combination, that would lead a reasonable person to conclude that the building is vacant. Such conditions include, but are not limited to:
 - a. Overgrown or dead vegetation at the property;
 - b. Accumulation of newspapers, circulars, flyers, mail, or similar items;
 - c. Past due utility notices or disconnected utilities;
 - d. Accumulation of trash, junk, or debris;
 - e. Absence of furnishings or other items typically found inside a residential, industrial, or commercial building as the case may be;
 - f. Evidence of criminal mischief or criminal trespass; or
 - g. Statements or other evidence supplied by neighbors, delivery agents, passersby, or government employees, that the building is vacant
3. For the purposes of this ordinance, a building with an active building permit is not considered vacant.

§8.20.020 Registration.

- A. A building owner shall register the building with the City Manager, or designee, in the event:

1. Of an anticipated judicial foreclosure of the property, no earlier than the commencement of any of the actions described by ORS 18.904, 18.906, 18.908 and not later than the date first set for the execution sale described in ORS 18.930;
 2. Of an anticipated nonjudicial foreclosure of the property under ORS 86.752 et seq. not later than the date of service or mailing of the notice of sale described in ORS 86.764;
 3. That the owner becomes aware that the building is vacant, as defined in this chapter; or
 4. The owner receives written notice from the code enforcement officer that the code enforcement officer believes the building is a vacant building, abandoned building, or foreclosed building.
- B. Each registration shall be made on a form approved by the City Manager and shall contain, at a minimum:
1. If subsection A.1 or A.2 applies, then:
 - a. The name of the lender;
 - b. The address of the vacant building;
 - c. Legal description and tax parcel identification number of the property per the county assessor's records;
 - d. The date the property became vacant or the lender took legal possession;
 - e. The direct address of the lender and post office box, if applicable (post office boxes alone are not acceptable);
 - f. A direct contact name and telephone number for the lender;
 - g. If the lender does not reside in or have a business office in the City, then the name, mailing address, telephone number, and email address of a local individual or entity charged with responsibility by the trustee, mortgagee, or beneficiary, for ensuring compliance with the obligations imposed by this chapter; and
 - h. A person or entity appointed by the lender who is authorized to receive service of process, if applicable.
 2. If subsection A.3 applies, then:
 - a. The name of the owner(s);
 - b. The address of the vacant building;
 - c. Legal description and tax parcel identification number of the property per the county assessor's records;
 - d. The date the property became vacant or the owner took legal possession;
 - e. The direct address of the owner(s) and post office box, if applicable (post office boxes alone are not acceptable);
 - f. A direct contact name and telephone number for the owner(s);
 - g. If the owner does not reside or have a principal office in the City, the name, mailing address, telephone number, and electronic mail address of a local agent for the owner(s).
- C. Each registration must be accompanied by a payment of a registration fee in an amount to be set by Council resolution.

- D. The City Recorder or designee shall maintain a list of registered buildings and deliver a copy thereof to the code enforcement officer upon request.
- E. The City Recorder or designee shall share all registration information with the Police Department, and all vacant properties shall be enrolled in the Police Department's Property Watch program.
- F. If ownership of a registered building changes, the registrant shall send notice of the change to the City Recorder within thirty (30) days of the change.
- G. The registration is valid for one year. The property owner or lender must secure a new registration annually if the property remains vacant.
- H. An owner or lender who has registered a property under this chapter must report any change of information contained in the registration to the City within 10 business days of the change, including but not limited to any change in ownership or designation of a responsible person.
- I. Properties subject to this chapter shall remain under the registration requirement as long as the property remains vacant.

§8.20.030 Maintenance.

- A. Every owner of an abandoned building, foreclosed building, or vacant building shall cause the building and premises to be maintained in a generally well-kept condition, at least consistent with conditions found on surrounding or nearby occupied property, and including all of the following:
 - 1. Ensuring that the condition of the subject property does not constitute a public nuisance or a chronic public nuisance as described by the code.
 - 2. Keeping the premises free of weeds, dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and other items or conditions that would cause a reasonable person to suspect the building or real property is vacant or abandoned.
 - 3. Regular watering, irrigation, cutting, pruning, and mowing of the lawns and other vegetated areas of the subject real property and the removal of all trimming and debris resulting from such work.
 - 4. All fences and gates shall be maintained in sound condition and in good repair.
 - 5. Foundations, basements, cellars and crawlspaces shall be maintained in sound and watertight condition, adequate to support the building, and protected against the entry of rodents or other animals.
 - 6. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or the interior spaces, and shall be protected against the entry of rodents or other animals.
 - 7. Exterior windows and doors shall be maintained in sound condition and good repair, with hardware for locking and the locking mechanism maintained in property functioning condition.
 - 8. Any window which is broken, cracked, or missing glass or glazing shall be replaced and maintained in good repair.
 - 9. Roofs shall be maintained in sound and watertight condition.
 - 10. All graffiti shall be promptly covered or removed.

- B. Compliance with this section does not relieve a person of any obligations imposed by state law, other sections of this code, or any covenants, conditions, and restrictions that apply to the building or premises. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or any other ordinance, the provisions which are more restrictive shall govern.

§8.20.040 Security.

- A. Every owner of an abandoned building, foreclosed building, or vacant building, shall cause the building to be secured (including closure and locking of windows, doors, gates and other opening(s) allowing access to the building) and thereafter maintained so as not to be accessible to unauthorized persons.
- B. The owner shall post notice which provides, at a minimum, a direct contact name and a telephone number available twenty-four (24) hours a day for persons to report problems or concerns with the building or real property. The following standards apply to this notice:
 - 1. The telephone number listed in the notice must:
 - a. Be answered, or reasonably likely to be answered, by a human being during the hours of eight a.m. and five p.m., local time;
 - b. Be connected to a voicemail system that records calls between the hours of five p.m. and eight a.m., local time, if no human is available to answer the phone; and
 - c. Be a domestic number or a toll-free number but not an international number.
 - 2. The notice must be placed on the interior of a window facing the street to the front of the property so the notice is easily decipherable from outside of the building. If no such area exists, then the posting must be placed on the exterior of the building in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather-resistant materials.
 - 3. The notice shall be printed in a typeface at least eighteen (18) points in size, and must list the name and contact information of the owner(s) or local individual or entity charged with complying with this chapter, along with the following phrases completed with the appropriate identification and contact information:

"THIS PROPERTY OWNED/MANAGED BY: ."

"TO REPORT PROBLEMS OR CONCERNS CALL ."

§8.20.050 Inspection.

- A. Every owner of an abandoned building, foreclosed building, or vacant building shall inspect the building and premises no less than once monthly to verify the requirements of this chapter, and any other laws applicable to the building, are being met.

- B. The owner or agent inspecting the property shall record and present to the City Manager, code enforcement officer or designee (upon request) the dates of inspection in a form to be provided by the City.

§8.20.060 Local Presence or Property Management Required.

- A. If an owner or lender has no local presence, as defined in this chapter, that owner or lender shall contract with a local person or property management company in order to ensure compliance with this chapter.
- B. An 18-inch by 24-inch notice shall be posted by the owner or responsible person identifying a local direct contact name and 24-hour contact phone number for persons to report problems or concerns, and the posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street. If no such area exists, then the posting shall be placed on the exterior of the property in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather resistant materials.
- C. If an owner fails to comply with the requirements of this chapter within fifteen (15) days after receiving notice that the Code Enforcement Officer believes that the property is vacant, then the owner(s) or lender(s) shall contract with a property management company, to perform the inspections outlined in SHMC §8.20.050 and verify that the maintenance and security requirements of SHMC §8.20.030 and SHMC §8.20.040 are being carried out.
- D. A property management company retained under this section must post the notice described in SHMC §8.20.040(B).
- E. Nothing in this chapter prevents a local owner(s) from contacting with a property management company to assist the owner in meeting the owner's responsibilities under this chapter.

§8.20.070 Additional Authority.

The code enforcement officer may require, with City Manager approval, an owner(s) or lender to implement any additional maintenance listed below:

- A. Installation and operation of additional security lighting;
- B. Increased frequency of property inspections; and
- C. Employment of an on-site security guard.
- D. Any other measures as may be reasonably required to prevent the decline of the property.

§8.20.080 Additional Remedies; Lien Against Real Property.

- A. In addition to other penalties or enforcement specified in this chapter, if a lender or owner(s) fails to register the building or premises as provided in this chapter, the code enforcement officer may give notice of such failure by certified mail. The notice shall:

1. Be directed to all persons shown on the assessor's records or otherwise known to the City to be the owner(s);
 2. Refer to the real property involved with convenient certainty, a building's street address, if any, being sufficient; and
 3. Notify the owner to comply with the registration requirements in this chapter within fifteen (15) days of mailing.
- B. If a lender or owner(s) fails to maintain, inspect, or secure the building or premises as provided in this chapter, then notwithstanding whether the premises is registered, the code enforcement officer may give notice and abate such conditions as follows:
1. Give written notice to the owner that includes the following:
 - a. A statement that the code enforcement officer has evaluated the building as being a vacant building pursuant to the definition of "vacant building" set forth in SHMC §8.20.020, along with a statement of the reasons why the building has been so evaluated;
 - b. A reference to the building with convenient certainty, a building's street address, if any, being sufficient;
 - c. Notice of the deficiency in maintenance, inspection, or security that has been observed, and direction to comply with the maintenance, inspection, and security requirements of this chapter within seventy-two (72) hours of the time described in subsection B.2.a;
 - d. Notice that if the condition is not corrected within seventy-two (72) hours, the City may cause the real property to be maintained, inspected, or secured, as provided in this chapter and will charge the costs to the lender or owner(s) and register the same on the City's lien docket against the real property. This subsection B.1.d constitutes the authority needed for the City to so maintain, inspect, or secure property to the standards of this chapter.
 2. A copy of the notice described in subsection B.1 must, at a minimum, be:
 - a. Posted to the front door of the building, or to that side of the building fronting the most well-traveled street adjacent to the building, with the date, time of day, and name of the person posting the notice written on the front of the document in permanent ink;
 - b. Mailed, at least five business days before abatement, to the owner or owners at their last-known mailing addresses on record with the Linn County Assessor's office on the date of posting or available from Title Company or other documents, by certified mail, no later than the date the real property is posted. If no mailing address is of record with the assessor's office or known to the City of Sweet Home at the time of posting, then a good faith effort to locate an address for an owner or owners, conducted on or before the day the notice is posted, will satisfy this section.
 3. The code enforcement officer shall make a good faith effort to locate the telephone number of the owner, and call the owner on the day notice is posted and give a person reasonably appearing to be meaningfully

connected to the real property oral notice that the building has been evaluated as vacant and that there are seventy-two (72) hours to secure or maintain the building, as the case may warrant. Efforts to locate phone numbers and call the owner qualify as good faith if they are reasonable under the circumstances then existing.

4. Notices mailed under subsection B.2.b must be placed in the mail three business days before commencement of City abatement activity under this chapter. For this purpose, a business day is any day except a Saturday, Sunday, or a legal holiday observed by the state of Oregon under ORS 187.010 and 187.020.
 5. If the building is registered with the City then the code enforcement officer must also send the notice required under subsection B.2.b to the lenders listed in the registration materials. The code enforcement officer will send this notice concurrently with the notice required under subsection B.2.b.
 6. If the building is not registered with the City, then the code enforcement officer may send a courtesy copy of the notice required under subsection B.2.b to one or more lenders if the lenders have an ownership interest in the property, as opposed to a mere security interest, and if the code enforcement officer has actual knowledge of the ownership interest on the day the code enforcement officer sends the owner notice under subsection B.2.b. This provision does not create or impose a duty on the code enforcement officer or any other City employee, official, or agent to receive or collect information about lenders or to send courtesy notice to a lender.
- C. Nothing in this section obligates the City to remedy the problem conditions alleged in the code enforcement officer's letter without charging the cost of such abatement as a lien against the real property on which the building is constructed. The total cost of such abatement, including but not limited to time of City employees or contractors, materials, expenses, overhead, and legal fees and costs, shall be included in such lien filing.
- D. The City Manager, at or near the time Council passes this vacant building ordinance or any amendment thereto, shall promulgate a press release that announces passage of the legislation. A press release is adequately promulgated under this section if it is directed to the media sources customarily contacted by the City Manager for distributing newsworthy City information. Failure of or disagreements about compliance with this subsection supply no defense in any action.

§8.20.090 Penalty.

- A. Any person who violates any provision of this chapter may be prosecuted and penalized under the provisions of SHMC Chapter 9.36 and any amendments thereto.
- B. Each day a violation is allowed to persist by a lender or owner(s) constitutes a separate occurrence.
- C. In addition to any the remedy, the City may use the abatement procedures outlined in SHMC Chapter 8.04, Article II.

- D. The remedies, which include penalties herein provided for in this chapter or sections thereof, shall be cumulative and not exclusive and shall be in addition to any other remedies available to the City.

§8.20.100 Duties Joint and Several.

Where a building or premises is owned by more than one person, any duty created by this chapter is joint and several as to all owners.

§8.20.110 Appeals.

- A. A lender or owner shall have the right to appeal any obligation of this chapter, including any additional maintenance or security measures as provided for in SHMC §8.20.070, to the municipal court by filing a petition for a hearing before the court with the court clerk. Additionally, a lender or owner who has received a notice of abatement outlined in §8.20.080(B), may, within fifteen (15) days after mailing of such notice, may likewise appeal to the municipal court for relief by filing a petition.
1. Such petition must include:
 - a. A copy of the code enforcement officer's notice;
 - b. Facts upon which petitioner relies for relief from the obligations of this chapter relative to the building or premises;
 - c. The petitioner's signature, telephone number, and mailing address. If a petitioner is not a natural person, a natural person must sign the petition on behalf of the petitioner and provide his or her mailing address and direct telephone number; and
 - d. The payment of a filing fee, if any is established by City Council from time to time for the petition.
 2. If the municipal court finds that strict compliance with this chapter would cause a real and unnecessary hardship upon the petitioner, then the court may relieve the petitioner of one or more obligations of this chapter.
 3. Filing a petition under this subsection does not:
 - a. Relieve an owner(s) or lender from complying with any requirement of this chapter, including requirements listed in posted or mailed notices;
 - b. Stay City abatement of a building or premises under other City ordinances;
 - c. Require the City to reverse, cancel, or undo any abatement action or effort completed, planned, or in progress at the time the petition is filed; or
 - d. Avoid any abatement cost or lien, whether or not the cost or lien has been calculated or, if calculated, charged against real property.

4. Any relief granted under this section operates only upon an owner or lender listed as a petitioner.

Passed by the Council and approved by the Mayor this ___ day of _____, 2020.

Mayor _____

ATTEST:

City Manager – Ex Officio City Recorder



City of Sweet Home
 Sweet Home Public Library
 1101 – 13th Avenue
 Sweet Home, OR 97386
 541-367-5007

Sweet Home Public Library

Statistics

	Oct, 2020	Nov, 2020	2020 YTD	2019	3 YR AVG
Patron Activity					
OPAC Logins	226	243	1627	3229	2808
SIP2 Logins	618	582	5519	5069	4703
Circulation and Renewals					
Checkouts	2966	2808	24316*	41328	41687
Renewals by Staff	256	248	1759	5581	7469
Renewals by OPAC	220	245	883	2973	2824
Holds Requested					
Holds by Staff	115	126	885	1629	1546
Holds by OPAC	96	156	1069	1720	1547
Monthly Active Patrons	2021	1985	2157	2375	2431
New Patrons					
Resident	23	4	69	409	465
Nonresident	1	1	12	71	54
Item Counts	35997	35774	35816	35973	35348
Public Access Computers					
Logins	154	66	1947	5425	5256
Pages Printed	851	361	4209	10636	5075
Resource Sharing Savings	\$1018.30	\$1807.22	\$5752.22	\$35213.57	Not available

**An error has been found in reporting statistics over the past months and has been corrected:
 October 2966 / September 2746 / August 2189 / July 2213 / June 1347 / May 775 / April 818 /
 March 1574 / February 3413 / January 3287*

Events

As the Library Director, I would say that 2020 has been like no other year we have ever experienced.

The Library altered our services again on November 18 resulting from the Governor's order of a 2-week freeze. During this time, the Library went back to offering curbside service only. Curbside is more labor intensive than a normal checkout in that the staff locate and pull items from the shelves for the patrons. We have encouraged patrons to contact us by phone, email or in person for the items they want. Items are checked out and then bagged. Staff call the patron to let them know their items are ready for pick up and schedule a time with the patron. The patron calls the library when they arrive; staff then place the bagged items on a cart for the patron to pick up for contactless delivery service!

Curbside pickups = 96

Phone calls = 156

Emails = 17

MEMORANDUM



TO: City Council
Ray Towry, City Manager
Interested Parties

FROM: Blair Larsen, Community and Economic Dev. Director

DATE: December 8, 2020

SUBJECT: Community and Economic Development Department Report for November, 2020

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 November 1st, to November 30th, 2020.

1. BUILDING

- Summary of Building Program Permits Issued.

Permit Category	November, 2020	October, 2020	2020 YTD	2019 Total	2015-2019 Annual Average
Residential 1 and 2 Family Dwellings	2	1	21	31	33.2
Residential Demolition	1	0	7	8	7.2
Residential Manufactured Dwellings	0	0	5	17	13.6
Residential Mechanical Permits	5	4	86	116	100.8
Residential Plumbing	3	6	24	38	35
Residential Site Development	0	0	0	1	1.6
Residential Structural	4	2	50	54	41.8
Commercial Alarm or Suppression Systems	1	0	2	2	1.0
Commercial Demolition	1	2	4	3	2.4
Commercial Mechanical	0	4	17	18	14.6
Commercial Plumbing	0	4	9	15	11.6
Commercial Site Development	0	0	2	0	2.8
Commercial Structural	2	5	27	50	44.0
Total Permits	19	28	254	353	309.6
Value Estimate of All Permits	\$724,538.44	\$5,369,611.86	\$14,583,372.40	\$24,458,766.87	\$14,266,780.27
Fees Collected	\$11,627.30	\$68,882.63	\$205,355.36	\$298,099.90	\$201,486.98

2. PLANNING

- Summary of Planning Division Applications Approved:

Application Type	November, 2020	October, 2020	2020 YTD	2019 Total	2015-2019 Annual Average
Annexations	0	0	1	0	0.2
Code Amendments	0	0	1	1	0.2
Conditional Use	1	0	5	7	5.2
Partition	0	1	8	10	4.2
Planned Development/Subdivision	0	0	1	1	0.6
Property Line Adjustments	4	0	15	7	3.4
Vacation	0	0	0	0	0.4
Variance	0	0	1	6	4.0
Zoning Map Amendment	0	0	4	0	0.6

- 4 land use applications were submitted in November.
- 8 Land Use Applications are pending final approval.
- 2 Fence Permits were issued in November.
- The overhaul of development code portions of the Sweet Home Municipal Code (SHMC) is progressing as planned. Staff has reviewed early drafts, and our consultants are preparing the next draft, which will then be presented to the Planning Commission.
- The City has received a grant from the State to update our Transportation System Plan and create an Area Plan for the undeveloped land on the north side of the City. We will be meeting with ODOT in the next couple of months to work out an Intergovernmental Agreement, draft the Scope of Work, and hire a consultant.
- The next Planning Commission meeting is scheduled for December 7, 2020.

3. ECONOMIC DEVELOPMENT

- Staff received two submissions in response to the City's Request for Proposals for a Downtown Streetscape and Parking Plan. Staff evaluated and scored the submissions, and Dougherty Landscape Architects (DLA) received the highest score. Staff will now negotiate a contract with DLA for the work.
- Staff is modifying the CEIP Program based on your feedback, and will have a new draft of the program documents prepared soon.
- Staff are working to support our local businesses during the Coronavirus Pandemic. Efforts have focused on making sure that businesses know of state and federal programs that can help them and researching how we can fill in the gaps. Staff have applied for grants with the State of Oregon and Federal Government for additional small business assistance grants. We have received three grants:
 - One is \$25,000 from the State (matched by \$25,000 from the City Economic Development Fund; We originally applied for \$50,000), which was later increased to \$50,000 for small business grants within the City of Sweet Home. We have given out a total of 6 grants. This is a disappointingly small amount. However, other jurisdictions are having the same problem, and many are concerned that the State requirements are too stringent. This grant has ended.
 - The second grant is \$150,000 in CDBG funds for a County-wide (excluding the City of Albany) business assistance grant program that will be administered by

Community Lending Works (CLW). This grant now operating, and CLW is taking applications.

- The third grant is \$50,000 for emergency childcare to be provided by the Boys & Girls Clubs of the Greater Santiam. This grant has been fully expended, and Staff is working with the State to obtain additional funding for this program.
- Work on a property partition and right-of-way width change for 24th Ave is on hold pending a No Further Action (NFA) designation by DEQ. This is part of a comprehensive 24th Avenue Corridor Improvement Project. Staff is now finalizing the agreement with the adjacent property owners and working on a Request for Council Action to approve the partition application and adopt a resolution to swap the land, however, the project has been stalled due to the other party's concerns about liability for any additional environmental cleanup. Staff has contacted Weyerhaeuser about the issue, and they are now back on track working toward a No Further Action designation for the property. Weyerhaeuser has provided a timeline for the remaining work, and we expected to have a No Further Action designation two months ago, however, staff at DEQ say that the work has been delayed due to the effects of the wildfires, but they say that an NFA will be granted. Once the NFA is granted, the adjacent property owners will conduct their own legal review, and agree to move forward with the swap.
- Staff has submitted an application to ODOT for a Rail Crossing at 24th Avenue. Meetings with Albany & Eastern Railroad have been positive, and they have provided a letter of support that was included with the application. Linn County has provided a letter of support committing to additional ROW dedication and agreeing to the crossing. ODOT has now assigned a property manager, and has begun the process of reviewing the request and suggesting modifications.
- We continue to try to work with Linn County to develop a plan for the old Weyerhaeuser mill site. The remaining cleanup looks positive, and it is possible that it could be completed soon, however, some pollutants will be left in place, and would require a management plan that ensures that the ponds and the associated sediment are not disturbed. Staff has stayed in contact with DEQ regarding the cleanup efforts.

4. CODE ENFORCEMENT

- Summary of Actions.
 - CE currently has 29 open cases.

Case Status	November, 2020	October, 2020	2020 YTD	2019 Total	2018-2019 Annual Average
New Complaints	22	14	57	0	0
In Progress—Investigating		20	22	5	5
Violations Resolved	24	13	171	481	392
Complaints Noted with No Violation Found	3	3	9	37	29
Citations	0	1	3	0	0
Abatements	0	0	0	0	0
Enforcement Type	November, 2020	October, 2020	2020 YTD	2019 Total	2018-2019 Annual Average
Animal	8	2	39	63	51
Blight	0	0	1	2	1
Illegal Burn	0	0	0	1	3
Illegal Dumping	0	0	0	0	1
Illegal Parking	1	0	22	4	2
Illegal Sign	4	0	4	2	2
Graffiti	0	0	0	1	1
Junk/Abandoned Vehicle	0	1	4	16	12
Minimum Housing	2	0	2	8	4.5
Occupying an RV	3	2	42	59	46
Open Storage	19	12	58	91	77
Other	2	0	7	18	32.5
Public Nuisance	15	17	85	56	37
Public Right-of-way	0	0	13	36	18
Tall Grass & Weeds	0	5	155	161	132.5
Vacant Lot	0	0	0	0	0.5

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

- The Park and Tree Committee will meet next on December 16th, 2020.
- The Sweetheart Run is coming up on Saturday, February 13th, 2021. We recently learned that the Siletz Tribes are not offering their grant this year, and Staff is now looking into other ways to fund the event. The first planning meeting for the Sweetheart Run was held November 13th, and staff and volunteers are beginning the initial planning and fundraising work.
- Construction of Sankey Park Improvements is continuing. Excavating for the path base, and water, power and control lines has begun. Construction on the play structures has been completed. Lighting units are being installed. The first phase of concrete has been

completed, and the remaining concrete work continues. Work on the asphalt paths is on hold until 2021 while remaining lighting conduits and sprinkler lines are installed.

6. OTHER PROJECTS

- Staff has worked with the School District to submit two Safe Routes to Schools grant applications to ODOT for a pedestrian beacon on Hwy 228 at 2nd Avenue, and Sidewalks on Mountain View Road and 18th Avenue related to the Junior High School improvements. We recently learned that while the sidewalk project was denied, a grant for the pedestrian beacon was approved.
- Preliminary work on the 18th Ave & Willow St Neighborhood Water LID (Proposed) continues. Staff is working on the LID scope, costs, and allocation to individual lots for the water system, and is working on estimates for street improvements. Staff is also researching the possibility and effect of adding adjacent county-owned land to the LID in order to spread out the costs over a larger area, and Staff is still attempting to begin negotiations with the County on this issue.
- The Council has authorized ownership of the sculpture in the ODOT right-of-way near the East Linn Museum, and we have received a proposed Intergovernmental Agreement from ODOT. However, Citizens have come forward seeking to add a roofed structure over the artwork to protect it from the weather. Staff is working with ODOT to modify the IGA in order to allow the construction of a roofed structure. Staff inquired to learn if City acquisition of the property was a possibility. Initially, ODOT informed us that such action was not a possibility. However, after additional follow-up, ODOT is indicating that a right-of-way vacation is possible, which would add some of the property to the East Linn Museum property. Staff expects that ODOT will send a modified agreement by the end of January.
- The property line adjustment for the east property line at the NCH is still pending. The Council has approved an agreement with the adjacent owner, a survey has been completed, and recording of the transaction is pending. All that remains is approval by the adjacent property owner's mortgage holder.
- The ODOT Foster Lake Sidewalk Project: Budgetary constraints have required that the project be limited to one side (the north) of US 20. The new scope also removes the section underneath the railroad bridge, and calls for a soft-surface path in that location to be constructed by the City. Construction has been delayed until 2022.
- The CEDD systems analysis is ongoing. This project will "map" out all department processes so that efficiencies can be identified, delays can be removed, and operations can be made easier for both customers and staff. These process maps will be documented for staff continuity and to share with other departments.

MEMORANDUM



TO: Ray Towry, City Manager
 FROM: Greg Springman, Public Works Director
 DATE: December 8, 2020
 SUBJECT: Public Works Activities Report – November, 2020

This memorandum provides a brief periodic update of specific projects, WTP/WWTP O&M and Compliance status, and activities performed by the Public Works Department.

This table section summarizes work done on key maintenance activities.

Work Type	November, 2020	October, 2020	2020 YTD	2019	2 Yr Ave*
Bathrooms/Garbage	38	56	551	742	524
Catch Basin Inspection/cleaning	0	0	48	31	268
Leaf Collection	123	11	135.5	223	202
Hydrant Flushing	0	0	245	303	236
Locates	17	45	480	448	281
Meter Re-Read	52	67	731	441	317
Mowing	1	3	82	129	114
Playground EQ Inspection	2	0	21	98	73
Pothole Repair	10	28	548	609	406
Sewer CCTV Miles	0.27	0	5.71	1.59	0.99
Street Sweeping Miles	100	45	2086	4142	3540
Water Main Repair	0	1	5	15	17
Water Service Repair	0	2	18	31	22
Water Turn Ons/Offs	53	71	859	1040	779
Total Completed Work Orders	521	475	7391	8571	6242

* Not full 2 year average as 2018 is partial year

WWTP and WTP Key Performance Indicators (KPIs)

	October, 2020	September, 2020	2020 YTD	2019	5 Yr Ave
Potable					
MG Treated	22.53	22.91	290.94	444.48	434.89
Backwash Water in MG	1.39	1.07	11.80	22.90	13.50
Ave daily demand in MG	0.73	0.89	0.97	1.21	1.17
Sanitary					
MG Treated	28.77	22.6	458.49	547.14	559.36
Max Daily Flow in MG	1.6	1.09	5.11	7.30	6.02
Average Flow in MG	0.93	0.76	1.51	1.50	1.53
Solids Inventory lbs	ND	ND	24251	ND	ND

* MG is Million Gallons

** ND is No Data

Notes: No exceedances for the month of October

Current & Upcoming Projects

Treatment Facilities Working on bringing Operations in House

Scope: Council voted to resume operations of treatment facilities.

Status: Current proposed transfer on July1, 2021.

Wastewater Treatment Plant Improvement Project

Scope: Upgrades to equipment & processes for DEQ Compliance

Status: Project on schedule. WWTP Final design commenced in August, 2019. WWTP Improvement Project is at the 60% design completion. Currently, staff in progress completing Value Engineering study with Keller Associates.

Water Loss

Scope: Staff will continue to identify water leaks throughout the 54 miles of water distribution system.

Status: PW staff submitted updated Water Loss Charts to Council in November, 2020, projecting current water loss below 11%.

Radar Speed Signs

Scope: Purchase 6 radar speed signs throughout the community.

Status: Staff ordered 6 radar speed signs. Installed two signs, one on 1st Avenue, second on Airport Road. Permits applications has been submitted to ODOT for multiple location along State Highway 20 and Highway 228. Currently waiting on ODOT permits.

Sankey Park Improvements

Scope: Install new paths, lighting, and playground equipment.

Status: Playground equipment installation was completed week of June 29, 2020. Concrete sidewalks/paths are at 50% completion. Lights are at 50% completion. Additional concrete work will occur as weather allows.

2020 Overlay Project

Scope: 29th Avenue Chip Seal completed this summer.

Status: Project on hold until FY 20/21 spending is approved.

Water Distribution System Evaluation – Murraysmith

Scope: Murraysmith will perform a hydraulic water model of the water distribution system to pinpoint operations deficiencies and develop a plan to mitigate water system deficiencies.

Status: City staff purchased water modeling software, which Murraysmith to hydraulically model the water distribution system. Project currently in progress awaiting results from staff.

System Development Charges (SDCs) – Murraysmith

Scope: Provide an update to the current water and sewer system development charges (SDCs) and establish new transportation, parks, and stormwater SDCs based on current capital improvement plans. Council Workshop presentation took place on July 28, 2020.

Status: Actively in progress. Council to review mythology in November, 2020. 90 days notices was published November 9, 2020. Hearing date set for February 9, 2021.

Backwash Pump Evaluation – West Yost

Scope: Evaluate feasibility of adding a backwash pump and using clearwell for filter backwashes and the corresponding effects on the distribution system and treatment.

Status: In design with West Yost.

Finished Water Pump Evaluation – West Yost

Scope: Evaluate feasibility to add a Variable Frequency Drive (VFD) to the current finish water pumps to maintain a constant level in clearwell to help facilitate Backwash Pump.

Status: In design with West Yost.

WTP Disinfection Evaluation – The Automation Group (TAG) (sub from West Yost)

Scope: Murraysmith will perform a hydraulic water model of the water distribution system to pinpoint operations deficiencies and develop a plan to mitigate water system deficiencies.

Status: Staff procured equipment, Public Works staff to complete installation. TAG commencing with installation and programing, onsite installation scheduled for Dec 1st and 2nd.

Important Information Regarding Your Xfinity Services and Pricing

Effective January 1, 2021

Dear Xfinity Customer,

Thank you for trusting us to keep your home connected. We know how important reliable service is to you now more than ever, and are grateful that you've chosen Xfinity to support you during this time. Therefore, we are writing to let you know about an **upcoming price change**.

We're focused on making our network stronger, while maintaining access to great content, in order to meet our customers' current needs and future demands. Our efforts have allowed us to meet the challenges of 2020 head on—particularly in terms of supporting the increased demand for Internet connectivity. This has required **investment in our high-capacity network**, which is costly and impacts our pricing. In addition, TV networks charge us fees to bring their content like sports and entertainment to you, and those **programming costs continue to rise**.

The **price of your service will increase** starting with your next bill so we can continue to provide the best-performing, most reliable services in the country, including:

- **The ultimate entertainment experience**, with live TV, sports, streaming, and music together—and you can search across everything instantly with our award-winning Voice Remote
- **The fastest, most reliable Internet** on the largest Gig-speed network available
- **Peace of mind** that your personal information is safe, private, and secure—we do not monitor, track, or sell any information about your Internet usage
- **Strong WiFi coverage** in your home with the xFi Gateway and access to 20 million secure Xfinity WiFi hotspots nationwide
- **Protection from online threats** with Advanced Security, now free with your xFi Gateway (a \$72 per year value)
- **Great streaming** included with access to all your favorite streaming apps, plus hundreds of awesome TV shows, movies, documentaries, sports, and news from Peacock Premium (a \$4.99 per month value)

Additional details on these price changes are enclosed in this bill. If you currently have a promotional offer or minimum term agreement with your services, those prices will stay the same throughout your promotional period or contract term. However, equipment charges, charges for additional features, taxes, and other fees (including the Regional Sports Network Fee and Broadcast TV Fee) may change. When your promotional offer or contract term ends, your bill will reflect our new package prices. For additional information, go to **xfinity.com/pricechange**.

Thank you for your trust and for choosing Xfinity.

Sincerely,

Your Xfinity Team

Important Information Regarding Xfinity Services and Pricing

Effective January 1, 2021

BASIC SERVICES

	Current	New
Broadcast TV Fee Linn County, Millersburg, Sodaville, Sweet Home, Tangent	\$14.95	\$19.45
Broadcast TV Fee Adair, Albany, Benton County, Corvallis, Philomath	\$11.85	\$13.80

XFINITY TV SERVICES

	Current	New
Choice TV	\$25.00	\$30.00
Choice TV - - with TV Box (Flex upgrade)	\$30.00	\$35.00
HD Technology Fee	\$10.00	\$9.95
HD DVR Service	\$9.95	\$10.00
AnyRoom DVR Service	\$9.95	\$10.00
Service to Additional TV with TV Adapter	\$6.99	\$7.50

PAY-PER-VIEW AND ON DEMAND SUBSCRIPTION SERVICES

	Current	New
AMC + On Demand	\$4.99	\$6.99
Docurama On Demand	\$2.99	\$4.99
Gaia On Demand	\$9.99	\$11.99
Gaiam TV Fit & Yoga On Demand	\$6.99	\$7.99
UP Faith and Family On Demand	\$4.99	\$5.99
WE tv + On Demand	\$4.99	\$5.99

MISCELLANEOUS

	Current	New
Regional Sports Fee Corvallis, Benton County, Philomath, Adair Village, Albany	\$6.10	\$6.60
Regional Sports Fee Tangent, Sweet Home, Millersburg, Linn, Sodaville	\$7.00	\$7.50



November 25, 2020

SENT VIA EMAIL

Ray Towry
City Manager
City of Sweet Home
rtowry@ci.sweet-home.or.us

Re: Important Information—Comcast Price Changes

Dear Mr. Towry,

At Comcast, we are always committed to delivering the entertainment and services that matter most to our customers in the City of Sweet Home, as well as exciting experiences they won't find anywhere else. We are also focused on making our network stronger in order to meet our customers' current needs and future demands. As we continue to invest in our network, products, and services, the cost of doing business rises. Rising programming costs, most notably for broadcast TV and sports, continue to be the biggest factors driving price increases. While we absorb some of these costs, these fee increases affect service pricing. As a result, starting January 1, 2021, prices for certain services and fees will be increasing, including the Broadcast TV Fee and the Regional Sports Network Fee. Please see the enclosed Customer Notice for more information.

We know you may have questions about these changes. If I can be of any further assistance, please contact me at (503) 605-6015 or kirk_nord@comcast.com.

Sincerely,

Kirk Nord
Director, Government & Regulatory Affairs
Oregon/SW Washington Region

Attachment: Customer Notice