

City of Sodaville
Regular Session Agenda
January 19, 2023
7:00 PM – City Hall

* Special Recognition of Elected Officials *
* Oaths of Office for Elected Officials *

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Visitors**
5. **Bills**
6. **Minutes**

- December 15, 2022 Minutes

7. **Public Comment**

This is the time to speak to the City Council or Mayor on any subject **including what is listed** on this Agenda except for Public Hearings. Time limit is 3 minutes per person.

8. **City Recorder's Report**

- City Finances
- City Update & Zoning Amendment

9. **Public Works Report**

- Water Update

10. **New Business:**

- a. City Reorganization
- b. 2021-2022 City Audit
- c. Resolution 23-01 Ending Water Restrictions
- d. Initiating Ordinance Amendment

11. **Old Business**

- A. TMDL
- B. RFP 2022-2

12. **Council Reports**

13. **Public Comment**

This is the time to speak to the City Council or Mayor on any subject **other than what is listed** on this Agenda except for Public Hearings. Time limit is 3 minutes per person.

14. **Adjourn**

PUBLIC COMMENT There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. ***PUBLIC COMMENT is not accepted during the meeting other than at those times.*** The Council reserves the right to enter into Executive Session as needed to conduct City business in accordance with Oregon Public Meeting Law as clarified in the Oregon Attorney General's Public Records and Meetings Manual or advised by counsel.

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the City Council meeting by calling 541-258-8882.

"The City of Sodaville is an equal opportunity provider and employer."

8. City Recorder Update

City Finances

The finance reports are attached to the Council Packet.

City Updates & Zoning Amendment

I joined Mayor Brian Lewis and Commissioner William Tucker for a meeting in December to discuss back taxes on city properties. Commissioner Tucker referred the matter to the Linn County Board of Commissioners in January and the Commissioners voted to pay them. The matter is resolved.

I joined Mayor Lewis and Public Works Director Burns for another meeting with Commissioner Tucker and Linn County Roadmaster Wayne Mink in January for another meeting about street safety. Because the meeting happens after the Council Packet is written, a verbal update will be provided at the Council meeting.

Commissioners Tucker discussed multiple ways that the City of Sodaville can benefit the wider community. The City is perched outside of the predicted flood path from Foster Lake should a Cascadia subduction event cause dams to fail. Rehabilitating the old general store building for general use has greater purpose because Sodaville currently lacks a facility that could be used by emergency services to coordinate a response. It was also recommended that the City engage with the Oregon Cascades West Council of Governments on a childcare initiative. OCWCOG is in the early stages of promoting small-scale home occupation childcare operations below the State's licensing thresholds as Linn County deals with an increasing deficit of childcare services.

I discussed legislative advocacy in greater detail at the last OCWCOG city managers meeting in December. The Executive Director believes that increased action on legislative advocacy is in line with OCWCOG's recently adopted strategic plan. At his request, I will be preparing a briefing on how OCWCOG can assemble a legislative agenda and lobby on behalf of member governments.

I will attend the League of Oregon Cities Lobby Day on January 25th. LOC is reimbursing the City for mileage costs for one vehicle traveling to the event. Councilmembers are welcome to join me.

Due to some potential positive personal developments, I will likely be using up my remaining vacation days before the end of my first employment year, February 28, and I would appreciate flexibility on using these days. Use of vacation days will of course require my notice to the Council about days off and preparation for absences.

9. Public Works Update

Water

The city's wells produced 334381 gallons.

The city trucked in 133369 gallons.

Reservoir + - 0 gallons

The city sold 448580 gallons

Difference of 19170 gallons. 5.02-% Loss

- Wells are recovering
 - Request removing water restrictions
- Did council have work party to look at adjusting water tier rates, as discussed last month?

Misc.

- Review PLC proposals
- Please see attached for top five water users per month and gallons used.
 - Addresses are color coded for repeat contenders. Due to privacy some information has been removed, but is available to council members upon request.

10.a Reorganization

Staff Summary

Following elections, the City must reorganize its leadership and administration.

- Election of Council President. Incumbent: Councilor Adina Olivares. Councilor may be nominated by the Mayor or any other Councilor, followed by a vote.
 - Councilmember: I nominate [Councilor] for the position of Council President.
 - City Recorder takes roll call vote.
- Election of Sergeant-at-Arms. Incumbent: Councilor Adina Olivares. Councilor may be nominated by the Mayor or any other Councilor, followed by a vote.
 - Councilmember: I nominate [Councilor] for the position of Sergeant-at-Arms.
 - City Recorder takes roll call vote.
- Appointment of Assistant to the Mayor. Incumbent: City Recorder Alex McHaddad. Appointment by the Mayor not subject to Council confirmation. This position established by Ordinance 94-01 acts as the City's procurement officer if the Mayor chooses not to exercise this function.
 - Mayor Lewis: I appoint City Recorder Alex McHaddad Special Assistant to the Mayor.
- Appointment of OCWCOG Board of Directors and Alternate. Incumbent Director: Councilor Adina Olivares. Incumbent Alternate: N/A. Appointment by the Mayor subject to Council confirmation. Director must be an elected official; the Alternate may be an elected official or employee.
 - Mayor Lewis: I appoint [Official] as OCWCOG Director and [Official] as Alternate Director.
 - Suggested Motion: I move to confirm [Official] as OCWCOG Director and [Official] as Alternate Director.
- Linn County Housing Rehabilitation Partnership. Incumbent Designee: City Recorder Alex McHaddad. Appointment by Mayor subject to Council confirmation.
 - Mayor Lewis: I appoint Alex McHaddad as the designee to the Linn County Housing Rehabilitation Partnership.
 - Suggested Motion: I move to confirm Alex McHaddad as designee to the Linn County Housing Rehabilitation Partnership.
- East Linn Utilities Cooperation Council. Incumbent Designee: J D Burns, Public Works Director. Appointment by Mayor subject to Council confirmation.
 - Mayor Lewis: I appoint J D Burns as designee to the East Linn Utilities Cooperation Council.
 - Suggested Motion: I move to confirm J D Burns as designee to the East Linn Utilities Cooperation Council.
- League of Oregon Cities Small Cities Network Meeting Region 4. Incumbent Designee: Councilor Adina Olivares, City Recorder Alex McHaddad. City Recorder attends by default; participation of Councilor reached by consensus.
 - *No motion necessary.*
- Checking Account Signers. Incumbents: Roger Perry, Adina Olivares, Ray Jackman, Alex McHaddad. Ray Jackman must be removed by formal vote of the Council. Removal and addition of signers requires a formal vote of the Council.

- Suggested Motion: I move to remove Ray Jackman [and others, if applicable] from the Chase Checking Account.
- Suggested Motion: I move to add Brian Lewis [and others, if applicable] to the Chase Checking account.
- LGIP Account Manager. Incumbents: Roger Perry, City Recorder Alex McHaddad. Council must formally vote to remove Roger Perry and add Brian Lewis.
 - Suggested Motion: I move to remove Roger Perry and add Brian Lewis to the LGIP account.

10.b. 2021-2022 City Audit

Staff Summary

The Council will receive a presentation of the 2021-2022 audit present by Koontz, Blasquez & Associates, P.C.

10.c. Resolution 23-01

Staff Summary

As discussed during the Public Works Director's updated, staff recommend an end to water restrictions due to the recovery of the wells. Resolution 23-01 ends the water restriction declared by Resolution 22-10.

Resolution No. 23-01: A RESOLUTION ENDING WATER RESTRICTIONS

THE CITY OF SODAVILLE ORDAINS AS FOLLOWS:

Whereas the City's wells began showing signs of recover in January 2023,

Whereas the City's Public Works Director advised the City to end water restrictions in January 2023,

Resolved, in accordance with Ordinance 17-01 Section 4.A.4., the City Council determines that Water Restrictions are no longer effect as of February 1, 2023, and

Resolved, non-restriction water rates will be applied beginning in February 2023 to appear on March 2023 water bills.

10.d. Initiating Zoning Amendment

Staff Summary

The Lebanon Express has gone out of business and the City's Zoning & Development Ordinance needs to be amended to choose a new paper of record. It is recommended that the City use the Albany Democrat-Herald, though staff will note that the City of Lebanon is using the Lebanon Local.

Suggested Motion: *I move to initiate an amendment to Ordinance 19-02 changing the newspaper of record for Zoning and Development.*

11.A TMDL

Staff Summary

At the December 2022 meeting, the Council reviewed a draft ordinance for review. That document will no longer be under consideration now that DEQ has provided model code for implementation.

The packet includes a draft stormwater management ordinance based on DEQ's model code. It is under review by counsel and DEQ, so it cannot be passed at this meeting, but will likely be under consideration in February as Ordinance 23-01.

DEQ asked that the 2022 annual report be completed by January 31st. It is in progress.

As part of TMDL implementation, staff reviewed ORS 448.315, which deals with the establishment of municipal "special police." These are constables not certified by the Department of Public Safety Standards and Training who nevertheless have the power to make arrests over offenses against, or violations of OHA rules pertaining to, "the purity of the domestic water supply source or the community water supply system." For clarification, special police do not have jurisdiction over water restriction violations such as using sprinklers, but could act to prevent the introduction of harmful pollutants into the city's wells or delivery system. Special police are appointed by the Mayor.

Establishing a Sodaville Special Police force composed of both current city employees is a strategy to demonstrate to the Department of Environmental Quality that we are serious about implementing TMDL requirements. It will likely draw greater attention to the issue of TMDL implementation, which continues to plague small cities in particular despite the program's lack of relevance to municipalities with populations less than 5,000. While the law does not make the Mayor's appointment of a special police force subject to Council approval, the Council would have to make determinations about insurance, the state-mandated purchase of badges, and the hierarchy. Historically, public works and special police were part of the same portfolio in Sodaville, and appointed the public works director as marshal of special police while the city recorder serves under this position for this specific purpose would be recommended.

CIS coverage status for these positions is unknown. CIS says, "While this type of exposure is not excluded in our coverage agreement, we are very concerned about any uncertified law enforcement being allowed to work for our membership. Police claims are very expensive, thus why we have a RMC dedicated to just law enforcement risk management. We have excluded coverage from cities who want to venture into this realm in the past." The City of the Dalles is the only known Oregon municipality with a seasonal watershed patrol officer, though their utilization of ORS 448.315 is unknown. Portland and Metro also have special police for parking enforcement, the former hiring officers under the jurisdiction of the Transportation Bureau rather than Police Bureau. CIS coverage status for Portland's special police officers is unknown. Only nine states and the District of Columbia have laws allowing "special police."

Advice from legal counsel and clarification from CIS about coverage are also recommended. Staff need clarification from Council about whether to continue reviewing this subject.

11.B RFP 2022-2

Staff Summary

RFP 2022-2 was issued with the intent of procuring an engineering firm to bid on the City's municipal well conversion project. No firm has bid on the project by the deadline despite outreach. Staff request permission from the Council to modify RFP 2022-2 to be open until filled rather than due in January. Proposed language changes on page 1 are as follows:

PROPOSAL SUBMISSION DEADLINE:

Proposal may be received at any time.

TIMELINE:

The Council will interview bidders at the next regular Council meeting following submission as long as a proposal is submitted by 12:00PM the week following a regular meeting. The Council will vote on awarding a contract at the meeting where bidding firms are interviewed.

Suggested motion: *I move to adopt the proposed amendments to RFP 2022-2.*

Staff note: It appears that many qualified engineering firms are currently more focused on bids to become municipal engineers of record rather than individual projects. If a bid cannot be obtained for this project soon, it may be necessary for a new RFP for an engineer of record to take care of this and all such engineering projects in the future.