

City of Sodaville

Regular Session Agenda

December 15th, 2022

7:00 PM – City Hall

Phone Number: 253-215-8782 * Meeting ID: 894 9523 5005 * Passcode: 338822

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Visitors**
5. **Bills**
6. **Minutes**
 - November 17, 2022 Regular Session
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
9. **Public Works Report**
 - Water Update
10. **New Business:**
 - A. Resolution 22-12 Certifying Election Results
11. **Old Business**
 - A. Ordinance 22-09 Amending Ordinance 19-02
12. **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.
13. **Council Reports**
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

Working on TMDL implementation continues to prove challenging as DEQ's advice is as ambiguous as their admonitions. Today the Council will consider the first Ordinance to comply with TMDL requirements, written on the advice of DEQ but then called insufficient. DEQ said Sodaville will need to adopt missing requirements regardless of whether DEQ provides model language or not, adding "DEQ does not have model language that we officially provide." After I submitted a letter to the editor about implementation difficulties in the Albany Democrat-Herald, DEQ suddenly provided a document featuring model code for implementation. It was not submitted in time to write a more complete post-construction stormwater runoff ordinance, so the project is ongoing. The Ordinance that the Council will review tonight is the starting point for implementation, not the endgame.

I worked with the League of Oregon Cities to write a legislative brief for homelessness prevention funding that will be submitted in LOC's two legislative packages next year. Sodaville will identify prevention efforts as the primary use for funds. A request will also be made for \$1 million to refurbish the General Store building for a multipurpose social services center.

New City Hall office hours are 8:00AM-4:00PM Tuesday-Friday. New office hours began the week of December 5th.

Bids for RFP 2022-2 to convert a private well into a municipal well have been sought from eight engineering firms. Only one has replied, to say that they are unable to bid.

I would like to take a vacation December 19th-23rd. Paid vacation hours for employees don't accrue until one year of work, so this leave would be unpaid.

9. Public Works Update

Water

The city's wells produced 326856 gallons.

The city trucked in 114070 gallons.

Reservoir + - 0 gallons

The city sold 428952 gallons

Difference of 11974 gallons. 2.71-% Loss

Annual water use report was completed and accepted by the Water Resources Department on 11/30/22.

Well production continues to be regressing.

Parks

Back double door of store removed and wall built in their place.

Streets

ODOT Certified Public Road Mileage Report filed 12/6/22.

10.A. Resolution 22-12 Certifying Election Results

Staff Summary

Cities are required to certify election results prior to candidates taking office or ordinances going into effect. The Linn County Clerk’s office provided a canvass of elections results for Sodaville December 1, 2022.

Suggested Motion: *I move to adopt Resolution 22-12.*

Resolution 22-12 Certifying Election Results

Whereas the Linn County Clerk conducted elections for the City of Sodaville on November 8, 2022,

Whereas the Linn County Clerk provided the Official Report of the Linn County General Election to the City of Sodaville dated December 1, 2022,

Resolved, the City of Sodaville certifies the election results:

Precinct	Ballots Cast	Reg. Voters	Total Votes	Brian Lewis		Write-in		Over Votes	Under Votes
Precinct 068	191	293	128	114	89.06 %	14	10.94 %	0	63
Total	191	293	128	114	89.06 %	14	10.94 %	0	63

Precinct	Ballots Cast	Reg. Voters	Total Votes	Roger Perry		Joe Parsons		Write-in		Write-in		Over Votes	Under Votes
Precinct 068	191	293	215	108	50.23 %	101	46.98 %	4	1.86 %	2	0.93 %	0	167
Total	191	293	215	108	50.23 %	101	46.98 %	4	1.86 %	2	0.93 %		1607

Passed by the City Council this 15th day of December, 2022.

Approved by the Mayor this _____ day of December, 2022.

_____ Ayes _____ Nays

Mayor

City Recorder

11.A. Ordinance 22-09 Amending Ordinance 19-02

Staff Summary

Ordinance 22-09 amends the Sodaville Zoning & Development Ordinance by adding a new chapter that addresses post-construction stormwater runoff. DEQ recommended that the City adapt an equivalent ordinance adopted by the City of Millersburg. This is the first Zoning & Development Ordinance amendment that will ensure compliance with TMDL requirements; more will be submitted in the future in response to the Council's initiation of amendments in October 2022. The City's legal counsel has reviewed the proposed ordinance and their recommendations are included in the presented draft.

Suggested Motion: *I move to adopt Ordinance 22-09.*

Ordinance 22-09 Amending Ordinance 19-02

Whereas the City Council voted to initiate an Amendment to Ordinance 19-02 at the October 2022 regular Council meeting to comply with Total Maximum Daily Load requirements,

Whereas, the Oregon Department of Environmental Quality may impose limitations and controls such as Total Maximum Daily Loads (TMDLs), including wasteload and load allocations, and may require responsible sources meet these allocations through compliance with discharge permits or other strategies developed in sector or source-specific implementation plans.

THE CITY OF SODAVILLE ORDAINS AS FOLLOWS:

Section I. A 4th chapter is added to the Sodaville Zoning & Development Ordinance entitled POST-CONSTRUCTION STORM WATER QUALITY.

Section II. Chapter 4 reads as follows:

4.100 POST-CONSTRUCTION STORM WATER QUALITY

4.101 Design and Construction Standards.

The engineering standards and construction standards adopted under the Sodaville Zoning & Development Ordinance provide the design and construction criteria for private and public post-construction storm water quality facilities required under this chapter. In the event that any provisions of the engineering standards and/or construction standards are in conflict with any section of this chapter, the provisions of this chapter will govern.

4.102 Applicability of post-construction storm water quality requirements.

Property owners engaged in development or redevelopment projects, or who have said projects occurring on their property, that require a post-construction storm water permit in this chapter shall install permanent post-construction storm water quality facilities.

4.103 Permit required.

A post-construction storm water quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development.

4.104 Permit exemptions.

A development may be exempted from the requirement of Section 4.103 when one or more of the following conditions exist:

1. Construction develops less than $\frac{1}{4}$ of an acre.
2. Construction re-develops less than $\frac{1}{4}$ of an acre.

4.105 Application for a permit.

To obtain a permit, the property owner shall apply to the City of Sodaville. Every such application shall:

1. Identify and describe the work to be covered by the permit; and
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitively locate the proposed work; and
3. Be accompanied by a post-construction storm water quality plan conforming to the requirements of Section 4.108; and
4. Identify the person(s) or entity(ies) performing the development activity and constructing the post-construction storm water quality facilities; and
5. Provide a 24-hour emergency contact person and phone number; and
6. Be signed by the owner of the property upon which the development activities will occur; and
7. Contain a statement of financial responsibility for damages resulting from noncompliance with post-construction storm water quality permit requirements, should any such occur; and
8. Be accompanied by the applicable fees described in Section 4.108.

4.106 Permit transfer.

Post-construction storm water quality permits shall be obtained by the property owner for the property upon which the development activities will occur.

1. A post-construction storm water quality permit may not be transferred to any person(s) or entity except upon transfer of title for the property.
2. The person(s) or entity obtaining title to a property with an active post-construction storm water quality permit shall apply for transfer of the existing permit, or shall obtain a new post-construction storm water quality permit.
3. The property owner transferring title for a property with an active post-construction storm water quality permit shall notify the new owner(s) of the requirements of subsection (2) of this section.
4. The most recent post-construction storm water quality permit for a property will supersede all other post-construction storm water quality permits that apply to that property.

4.107 Permit duration.

1. Post-construction storm water quality permits issued under this title will be valid for a period of one year.
2. Prior to the expiration of a post-construction storm water quality permit, the permit holder may present a written request for an extension to the Public Works Director. If the Public Works Director determines an extension is warranted, up to a 12-month extension may be granted. Extensions will be subject to the applicable fees described in Section 4.109.

4.108 Post-construction storm water quality plan required.

Applicants for a post-construction storm water quality permit shall submit as a part of their permit application a post-construction storm water quality plan. Each plan shall comply with the minimum standards outlined in the engineering standards, construction standards, and the provisions of this chapter. Each post-construction storm water quality plan shall be reviewed,

approved, and stamped by a professional licensed in Oregon as a civil or environmental engineer or landscape architect.

4.109 Permit fees required.

Fees applied under this title shall be the same as for a Permit Plan Review in the City Fee Ordinance.

4.110 Authorization for private storm water facilities operation and maintenance agreements.

1. The City Recorder is authorized to develop standard private storm water facilities operation and maintenance agreements and accompanying standard maintenance requirements for incorporation into the engineering standards.
2. The City Recorder is authorized to enter into private storm water facilities operation and maintenance agreements on the City's behalf.

4.111 Private storm water facilities operation and maintenance agreements required.

1. Private storm water facilities operation and maintenance agreements are required for all private post-construction storm water quality facilities that require a permit under this chapter.
2. Private storm water facilities operations and maintenance agreements shall be recorded at the applicable County Recorder's Office and shall run with the land.
3. Redevelopment of a property already operating under a private storm water facilities operation and maintenance agreement will require execution of a new agreement if the City Recorder determines, in the exercise of reasonable discretion, that the redevelopment is likely to have a material impact upon the operation, maintenance, or effectiveness of the previously approved facilities.

4.112 Completion of construction.

1. A requirement to construct storm water quality facilities shall not be satisfied until the facilities have been determined to be in compliance with all requirements and specifications and formally accepted by the Public Works Director.
2. Unless an exception is granted pursuant to subsection (3) of this section, plats, partitions, certificates of occupancy, or other City permits or approvals which are conditioned upon the completion of post-construction storm water quality facilities will not be given prior to completion and acceptance by the Public Works Director of said facilities.
3. The City Recorder may, in the exercise of reasonable discretion, waive the requirement of subsection (2) of this section and execute plats, partitions, certificates of occupancy, or other City permits or approvals prior to the completion of post-construction storm water quality facilities if he/she determines that the public interest so requires. In such an event, the owner shall be required to provide an improvement assurance satisfactory to the City Recorder and the City Attorney guaranteeing timely completion of the aforesaid facilities. Nothing in this subsection shall excuse the requirement that the owner provide a duly executed private storm water facilities operations and maintenance agreement per Section 4.112 prior to the issuance of any of the approvals enumerated herein.

4.113 Right of entry—Inspection and testing.

The Public Works Director shall be authorized and have the right to inspect all premises, sites, and/or activities covered under an approved post-construction storm water permit or private storm water facilities operation and maintenance agreements required under this chapter to determine compliance with this chapter and any rules or orders adopted by the Council or issued pursuant to this chapter.

1. The Public Works Director shall have the right to locate or install on the owner's property, or require installation of, such devices as are necessary to conduct sampling, inspection compliance, and/or monitoring operations.
2. Where an owner has security measures in force that require proper identification and clearance before entry into its premises, the owner shall make necessary arrangements so, upon presentation of suitable identification, the Public Works Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
3. Owner shall allow the Public Works Director ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under conditions of post-construction storm water quality permit or private storm water facilities agreement, and the performance of any additional duties as defined by State and Federal law.
4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly modified or removed by the owner at the written or verbal request of the Public Works Director and shall not be replaced without the consent of the Public Works Director. The costs of clearing such access shall be borne by the owner.
5. Unreasonable delay in allowing the Public Works Director access to a facility being developed under a post-construction storm water quality permit or a facility operating under a private storm water facilities operation and maintenance agreement is a violation of this title. Any person who denies the Public Works Director reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this title commits an offense punishable under the general penalty.

4.114 Continuing obligations of owners and entities using, occupying, or controlling subject property.

It is unlawful for any entity that exercises control or authority over the maintenance of land, and/or improvements thereto, to fail to comply with the terms of a private storm water facilities operation and maintenance agreement concerning the property over which they have such rights and/or responsibilities. Any provision of this chapter that creates a responsibility, duty, or obligation on the part of the owner also applies to any entity using, occupying, or in control of the subject property.

4.115 Unlawful conduct.

1. It is unlawful to use land for any purpose for which development approval was conditioned, or permitted, upon the operation and maintenance of a private storm water facilities operation and maintenance agreement without strict compliance with all terms of such agreement.
2. It is unlawful to alter, damage, or interfere with any public or private post-construction storm water quality facility without prior written approval from the Public Works Director.

3. Violation of this section is a misdemeanor punishable under the general penalty and a public nuisance which may be enjoined by the City.

Passed by the City Council this 15th day of December, 2022.

Approved by the Mayor this _____ day of December, 2022.

_____ Ayes _____ Nays

Mayor

City Recorder

Resources 11/30/2022	Budgeted	Remaining	Received
Available Cash On Hand	\$203,200.00	-\$464.94	\$203,664.94
Interest	\$700.00	-\$75.73	\$775.73
Franchise Fees	\$19,100.00	\$12,762.92	\$6,337.08
Grants	\$38,300.00	-\$14.82	\$38,314.82
Metered Water Sales	\$130,000.00	\$87,793.50	\$42,206.50
Construction Apps/Site Reviews/Permits	\$500.00	\$260.00	\$240.00
Zoning Apps and Permits	\$350.00	\$350.00	\$0.00
Refunds	\$500.00	\$500.00	\$0.00
Donations	\$1,000.00	\$600.00	\$400.00
Administrative Services Charges/Lien Search	\$400.00	\$270.00	\$130.00
Sale of maps, Publications & Photocopies	\$100.00	\$100.00	\$0.00
Cigarette Taxes	\$450.00	\$327.62	\$122.38
Liquor Taxes	\$6,200.00	\$2,894.55	\$3,305.45
State Highway Fund	\$25,000.00	\$13,080.56	\$11,919.44
State Revenue Sharing	\$3,000.00	\$869.67	\$2,130.33
Taxes estimated to be received	\$8,000.00	\$3,433.12	\$4,566.88
Previously Levied Taxes	\$0.00	-\$193.98	\$193.98
TOTAL	\$436,800.00	\$122,686.45	\$314,113.55

Administration Through 11/30/2022	Budgeted	Remaining	Spent
Mayor	\$400.00	\$400.00	\$0.00
Public Works Director	\$5,500.00	\$3,825.79	\$1,674.21
City Recorder	\$22,000.00	\$15,362.80	\$6,637.20
Payroll Taxes	\$4,800.00	\$3,440.58	\$1,359.42
Health Benefits and PFMLI	\$5,800.00	\$4,120.00	\$1,680.00
Consultants-Attorney, Auditor, Planner	\$2,500.00	\$961.88	\$1,538.12
Operating Expenses	\$750.00	\$666.20	\$83.80
Supplies and Duplication	\$500.00	\$363.06	\$136.94
Communications-LD, Postage, Notices	\$1,000.00	\$858.80	\$141.20
Utilities & Maintenance-Bldg/Grnd/Equip	\$2,600.00	\$1,778.29	\$821.71
Insurance-Fidelity, Liability, Property	\$1,700.00	-\$69.21	\$1,769.21
Community Relations	\$500.00	\$500.00	\$0.00
Planning Grant	\$1,000.00	\$1,000.00	\$0.00
Property Taxes	\$100.00	\$100.00	\$0.00
Office Equipment	\$500.00	\$500.00	\$0.00
Park Improvements	\$3,000.00	\$760.98	\$2,239.02
City Hall Building Improvements	\$500.00	\$500.00	\$0.00
TOTAL	\$53,150.00	\$35,069.17	\$18,080.83
Streets	Budgeted	Remaining	Spent
City Recorder	\$7,000.00	\$4,787.60	\$2,212.40
Payroll Taxes	\$8,000.00	\$5,705.94	\$2,294.06
Public Works Director	\$14,600.00	\$10,350.06	\$4,249.94
Health Benefits	\$6,000.00	\$4,240.00	\$1,760.00
Consultants/Auditor/Planner	\$1,400.00	\$538.65	\$861.35
Operating Expenses - Street Lights	\$5,500.00	\$4,111.86	\$1,388.14
Operating Expenses - Rock Grading	\$49,100.00	\$49,100.00	\$0.00
Administrative Supplies	\$500.00	\$377.20	\$122.80
Communication - LD Fax Postage & Notices	\$500.00	\$429.41	\$70.59
Equipment Expenses	\$800.00	\$800.00	\$0.00
Liability Insurances	\$1,200.00	\$12.13	\$1,187.87
Contract Services - Maintenance & Repair	\$2,500.00	\$2,500.00	\$0.00
TOTAL	\$97,100.00	\$82,952.85	\$14,147.15
Water Through 11/30/2022	Budgeted	Remaining	Spent
Utility Administration - Public Works Director	\$23,600.00	\$16,645.56	\$6,954.44
City Recorder	\$7,000.00	\$4,787.60	\$2,212.40
Health Benefits	\$15,000.00	\$10,438.45	\$4,561.55
Payroll Taxes	\$16,500.00	\$11,657.00	\$4,843.00
Electricity	\$3,500.00	\$2,054.61	\$1,445.39
Monthly Water Quality Monitoring	\$500.00	\$350.00	\$150.00
Non-Routine Quality Monitoring	\$500.00	\$500.00	\$0.00
Operating Supplies	\$1,000.00	\$207.56	\$792.44
Equipment & Facility Repair & Maintenance	\$9,500.00	\$6,075.08	\$3,424.92
Operating Expenses - Equipment Rental	\$1,500.00	\$1,500.00	\$0.00
Contract Services - Maintenance & Repair	\$1,500.00	\$1,500.00	\$0.00
Water Acquisition	\$60,000.00	\$46,346.02	\$13,653.98
Consultants-Audit, Legal, Engineering, Water Rights	\$6,000.00	\$2,246.97	\$3,753.03
Dues, Mileage, Training	\$6,500.00	\$2,149.53	\$4,350.47
Administrative Supplies & Duplication	\$1,500.00	\$1,272.04	\$227.96
Communication - Phone LD, fax, postage, notices	\$3,500.00	\$3,005.81	\$494.19
State Review, Condition Use	\$500.00	\$500.00	\$0.00
Insurance	\$2,000.00	-\$327.86	\$2,327.86
Bad Debts	\$200.00	\$200.00	\$0.00
Equipment and Upgrades	\$30,000.00	\$30,000.00	\$0.00
TOTAL	\$190,300.00	\$141,108.37	\$49,191.63
Debt Service Through 11/30/2022	Budgeted	Remaining	Spent
Vehicle	\$3,600.00	\$2,451.60	\$1,148.40
USDA & IFA	\$6,450.00	\$6,450.00	\$0.00
TOTAL	\$10,050.00	\$8,901.60	\$1,148.40
Contingency Through 11/30/2022	\$6,350.00	\$4,350.00	\$2,000.00
TOTALS Through 11/30/2022	Budgeted	Remaining	Spent
TOTALS	\$297,450.00	\$212,881.99	\$84,568.01