



Medford City Council Meeting

Agenda

August 2, 2018

6:00 P.M.

**Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon**

10. Roll Call

20. Recognitions, Community Group Reports

20.1 Employee of the Quarter

30. Oral Requests and Communications from the Audience

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

40. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 4 minutes. PLEASE SIGN IN.

40.1 Consideration of an appeal of an administrative decision regarding the defective sidewalk at 3640 Fieldbrook Avenue.

40.2 COUNCIL BILL 2018-98 A resolution granting the property owner of 1291 La Loma Drive a one-year extension to complete defective sidewalk repairs.

50. Approval or Correction of the Minutes of the July 19, 2018 Regular Meeting

60. Consent Calendar

60.1 COUNCIL BILL 2018-91 A resolution affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 1405 Oleander Street and 1701 Covina Avenue.

60.2 COUNCIL BILL 2018-92 A resolution reversing the Parks and Recreation Director's Street Tree Permit decision denying the removal of a tree located in the public right-of-way located at 1309 Alex Way.

60.3 COUNCIL BILL 2018-93 A resolution affirming the Public Works Director's administrative decision regarding the repair of a defective sidewalk located at 714 Palm Street.

60.4 COUNCIL BILL 2018-94 A resolution denying the appeal and affirming the Planning Commission's approval of a Conditional Use Permit to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive within a SFR-4 zoning district.

60.5 COUNCIL BILL 2018-95 An ordinance authorizing the purchase of a Ram Jet truck in the amount of \$284,821.67 from Owen Equipment Company through Sourcewell for high pressure sewer cleaning of sewer mainlines.

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

70. Items Removed from Consent Calendar

80. Ordinances and Resolutions

- 80.1 COUNCIL BILL 2018-96 An ordinance authorizing an exception to the Medford Municipal Code to allow the use of goats for vegetation control at the Bear Creek Golf Course located at 2355 S. Pacific Highway.
- 80.2 COUNCIL BILL 2018-97 An ordinance adding section 3.739 of the Medford Municipal Code to allow for deferred payment of street, sewer, storm drain, and park system development charges to be effective August 16, 2018.

90. Council Business

- 90.1 Proclamations issued: None
- 90.2 Committee Reports and Communications

100. City Manager and Staff Reports

- 100.1 Alternate appointment for RVACT and RVMPO
- 100.2 Street Sweep Program
- 100.3 City Sponsored Events
- 100.4 Further reports from City Manager

110. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Director

AGENDA SECTION: Public Hearings
MEETING DATE: August 2, 2018

PUBLIC HEARING

Consideration of an appeal of an administrative decision regarding the defective sidewalk at 3640 Fieldbrook Avenue.

SUMMARY AND BACKGROUND:

The Council is requested to consider an appeal of a defective sidewalk at 3640 Fieldbrook Avenue. On May 16, 2018, Public Works sent a letter to Mr. Smith informing him that the sidewalk abutting 3640 Fieldbrook Avenue is defective and needs to be repaired. Mr. Smith is appealing the need to repair the sidewalk on four grounds:

1. The complaint was anonymous and should not be acted upon.
2. The defect is "less than a quarter inch"; there are worse areas throughout the subdivision and City that have not been repaired.
3. The City should be responsible for maintaining all public right-of-way and thoroughfares.
4. If the sidewalk is Mr. Smith's responsibility, he should be able to mitigate risk of injuries to the public by denying access to the portion of the sidewalk crossing his property.

PREVIOUS COUNCIL ACTIONS

None for this address.

ANALYSIS

Section 3.010 of Medford's Municipal Code (MMC) requires owners of property within the City to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the City for all damages it has been compelled to pay in such case.

Regarding the points made by Mr. Smith:

1. While it is true the City's defective sidewalk program is complaint driven, the City makes the determination as to whether or not the sidewalk needs repair. An inspector is sent to the property address of the complaint to assess its condition. The inspector decides if the sidewalk is in compliance with the American with Disabilities Act (ADA). If the sidewalk is out of compliance then the City sends a letter to the property owner notifying them a repair needs to be completed.
2. The defect is about 1 ½ inches and does not meet ADA standards. While it may be true that other sidewalks in the City need repairs, the City only requires property owners to repair sidewalks after inspection.
3. Section 3.010 of the MMC requires property owners to maintain sidewalks. This is a common practice throughout Oregon. Examples of other cities requiring property owners to maintain sidewalks include Ashland, Phoenix, Central Point, Bend, Eugene, and Portland.
4. City code does not permit Mr. Smith to deny access to the portion of the sidewalk crossing his property. Section 3.010 of the MMC states that sidewalks are to be maintained in a condition safe for use by the public at all times. This is further explained in section 6.360 of the MMC, which states, "(1) No person shall place, cause to be placed, or permit to remain on a street or sidewalk anything that obstructs or interferes with public use of a street or sidewalk or interferes with the



CITY OF MEDFORD AGENDA ITEM COMMENTARY

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normal flow of pedestrian or vehicular traffic.” City code is in compliance with state law that states, “Public road” means a road over which the public has a right of use that is a matter of public record.” (Oregon Revised Statute 368.001 (5)). Public road is defined as: “A road or way established and adopted by the proper authorities for the legal use of the general public, and over which every person has a right to pass and to use it for all purpose of travel or transportation to which it is adapted and devoted...” (Black’s Law Dictionary)

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

- Approve the appeal.
- Modify the appeal.
- Deny the appeal and provide direction to staff regarding repair of the defective sidewalk.

STAFF RECOMMENDATION

Deny the appeal of an administrative decision regarding the defective sidewalk at 3640 Fieldbrook Avenue.

SUGGESTED MOTION

I move to deny the appeal of an administrative decision regarding the defective sidewalk at 3640 Fieldbrook Avenue.

EXHIBITS

Photos

Correspondence



CITY OF MEDFORD
AGENDA ITEM COMMENTARY
www.ci.medford.or.us

Item No: 40.1





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CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552
pwrokseng@cityofmedford.org

May 16, 2018

SMITH DANIEL L
3640 FIELDBROOK AVE
MEDFORD, OR 97504

Re: Defective Sidewalk at 3640 FIELDBROOK AVE & Case # 18-1068

We have received a complaint regarding the condition on the sidewalk abutting property owned by you at the above address.

As stated in Section 3.010 of the Medford Municipal Code, property owners are responsible for maintaining all public sidewalks abutting their property. Any injuries sustained by the public as a result of this defective condition are the liability of the property owner.

The sidewalk in question must be repaired or replaced within 30 days of this letter. If you need more than 30 days to complete the repairs, a one-time 90-day extension may be granted by the Public Works Director. A written request or e-mail needs to be submitted to the Engineering Division of Public Works at the above address briefly explaining the basis for your request, within 10 days of receiving this notice. This is the only notice you will receive. If the sidewalk is not repaired in 30 days or by the end of the extension period, the City may hire a contractor to do the work with the costs being assessed to you. These costs would include payments to the contractor plus engineering and administrative costs. Non-payment of these costs will result in a lien being placed on the property, at 18% interest per year.

A permit is required and can be obtained from the Engineering Division office at 200 S. Ivy St, 2nd floor, or from the City of Medford's Public Works homepage at www.ci.medford.or.us.

Right to Appeal

If you disagree with our determination that the sidewalk is defective, you may appeal for a hearing before the City Council. A WRITTEN REQUEST MUST BE MAILED to the City Recorder at 411 W. 8th St, Medford, OR 97501 within ten (10) days of receipt of this letter. The request needs to include your reason for opposing the repair of the sidewalk.

Please call 774-2100 if you have any questions or would like our inspector to contact you.

Sincerely,

Lorraine Peterson
Public Works Business Mgr

LP/lis

Phone 541-301-6112

RECEIVED

MAY 29 2018
CITY RECORDER'S OFFICE

Submitted: 29 May 18
Received: 19 May 18

TO: City of Medford Planning Dept.
Sub recipient: To whom it may concern:

Re: Defective sidewalk at 3640 Fieldbrook Ave, case # 18-106

Subject: Appeal

I am appealing the letter I received from the city dated 16 May 18 and received 19 May 18. The following grounds are the basis of my appeal.

- 1) anonymous complaints should not be acted upon. If the complaint is serious enough to warrant action, the name and address of the complainant should be addressed in the notification to the homeowner. This prevents vindictive or harassing complaints from being filed.
- 2) The right corner of 1 cement concrete square is the source of the issue. A 444 sq. inch area is lifted less than a quarter of inch from the abutting square. There are numerous sidewalk squares in this sub-division and city streets that are elevated well beyond a $\frac{1}{2}$ inch to 1 full inch and have been that

cont. from pg. 1

- 3) If the sidewalk is a public right way or thoroughfare such as any City Street, the city should be responsible for the repair such as the roads & streets. Property tax paid by the home owners should more than pay for the repair. The city assessments that were once part of the water bill is also enough revenue for the city to be responsible for the repair.
- 4) If you are sending a threatening letter to the home owner and saying the sidewalk is their responsibility to repair and any injuries sustained by public is responsibility of the homeowner. It would seem so reason asking any attorney or Insurance agent that risk mitigation is paramount. If the sidewalk is my responsibility and I am liable for any injuries sustained then I should be able to mitigate any risk to my self by denying access to the portion of the sidewalk crossing my property. If I unable to mitigate the risk by denying access because the sidewalk is a public thoroughfare the city should be responsible for maintaining the condition of the sidewalk like any other public thoroughfare.

I look forward to the adjudication of this appeal. v/r Daniel L. Smith



City of Medford

Office of the City Recorder

Medford ~ A Fantastic Place to Live, Work & Play

June 7, 2018

Daniel Smith
3640 Fieldbrook Avenue
Medford, OR 97504

Re: Appeal of Administrative Decision

The Medford City Council will consider an appeal of the Public Works administrative decision concerning sidewalk repairs for **3640 Fieldbrook Avenue**.

The public hearing on this matter will be scheduled for the regular city council meeting on **August 2, 2018 at 6 p.m.** at the Medford City Hall Council Chambers, 411 W. 8th Street. The City Council will hear evidence on the appeal to determine whether to grant your request pertaining to repair of the sidewalk.

You may contact the Recorder's Office at 774-2017 with any questions regarding this appeal hearing.

Sincerely,

Karen M. Spoonts, MMC
City Recorder

cc: Mayor/Council
Public Works Department
Legal Department

411 West 8th Street, Medford, OR 97501

Tel. 541.774.2017 • email: cityrecorder@cityofmedford.org • Fax 541.618.1700

www.cityofmedford.org



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Director

AGENDA SECTION: Public Hearings
MEETING DATE: August 2, 2018

COUNCIL BILL 2018-98

A resolution granting the property owner of 1291 La Loma Drive a one-year extension to complete defective sidewalk repairs.

SUMMARY AND BACKGROUND:

The Council is requested to consider a one-year extension to repair a defective sidewalk. On May 14, 2018, Public Works sent a letter to Ms. Heffner informing her that the sidewalk abutting 1291 La Loma Drive is defective and needs to be repaired. Ms. Heffner requested a 90-day extension on June 14 which was approved by the Public Works Director; repairs need to be completed by September 15, 2018. On July 13, 2018, Ms. Heffner requested an unspecified postponement as she cannot afford to repair the sidewalk. The address is a corner lot and there are seven defects that need to be addressed. Staff recommends a one-year extension to complete repairs; repairs would need to be completed by August 3, 2019.

PREVIOUS COUNCIL ACTIONS

None for this address.

ANALYSIS

Section 3.010 of Medford's Municipal Code (MMC) requires owners of property within the City to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the City for all damages it has been compelled to pay in such case. Staff recommends a one-year extension as the repair work is significant and this would allow Ms. Heffner time to raise the necessary funds. If Council grants a one-year extension, Mrs. Heffner would remain liable for any injuries that could occur.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

- Approve the appeal.
- Modify the appeal.
- Deny the appeal and provide direction to staff regarding repair of the defective sidewalk.

STAFF RECOMMENDATION

Grant a one-year extension to complete defective sidewalk repairs at 1291 La Loma Drive.

SUGGESTED MOTION

I move to grant a one-year extension to complete defective sidewalk repairs at 1291 La Loma Drive.

EXHIBITS

Resolution
Photos
Correspondence





**CITY OF MEDFORD
AGENDA ITEM COMMENTARY**

www.ci.medford.or.us

Item No: 40.2



RESOLUTION NO. 2018-98

A RESOLUTION granting the property owner of 1291 La Loma Drive a one-year extension to complete defective sidewalk repairs.

WHEREAS, on May 14, 2018, a letter was sent to property owners, Loralyn & Jona Heffner, regarding the hazardous condition of the public sidewalk fronting the property at 1291 La Loma Drive requiring repairs to be made; and

WHEREAS, subsequently a request for an extension was received and the Public Works Director granted a 90-day extension to September 15, 2018, pursuant to Medford Municipal Code Section 3.023(6); and

WHEREAS, a request has been received for an additional extension of one-year which can only be approved by the City Council since it exceeds the authority of the Public Works Director, which matter was heard in a public hearing on August 2, 2018; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. A one-year extension is hereby granted for completion of sidewalk repairs at 1291 La Loma Drive.

Section 2. The property owners shall indemnify the City of Medford from any liability associated with the defective sidewalk.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552
pwrokseng@cityofmedford.org

May 14, 2018

HEFFNER LORALYN A ET AL
1291 LA LOMA DR
MEDFORD, OR 97504

Re: Defective Sidewalk at 1291 LA LOMA DR & Case # 18-1048

We have received a complaint regarding the condition on the sidewalk abutting property owned by you at the above address.

As stated in Section 3.010 of the Medford Municipal Code, property owners are responsible for maintaining all public sidewalks abutting their property. Any injuries sustained by the public as a result of this defective condition are the liability of the property owner.

The sidewalk in question must be repaired or replaced within 30 days of this letter. If you need more than 30 days to complete the repairs, a one-time 90-day extension may be granted by the Public Works Director. A written request or e-mail needs to be submitted to the Engineering Division of Public Works at the above address briefly explaining the basis for your request, within 10 days of receiving this notice. This is the only notice you will receive. If the sidewalk is not repaired in 30 days or by the end of the extension period, the City may hire a contractor to do the work with the costs being assessed to you. These costs would include payments to the contractor plus engineering and administrative costs. Non-payment of these costs will result in a lien being placed on the property, at 18% interest per year.

A permit is required and can be obtained from the Engineering Division office at 200 S. Ivy St, 2nd floor, or from the City of Medford's Public Works homepage at www.ci.medford.or.us.

Right to Appeal

If you disagree with our determination that the sidewalk is defective, you may appeal for a hearing before the City Council. A WRITTEN REQUEST MUST BE MAILED to the City Recorder at 411 W. 8th St, Medford, OR 97501 within ten (10) days of receipt of this letter. The request needs to include your reason for opposing the repair of the sidewalk.

Please call 774-2100 if you have any questions or would like our inspector to contact you.

Sincerely,

Lorraine Peterson
Public Works Business Mgr

LP/ls

Loralyn Heffner
1291 LA LOMA DR
Medford, OR 97504

CASE #18-1048

request a 90 day extension
due to not able to find
a contractor to fix them.

541-282-7781



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CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552

JUNE 14, 2018

HEFFNER LORALYN A ET AL
1291 LA LOMA DR
MEDFORD, OR 97504

Re: Defective Sidewalk at 1291 LA LOMA & Case # 18-1048

The Public Works Director has approved your request for an extension to repair the unsafe sidewalk for the above code case. The sidewalk repairs should be completed by 09/15/18.

Please be aware a permit is required prior to beginning work; a permit may be obtained from Engineering's office at 200 S. Ivy St, 2nd Floor, or online from the City of Medford's Public Works homepage at Sidewalk Repair Permit Request.

Please call our office if you have any questions.

City of Medford
Public Works/Engineering Division
541-774-2100

Dear City Council

I just realized that I needed to write for an appointment. Its very important to ask - please to postpone the repairs on the side walks in front of my house as I have no money to pay for them. I only get \$1202 a month from Social Security. My air cond just went out & I'm in a dither as how to pay for that and the side walk would be way more expensive than \$600.

Sincerely

Loraleyn Heffner

541-282-7281

H Lori Heffner
1291 La Loma Dr.
Medford, OR 97504

FOREVER

City Recorder
411 W. 8th St
Medford, OR
97501

DAMAGED IN
HANDLING



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Director

AGENDA SECTION: Consent Calendar
MEETING DATE: August 2, 2018

COUNCIL BILL 2018-91

A resolution affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 1405 Oleander Street and 1701 Covina Street.

SUMMARY AND BACKGROUND:

On May 7, 2018, Public Works sent letters to Mr. and Mrs. Masuko of 1405 Oleander Street and to Mr. and Mrs. Pell of 1701 Covina Avenue informing them that the sidewalk fronting their properties is defective and needs to be repaired. The Pell's believe it is the Masuko's responsibility to repair the sidewalk as it is their trees that caused the damage. The Masuko's requested a determination of how much of the sidewalk is their responsibility, an unspecified time extension to complete repairs, and that the City complete the work and allow the Masuko's to make payments at less than 18% interest per year.

On July 19, 2018, the City Council approved a 50/50 cost share for the panel that splits the property line, provided six months to complete repairs, and if the property owners elect to have the City complete the work, they can negotiate with the City Recorder on the interest rate.

PREVIOUS COUNCIL ACTIONS

On July 19, 2018, the City Council held a public hearing and voted to approve a 50/50 cost share for the panel that splits the property line, provide six months to complete repairs, and if the property owners elect to have the City complete the work, they can negotiate with the City Recorder on the interest rate.

ANALYSIS

Section 3.010 of Medford's Municipal Code (MMC) requires owners of property within the City to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the City for all damages it has been compelled to pay in such case. This six month extension requires the repairs to be made by February 3, 2019.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None

COUNCIL OPTIONS

- Approve the resolution.
- Modify the resolution.
- Deny the resolution and provide direction to staff regarding repair of the defective sidewalk.

STAFF RECOMMENDATION

Approve the resolution approving a 50/50 cost share for the defective sidewalk panel that splits the property line, provide six months to complete sidewalk repairs, and if the property owners elect to have the City complete the work, they can negotiate with the City Recorder on the interest rate for defective sidewalk at 1405 Oleander Street and 1701 Covina Avenue.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.1

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SUGGESTED MOTION

A resolution affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 1405 Oleander Street and 1701 Covina Street.

EXHIBITS

Resolution

RESOLUTION NO. 2018-91

A RESOLUTION affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 1405 Oleander Street and 1701 Covina Avenue.

WHEREAS, the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 1405 Oleander Street and 1701 Covina Avenue pursuant to section 3.010 of the Medford Municipal Code was appealed by the property owners of 1405 Oleander Street, Benjamin & Maggie Masuko; and

WHEREAS, a public hearing was held on July 19, 2018, and the City Council affirmed the Public Works Director's decision pertaining to the need to repair the defective sidewalk; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. The City Council finds there is substantial evidence in the record affirming the Public Works Director's decision requiring the repair of a defective sidewalk located at 1405 Oleander Street and 1701 Covina Avenue.

Section 2. A six-month extension is hereby granted for completion of sidewalk repairs.

Section 3. The property owners shall split the costs for the repair of the defective sidewalk equally.

Section 4. If one or both of the property owners elect to have the City complete the work, the City Recorder shall determine an interest rate of less than 18%.

Section 5. The property owners shall indemnify the City of Medford from any liability associated with the defective sidewalk.

Section 6. The appeal is hereby denied.

PASSED by the Council and signed by me in authentication of its passage this ___ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

www.ci.medford.or.us

DEPARTMENT: Parks, Recreation & Facilities
PHONE: (541) 774-2690
STAFF CONTACT: Adam Airoidi, Parks Supervisor

AGENDA SECTION: Consent Calendar
MEETING DATE: August 2, 2018

COUNCIL BILL 2018-92

A resolution reversing the Parks and Recreation Director's Street Tree Permit decision denying the removal of a tree located in the public right-of-way located at 1309 Alex Way.

SUMMARY AND BACKGROUND

As a result of the completion of the public hearing on July 19, 2018, Council voted by a 4-3 margin to bring forward a resolution authorizing removal and replacement of the street tree in the public right-of-way at 1309 Alex Way at the property owner's expense. The replacement must be a City-approved street tree species with a minimum 1.75-inch caliper one foot above the surface.

PREVIOUS COUNCIL ACTIONS

On February 1, 1996, City Council approved Ordinance 8026, enacting MMC 6.725 pertaining to street tree standards.

On February 1, 1996, City Council approved Ordinance 8026, enacting MMC 6.730 outlining responsibility for care and maintenance of landscaping in the right-of-way.

On June 6, 2013, City Council approved Council Bill 2013-83, approving revisions to MMC 6.730.

On July 19, 2018, Council completed a public hearing for the appeal and voted to authorize removal and replacement of the street tree at 1309 Alex Way at the property owner's expense.

ANALYSIS

On July 19, 2018, City Council approved the street tree removal permit request submitted by William and Victoria Bright, owners of 1309 Alex Way. In the testimony, the Brights' representative described the subject tree's condition and how surface roots impact the sidewalk. The owners contend root pruning would be a temporary solution, and their preference is to seek a long-term solution by removing and replacing the tree.

By a 4-3 vote, Council authorized the street tree removal permit under the condition that the tree be replaced by City-approved street tree species with a minimum 1.75-inch caliper one foot above the surface. City street tree standards are posted at <http://www.ci.medford.or.us/Page.asp?NavID=106>.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The property owner is financially responsible for the maintenance of the tree and sidewalk.

TIMING ISSUES

None.

COUNCIL OPTIONS

- Approve the resolution as presented.
- Modify the resolution.
- Deny the resolution, and provide direction to staff.

STAFF RECOMMENDATION

Staff supports the proposed resolution.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.2

SUGGESTED MOTION

I move to reverse the Parks and Recreation Director's Street Tree Permit decision denying the removal of a tree located in the public right-of-way located at 1309 Alex Way.

EXHIBITS

Resolution

RESOLUTION NO. 2018-92

A RESOLUTION reversing the Parks and Recreation Director's Street Tree Permit decision denying the removal of a tree located in the public right-of-way located at 1309 Alex Way.

WHEREAS, the Parks and Recreation Director's Street Tree Permit decision denying the removal of a tree located in the public right-of-way located at 1309 Alex Way pursuant to sections 6.725, 10.358, and 10.780 of the Medford Municipal Code was appealed by property owners, Bill & Victoria Bright; and

WHEREAS, a public hearing was held on July 19, 2018, and the City Council reversed the Parks and Recreation Director's Street Tree Permit decision pertaining to the removal of the tree; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. The Council determines that the Parks and Recreation Director's Street Tree Permit decision shall be reversed and that the street tree located in the public right-of-way located at 1309 Alex Way shall be removed at the property owner's expense.

Section 2. A City approved street tree species with a minimum of a 1.75 inch caliper one foot above the surface shall be planted as a replacement tree.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Director

AGENDA SECTION: Consent Calendar
MEETING DATE: August 2, 2018

COUNCIL BILL 2018-93

A resolution affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 714 Palm Street.

SUMMARY AND BACKGROUND:

On May 8, 2018, Public Works sent a letter to Ms. Roberts informing her that the sidewalk abutting 714 Palm Street is defective and needs to be repaired. Ms. Roberts did not dispute that the sidewalk needs to be repaired. She believes the property owner at 712 Palm Street should be responsible for the repair as the sidewalk was damaged when her neighbor removed a tree.

PREVIOUS COUNCIL ACTIONS

On July 19, 2018, the City Council held a public hearing and voted to deny the appeal.

ANALYSIS

Section 3.010 of Medford's Municipal Code (MMC) requires owners of property within the City to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the City for all damages it has been compelled to pay in such case.

The MMC is clear that property owners are responsible for sidewalk maintenance. Who pays for the repair is a matter between Ms. Roberts and her neighbor.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None

COUNCIL OPTIONS

- Approve the resolution.
- Modify the resolution.
- Deny the resolution and provide direction to staff regarding repair of the defective sidewalk.

STAFF RECOMMENDATION

Approve the resolution affirming the Public Works Director's administrative decision regarding the repair of a defective sidewalk located at 714 Palm Street.

SUGGESTED MOTION

I move to approve the resolution affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 714 Palm Street.

EXHIBITS

Resolution

RESOLUTION NO. 2018-93

A RESOLUTION affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 714 Palm Street.

WHEREAS, the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 714 Palm Street pursuant to section 3.010 of the Medford Municipal Code was appealed by property owner, Wendy Roberts; and

WHEREAS, a public hearing was held on July 19, 2018, and the City Council affirmed the Public Works Director's decision pertaining to the need to repair the defective sidewalk; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. The City Council finds there is substantial evidence in the record affirming the Public Works Director's decision requiring the repair of a defective sidewalk located at 714 Palm Street.

Section 2. The property owner shall indemnify the City of Medford from any liability associated with the unsafe sidewalk.

Section 3. The appeal is hereby denied.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.ci.medford.or.us

DEPARTMENT: Planning Department
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, Planning Director

AGENDA SECTION: Consent Calendar
MEETING DATE: August 2, 2018

COUNCIL BILL 2018-94

A resolution denying the appeal and affirming the Planning Commission's approval of a Conditional Use Permit to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive within a SFR-4 zoning district.

SUMMARY AND BACKGROUND

A resolution denying the appeal and affirming the Planning Commission decision to approve the modification of a Conditional Use Permit to allow a "firewood ministry" at Westminster Presbyterian Church located at 2000 Oakwood Drive. The appellant contends that the Planning Commission erred in its decision to approve the proposal as (1) the use is not permitted under Medford Municipal Code 10.314(6), and (2) the Commission failed to impose sufficient mitigation requirements in the conditions of approval to satisfy the approval criteria. (File No. CUP-18-026)

PREVIOUS COUNCIL ACTIONS

On July 19, 2018, after the public hearing City Council voted to deny the appeal and affirm the Planning Commission decision.

ANALYSIS

An Executive Summary prepared by staff was included in the City Council agenda packet for July 19, 2018.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None identified.

TIMING ISSUES

Under Medford Land Development Code (MLDC) Section 10.166, the approving authority shall take final action on an application within 120 days after the application is deemed complete. ORS 227.178(1) further requires that, "...the governing body of a city...shall take final action on an application...including resolution of all appeals...within 120 days after the application is deemed complete." The 120th day for this application is August 11, 2018. The City Council must render its decision by that date.

COUNCIL OPTIONS

- Approve the resolution
- Modify the resolution
- Deny the resolution and provide guidance to staff

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution affirming the Planning Commission decision to approve CUP-18-026 because no legal error was committed and there is sufficient evidence in the record to support the Planning Commission decision.

EXHIBITS

Resolution with Findings

RESOLUTION NO. 2018-94

A RESOLUTION denying the appeal and affirming the Planning Commission's approval of a Conditional Use Permit to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive within a SFR-4 zoning district.

WHEREAS, appellant, Susan Lee contends that the Planning Commission erred in its decision to approve the proposal as the use is not permitted under Medford Municipal Code 10.314(6) and the Planning Commission failed to impose sufficient mitigation requirements in the conditions of approval to satisfy the approval criteria; and

WHEREAS, on July 19, 2018, the City Council reviewed the applicable criteria, heard legal arguments, and considered appellant's request to deny the approval of the Conditional Use Permit to allow for a firewood ministry accessory use; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section. 1. The Council finds that there is substantial evidence in the record of the Planning Commission to indicate that the Planning Commission's findings were proper and adequate to support the decision, therefore the actions of the Planning Commission are hereby affirmed and the appeal is denied.

Section 2. This decision is based upon the Findings of Fact and Conclusions of Law attached hereto as Exhibit A and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

BEFORE THE CITY COUNCIL FOR THE CITY OF MEDFORD

In the Matter of Westminster)	Findings of Fact and Conclusions of Law
Presbyterian Church,)	Affirming CUP-18-026 Planning
)	Commission Decision
Applicant, and)	
)	
Susan Lee,)	CUP-18-026
)	
Appellant)	
)	
)	
)	
_____)	

I. Facts

The applications at issue in this appeal are a revision of an existing CUP to allow for a firewood ministry accessory use of Westminster Presbyterian Church located at 2000 Oakwood Drive on the southeast corner of Oakwood Drive and South Barneburg Drive within a SFR-4 (Single Family Residential – four dwelling units per gross acre) zoning district. (File No. CUP-18-026).

The Planning Commission approved the modification of the conditional use permit.

Appellant, a resident on Glen Oak Court near to the Church, timely appealed the Planning Commission’s decision.

On July 19, 2018, the City Council held its local appeal hearing under Medford Code 10.051. Notice of the appeal hearing was mailed to persons who had previously appeared and the Council gave those with standing the chance to speak.

II. City Council Findings

As a threshold question, the City Council finds that Appellant’s notice of appeal was procedurally sufficient and that the appeal should be heard on its merits.

The Council finds that the Planning Commission decision contained no errors of law and that the Planning Commission’s decision was supported by substantial evidence in the record.

EXHIBIT A

Specifically, the Council finds that Medford Municipal Code (MMC) 10.314 does not prohibit this use as an accessory use to the primary use of the property by applicant as a church. Furthermore, the Council finds that substantial evidence in the record supported the Planning Commission’s determination that the firewood ministry is in the public interest, and while there are some adverse impacts, the imposed conditions produced a balance between the conflicting interests as required by MMC 10.184(C)(1)(b).

MMC 10.314 – Subsection (6)(c) states that in this particular zone, uses allowed with a conditional use permit include “Institutional uses (Schools, Churches, Government Facilities – Excluding Storage or Repair Yards or Warehouses, Cemeteries, etc.)” The Council finds that Planning Commission’s position that the language “Excluding Storage or Repair Yards or Warehouses” refers to primary uses of the property, not accessory uses, is correct. Because the primary use of the property is a church, and the firewood ministry is an accessory use to that primary use, the Council finds that there is no legal error in Planning Commission’s application of MMC 10.314.

MMC 10.184(C)(1)(b) – The Council finds that Applicant’s “Project Warm” is in the public interest, and while there are some adverse impacts, the imposed conditions produce a balance between the conflicting interests.

Public Interest – The Council finds that there is evidence in the record demonstrating that distributing firewood for home heating to needy families serves an important public interest.

Adverse Impacts – The Council finds that there is evidence in the record supporting the proposition that “Project Warm” has some negative visual and sound impacts in a residential area. However, there is also evidence in the Planning Commission record supporting the conclusion that those impacts are modest, including testimony from other community members besides Appellant.

Balance between Competing Interests – The Council finds evidence in the record supports the conclusion that requiring additional visual screening along the property line where the woodpile is located will mitigate the visual impacts, and requiring compliance with the noise ordinance as a condition of the conditional use permit will mitigate the auditory impacts, creating a balance between the competing interests.

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III. Conclusion

For the reasons stated herein, the City Council of the City of Medford finds that the Planning Commission committed no legal error and its decision was supported by substantial evidence in the record in its decision to grant the conditional use permit modification request (CUP-18-026).

Dated this _____ day of August, 2018.

Gary H. Wheeler, Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: 541-774-2100
STAFF CONTACT: Cory Crebbin, P.W. Director

AGENDA SECTION: Consent Calendar
MEETING DATE: August 2, 2018

COUNCIL BILL 2018-95

An ordinance authorizing the purchase of a Ram Jet truck in the amount of \$284,821.67 from Owen Equipment Company through Sourcewell for high pressure sewer cleaning of sewer mainlines.

SUMMARY AND BACKGROUND

The City Council is requested to approve the purchase a new high pressure sewer cleaning jet truck for the amount of \$284,821.67. This piece of equipment is used to maintain the City's 264+ miles of gravity sewer mainlines and ensure they continue to flow at designed capacities.

PREVIOUS COUNCIL ACTIONS

On September 20, 2012, the City Council authorized purchasing through the National Joint Powers Purchasing Alliance (now known as Sourcewell), a cooperative purchasing group that meets the requirements of the State of Oregon.

On June 15, 2017, Council approved the Fiscal year 2018/2019 budget that includes the purchase of a Jet Truck on page 8-6.

ANALYSIS

The proposed Ram Jet by Vactor, which has a life expectancy of 10 years, will replace a 2000 model year chassis that was at that time retrofit. Maintenance costs of this unit have become excessive and the truck can no longer be relied upon for daily use. The water delivery system has required multiple repairs in recent years. The manufacturer of the water delivery system no longer provides parts for the pump.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Purchase of this unit will be pursuant to ORS 279A.220 (2)(a) National Joint Powers Alliance (Sourcewell). Owen Equipment Company Contract #122017-FSC has provided a quote for a unit that meets our needs in the amount of \$284,821.67. Purchase through Sourcewell provides a \$5,976.33 discount.

On page 8-6 of the Fiscal year 18/19 budget there is \$330,000.00 budgeted for the purchase of a sewer jet cleaner truck from the Sewer Utility Fund 502.

TIMING ISSUES

Vendor's quote expires on 8/22/2017 and they have stated that they are anticipating a minimum 3% price increase after that date.

COUNCIL OPTIONS

Approve, modify, or deny purchase of high pressure sewer cleaning jet truck.

STAFF RECOMMENDATION

Staff recommends purchase of new sewer jet cleaner truck as part of the previously approved biennium budget.

SUGGESTED MOTION

I move to approve the purchase of a new sewer cleaner jet truck from Owen Equipment Company in the amount of \$284,821.67.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY
www.ci.medford.or.us

Item No: 60.5

EXHIBITS

Ordinance

Quote from Owen Equipment

ORDINANCE NO. 2018-95

AN ORDINANCE authorizing the purchase of a Ram Jet truck in the amount of \$284,821.67 from Owen Equipment Company through Sourcewell for high pressure sewer cleaning of sewer mainlines.

WHEREAS, ORS 279A.205 and ORS 279A.220 allow interstate cooperative procurement; and,

WHEREAS, Sourcewell solicitation and award process uses source selection methods which are "substantially equivalent" to those identified in ORS 279B.055, 279B.060 or 279B.085; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the purchase of a Ram Jet truck in the amount of \$284,821.67 from Owen Equipment Company through Sourcewell for high pressure sewer cleaning of sewer mainlines, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor



Presents a Proposal Summary

of the



Jetter

850 Series Front Reel RamJet Mounted on a Heavy Duty Truck Chassis

for

City of Medford

821 N. Columbus Ave

Medford, Oregon 97501

List Summary

Order Qty	Part Number	Description	List Price
1	JF2000	850-Series Front Reel RamJet 2000 Gallons	\$142,015.00
1	160STDJ	Mandatory Mounting Charge	\$0.00
1	J5002ASTD	80 GPM @ 2500 PSI (Certified)	\$0.00
1	005STDJ	2-1/2" x 25' Fill Hose w/ Connections Street Side and Curb Side	\$0.00
1	015STDJ	304 Stainless Steel Tank w/Baffle w/10 Yr Warranty	\$0.00
1	019STDJ	Vansco Electronic Package w/ onboard Diagnostics, Intelliview Display	\$0.00
1	032STDJ	(3) Nozzles with Carbide Inserts w/Rack	\$0.00
1	035STDJ	1" x 10' Leader Hose w/ 1" Nozzle Pipe	\$0.00
1	060STDJ	Hydrant Wrench	\$0.00
1	065STDJ	Handgun Assembly w/ 1/2" x 35' Hose w/ Quick Disconnect at Midship	\$0.00
1	075STDJ	Water Pressure Gauge at Hose Reel	\$0.00
1	115STDJ	Color Coded Sealed Electrical System (NEMA 4)	\$0.00
1	120STDJ	Aluminum Rear Fenders w/ Mud Flaps and Anti-Sail Brackets	\$0.00
1	150STDJ	Hydraulic Oil Sight Gauge	\$0.00
1	151STDJ	Electric Back-Up Alarm	\$0.00
1	181STDJ	10'-6" Low Profile (Based on Vactor Stock Chassis Spec)	\$0.00
1	183STDJ	High Efficiency MultiFlow Water System w/ Hi-Low Switch	\$0.00
1	184STDJ	Hydraulic Manifold Hose Reel Controls	\$0.00
1	2013STDJ	Tiger Tail Hose Protector w/ Tie Off Rope	\$0.00
1	5022STDJ	Side Mounted Jet Rodder Pump W/ Two Yr. Warranty	\$0.00
1	J6017STD	Hydraulic Tank Suction Shutoff Valves	\$0.00
1	7001STDJ	Engine Monitoring Parameters:	\$0.00
1	7001STDJA	*Hour Meter, Coolant Temperature, Oil Temperature & Pressure, Fuel Rate, RPM	\$0.00
1	7001STDJB	*Water Pump Hour Meter	\$0.00
1	7001STDJC	*PTO Hour Meters	\$0.00
1	8000STDJ	Circuit Breakers	\$0.00
1	J2011STD	3" Y-Strainer Filter in Water Tank Fill w/ Cleanable Filter Accessable at Ground Level	\$0.00
1	J2077STD	3" Y-Strainer Filter in Jet Rodder Pump Suction w/ Cleanable Filter Accessable at Ground Level	\$0.00
1	J090	Rodder Pump Cabinet-Enclosure	\$9,785.00
1	J092	Rodder Pump Cabinet Lights	\$309.00
1	P110STD	Paint, Module, (Wet on Wet)	\$0.00
1	J2001STD	Low Water Indicator w/Alarm	\$0.00
1	J2004	Continuous Water Tank Fill	\$1,692.00
1	J2006	Air Purge	\$1,235.00
1	J3019	Digital Water Pressure Gauge	\$608.00
1	J4011B	Wireless Remote w/Hose Reel Controls - Belly-Pack	\$3,193.00
1	J5008B	Cold Weather Recirculator, PTO Driven, 25 GPM	\$1,638.00
1	J5010STD	Jet Rodder Water System Accumulator	\$0.00
1	J5014STD	1" High Pressure Water Relief Valve	\$0.00

1	J6003C	700' x 1" Parker Sewer Hose 3000 PSI in lieu of STD	\$1,789.00
1	J6004B	Hose Wind Guide (Dual Roller), Auto, Indexing w/ Pinch Roller	\$4,957.00
1	J6005D	Digital Hose Footage Counter	\$1,638.00
1	J6011	Handgun Hose Reel w/Spring Retract	\$1,230.00
1	J6014STD	Hydraulic Extending 15", Rotating Hose Reel, 1" x 800' Capacity	\$0.00
1	J6019	Rodder Pump Drain Valves	\$497.00
1	J7005STD	Hydraulic Oil Temp Alarm w/Indicator and Shutdown	\$0.00
1	J8001	Rear Directional Control, Signal Master Arrow Board, 10 Lights	\$1,530.00
1	J8001H	Front Directional Control, Signal Master LED Arrow Stick, 8 Lights /32" LG	\$927.00
1	J8002A	Handheld Wireless 12V/110V Rechargeable LED Spotlight w/Storage Basket	\$340.00
1	J8007B	Strobe Light, LED, Front Water Tank Mount, Federal Signal, Amber	\$1,040.00
1	J8007C	Strobe Light, LED, Rear, Federal Signal, Amber	\$1,040.00
1	J8009	Worklight, Operators Station, LED	\$593.00
1	J8009A	Worklight, Hose Reel Manhole, LED	\$593.00
1	J8013	Rear Beacon Limb Guard	\$190.00
1	J8013	Front Beacon Limb Guard	\$190.00
1	J8025STD	LED Lights, Clearance, Stop, Tail, Turn, Backup	\$0.00
1	J8026	DOT 3 Lighting Package, 6 Federal Signal Strobe Lights. Including LED Stop, Tail, Turn, & Back-Up Lights	\$2,973.00
1	J8030	Hose Reel Wrapped for Delivery	\$0.00
1	J9002STD	Tow Hooks, Front	\$0.00
1	J9002ASTD	Tow Hooks, Rear	\$0.00
1	J9016C	Behind Cab Toolbox - 22W x 30H x 72D	\$2,250.00
1	J9018C	Over Fender ToolBox- Driver Side, 84W x36H x 24D	\$3,999.00
1	J9019A	Over Fender ToolBox- Passenger Side, 52W x20H x 24D	\$1,563.00
1	J9071A	Long Handle Tool Storage	\$324.00
1	J9072A	Pole Storage, 74"W x 6" diameter	\$350.00
1	J9021A	Camera System, Front and Rear	\$599.00
1	J9023C	Safety Cone Storage Rack	\$155.00
1	LOGO-APPL.	Vactor/Guzzler Logos - Applied	\$0.00
1	J560STD	Road Side Hazard Kit	\$0.00
1	J590STD	Fire Extinguisher 5 Lbs.	\$0.00
1	500655B-30	Vactor Standard Manual and USB Version - 1 + Dealer	\$0.00
1	CHASSIS-MODS	Chassis Modification Charge, Vactor Spec	\$500.00
1	JOKS270A-CH	Freightliner 108SD 4x2, 330 H.P, Auto (JOKS270A.2019))	\$86,754.00
1	27012	Dual Accumulator	\$2,554.00
1	26708	In-Dash Controls	\$2,465.00
1	VDS-134	Freight Charges	\$4,550.00
1	Bucket Storage	3 Bucket Storage rear of body	\$800.00
1	100123-C	KEG 10 Jet Floor Cleaner	\$3,933.00
1	NJPA	Discount	(-\$5,976.33)

Chassis Source - Vactor Supplied
Module Paint Match Cab - Yes
Module Paint Color - White

Cab Color - White

Certified Unit Weights Required? - No

Chassis Note: None

Factory Price: \$284,821.67

* Price indicated does not include unapproved Special Requests

Price valid for 30 Days from date of 6/7/2018

PROPOSAL DATE: 6/7/2018
QUOTE NUMBER: 2018-25291
Price List Date: 1/1/2018
PO NUMBER:

QTY: _____ Customer Initials: _____

PAYMENT TERMS:

PROPOSAL NOTES:

1. Multiple unit orders will be identical to signed proposal. Changes or deviations to any unit of a multiple unit order will requires a new signed proposal.
2. Chassis specifications and data codes for customer supplied chassis must be submitted to and approved by Vactor Manufacturing prior to submittal of customer purchase order
3. All prices quoted are in US Dollars unless otherwise noted.

SIGNED BY:

_____ Date: _____

LIMITED WARRANTY

Limited Warranty. Each machine manufactured by VACTOR/GUZZLER MANUFACTURING (or, "the Company") is warranted against defects in material and workmanship for a period of 12 months, provided the machine is used in a normal and reasonable manner and in accordance with all operating instructions. In addition, certain machines and components of certain machines have extended warranties as set forth below. If sold to an end user, the applicable warranty period commences from the date of delivery to the end user. If used for rental purposes, the applicable warranty period commences from the date the machine is first made available for rental by the Company or its representative. This limited warranty may be enforced by any subsequent transferee during the warranty period. This limited warranty is the sole and exclusive warranty given by the Company.

STANDARD EXTENDED WARRANTIES (Total Warranty Duration)

2100 Series, HXX, Series and Jettors

10 years against water tank leakage due to corrosion. nonMettalic water tanks are covered for 5 yrs against any factory defect in material or workmanship.

2100 Series and HXX only

5 years against leakage of debris tank, centrifugal compressor or housing due to rust-through.

2100 Series and Jettors

2 years - VactorRodder Pump on all unit serial numbers starting with 13##V####.

Exclusive Remedy. Should any warranted product fail during the warranty period, the Company will cause to be repaired or replaced, as the Company may elect, any part or parts of such machine that the Company's examination discloses to be defective in material or factory workmanship. Repairs or replacements are to be made at the selling Vactor/Guzzler distributor's location or at other locations approved by the Company. In lieu of repair or replacement, the Company may elect, at its sole discretion, to refund the purchase price of any product deemed defective. The foregoing remedies shall be the sole and exclusive remedies of any party making a valid warranty claim.

This Limited Warranty shall not apply to (and the Company shall not be responsible for):

1. Major components or trade accessories that have a separate warranty from their original manufacturer, such as, but not limited to, trucks, engines, hydraulic pumps and motors, tires and batteries.
2. Normal adjustments and maintenance services.
3. Normal wear parts such as, but not limited to, oils, fluids, vacuum hose, light bulbs, fuses, gaskets.
4. Failures resulting from the machine being operated in a manner or for a purpose not recommended by the Company.
5. Repairs, modifications or alterations without the express written consent of the Company, which in the Company's sole judgment, have adversely affected the machine's stability, operation or reliability as originally designed and manufactured.
6. Items subject to misuse, negligence, accident or improper maintenance.

NOTE The use in the product of any part other than parts approved by the Company may invalidate this warranty. The Company reserves the right to determine, in its sole discretion, if the use of non-approved parts operates to invalidate the warranty. Nothing contained in this warranty shall make the Company liable for loss, injury, or damage of any kind to any person or entity resulting from any defect or failure in the machine.

THIS WARRANTY SHALL BE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ALL OF WHICH ARE DISCLAIMED.

This warranty is in lieu of all other obligations or liabilities, contractual and otherwise, on the part of the Company. For the avoidance of doubt, the Company shall not be liable for any indirect, special, incidental or consequential damages, including, but not limited to, loss of use or lost profits. The Company makes no representation that the machine has the capacity to perform any functions other than as contained in the Company's written literature, catalogs or specifications accompanying delivery of the machine. No person or affiliated company representative is authorized to alter the terms of this warranty, to give any other warranties or to assume any other liability on behalf of the Company in connection with the sale, servicing or repair of any machine manufactured by the Company. Any legal action based hereon must be commenced within eighteen (18) months of the event or facts giving rise to such action.

The Company reserves the right to make design changes or improvements in its products without imposing any obligation upon itself to change or improve previously manufactured products.

GUZZLER

VACTOR

VACTOR/GUZZLER MANUFACTURING

1621 S. Illinois Street
Streator, IL 61364



CITY OF MEDFORD
AGENDA ITEM COMMENTARY
www.ci.medford.or.us

Item No: 80.1

DEPARTMENT: Legal
PHONE: (541) 774-2020
STAFF CONTACT: Eric Mitton, Deputy City Attorney

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: August 2, 2018

COUNCIL BILL 2018-96

An ordinance authorizing an exception to the Medford Municipal Code to allow the use of goats for vegetation control at the Bear Creek Golf Course located at 2355 S. Pacific Highway.

SUMMARY AND BACKGROUND

Consideration of an ordinance allowing an exception to the Medford Municipal Code's livestock prohibition to allow the use of goats for vegetation and blackberry abatement at the Bear Creek Golf Course, 2355 S. Pacific Highway.

PREVIOUS COUNCIL ACTIONS

On July 5, 2012, City Council approved Ordinance No. 2012-96, authorizing goats for vegetation abatement at the Coyote Trails School of Nature for 90 days.

On June 6, 2013, City Council approved Ordinance No. 2013-79, authorizing goats for vegetation abatement once again at Coyote Trails School of Nature for a period of several weeks.

On October 3, 2013, City Council approved Ordinance No. 2013-141, authorizing goats for vegetation abatement along the Bear Creek Greenway for a period of several weeks.

ANALYSIS

Various sections of Medford Land Development Code prohibit livestock on any property not zoned Exclusive Agriculture, and goats are generally considered livestock. However, on multiple occasions, Council has allowed a property owner to use goats as an alternative to mechanical vegetation control subject to certain restrictions, such as requiring they be contained within a portable, solar-powered electric fence with a secondary non-electric fence surrounding it to avoid human contact with the electric fence (as per Medford Municipal Code 9.560). In each case, the purpose of the goats was vegetation abatement (as opposed to other livestock purposes such as meat or dairy cultivation), and the goats were required to be penned with a solar-powered electric fence contained within a second, non-electric fence.

In this case, the Bear Creek Golf Course seeks permission to use goats for vegetation abatement on a more permanent basis. This would be a deviation from the City's past practice of authorizing goats only on a temporary basis. The draft ordinance does not contain any specific time limitation. Staff seeks direction from Council on this issue.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

No direct resource considerations. However, overgrown blackberries are a fire risk. Thus, during fire season, facilitating blackberry mitigation by private citizens can have an indirect benefit on municipal firefighting resources.

TIMING ISSUES

None.

COUNCIL OPTIONS

Council could take one of the actions below.

1. Approve the ordinance.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 80.1

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2. Modify the ordinance.
3. Deny the ordinance and provide direction to Staff.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the use of goats for vegetation and blackberry abatement at Bear Creek Golf Course.

EXHIBITS

Ordinance

ORDINANCE NO. 2018-96

AN ORDINANCE authorizing an exception to the Medford Municipal Code to allow the use of goats for vegetation control at the Bear Creek Golf Course located at 2355 S Pacific Highway.

WHEREAS, the City Council on July 5, 2012, June 6, 2013, and October 3, 2013 authorized the use of goats for vegetation control within the City of Medford; and

WHEREAS, Bear Creek Golf Course has requested an exception to the Medford Code to allow goats to be used for vegetation control at the Bear Creek Golf Course located at 2355 S. Pacific Highway; and

WHEREAS, utilizing goats for vegetation management is prohibited by Municipal Code Sections 6.420 (prohibits livestock on public rights-of-way and parks); and parts of Section 10 (prohibits livestock on any property not zoned Exclusive Agriculture); and

WHEREAS, upon approval, the Bear Creek Golf Course may place up to 32 goats on the property, in an area enclosed by a portable solar-powered electric fence, and that the electric fence shall be contained within a non-electric fence, and that the goats shall be monitored daily; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an exception to the Medford Municipal Code to allow the use of goats for vegetation control at the Bear Creek Golf Course located at 2355 S. Pacific Highway, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

DEPARTMENT:	Planning; Legal	AGENDA SECTION:	Ordinances and Resolutions
PHONE:	(541) 774-2380	MEETING DATE:	August 2, 2018
STAFF CONTACT:	Matt Brinkley, AICP, Planning Director; Eric Mitton, Deputy City Attorney		

COUNCIL BILL 2018-97

An ordinance adding section 3.739 of the Medford Municipal Code to allow for deferred payment of street, sewer, storm drain, and park system development charges to be effective August 16, 2018.

SUMMARY AND BACKGROUND

Consideration of an ordinance enacting a program for deferred payment of street, sewer, storm drain, and parks system development charges (SDCs).

PREVIOUS COUNCIL ACTIONS

The City Council has not previously considered SDC deferral. However, this item is interrelated with the Affordable Housing Construction Excise Tax, adopted by City Council in Ordinance No. 2018-15 on February 15, 2018.

ANALYSIS

System development charges are currently collected at the time of building permit. However, the actual impacts on the City's systems are typically not felt until a later date, such as sale of a home or occupancy of a structure. To encourage development and help smaller builders, who sometimes must place system development charges on credit cards or pay substantial interest on loans to pay these charges, the City is considering a methodology to postpone collection until time of sale or occupancy. A municipal lien in the amount of the assessed SDCs would be used to help protect the City's interests until time of payment, but interest would not accrue on the calculated SDCs so long as the SDCs were paid at the deferred due date.

The Construction Excise Tax and SDC deferral are separate programs, but were discussed in conjunction with each other in the building and development community. That interrelationship is why this is presented potentially to become effective simultaneously with the Construction Excise Tax.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The SDC deferral ordinance is designed to result in the City still successfully collecting all SDCs, albeit on a slightly delayed time frame. If collection problems surface despite these safeguards, City staff would request repeal of this ordinance.

TIMING ISSUES

Given the interconnection of this matter with the Construction Excise Tax, Staff recommends an effective date for the commencement of the SDC deferral program of August 16, 2018, with collection of the Construction Excise Tax to commence on the same date.

COUNCIL OPTIONS

Council could take one of the actions below.

1. Approve the ordinance.
2. Modify the ordinance.
3. Deny the ordinance and provide direction to Staff.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the ordinance.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

SUGGESTED MOTION

I move to approve the ordinance adopting a program for deferring payment of system development charges.

EXHIBITS

Ordinance

ORDINANCE NO. 2018-97

AN ORDINANCE adding section 3.739 of the Medford Municipal Code to allow for deferred payment of street, sewer, storm drain, and park system development charges to be effective August 16, 2018.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 3.739 of the Medford Municipal Code is added to read as follows:

3.739 Deferral of System Development Charges.

- (1) Notwithstanding other provisions to the contrary, including Section 3.876, builders and developers may defer payment of street, sewer, storm drain, and parks System Development Charges (SDCs) as follows.**
- (2) To seek deferral of SDCs under this section, a builder or developer must file an application in a form provided by the City at the time of building permit application, and must pay a fee established by Council resolution.**
- (3) When SDCs are deferred as set forth in this section, the SDCs will be calculated at the time the deferral application is filed. All timelines for challenging the calculation of SDCs run from this date of calculation, and not from the due date for payment of SDCs as set forth below.**
- (4) The amount of SDCs which may be deferred as provided in this section is as follows:**
 - a. For single-family residential development, the full amount of SDCs can be deferred as set forth in subsection (5). The deferral mechanism set forth in this section shall not be available if the total SDCs for a particular property are calculated to be over \$500,000.**
 - b. For multi-family residential development, commercial development, and industrial development, if the total SDCs are \$250,000 or less, the full amount of SDCs can be deferred as set forth in subsection (5). If the total SDCs are between \$250,001 and \$500,000, then 30% of the SDCs shall be paid at time of building permit issuance, and the remainder can be deferred as set forth in subsection (5). The deferral mechanism set forth in this section shall not be available if the total SDCs for a particular property are calculated to be over \$500,000.**
- (5) The length of the deferral provided for in this section is as follows:**
 - a. For single-family residential development, payment of SDCs shall be deferred to time of sale, or time of actual occupancy, whichever occurs first. For purposes of this section, "time of sale" refers to sale of a structure, not sale of a bare lot.**
 - b. For multi-family residential development, commercial development, and industrial development, payment of SDCs shall be deferred to issuance of certificate of occupancy, time of sale, or time of actual occupancy, whichever occurs first.**
 - c. In circumstances where payment of SDCs has been deferred until time of sale, the SDCs shall be paid by the seller as opposed to the buyer.**
- (6) Whenever SDCs are deferred as set forth in this section, the City shall place a lien in the amount of the deferred SDCs on the property as per the mechanism specified in Section**

3.440. The lien shall be entered at least sixty days after approval of the application for SDC deferral.

(7) SDCs deferred under this section do not accrue interest until they are due as set forth in subsection (5) above. If not paid when due, SDCs will accrue interest from that due date at the rate of eighteen percent (18%) per annum simple interest, as set forth in Section 3.470(2). The City Recorder shall have the authority to adjust the rate under the circumstances set forth in Section 3.470(2).

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 100.3

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DEPARTMENT: City Manager's Office
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: City Manager Reports
MEETING DATE: August 2, 2018



City of Medford

Office of the City Manager

Medford ~ A Fantastic Place to Live, Work & Play

Memorandum

To: Brian Sjothun, City Manager
From: Donna Holtz, Executive Office Manager *DH*
Date: 7/26/2018
Re: City Sponsored Events

We have three events that were approved by City Council and budgeted this biennium that no longer need resources from the City: Red, White & Boom, Jazz Jubilee and Chalk Art.

I would like to request the City Council approve using the in-kind funds previously allocated for these events in the amount of \$15,200 toward the following two events. These are regular events that require City resources that are not listed as an approved City Sponsored Event:

1. Veteran's Day Parade,
2. Greystone Christmas Lights (traffic control and supplies), and

2017-2019 Approved City Sponsored Events:

- Pear Blossom
- Art in Bloom
- Martin Luther King Day
- Medford Cruise
- Multicultural Fair
- Taste of Alba
- Jazz Jubilee
- Red, White & Boom
- Chalk Art

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