

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES
November 16, 2015**

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Executive Session 1. Labor – CRCCA Page 444	Yes		
Proclamations 1. Support Small Business Days – 11/28 & 12/5 2. Giving Tuesday – 12/1 3. Recognition of Commander Jon H. Moretty – 11/6 4. Pac-12 Conference Centennial Day – 12/2 Pages 444-445	Yes Yes Yes Yes		
Visitors' Propositions 1. OSU/4-H Service District (Ishikawa, Ashford, Landis, Kenagy, Daniels) 2. RPD B (Heublein) 3. Whiteside Theatre parking permits (Gandara) 4. Light trespass (Martin) Pages 445-446	Yes Yes Yes Yes		
Consent Agenda Page 446			<ul style="list-style-type: none"> • Adopted Consent Agenda <u>passed U</u>
Unfinished Business 1. BC OSU Extension and 4-H Service District Pages 446-447			<ul style="list-style-type: none"> • RESOLUTION 2015-32 <u>passed U</u>
HSC – November 3, 2015 1. Corrections to minutes, if any 2. CRAG Update Page 447	Yes Yes		
USC – November 3, 2015 1. Corrections to minutes, if any 2. CPRR: 1.08, "Organizational Sustainability" 3. RPD Permit Process Update Pages 448-449	Yes	Second reading 12/7/15	<ul style="list-style-type: none"> • Amended Policy <u>passed U</u>
Public Hearing 1. Livability Code Pages 449-453			<ul style="list-style-type: none"> • ORDINANCE 2015-20 <u>passed U</u>
Mayor's Reports 1. CGTF Timeline Update 2. Planning Commission vacancies 3. Public input regarding homelessness Page 453	Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Council Reports 1. Housing Development Task Force (Beilstein) 2. Sustainable Budget Task Force (Brauner) 3. Vision and Action Plan Task Force (York) 4. GCC, WiN Expo, Corvallis Art Walk (Hann) 5. GCC (York) 6. GCC (Baker) 7. Staff recognition: Livability Code (Bull) Pages 453-454	Yes Yes Yes Yes Yes Yes		
Staff Reports 1. City Manager's Report – October 2015 2. Annual Forest Activities Report 3. RPD B follow-up 4. Whiteside Theatre parking follow-up 5. Light trespass follow-up Pages 454-455	Yes Yes Yes Yes Yes		

Glossary of Terms

ASC	Administrative Services Committee
BC	Benton County
CGTF	Council Goals Task Force
CPRR	Council Policy Review and Update
CRAG	Community Relations Advisory Group
CRCCA	Corvallis Regional Communications Center Association
GCC	Government Comment Corner
HSC	Human Services Committee
OSU	Oregon State University
RPD	Residential Parking District
U	Unanimous
USC	Urban Services Committee
WiN	Willamette Innovators Network

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Mayor Traber read a statement, based upon Oregon law regarding executive sessions. The statement indicated that only representatives of the news media, designated staff, and other Council-designated persons were allowed to attend the executive session. News media representatives were directed not to report on any executive session discussions, except to state the general subject of the discussion, as previously announced. No decisions would be made during the executive session. He reminded Council members and staff that the confidential executive session discussions belong to the Council as a body and should only be disclosed if the Council, as a body, approved disclosure. He suggested that any Council or staff member who may not be able to maintain the Council's confidences should leave the meeting room.

Council entered executive session at 6:00 pm under ORS 192.660(2)(d) (status of labor negotiations) regarding the Corvallis Regional Communications Center Association and adjourned at 6:12 pm.

PRESENT: Mayor Traber; Councilors Baker (6:08 pm), Beilstein, Brauner, Bull, Glassmire, Hirsch (6:02 pm), Hogg, York

ABSENT: Councilor Hann (excused)

I. CALL TO ORDER

The regular meeting of the City Council of the City of Corvallis, Oregon was called to order at 6:30 pm on November 16, 2015 in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Traber presiding.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Mayor Traber; Councilors Baker, Beilstein, Brauner, Bull, Glassmire, Hann, Hirsch, Hogg, York

IV. PROCLAMATION/PRESENTATION/RECOGNITION

- A. Proclamation of Support Small Business Days – November 28, 2015 and December 5, 2015

Mayor Traber read the proclamation. Cindee Lolik from the Corvallis Independent Business Alliance and Joan Wessell from the Downtown Corvallis Association accepted the proclamation. Both women thanked Corvallis for supporting local merchants. The item was for information only.

- B. Proclamation of Giving Tuesday – December 1, 2015

Mayor Traber read the proclamation. Alan Searle from United Way of Benton and Lincoln and Counties (UWBLC), and Tina Mills and Karen Tamelung from Options Pregnancy Resource Center accepted the proclamation. Ms. Mills said Giving Tuesday

was a global movement that encouraged local buying. Mr. Searle said donations to UWBLC were reinvested locally. The item was for information only.

C. Proclamation Recognizing Commander Jon H. Moretty – November 6, 2015

Mayor Traber read the proclamation at a November 6 event recognizing Commander Moretty. The item was for information only.

D. Proclamation of Pac-12 Conference Centennial Day - December 2, 2015

The item was for information only.

V. VISITORS' PROPOSITIONS

Sean Hinz Ishikawa, a 4-H member, raised guide dogs for the blind. He had trained nine puppies over the last six years and found the experience to be very rewarding. He was grateful for the opportunities provided by 4-H.

Herb and Patty Heublein asked the Council to approve their petition to expand Residential Parking District B. Councilor Hogg clarified that the east side of Mr. Heublein's block face was already in District B and the request was to include the west side of the block face. There were only two homes on that block and a letter of support was signed by both property owners (Attachment A).

Rob Gandara spoke on behalf of the Whiteside Theatre. The Theatre was built without alley access, so the only access during events was through the stage doors located on SW Fourth Street. He explained that temporary permits from the City only allowed parking for three hours and more time was often needed for event preparation and construction vehicles. The Theatre pays \$25 for each permit. He asked the Council to waive the permit fee and grant the Whiteside semi-permanent temporary permit signs which would only be used during event preparation and construction. In response to Councilor Baker's inquiry, Mr. Gandara said the Whiteside needed permits four times in the previous two weeks. In response to Councilor Beilstein's inquiry, Mr. Gandara initially requested City staff approve dedicated parking spaces on SW Fourth Street. The request was scaled back and the Whiteside received approval to obtain six permit signs at a time; however, the Theatre still has to pay for each individual permit.

Meleah Ashford spoke in support of Oregon State University (OSU) Extension Services and highlighted the Neighborhood Sustainability Steward program. She asked Council to approve the resolution supporting Corvallis' participation in Benton County OSU Extension and 4-H Service District.

Brad Martin spoke from prepared testimony concerning a light trespass issue involving his neighbor (Attachment B). In response to Councilor inquiries, Mr. Martin did not believe mediation was appropriate for his circumstance and he had already spoken to several City departments; however, staff was not able to resolve the problem.

Rebecca Landis spoke from prepared testimony in support of a resolution to include Corvallis in the proposed Benton County OSU Extension and 4-H Service District (Attachment C).

Peter Kenagy, a local farmer, encouraged the Council to approve a resolution to include Corvallis in the proposed Benton County OSU Extension and 4-H Service District. He noted Extension

Services were critical to the success of farmers. Their staff had science-based backgrounds and provided unbiased opinions.

Patricia Daniels spoke about the OSU Extension Service's Plant A Row program. Each spring, the Extension website adds an updated matrix of food bank sites and operating hours. It is a convenient resource for those with extra food, such as gardeners with an abundance of produce, who want to donate to a food bank.

VI. CONSENT AGENDA

Councilors Hann and Hirsch, respectively, moved and seconded to adopt the Consent Agenda as follows:

- A. Reading of Minutes
 - 1. City Council Meeting – November 2, 2015
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Arts and Culture Advisory Board – October 21, 2015
 - b. Downtown Advisory Board – October 14, 2015
 - c. Economic Development Advisory Board – October 12, 2015
 - d. Historic Resources Commission – October 13, 2015
 - e. King Legacy Advisory Board – September 22 and October 27, 2015
 - f. Parks, Natural Areas, and Recreation Advisory Board – October 15, 2015
 - g. Planning Commission – October 7, 2015
 - h. Watershed Management Advisory Board – October 28, 2015
- B. Announcement of vacancies on the Planning Commission (Lizut and Selko)
- C. Confirmation of appointments to Arts and Culture Advisory Board (Duncan); Budget Commission (McClure); Community Police Review Advisory Board (Edwards); King Legacy Advisory Board (Koetje)

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA – None

VIII. UNFINISHED BUSINESS

- A. Benton County OSU Extension and 4-H Service District

Mayor Traber said the proposed resolution would add Corvallis to the proposed Service District, which would be forwarded to the voters for a decision.

City Attorney Brewer read a resolution approving Benton County's Order to Initiate Formation of the Benton County Extension and 4-H Service District.

Councilors Hirsch and Beilstein, respectively, moved and seconded to adopt the resolution.

Councilor Brauner said if the District was approved by voters, it would save \$750,000 in Benton County's biennial budget. He hoped residents would support the Board of

Commissioners using that savings to fund services in the City of Corvallis. He noted social services were the County's responsibility and many of those were being supported by City funds, such as homelessness and mental health services.

Councilor York was initially concerned about the timing of the Service District ballot measure due to City's Sustainable Budget process that was examining expenses and revenues. However, the proposed resolution language was clear that the Council was not endorsing the ballot measure. Rather, it was forwarding the matter to voters so they could decide whether to support the Service District. The Council could endorse the Service District later if it wished.

In response to Councilor Hirsch's inquiry, approximately 15 people in attendance raised their hands to show their support for passage of the resolution.

Councilor Baker hoped the Council would revisit the question of whether to support the Service District ballot measure. Prior to becoming a Councilor, he had lobbied on behalf of farmers who used OSU Extension Services and he heard from many people about the benefits of Extension programs.

Councilor Hann agreed with Councilors Brauner and York. He wanted a clear explanation from the Board of Commissioners about where the savings would be spent. He noted the value of 4-H and Extension Services, and the rural/urban interface they created.

Councilor Beilstein said if voters approved the Service District, most of the income for Extension Services and 4-H would come from taxes imposed on Corvallis property owners.

Councilor Bull favored support of Extension Services and 4-H through tax dollars and leverage of volunteer hours. She wanted to see more coordination with Corvallis School District 509J.

RESOLUTION 2015-32 passed unanimously.

IX. STANDING COMMITTEE REPORTS, ORDINANCES, RESOLUTIONS, AND MOTIONS

A. Human Services Committee (HSC) – November 3, 2015

1. Corrections to HSC minutes, if any

There were no corrections to the minutes. The item was for information only.

2. Community Relations Advisory Group Update

Jonathan Stoll, OSU's Director of Corvallis Community Outreach, provided a verbal update to HSC. The item was for information only.

B. Urban Services Committee (USC) – November 3, 2015

1. Corrections to USC minutes, if any

There were no corrections to the minutes. The item was for information only.

2. Council Policy Review and Recommendation: 1.08, "Organizational Sustainability"

Councilor Baker said minor housekeeping changes were recommended and the addition of Climate Action Plan elements would be considered when the Policy was reviewed in 2017.

Councilors Baker and York, respectively, moved and seconded to amend the policy as recommended by staff. The motion passed unanimously.

3. Residential Parking Permit Process Update

Councilor Baker highlighted proposed process changes as described in the USC meeting minutes, including involvement of tenants in the formation or expansion of a Residential Parking District (RPD). He clarified the proposed Municipal Code change was to direct the City Manager to develop the related administrative process.

Mr. Brewer read an ordinance relating to creation and designation of Residential Parking Permit Districts, amending Corvallis Municipal Code Section 6.15.030, "Creation and Designation," as amended.

Councilor York viewed initiation of a new or expanded RPD as a three phase process. The first phase involved the neighbors, which was proposed to include both tenants and property owners. The second phase involved City staff gathering and reviewing pertinent information to ensure there was enough interest. She noted the City Manager was responsible for overseeing that phase. The third phase was the decision making process, which would come through the Council. At that final phase, anyone in the community could comment on the merits of the proposal, and the Council would make the final decision.

Councilor Baker explained why he did not support USC's recommendation. He said while staff moved the process in the right direction with its proposed changes, it still needed more work. He wanted more consistency in the process to form and expand RPDs, and he believed the Council needed to own the process by formalizing it via an ordinance or resolution. He said USC's recommendation was to retain responsibility for the process with staff.

Councilor Hogg said the process was in response to the issues the public brought to the Council. He believed the proposed changes streamlined the process, made it more clear, and addressed the concerns raised during public meetings.

Councilor Hann believed the proposed process was more transparent and provided direction to staff.

Councilor Bull said the proposed process provided flexibility, it was the appropriate tool for the problem, and it was up to residents to decide if that was what they wanted for their neighborhoods.

The ordinance passed eight to one with Councilor Baker opposing, and will be read a second time at the December 7 Council meeting.

C. Administrative Services Committee (ASC) – None

XII. PUBLIC HEARINGS –

A. Livability Code

Mayor Traber provided an overview of the public hearing process and Interim Community Development Director Weiss reviewed the staff report.

Public Testimony

Laura Evenson, League of Women Voters Corvallis, spoke from prepared testimony supporting adoption of the Corvallis Livability Code (Attachment D).

Charlyn Ellis served on the OSU/City Collaboration Project's Livability Work Group and on the Property Maintenance Code's advisory work group. She supported the Corvallis Livability Code, noting it provided basic standards for human dignity. She asked the Council to consider adding graffiti removal to the Livability Code when it conducted its one-year review.

BA Beirele spoke from prepared testimony supporting adoption of the Corvallis Livability Code (Attachment E).

Patricia Daniels spoke from prepared testimony (Attachment F). Approximately 20 people stood in support of Ms. Daniels' testimony. In response to Councilor Glassmire's inquiry, Ms. Daniels said the notice provision was discussed extensively by the Technical Advisory Committee and she was surprised that it had been changed when the Administrative Services Committee voted on the Livability Code. Originally, on the first contact, notice was to be provided to the tenant if s/he was listed as the responsible party. Ms. Daniels did not believe the landlord should be notified if there was only one contact, as tenants were concerned about landlord retaliation. She requested that staff track the number of instances where only one notice was provided and during the one-year review, consider whether it was working well.

Jim Moorefield, Executive Director of Willamette Neighborhood Housing Services, spoke from prepared testimony supporting the Corvallis Livability Code (Attachment G). He noted arguments that adopting the Livability Code would equate to higher rents was the equivalent of saying that poor quality, substandard housing was an acceptable and necessary part of an affordable housing strategy. He said such an argument was bad public policy and was detrimental to those who were most vulnerable.

Holly Sears and Carl Carpenter spoke from prepared testimony concerning the Corvallis Livability Code (Attachment H). They believed there were some ambiguities in the Code that still needed to be addressed. Ms. Sears said if Council chose to adopt the Code

tonight as presented, she asked that the public be provided an opportunity to review and comment on the operational guidelines as they were drafted. Mr. Carpenter supported about 80 percent of the proposed ordinance; however more work needed to be done. He did understand why rental houses were held to a different standard than private homes. For example, the Code applied to the interior of rental houses only instead of all Corvallis homes. In response to Ms. Sears' testimony, Councilor York clarified that ASC could only make recommendations and decisions were made by the Council. In response to Councilor Hogg's inquiry, Ms. Sears said the Willamette Association of Realtors did not have a formal position on how the Livability Code applied to private residences; however, they were concerned that there were different standards for rental properties. In response to Councilor Glassmire's inquiry, Ms. Sears said she was open to discussion over the next year about the notice provision as raised by Ms. Daniels.

Jon Wydronek, a rental property owner, believed the proposed Livability Code had several problems. He said there were areas of the Code that went beyond what was needed to solve problems that needed to be addressed and gaps still existed. He did not believe the Code was truly a complaint-based system because City employees could also file complaints. He said the time allowed for abatement was not practical in all situations, such as when owners were out of town. He noted the Code allowed for liens to be placed on real property, even if the responsible party was not the owner of record. Another issue related to boarding of unsecured windows and doors. He said that provision conflicted with another section that indicated structures with boarded windows and doors were considered to be derelict. He agreed with about 80 percent of the proposed Code; however, he believed the issues he described needed to be addressed.

Larry Kampfer had lived in Corvallis since 1963. He believed the Council had heard from only the vocal minority, the proposed Livability Code was not needed, and it was unfair. He said there were existing codes in place to address every issue being addressed in the proposed Livability Code. In response to Councilor Hogg's inquiry, Mr. Kampfer said the proposed Livability Code was unfair to both rental and private properties. He said being accused of retaliation was the biggest fear of property managers, so he did not believe tenant concerns in that area were valid.

Jonathan Goatcher, Director of Associated Students of OSU Community Programs supported adoption of the proposed Livability Code on behalf of OSU students. He believed Council could adopt the Code now and amend it as needed.

Braden Moore, a property manager in Corvallis, said the proposed Livability Code represented good progress; however, he had several concerns and he said three more months were needed to address them. He said students often needed guidance from landlords to help them understand how to live as adults. In response to Councilor Bull's inquiry about the notice provision, Mr. Moore confirmed his concern related to notices when the responsible party was the renter. He was also concerned that once the Livability Code was in place, it might be more difficult to make changes. In response to Councilor Hann's inquiry, Mr. Moore said he would be happy to provide his email address for a listserv that was similar to the one used by the Corvallis Police Department for special response notices so that he was aware of all violations, no matter how small.

Bill Cohnstadt spoke from prepared testimony expressing concerns with the proposed Livability Code (Attachment I). He agreed with the comments made by Ms. Sears and Mr. Moore. In response to Councilor Hogg's inquiry, Mr. Cohnstadt said the

reasonableness of a seven day notice to appeal depended on the type of complaint. If a violation related to a roof replacement, the property owner would need to hire an engineer to determine whether it was structurally damaged and that would take longer than seven days. Councilor Hann said 80 percent of cases were for something simple. Mr. Cohnstadt suggested differentiating complex cases to ensure a better appeal process.

Falisa Torres, assisted by Spanish interpreter Claudia Martinez, said landlords had all the power and renters did not believe they had rights. Landlords have an obligation to keep property in good standing. She was concerned about dangerous living conditions for families, especially those with small children. In response to Councilor Hogg's inquiry, Ms. Torres said she was speaking for herself and for her community. In response to Councilor Glassmire's inquiry, Ms. Torres said she had not tried to communicate directly with her landlord, but she had worked with the City's Housing and Neighborhood Services Division to learn more about her rights as a tenant. In response to Councilor Bull's inquiry, Ms. Torres confirmed that she supported the Livability Code as proposed.

Mike Blair supported the proposed Livability Code as a way to enhance health and safety, and to fight against degrading value of properties.

Debra Weaver, Willamette Association of Realtors, opined the proposed Livability Code language was not ready for adoption due to outstanding ambiguities. She did not believe the proposed Livability Code was realistic or fair. She referenced Sections 9.02.130.02 – Filing of Appeal and 9.02.130.03 – Appeal Procedure of the draft Livability Code. She was told at an Administrative Services Committee meeting that a person had seven days to give notice of intent to file an appeal, and the person would then have 30 days to hire a professional to help prepare the appeal document. However, the Code language in the draft ordinance specifies that a person only has seven days to file an appeal from the date the notice or order was issued. The Hearings Officer must then schedule a hearing within 30 days of receiving the notice of appeal, and the hearing would be held not later than 60 days after the filing of the appeal. She said the Code language was silent about what would occur during that time period, and whether or not the appellant could hire professionals and provide additional information that could help with the appeal. She did not believe seven days was enough time to hire professional help for the appeal. She also said there was a lack of clarity about how fines and penalties accrued during the appeals process, and whether filing fees were refunded if the appellant was successful.

Kent Daniels, a long-time rental property rehabilitator, owner, and manager, agreed with the need for graffiti removal; however, he did not agree with the change to the notification process. He said the community had more opportunities to comment on the Livability Code than any other matter that had come before the Council and he urged Councilors to adopt the Code without delay. If problems became apparent, the Council could make adjustments as needed. In response to Councilor Baker's inquiry, Mr. Daniels did not believe the change to the notice provision was a reason to stop the Council from adopting the Code as written and he supported monitoring the Code over the next year to see if any changes were warranted.

Will Bauerman owned several rental properties and said much of what was included in the Livability Code was already addressed in the State's landlord/tenant law. He questioned why the City was only requiring improvements to the interiors of rental properties and not private properties as well.

Questions of Staff

In response to Councilor Beilstein's inquiry, Mr. Weiss said one difference between the current Rental Housing Code and the proposed Livability Code related to use of a Hearings Officer instead of a Board of Appeals. The recommendation to use a Hearings Officer came from discussions at ASC meetings that included input from property managers. It was believed as an outside third party, a Hearings Officer would have a higher level of objectivity. The City had not received appeals of Rental Housing Code violations or any appeals for Building Code violations over the past ten years.

In response to Councilor Hann's inquiry, Mr. Weiss said the notice of appeal within seven days of receiving a notice did not require that the appellant submit supporting documentation from a professional. The case for the appeal would be built during the time between the notice and the hearing. In addition, the Livability Code did not necessarily require a heat source in a bathroom; only that the bathroom was able to reach 68 degrees, which could occur through air flow from a heat source located outside the bathroom.

In response to Councilor Hogg's inquiry, Mr. Weiss said staff had not contemplated how to address the seven day appeal timeline if someone was out of the country. Mr. Weiss said staff would work on administrative guidelines to address such a circumstance, although there had not been a problem with other City Codes. He said if staff was not able to reach a property owner, they would continue efforts to contact that person.

In response to Councilor Baker's inquiry, Mr. Weiss said the City's appeal process was drafted based on elements of codes from several Oregon jurisdictions.

In response to Councilor Hann's inquiry, Mr. Weiss said notice to the responsible party at the point of the correction notice was a compromise with input from real estate agents and property managers. Other jurisdictions provide notice at that same point or later in the process. Concerns were raised that a tenant should be afforded the opportunity to fix an issue they may have caused. If the problem was not resolved, a notice of violation would be issued with a copy to the landlord. Councilor Brauner clarified that if the original complaint was related to the facility and not in the tenant's control, the notice would be issued to the landlord as the responsible party. If the complaint related to something within the tenant's control, such as accumulation of trash, the tenant would receive the notice as the responsible party.

In response to Councilor Bull's inquiry, Mr. Weiss said renters were the responsible party for exterior spaces they control such as garbage and indoor furniture left outside, as well as interior sanitation.

In response to Councilor Glassmire's inquiry, Mr. Weiss said graffiti was the primary issue that was not being addressed in the draft Livability Code; however, it was noted as an issue to consider in the one-year review.

Mr. Brewer read an ordinance repealing Corvallis Municipal Code Chapter 9.02, Rental Housing Code, amending Chapter 8.03, "Fees," enacting new Corvallis Municipal Code Chapter 9.02, "Livability Code," establishing an enforcement date and requiring a review after one year.

Councilor Brauner said the draft Livability Code was likely not perfect; however, he believed it was a workable Code that needed to be proven under working conditions, and it could be amended as needed in the future. The effective date was 180 days from Council's approval, which allowed for an education process and experience with the administrative process. He said staff's development of administrative procedures did not need to come to the Council. Rather, the public could appeal to the Council if they disagreed with any of its provisions.

In response to Councilor Hogg's inquiry, Councilor Brauner said the draft Livability Code was clear that the seven-day notice of appeal only required inclusion of what section of the Code was being appealed and why the property owner did not believe the complaint was valid.

In response to Councilor Baker's inquiry, Mr. Shepard said development and implementation of administrative procedures was a staff responsibility. Given the high level of interest in the Livability Code, public input could be solicited, unless Council directed otherwise. Councilor Brauner said the 180 days prior to the Livability Code taking effect was a good opportunity for the public to provide feedback on the issue.

In response to Councilor Hann's inquiry about addressing pest infestations, Mr. Weiss said the Code Compliance Supervisor would investigate practices that would have led to the problem.

ORDINANCE 2015-20 passed unanimously.

X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

1. Council Goals Task Forces Timeline Update

The item was for information only.

2. Other

Mayor Traber noted there were two vacancies on the Planning Commission and staff was working on the recruitment process. Information about how to apply would be posted on the City's website and advertised in the newspaper.

Mayor Traber said the Council was seeking public input on the homelessness issue which would be discussed at the December 3 Council work session. Information was posted on the City's website and a press release had been distributed.

B. Council Reports

1. Climate Action Task Force (CATF)

Nothing was reported.

2. Housing Development Task Force (HDTF)

Councilor Beilstein said the HDTF planned to meet with real estate agents and developers on November 19 to discuss causes for the lack of affordable housing in Corvallis.

3. Sustainable Budget Task Force (SBTF)

Councilor Brauner said the SBTF was reviewing department presentations, funding gaps, and potential revenue sources.

4. Vision and Action Plan Task Force (VAPTF)

Councilor York said the VAPTF planned to discuss expanding from a task force to a larger representative steering committee. A resolution would be required, so the matter would return to Council at a later date.

5. Other Council Reports

Councilor Hann was scheduled to host the November 21 Government Comment Corner. He thanked everyone who participated in the Willamette Innovators Network Expo and encouraged Councilor attendance at the November 19 Corvallis Art Walk.

Councilor York hosted the November 14 Government Comment Corner. She spoke to a constituent who supported improving mental health services.

Councilor Baker hosted the November 7 Government Comment Corner. Discussions included parking districts, student behavior concerns, and the Climate Action Plan as it related to food.

Councilor Bull thanked City Manager Shepard for his assistance to ASC during their deliberations on the Livability Code. She said decisions that were made allowed people to work together cooperatively to resolve issues.

C. Staff Reports

1. City Manager's Report – October 2015
2. Annual Forest Activities Report
3. Other

Mr. Shepard provided follow up on issues that were discussed earlier in the meeting:

Parking Districts: Staff will move forward with the request from Mr. and Mrs. Heublein to expand Parking District B. In response to Councilor Baker's inquiry, Mr. Shepard said the requirement for a minimum of ten block faces did not apply to expansion of an existing residential parking district.

Whiteside Parking: Mr. Shepard said the matter would be forwarded to the Downtown Parking Committee for discussion and staff would follow up with Mr. Gandara.

Light Intrusion: Staff will investigate existing Land Development Code language and will report back to the Council.

XI. NEW BUSINESS – None

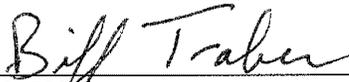
XII. POSSIBLE ACTION FROM EXECUTIVE SESSION

A. Corvallis Regional Communications Center Association labor agreement - None

XIII. ADJOURNMENT

The meeting adjourned at 9:42 pm.

APPROVED:



MAYOR

ATTEST:



CITY RECORDER

October 28, 2015

Mr. Roen Hogg
Ward 2 Councilor
City of Corvallis
501 SW Madison Avenue
Corvallis, OR 97339-1083

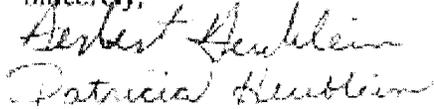
Dear Roen,

We are petitioning the City Council to add the "West" side of NW 13th Street between Harrison Ave. and Van Buren Ave. to the adjacent Permit District B on NW 14th Street. As previously reported to the Council, the "West" side of NW 13th Street is sandwiched between Parking District B to the West and one side only parking to the East all the way down to 9th Street. Therefore, NW 13th Street is the "go to" block for OSU commuters coming from out of town, not only on the weekdays, but also when weekend activities are occurring on campus. The problem has been exacerbated by the 40% increase in OSU enrollment over the last several years.

As owners of property on the West side of the block, we make up the 100% of property owners needed to petition for this addition to Permit District B, since our two properties are the only ones with a NW 13th Street address on the West side of this block.

Thank you for your time in considering this matter, and for presenting it to the Urban Services Committee and to the full Council. We will look forward to hearing from you after this request is considered.

Sincerely,



Herbert & Patricia Heublein

Corvallis, OR 97330



Robert Schneider

Corvallis, OR 97330

November 16, 2015

Hi, my name is Brad Martin, and I live at _____ in
Corvallis.

I'm coming before you today because I have a neighbor directly across the street from my home who has an exterior light which sits on light post that shines into my yard and bedroom windows. This neighbor leaves this light on all night long, and I've had complaints about the brightness from my daughter who has a bedroom facing the light as well as from guests who have stayed in another bedroom which also faces the light.

This is a light trespass issue that has extensive documentation under the land development code 4.2.80(d) that clearly states this issue of mine is not in compliance with the city code and should be corrected by the home owner. (See attachment)

However, when I called developmental services with the City of Corvallis, they stated there was nothing they could do about the issue after going by this neighbor's home with the light post. They said the land development code did not have enough specifics which hampered their enforcement ability.

The code, as it currently states, is not enforceable (as it relates to light trespass issues) if there is a shield around the exterior light and the light bulb is not visible. Therefore, a Corvallis resident, such as my neighbor can have a high wattage bulb that shines brightly into a neighbors yard and home disrupting their privacy and comfort and not be in violation if it is fully shielded and the bulb is not visible.

I believe a simple addition with more specifics to the code under 4.2.80(d) clearly stating no trespass light is allowed onto a neighbors property regardless if a shield is present.

Thank you

LAND DEVELOPMENT CODE
(LDC) 4.2.80

SITE AND STREET LIGHTING

"Pursuant to City Council Policy 91-9.04,

"The City of Corvallis is interested in well shielded, energy efficient street lighting sources that direct the light source downward where it is needed, not up or sideways where it is wasted and causes glare, light trespass, and bright skies."

4.2.80 (d) Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property.

Compliance with this provision shall be demonstrated by ensuring that, when evaluated from a point four feet above the ground, bulbs of light fixtures are not visible from adjacent property."

This is paragraph is confusing based on above bullets.

DOES YOUR OUTDOOR LIGHTING COMPLY WITH LDC 4.2.80 (D) ?

* Determining if your lights cause glare or light trespass is as easy as taking a quick nighttime walk along your property line.

Looking at your residence, do you see any of the following?

- Do you have fully shielded light fixtures?
- Can you see glare from your exterior lights?
- Do any of your lights shine upward into the night sky?

* As you walk along the property line, do your lights cast a dark shadow onto your neighbor's property or the sidewalk?

- Is the light bulb visible from adjacent property?

* If you answered no to any of these questions, your light fixture is out of compliance with LDC 4.2

YOUR LIGHTING DOES NOT COMPLY?

WHAT TO DO FOR COMPLIANCE:

- * 1. Use fully shielded light fixtures to prevent glare or light trespass.
- 2. Add shields to existing fixtures to prevent glare and spill light, or replace fixtures to achieve compliance.
- 3. For fixtures with clear glass, frost the glass to create an opaque finish which in turn shields the light bulb.
- 4. Re-aim light fixtures so that the light is directed only to the area you want to illuminate.
- 5. Modify non-compliant fixtures and make sure fixtures are properly installed to prevent light trespass (glare and spill light that shines onto neighboring properties).
- 6. Replace non-compliant lighting with code compliant light fixture.

Testimony for 11-16-15 Corvallis City Council meeting

Mayor Traber and members of the council:

I am writing to comment in support of a city resolution allowing a May 2016 vote on an OSU Extension service district for Benton County. This statement is made on behalf of Corvallis-Albany Farmers' Markets, a 501(c)(6) nonprofit that operates outdoor farmers' markets in Corvallis and Albany and otherwise works to support farm direct marketing in our six-county area.

We work closely with OSU Extension in Linn and Benton counties as well as on the state level via the Small Farms program. Before there WAS a formal Small Farms program, we partnered with Benton County and statewide faculty to develop methods for assessing farmers' markets and assisting the small family farmers who rely upon them. (Now there's an Oregon Small Farms Conference that overwhelms LaSells Stewart Center and the Alumni Center.) I also have served on Benton County's advisory committee.

All three program areas funded in the proposed district (4-H Youth Development, Economic Development and Community Development) would benefit farmers' markets and the local food movement.

Linn County Extension formed a district less than a decade ago, and the funding has provided stability. Because Linn and Benton often share staff, I believe a Benton district will allow better resource coordination over the river. More than ever, positions are shared among multiple counties and sometimes the state office.

I was surprised to learn that 24 of 36 Oregon counties already have a district, and that Benton is lagging most Willamette Valley counties that are leveraging funds this way. Of our Local 6 counties, only Benton and Lane are without districts. If voters say yes to a district, we will once again best our friends in Eugene.

Extension staff and volunteers provide valuable educational services at our farmers' markets that we could not fully replicate using our own staff resources.

These market-day activities include cooking and food preservation demonstrations, Master Gardener clinics, 4-H exhibits, well water testing and energy education.

But Extension's benefit to the farmers' markets don't begin and end with market days. The work Extension does with beginning farmers -- and even the 4-H kids who might someday become farmers -- is critical to the future of local agriculture in Corvallis and Benton County.

Of particular note is the Willamette Women's Farm Network, an exemplary peer learning opportunity that attracts 115 farmers in the central and southern Willamette Valley.

Thanks for the opportunity to comment. And I hope you'll be able to support the resolution.

Rebecca Landis
Corvallis-Albany Farmers' Markets
P.O. Box 2602 Corvallis, OR 97339

ATTACHMENT C

Page 455-d



LWV Corvallis

PO Box 1679, Corvallis, OR 97339-1679
541-753-6036 • <http://www.lwv.corvallis.or.us>

November 16, 2015

To: Mayor Traber and Members of the Corvallis City Council

From: League of Women Voters of Corvallis, Laura Evenson,
President

A handwritten signature in black ink, appearing to read 'Laura Evenson', written over a horizontal line.

Re: A Livability Code for Corvallis

The need for an upgrading of the rental housing code originated from the testimony of community residents—renters, homeowners, students, nonstudents—describing substandard housing conditions and asking the City for help.

Finally, after a long, arduous development process of 3 ½ years, that included over 40 public meetings, you have Livability Code Ordinances before you tonight. The League of Women Voters urges their adoption. The Ordinance calls for a review in one year to address any aspects of the Code that may need adjusting,

League's support is based on the "Meeting Basic Human Needs" position of the League of Women Voters of the United States on this matter: "State and local governments should adopt and enforce housing codes to protect the health and safety of all citizens."

Our support is also consistent with our organization's longtime emphasis on and support for comprehensive planning, which fosters complete, healthy, and diverse communities, and maintains and enhances community livability. Corvallis Comprehensive Plan Policy 9.4.5 states, "The City shall maintain appropriate standards to assure the repair and rehabilitation of housing units that may be hazardous to the health, safety, and welfare of the inhabitants." This Livability Code embodies both the spirit and the letter of this policy.

City Council of Corvallis Testimony: November 19, 2014
Livability Code Compliance & Neighborhood/Community Outreach

Your favorable consideration of the proposed Livability Code Compliance package will safeguard life safety concerns for those who live in Corvallis' older homes. Existing maintenance failure is among the serious problems effecting the fabric of our older neighborhoods.

Weather infiltration is the single greatest threat to structures, new or old. Keeping the building envelope in good repair prolongs its useful life and also reduces opportunities for animal infestation. In Oregon, a covered wooden bridge lasts 80 years or more, while an uncovered span deteriorates in about nine years. A tight roof, with adequate drainage and flashing may be the single most important strategy to forestall building neglect.

The recent Neighborhood Photo Survey inventoried **accessory dwellings** as well as primary housing. These living spaces merit the same life safety considerations as primary dwellings.

Corvallis highly values **sustainability**. Allowing structures to moulder and melt through neglect promotes needless waste, and aggravates Corvallis' already stressed housing needs.

Failure to provide trash removal attracts vermin and threatens healthy living conditions on site and nearby, creating a downward spiral of neighborhood health. In the long term, this practice leads to blighted areas and reduced property values, that negatively effects city real estate tax revenue.

Maintaining decks, stairs, and handrails in good condition promotes safe transitions between building interiors and exteriors. Providing entry lights promotes safety and reduces criminal conduct.

Businesses looking to relocate in a community evaluate housing conditions for two reasons:

- Are there adequate – and safe – places for employees to live?, and
- Does the community take pride in itself?

Communities that are well-maintained are also communities that take good care of their citizens, and are attractive to potential employers.

To paraphrase Jefferson: There would be no need for any laws, if everyone did the right thing. Many people in Corvallis do the right thing. We need this code for those who fail to do the right thing.

Thank you for your kind consideration.

Respectfully submitted,

BA Beierle

Good evening. My name is Trish Daniels. I want to begin by thanking you and particularly the current and former councilors of the Administrative Services Committee for their nearly three years of perseverance on this code and its predecessors. I'd also like to thank and praise the City staff for their dedication, tireless efforts, and steady professionalism throughout.

The need for the draft code you're considering tonight is longstanding. Several provisions respond to requests from the public that were first made when I was on the Council, 10 years ago. Many others address problems that have been known for even longer, 16 years or more. This code coordinates solutions to all these issues in a sensible, comprehensive manner that will, finally, put an end to some of the lip service our community has given ourselves about our so-called livability. It will make all our neighborhoods more livable, and it will go a long way towards eliminating the substandard conditions in rental housing that have been tolerated for decades.

How will it do that? Here are some examples:

- Neighborhoods will be cleaner and more attractive, because trash and waste are properly disposed of: no more persistent piles of rubbish, old tires, **no more lawn couches!**
- Neighborhoods will be safer and healthier because properties are adequately maintained, **not allowed to deteriorate to the point of demolition** while creating blight and decay.
- Renters—**56 percent of our community's population**—will be safer, healthier, and more secure, because they'll have doors and windows that lock, adequate fire safety and lighting, safe plumbing and electrical systems, and sufficient heat and ventilation.
- Property owners and landlords will have clearer roles, tenant rights and responsibilities are clearly defined, and both groups will be provided with opportunities for fair recourse.
- Education and outreach will ensure that people are connected with the resources they need.

Many of your constituents throughout Corvallis favor this major improvement to community livability, and are here in this room tonight. I testify on their behalf. They will not be speaking, but they have risen from their seats, as I speak, in support of its positive benefits—and also, I'd like to ask that those who could not find a seat but have come here to support the code to please raise their hands. Councilors, we have all waited a long time. The time has come for action. Please vote **Yes** to approve the Corvallis Livability Code.

Testimony to the Corvallis City Council in support of the proposed Livability Code

Jim Moorefield, Willamette Neighborhood Housing Services

November 16, 2015

Corvallis I served on the Collaboration Corvallis Steering Committee that forwarded a recommendation ~~for a~~ stronger property maintenance code ~~to Council~~, and I served on the advisory committee that recently reviewed proposed code language. My advocacy in support of a stronger code is based on wanting to achieve two things:

- First, to seek every opportunity to support a progressive approach to quality, affordable housing. One of the most frequently cited reasons for not adopting a stronger Livability Code has been the potential for resulting in higher rents. To me, this is another way of saying that a supply of poor quality, substandard housing is a necessary and legitimate part of our community's affordable housing strategy. I think that's bad public policy and is certainly bad for the very people most vulnerable to being stuck in poor quality housing. Thus my support for reversing those conditions.
- Second, I want to improve housing conditions in Corvallis because the link between housing and health is well established. In 2008, the Robert Wood Johnson Foundation published an issue brief on "Housing and Health" that stated: "Most Americans spend about 90% of their time indoors, and an estimated two-thirds of that time is spent in the home. Very young children spend even more time at home and are especially vulnerable to household hazards." The paper goes on to summarize a variety of ways that housing affordability, neighborhood conditions, and conditions within the home can harm or improve health. I won't get into specifics here, but I think it's evident how things like inadequate heating, water leaks, mold, poor indoor air quality, and various household hazards can impact a family's health. It's through this "healthy communities" lens that I view this whole effort, and I encourage you to do the same.

I thank you, city staff, and my fellow advisory committee members for everyone's hard work on the proposed code, and I thank you for what I hope you're about to do next: vote yes in support of adopting the new Livability Code.

November 16, 2015

To: Corvallis City Council

From: Carl Carpenter, Homeport Property Management, Inc.
homeport.property.management@gmail.com

Jerry Duerksen, Duerksen & Associates, Inc.
jerry@duerksenrentals.com

Holly Sears, Willamette Association of Realtors®
willamettevalleygad@gmail.com

Re: Livability Code

Thank you for the opportunity to provide public comment on the proposed Livability Code. We are here today as engaged citizens and representing organizations in the community, and as members of the recent Livability Code Departmental Advisory Committee (LCDAC) that was established to provide input to staff in the drafting of the code language.

There are still ambiguities in the proposed language that will be left largely up to staff to interpret in the operational guidelines. The manual will determine specific procedures for *how* staff is to interpret and enforce the provisions of the new code, including several ambiguities in the appeals process, such as whether penalties accumulate or are stayed during the appeals process, how those penalties are calculated if an appeal is lost, whether or when information in addition to what is outlined in Section 9.02.130.02(4) can be provided to the Hearings Officer during the appeals process, and many others.

The code language before you is not ready for adoption. The code language should be clear and understandable and not something that must be *interpreted* by staff in the operational guidelines.

If you elect to adopt code language needing significant clarification, we respectfully request that Council direct city staff to provide the opportunity for public review and comment on the operational guidelines throughout the drafting process and that the guidelines be reviewed and formally approved by the Administrative Services Committee prior to being finalized or implemented.

Thank you for the opportunity to participate in this effort and for the consideration of our comments.

Sincerely yours,

Carl Carpenter, Homeport Property Management, Inc.
Jerry Duerksen, Duerksen & Associates, Inc.
Holly Sears, Willamette Association of Realtors®

November 16, 2015

Councilor Hal Brauner, Councilor Barbara Bull, Councilor Joel Hirsch,
Councilor Penny York, Councilor Roen Hogg, Councilor Bill Glassmire,
Councilor Frank Hann, Councilor Zachariah Baker, Councilor Mike Beilstein
Mayor Biff Traber
Corvallis, OR 97330

Re: Livability Code

Dear City Council:

Since City staff brought forward the proposed livability code, and continuing until today's public hearing, we have, on numerous occasions, met with the City Council ASC Committee.

There are six (6) issues to which we call your attention concerning the proposed Livability Code: 1) Notice; 2) Corvallis' complaint process is not collaborative; 3) Appeals cannot be effective under the time constraints set forth; 4) Independent Hearings Officer; 5) Grandfathering. There is none in the proposed livability code; and 6) Ambiguous. The code, as proposed, is not comprehensible. The landlords do not understand what is required. This is particularly true in the inspections and the appeals processes.

**NOTICE TO ULTIMATELY RESPONSIBLE PARTY IS
A PREREQUISITE OF A COLLABORATIVE PROCESS**

Citizens of this community, Corvallis City Council, its staff, and property owners expect a collaborative process in governing our community. Rental properties pay a fee to support City staff position to help citizens with rental issues. A current example of the expected successful collaboration is how the Municipal Code noise violations in our neighborhoods are currently being addressed; contrasted to the prior non-collaborative process. Collaborating property owners, the professional property managers, and the Corvallis Police Department have dramatically reduced the second special response notice problem. This collaboration is only possible because the City Police Department agreed, upon request, to give property owners and property managers (ultimately responsible parties), actual, prompt notice of violations on their properties. This actual prompt notice involves the ultimately responsible parties in the situation and the solution from the beginning.

Notice of any complaint relating to a problem on the property owner's property should immediately be given to the property owner. The property owner is the ultimately responsible party.

Councilor Hal Brauner, Councilor Barbara Bull, Councilor Joel Hirsch,
Councilor Penny York, Councilor Roen Hogg, Councilor Bill Glassmire,
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We are asking City Council to: 1) Create a collaborative process in the new proposed livability code. 2) Direct staff to incorporate the following concepts in the Corvallis Livability Code. These concepts are: A) Notice provisions to ultimately responsible person; B) independent hearings officer for appeals of any staff and property owner dispute; and C) grandfathering of older structures to preserve the City's housing diversity.

NOTICE IN THE CORVALLIS COMPLAINT PROCESS

A collaborative process requires notice of all complaints respecting Corvallis real property or improvements to such property, to be immediately transmitted to the ultimately responsible party. The ultimately responsible party shall be involved in all inspection(s) of the object of the complaint, if possible. If the inspection results in discovery of violations, the ultimately responsible party shall be given an opportunity to resolve the violations within an agreed time frame. A follow-up inspection shall be requested within this time frame by the ultimately responsible party. This saves staff time and taxpayer money. This does not unambiguously appear in the proposed code. See page 32, 9.02.100.01.010 – Initial Contacts. Subsection (2), and 9.02.100.01.020(1) refer to responsible party. However, subsection (1)(b) suggests Landlord may not be the responsible party in the previous sections. This may not be as collaborative as it could be.

If there is no agreed time frame, or a request to reinspect is not received within the scheduled, agreed time frame, and the violation(s) is not remedied, then:

- I. A Notice of Violation (NOV) complaint shall be issued and served on the ultimately responsible party. The violation complaint, when served, shall set forth specifically:
 - a) What the inspection found as a violation(s);
 - b) The City's proposed remedial actions required by the ultimately responsible party; and
 - c) The time frame to accomplish these remedies.
- II. The ultimately responsible party shall have ten (10) days to notice an appeal of the written NOV complaint. When the subject of the complaint is so complex that professionally licensed opinions are necessary to the appeal and these professional

opinions are not available in the 10-day appeal time, the appellant shall have additional time and the request for additional time shall be granted.

- a) The City shall make its complete inspection file and all relevant records immediately available to the ultimately responsible party within three (3) days of receiving a written notice of intent to appeal.
 - b) After receipt of the written appeal, the City shall, within three (3) days, either accept the appeal and dismiss its complaint(s), or notify the ultimately responsible person and the Hearings Officer of its decision not to dismiss. A hearing shall be set within ten (10) days.
 - c) The hearing shall be based on the City's written NOV complaint, the City's written record at the time of the NOV given to the ultimately responsible party and the ultimately responsible party's written appeal, and . . . evidence used or requested by hearing officer in reaching final decision.
 - d) The ultimately responsible party's written appeal must set forth the proposed remedy to the alleged violation: i) dismissal; ii) alternative remedy; iii) new time frame; iv) amendment to complaint.
 - e) The Hearings Officer shall receive the written NOV complaint, the City records file given to the ultimately responsible party, and the written appeal, setting forth the ultimately responsible party's proposed solutions to the allegations within three (3) days of ultimately responsible party's appeal being received by the City.
 - f) The hearing, if necessary, shall be set within ten (10) days of the submission of the written appeal being received by the City. The Hearings Officer's decision must be delivered within ten (10) days of the hearing.
- III. Appeal of Hearings Officer's Decision or Order. Appeal of a final decision or order of the Hearings Officer shall be heard by the City Council at its next scheduled meeting, after an appeal is received by the City.

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- IV. Enforcement. Either party may institute appropriate suit or legal action in any court of competent jurisdiction to enforce or appeal the provisions of any decision or order of the hearings officer.

PROPOSED GRANDFATHERING IN THE NEW LIVABILITY CODE

The goal of grandfathering is to preserve the diversity of Corvallis' residential housing stock; Also, to allow tenants a choice in the type of housing available to them.

If property systems (electrical, structural, plumbing, heating, roof, sidewalk, driveways, etc.) meet the then-existing and applicable code at the time of construction, and it is not physically or fiscally possible to modify the system to meet the new livability code standard, then the system must meet the traditional code standard (plumbing code, building code, electrical code, etc.) for basic public health and safety.

It must be disclosed to occupants, prior to occupancy, if the property system DOES NOT meet the Corvallis Livability Code, but does meet basic health and safety codes at the time of construction.

Example: In the housing code, there has been no specific heating requirement for bathrooms and kitchens. Bathrooms and kitchens are classed as not habitable rooms. If the bathroom is old, small and unheated, is it financially necessary to place a heat source in an older structure where there has never been a provision for a heat source? Can the market/tenant not make that decision?

Example: A small bathroom has 32" x 32" shower base - Modern code calls for 36" x 36" shower base with two (2) feet of clearance in front. There is simply no room to meet this requirement. Is this the intent of this code?

AMBIGUITIES

Together, what do these three (3) sections say?

Page 4:

A. §9.02.070.04(1): "The Director is authorized to make inspections of all premises for the purposes of enforcing this chapter.

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Page 4:

B. §9.02.070.05 – Right of Entry. “Following the process set out below, the Director may enter all premises, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this chapter . . . ”

Page 16:

C. §9.02.090.05 – Interior Conditions of Tenant Occupied Residential Structures. “The provisions of this subsection shall be exclusively applicable to all structures occupied for residential use by tenants, regardless of the terms of their possession.

Together, what do these four (4) sections say?

Page 15:

A. §9.02.090.01 – General Maintenance Requirements. “No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this chapter. All systems, devices and safeguards required by this chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus ensuring the health and safety of all inhabitants.”

B. §9.02.090.02 – Existing Structures. “An existing structure that does not comply with the provisions of this chapter shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.”

C. §9.02.090.03 – Applicable Building Code. “All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.”

Is there grandfathering?

Page 16:

A. §9.02.090.05 – Interior Conditions of Tenant Occupied Residential Structures. “The provisions of this subsection shall be exclusively applicable to all structures occupied for residential use by tenants, regardless of the terms of their possession.

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Together, what do these sections say?

Page 1:

A. §9.02.030(2)(b): “This chapter is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities . . . ”

B. §9.02.030(2)(c): “If a provision of this chapter conflicts with a provision of the adopted building code, the provision of the building code shall apply to the exclusion of the conflicting provision of this chapter.”

Together, what do these two (2) sections say?

Page 3:

A. §9.02.070.03(2): “Complaints may be filed by members of the public, by representatives of the city organization and by representatives of external agencies . . . ”

B. §9.02.070.03(4): “. . . the Director may choose to initiate administrative or enforcement activities when condition are known or **suspected** to be present . . . ” Emphasis added.

Who is the responsible party? It should be the ultimately responsible party (Owner/Landlord).
When does the ultimately responsible party (owner/landlord) actually receive notice?

Page 32:

A. §9.02.100.01.010(2): **“One contact is made with responsible party, when possible, and the property is inspected.”**

Page 35:

B. §9.02.100.01.020(1) – Notice of Violations: “If violation exists and remains uncorrected after issuance of correction notice, the Director may issue a notice of violation to **the responsible party**.”

§9.02.100.01.020(1)(a) Notice of violation will identify code violation, will specify required abatement action, and will assign a deadline for completion of abatement, consistent with the provision of this chapter.

Councilor Hal Brauner, Councilor Barbara Bull, Councilor Joel Hirsch,
Councilor Penny York, Councilor Roen Hogg, Councilor Bill Glassmire,
Councilor Frank Hann, Councilor Zachariah Baker, Councilor Mike Beilstein
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§9.02.100.01.020(1)(b) A copy of a notice of violation issued shall be forwarded to the landlord and the occupant if either is not the responsible party identified as recipient of the notice;

§9.02.100.01.020(1)(b)1] copy will be mailed to the owner of the property at the address on record with the county assessor's office;

§9.02.100.01.020(1)(b)2] a link to an electronically accessible copy will be emailed to the landlord when that person is registered with the City rental housing program and has provided an email address;

§9.02.100.01.020(1)(b)3] copy will be mailed to the occupant(s) of the affected premises by situs address(es).

§9.02.100.01.020(1)(c) Person receiving a notice of violation may request an extension of period of time to correct the violation.”

Responsible party should always include landlord? If not, does the landowner know of the inspection or the complaint that initiates the inspection? Why not? The notice of violation is property owner's first contact with City. Is this clear and is it fair? Property owners and managers think this is not fair and a waste of staff time and money.

Very truly yours,

William Cohnstaedt

cc: Staff