



# REQUEST FOR COUNCIL ACTION

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**Title:** ODOT Art in the Public Right-of-Way Agreement

**Preferred Agenda:** August 23, 2022

**Submitted By:** Blair Larsen, Community & Economic Development Director

**Reviewed By:** Christy Wurster, City Manager Pro Tem

**Type of Action:** Resolution \_\_\_\_ Motion ☒ Roll Call \_\_\_\_ Other \_\_\_\_

**Relevant Code/Policy:** SH Charter, Chapter I, Powers of the City

**Towards Council Goal:** Aspiration I: Desirable Community

**Attachments:** Proposed ODOT IGA  
Expired ODOT IGA

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## **Purpose of this RCA:**

The purpose of this RCA is to present to the Council an amended version of the proposed modified Intergovernmental Agreement (IGA) from ODOT for the maintenance of the artwork on the ODOT maintenance building, and of the grassy area at the corner of US 20 and Highway 228, right-of-way and on ODOT property that was presented to the Council previously on June 28, 2022.

## **Background/Context:**

The City and ODOT previously had an agreement for the maintenance of the ODOT-owned land on the southeast corner of the intersection of US 20 and Highway 228, so that the City could maintain the landscaping and various items on that corner. That agreement also allowed the City to maintain the mural on the side of the ODOT maintenance building at 205 Main Street. That agreement expired on December 31<sup>st</sup>, 2020.

In 2020, a citizen-led initiative to place a roof over the Logger Statue on that corner led to a discussion among staff, the Council, and ODOT. ODOT suggested that the property could be transferred to the adjacent property owner (in this case, the East Linn Museum). The property transfer would allow modifications to be made to the property without negotiating an IGA with ODOT. This action was agreed upon, and is now complete—most of that corner, including all of the property where the various artwork stands, is now owned by the East Linn Museum. Because of these changes, ODOT did not pursue renewing the expired IGA.

An agreement is still needed to maintain the mural on the ODOT building, and a small remainder of the corner of US 20 and Highway 228. At the June 28, 2022 meeting, the City Council expressed concern over ODOT's commitment to maintaining the landscaping in front of the mural at the Sweet Home Maintenance Station. ODOT has added a provision to the IGA

stating that they agree to “maintain the landscaping at the Sweet Home Maintenance station in a manner that is free of tall grass and weeds and allows for clear viewing of the mural.”

Attached to this RCA is the amended agreement proposed by ODOT to take the place of the previous IGA.

If no IGA is signed with ODOT, ODOT will be free to remove the mural without any input or approval from the community.

**The Challenge/Problem:**

How should the City work with ODOT to maintain artwork in the public right-of-way and on ODOT property?

**Stakeholders:**

- Sweet Home City Council – The City Council has the authority to enter into agreements with other governmental agencies.
- Oregon Department of Transportation – ODOT owns the property in question, and their cooperation and permission is required for any changes and future maintenance.
- Sweet Home Citizens – Citizens deserve an attractive City, including artwork in public areas.

**Issues and Financial Impacts:**

This agreement covers work that the City has previously committed to perform, and already does, so there is no additional financial impact to the City. It is unknown, however, at what point the mural on the ODOT building will need any significant maintenance or repair. The cost of any potential work on the mural is also unknown. The City would likely rely on donations and volunteers for such work.

**Elements of a Stable Solution:**

A stable solution would include an agreement with ODOT for the maintenance of the artwork and the remaining ODOT property on the corner of US 20 and Highway 228.

**Options:**

1. Do nothing – Make no agreement with ODOT for this purpose. This would leave the future of the mural in doubt, as no one would be responsible for its maintenance, and ODOT would be free to paint over it.
2. Authorize and direct the City Manager Pro Tem to sign the proposed agreement as presented.
3. Authorize and direct the City Manager Pro Tem to sign the proposed agreement as with changes.
4. Direct Staff to Investigate Other Options – Staff can research different methods of protecting the artwork and changes to the IGA.

**Recommendation:**

Staff recommends option two, *motion to authorize and direct the City Manager Pro Tem to sign the proposed agreement as presented.*