

Council Agenda



October 9, 2002
7:30 p.m.

CITY COUNCIL MEETING

October 9, 2002

7:30 p.m.

School District Board Room
485 S. 5th Street

AGENDA

CALL TO ORDER/FLAG SALUTE

ROLL CALL

CONSENT CALENDER

a) MEETING MINUTES:

- ◆ City Council Meeting Minutes – August 14, 2002
- ◆ City Council Meeting Minutes – September 25, 2002

b) EASEMENT FOR PUBLIC UTILITY – Lebanon School District

APPOINTMENT(S)

CIP COMMITTEE APPOINTMENTS – Presented by: Mayor Scott Simpson

PRESENTATION

RECREATION PROGRAM REPORT – Presented by Cindy Ongers

LEGISLATIVE SESSION

1) REQUEST FOR TRANSIENT ROOM TAX FUNDING

Presented by: Mr. Warren Beeson, Lebanon Community Foundation

Approval/Denial by MOTION

2) PROSPECTIVE PETITION

Presented by: Mr. Robert Fudge, Friends of Lebanon

Approval/Denial by MOTION

3) CITY ADMINISTRATOR'S REPORT

Presented by: Mr. John Hitt, City Administrator

Discussion Only

CITIZEN COMMENTS - *Those citizens with comments concerning public matters may do so at this time.*

ITEMS FROM COUNCIL MEMBERS

ADJOURNMENT

Consent Calendar

a) MEETING MINUTES:

- ◆ City Council Meeting Minutes – August 14, 2002
- ◆ City Council Meeting Minutes – September 25, 2002

b) EASEMENT FOR PUBLIC UTILITIES

**MINUTES
LEBANON CITY COUNCIL MEETING**

August 14, 2002

Members Present: Council President Ken Toombs, Councilors Mel Harrington, Roger Munk, Dan Thackaberry and Stan Usinger

Staff Present: John Hitt, City Administrator; Tom McHill, City Attorney; Jim Ruef, Director of Public Works; Police Chief Mike Healy; Allen Dannen, City Engineer and Doug Parker, City Planner

CALL TO ORDER/FLAG SALUTE/ROLL CALL

Council President Toombs called the regular session of the Lebanon City Council to order at 7:30 p.m. in the Lebanon School District Board Room, 485 S. 5th Street. There were five members present. Mayor Scott Simpson and Councilor Ron Miller were absent.

CONSENT CALENDER

a) MEETING MINUTES:

- ◆ City Council Meeting Minutes - July 17, 2002
- ◆ Lebanon Planning Commission Meeting Minutes - May 15, 2002
- ◆ Lebanon Planning Commission Meeting Minutes - June 10, 2002
- ◆ Lebanon Tourism Commission Meeting Minutes - July 1, 2002
- ◆ Lebanon Tourism Commission Special Meeting Minutes - July 8, 2002
- ◆ Lebanon Tourism Commission Special Meeting Minutes - July 29, 2002

b) NORTHLAND INSURANCE LETTER REGARDING ELECTED OFFICIALS - July 31, 2002

c) LEBANON CITY COUNCIL AGENDA - August 14, 2002

Council President Toombs stated that Agenda Item #8, "Tourism Commission Request for a New Part-time Position" would be taken off the agenda. Councilor Munk proposed replacing Agenda Item #8 with a discussion and motion on the Tourism Agreement between the Lebanon Chamber of Commerce and the City of Lebanon. A motion was made by Councilor Thackaberry, seconded by Councilor Munk and passed unanimously that the *Consent Calendar of August 14* be approved as amended.

PRESENTATION

1) LEBANON AQUATIC DISTRICT REQUEST

Judy Phillips, Chair of the Lebanon Aquatic District requested that the City deed a section of land located at the old Lebanon Middle School (LMS) site for an aquatic center to include an indoor and outdoor pool. Ms. Phillips stated that she has received a lot of positive feedback about their proposal.

Council President Toombs stated that the City currently has a master plan for the LMS site.

City Administrator Hitt explained that in order for Council to consider the Aquatic District's proposal, a motion to direct staff to coordinate the proposal with the consultant was needed. The proposal would include the approximate specifications outlined in the letter from the Aquatic District dated August 6, 2002 (part of the 8/14/02 Council Agenda). The master plan would then be brought to Council for approval.

Councilor Munk asked Ms. Phillips what she envisioned the relationship between the District and the City to be. Ms. Phillips stated she felt that the proposal would be wonderful for the whole community, since the proposed new City facility would have major City services including the Library and Sr. Center at one location.

Ms. Phillips stated the District was not in a hurry for the project, due to financial constraints. The money would come from various sources, money saved from the current bond measure, fund-raising and grants. Ms. Phillips had spoken with someone willing to help write the grants. If Council decides to deed the property to the District, a value on the deeded property needs to be declared in order to apply for a grant matching the deeded property value. The District set a goal to do the project within five years. In the meantime, the Aquatic District will continue to maintain the current pool while saving for the proposed new facility.

Councilor Munk stated he would like to see a relationship between the City and Aquatic District and asked if the district had a minimum and optimal acreage needed for the proposed facility.

Ms. Phillips was unclear until they were sure of the placement of the facility on the school site. The current pool building is at 29,000 sq. feet, but does not include the space for an outside pool as well as parking. Parking is extremely important during swim meets and classes.

Hitt stated that the proposed site plan has established parking for each proposed building.

A motion was made by Councilor Thackaberry, seconded by Council Munk and passed unanimously that City Staff coordinate with Mark Seder & Associates on the feasibility of locating the proposed aquatic center at the LMS site.

PUBLIC HEARING(S)

2) ANNEXATION AND ZONING OF PROPERTY

Council President Opened the Public Hearing @ 7:42 p.m.

City Attorney McHill explained land use public hearing procedures to the audience and the City Council. The recommendation from Planning Commission would need to be a legislative action resulting in the approval, denial or amendment of the proposed Ordinance by Council. Staff has identified, on Page 7 of the staff report, relevant criteria pertaining to the Herb-Cook Annexation pursuant to ORS 197.763 requirements. Mr. McHill read the relevant criteria:

1. City Annexation Policy, Section 1, requires proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.
2. City Annexation Policy, Section 2, states that public rights-of-way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.
3. City Annexation Policy, Section 3, specifies that parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.
4. City Annexation Policy, Section 4, states that no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.
5. City Annexation Policy, Section 5, states that it shall be the burden of proof of the applicant that a public need exist for the proposed annexation and that the annexation is in the public's interest.
6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . the City shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capability of the City.
7. Public Facilities and Services elements of the Comprehensive Plan, General Policy #2 (Page 8-P-1) states that the City shall consider impacts on community facilities before . . . annexation requests are approved.

City Attorney McHill explained that any testimony, arguments or evidence presented must be directed toward the relevant criteria read or some clear criteria in the comprehensive plan or land use regulation in which the witness believes will apply to Council's decision.

Council President Toombs asked the Council to disclose any ex parte contact or conflicts of interest with the proposed annexation. There being none, City Planner Parker briefed the Council on the proposed annexation File A-02-03.

Applicants Thomas Herb and Norm and Nancy Cook requested an approximate 2.61 acre annexation territory containing two tax lots, 1400 and 2000 of Assessor's Map 12-2W-23A, as well as the adjacent Cascade Drive right-of-way. Tax Lot 1400 (265 Cascade Drive) is developed with a single family dwelling. Tax Lot 2000 is a double lot that is currently vacant.

The Planning Commission conducted a public hearing on May 15, 2002. Upon the conclusion of the public hearing, recommendation to the City Council was for the properties to be annexed and receive the requested zoning of residential mixed density, which is what the comprehensive plan map designation would assign upon annexation.

Councilor Thackaberry asked for an "overhead" of the proposed property annexation and for the existing city limits to be shown. After viewing the overhead, Councilor Thackaberry noted that the city limits surrounded the property in question.

Councilor Usinger asked for clarification on the proposed use of the property. Mr. Parker reiterated that Lot 1400 is already developed with a single family dwelling while Lot 2000 was originally platted as two lots and is designated as residential. It is a corner lot with Cascade Drive as an arterial street that allows for more opportunity for development. Sewer service is available to serve the properties with the sewer line extending down to Seven Oaks School. There is currently no water at the site. Mr. Parker noted that the City has not received any specific development proposal for the vacant property.

Council President Toombs asked if the applicant wished to speak.

Applicant Norm Cook expressed his desire for Council to approve his annexation request so he could move into his new home.

With no one else speaking in favor of the annexation, Council President Toombs asked the audience if there was any opposition to the proposed annexation.

Mr. Jim Just, speaking on behalf of himself and the Friends of Linn County, P O Box 113, Lebanon, addressed staff's decision criteria citing the policies below and refuting each:

- ▶ City Annexation Policy, Section 1. There was no evidence that water or storm drainage services are available to the property. Nor is there evidence that the existing storm drainage system is adequate to serve the proposed development. There is some evidence that the storm drainage system is already at capacity.
- ▶ City Annexation Policy, Section 2. The records were not clear on whether there are sidewalks or bicycle lanes adequate to serve the proposed annexation.
- ▶ City Annexation Policy, Section 3. There is no evidence that there is any program to upgrade the water or storm drainage systems.
- ▶ City Annexation Policy, Section 5. "The demonstration of a public need must be based upon population projections in the plan and on the residential land inventory of the plan." There is no such evidence in the record that establishes a public need for additional residential land within the city limits, nor is there any evidence that establishes that the annexation is in the public's interest.
"The only justification for the annexation is that it would serve the private interest of the applicant in providing access to the City's sewage disposal system."
- ▶ City Annexation Policy, Section 6. "There is no proposal in the plan to extend city services to the area, except for the provision of waste disposal." In reference to Urbanization Element Annexation Policy #1 . . . The City shall annex land only within

the urban growth boundary on the basis of findings that support the need for additional developable land. Mr. Just stated, "Again, there has been no demonstration of need based upon population projections and inventory."

Urbanization Element Annexation Policy #3 . . . Unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land to assure completion within a reasonable time limit in conformance with the plan approved by the City. Mr. Just explained that no development proposal accompanies the annexation request on Tax Lot 2000.

- ▶ City Annexation Policy, Section 7. "There has been no consideration of impacts on the storm water drainage in the area."

Mr. Just handed Council information for the record. (See attachment "1")

Council President Toombs asked if the applicant would like to rebut the opposition's claims since there were no others to speak in opposition.

Mr. Brian Vandetta of Udell Engineering – prepared the application proposal for the applicant – addressed a few issues brought up by the opposition.

- ▶ Annexation for the best interest of the public, Mr. Cook's current septic facility has failed. The reason for annexation is to hook up to City sewer which would be in the best interest of the public by protecting the health and well being of everyone in the neighborhood.
- ▶ In regard to public infrastructure, and the adequacy of such, the sewer is obviously there as well as the storm drainage (open ditch). There is no history during normal flood period of any flooding. The property drains northeasterly to an inlet through the highway drainage system across the highway into Cheadle Lake. It was Mr. Vandetta's opinion that there is adequate drainage to the roadside ditch. City water is available, but it is a cost issue of getting it out to the property.

Councilor Thackaberry asked if any sidewalks would be put in. Mr. Vandetta stated that currently they are county-standard paved shoulders on the westside of the road, which provide for pedestrian and bicycle traffic.

Mr. Just readdressed the Council on a new issue raised regarding the septic system. "There is provision in state law that when a septic system has failed and cannot be adequately replaced onsite that connection to the City system can be made, but does not necessitate annexation."

Councilor Thackaberry indicated that it is City policy that the applicant would need to annex in order to be hooked up to City water or sewer services.

Mr. Vandetta believed that the state policy has been in effect for those properties that are not contiguous or available for annexation.

There being no one else who wished to speak, Council President Toombs closed the Public Hearing at 8:02 p.m.

City Attorney McHill read the following Ordinance by title:

A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING HEARING AND UPON THE WRITTEN CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 and ORS 222.170.

*A motion was made by Councilor Thackaberry, seconded by Councilor Usinger and passed unanimously by roll call that **AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING HEARING AND UPON THE WRITTEN CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 and ORS 222.170** be adopted.*

3) LIQUOR LICENSE RECONSIDERATION - Redbeards

Council President Opened the Public Hearing @ 8:03 p.m.

Police Chief Healy reminded Council that they had previously given an unfavorable recommendation to the O.L.C.C. for a change of ownership application for Redbeards Restaurant. The recommendation was due to two main issues, the first being that at the time, Mr. Meeker was wanted on a misdemeanor warrant for "Failure to appear at a show cause hearing." Secondly, that his criminal history was a concern.

Since that time, Chief Healy met with Mr. Meeker and discussed both issues involved. Chief Healy asked Council for reconsideration of this request and added that once Mr. Meeker was notified of the warrant it was cleared very quickly and is no longer in the computer. Chief Healy added that generally they look at a ten-year time span when gathering applicant information and the incident in question is close to 10 years ago.

There being no one who wished to speak, Council President closed the Public Hearing at 8:10 p.m.

*A motion was made by Councilor Thackaberry, seconded by Councilor Harrington and passed unanimously to **approve the application for a change of ownership for Redbeards Restaurant.***

4) LIQUOR LICENSE NEW OUTLET OFF PREMISES SALES - Texaco

Council President opened the Public Hearing at 8:12 p.m.

Police Chief Healy stated that the Police Department does not possess any documented evidence to support a denial of Texaco's "New Outlet" Application. The owner is Kruparao Kancharla. The classification is "Off-Premises" Sales at the location of 300 Santiam Highway.

There being no one who wished to speak, Council President closed the Public Hearing at 8:12 p.m.

A motion was made by Councilor Harrington, seconded by Councilor Usinger and passed unanimously to approve the "New Outlet" application for Texaco.

5) LIQUOR LICENSE CHANGE OF OWNERSHIP - M & M Mini Mart

Council President opened the Public Hearing at 8:12 p.m.

Police Chief Healy stated that the Police Department does not possess any documented evidence to support a denial of M & M Mini Marts "Change of Ownership" Application. The change of ownership would be from M & M Rentals Company to M & M Mini Marts, LLC. The classification is "Off-Premises" Sales at the location of 805 Park Street.

There being no one who wished to speak, Council President closed the Public Hearing at 8:13 p.m.

A motion was made by Councilor Harrington, seconded by Councilor Usinger and passed unanimously to approve the application for a change of ownership from M & M Rentals Co. to M & M Marts, LLC.

LEGISLATIVE SESSION

6) SUPPORT OF AFFORDABLE HOUSING PURCHASE EFFORTS

Diana Cvitanovich, Executive Director for Linn County Affordable Housing (LCAH), addressed the City Council to request the City's support to a resolution expressing support for the purchase of Carolina 100 Apartments. These apartments are located at the corner of Park and Carolina Streets. LCAH proposes to acquire and rehabilitate the property to serve the needs of a mixed-income population including low and moderate income households.

Councilor Harrington asked what they would charge for rent. Ms. Cvitanovich stated that it would be for people from 40 - 60% of area medium income. Typically a person at the 40% area medium income is someone on a fixed income, i.e., social security, disability or a senior. Someone at 60% is typically someone working making around \$9 - 10/hr. with a child. One unit is at \$289 and the highest rent would be \$400, but most would be in the middle of the two figures.

City Attorney McHill read the following Resolution by title:

A RESOLUTION EXPRESSING SUPPORT FOR THE PURCHASE OF CAROLINA 100 AFFORDABLE HOUSING PROJECT.

*A motion was made by Councilor Thackaberry, seconded by Councilor Usinger and passed unanimously that **A RESOLUTION EXPRESSING SUPPORT FOR THE PURCHASE OF CAROLINA 100 AFFORDABLE HOUSING PROJECT** be adopted.*

7) MAIN STREET IMPROVEMENTS - CIF Grant Requirements

City Engineer Dannen addressed Council for direction regarding the denial of reimbursement for a portion of the engineering charges from the granting agency for the Community Incentive Fund Project. Mr. Dannen briefed the Council on the program which is sponsored by the Oregon Housing and Community Services (OHCS) Department. The reimbursing type grant works as such, the city incurs the expenses and then the granting agency pays the city back. CIP Engineering staff began working on the grant in November 2001 and submitted the first invoice to OHCS in April for engineering charges to date, that invoice was paid in full. When the second invoice was submitted for the next month [May] they received several questions from the granting agency coordinator regarding the administrative charges submitted for engineering. Staff provided the coordinator with specific details on how those charges were established and they had not heard from her until the end of July stating that they could not pay for those charges. They cited Oregon Administrative Rule that established the grant fund (see agenda packet for complete rule).

To this date there has been almost \$30,000 compiled of engineering and administrative charges that staff expected to be reimbursed for as well as any future charges for construction engineering to get the project done. These expenses were well within the budget target anticipated in the original grant. Moreover, the City had already executed contracts with the contractors so we have had to delay the contractor resulting in a delay claim and an additional expense.

In light of the state now denying reimbursement for all "in-house" engineering expenses, City Engineer Dannen proposed two options to complete the project. Both options are conservative and staff is hopeful that the total cost of the project will come in less than the original figure. *Both options contain \$15,000 in contingencies for unknown costs.*

Option (1) City staff continues the construction engineering as before. The non reimbursable costs to the City would be \$48,000. Option (2) Hire a consultant because funds spent on them are reimbursable since do not use as stringent method of an accounting, for every person's time, as the City does. However, since the project has already started, it would take a lot of time and effort by staff to get the consultant on board and up to speed. Total out of pocket expense to the City would be about \$64,000 to finish the project using a consultant, thereby using up all the grant funds plus the \$64,000.

Mr. Dannen identified three potential revenue sources: (1) Money available in the STP Fund Exchange Program that has historically been tagged for the overlay program available in this year's budget to help divert the shortfall; (2) State Foot and Bike Path Fund, roughly \$30,000 for pedestrian improvements in the fund, and (3) General Fund, we are about \$100,000 ahead of what was projected on revenue and roughly \$40,000 less than projected on expenditures leaving an unallocated surplus of approximately \$140,000 from the *past* fiscal year. The number is likely to decrease due to pending invoices.

Councilor Harrington asked what we have spent thus far in engineering costs for the project. Mr. Dannen stated roughly \$96,000 and approx. \$30,000 will not be reimbursed.

Councilor Munk asked if the \$30,000 in the State Foot and Bike Path Fund was earmarked for a particular project.

Mr. Dannen stated that there was not one specific project. Funds were earmarked for pedestrian improvement projects in case a sidewalk incentive project becomes available.

Councilor Harrington expressed concern about spending another \$40,000. Councilor Thackaberry asked if staff could downsize to keep within the budget. Mr. Dannen stated that it would be difficult because of the non reimbursable charges that have already been filed. Thackaberry asked if they could resubmit the invoices. Mr. Dannen stated that OHCS is taking a strong position on it, and staff has tried many angles but will continue to work with the state to try and get reimbursed for these expenses.

Councilor Harrington asked what would happen if Council did not choose either option. Mr. Dannen stated that they would need to halt the project. However, the granting agency would probably request the funds already expended at least on the trees and lights, since we would not be completing the originally identified scope of work. This proposal would cost more than either of the options presented.

A motion was made by Councilor Munk, seconded by Councilor Usinger and passed unanimously to direct staff to proceed with Option 1 and to fund the \$48,000 needed by splitting the funds equally between the General Fund, Federal STP Fund Exchange Program and the State Foot and Bike Path Fund.

8) CHAMBER OF COMMERCE TOURISM AGREEMENT (New Agenda Item)

Councilor Munk stated that after reading an article in the paper regarding the Chamber no longer being involved with promoting tourism, he called the Chamber and asked them what it would take for them to be active in promoting tourism again. The Chamber Board of Directors had requested \$500 from the Lebanon Tourism Commission (LTC) because they were not being reimbursed enough to cover basic expenses. Although the \$500 still did not cover the expenses that they incur for providing tourism information it would be more acceptable than the \$300 offered. The City Council had discussed this several times before, and we had a prior meeting between Council members and members of the Chamber at which time it was decided that we would fund the Chamber for expenses incurred. In comparison to the alternative that has been discussed by the LTC (8 hours per week paid part-time position), I think that it is important to have someone at least five days a week on tourism-related issues.

Councilor Munk proposed to have a motion to fund the Chamber \$500 a month for a period of three years with the details being open for discussion.

Councilor Harrington stated that he would like to say a few things and then open it up for discussion with the audience since members of the LTC are present.

Councilor Harrington, the City Council's liaison with the LTC, stated that they have tried to work with the Chamber on monthly compensation and had offered \$300 per month covering expenses from July through December of 2002, at which time the LTC would have the Santiam Travel Station up and running with a volunteer base. Councilor Harrington felt that LTC should be making recommendations to the Council as to what they feel is fair.

Councilor Harrington asked for testimony from the Tourism Commission.

Mr. Ray Watts, Chair LTC, stated that it was his understanding that the reason the Commission was formed was to advise the City Council on how the motel tax (Transient Room Tax) should be spent, to develop tourism in Lebanon and to open the Santiam Travel Station. One of the big issues was the prior bill from the Chamber of Commerce. In April of 2001, they told the Chamber that the \$300/month they had been receiving would stop. A review of the Chambers expenditures for tourism was done on July 8. In April 2001, the Chamber had roughly \$7,400 left in the account. LTC figured the Chambers expenses, from April 2001 to June 2002, would run approximately \$8,100. The Chambers expenses for the Santiam Slow Spokes, Strawberry Festival, Hotel Brochures, Rollin' Oldies, Boys & Girls Club, Tree Lighting and other specific activities were another \$3,227.76. There were a lot of expenses for postage, utilities and staff time that appear to be double-billed and not related to specific tourism activities. Therefore, LTC perceived that the Chamber had been accurately reimbursed for their tourism expenses until the end of July 2002. The LTC reviewed how much should be given to the Chamber while they move through the transition period and felt that \$300/month was reasonable, until the end of December when TLC takes over the majority of activities.

Councilor Munk questioned why the following motion, contained in the July 8 LTC Minutes, failed: "To encourage cooperative working relationship between the Chamber and LTC, Gloria made a motion that a representative from each group be selected and to meet to bring about positive relations. The measure was not seconded; therefore, it died."

Chair Watts, stated "Probably because we just voted not to pay the previous bill from the Chamber of Commerce."

Gloria Olsen addressed the question, "The reason the motion died was because we were at the end of a very long session and it would have required another set of energy and time." Ms. Olsen added that she felt it was important to follow the course that was set to develop a plan for tourism. The LTC has made it a priority to work on a plan for marketing and developing the tourism industry. Ms. Olson stated, "I believe the motion to award \$500 to the Chamber is premature. There needs to be a working relationship, but the working relationship needs to start with a plan for spending the money, rather than saying here's the money, spend it!"

Councilor Munk stated that one of the prior areas of dissent from the motel owners was that there wasn't enough weekday tourism promotion going on and asked why the decision was made to have the Santiam Travel Station open on Friday, Saturday and Sunday instead of during the week. Ms. Olson believed it was a matter of time, logistics and people.

Linda Bahrke, LTC member, stated that Council asked the Commission to do a job – to look at the money and how it was being spent at the Chamber. "We took the time to figure out whether the Chamber was deserving of more money, we as a commission said no, we don't think that we owe you more money and the City has given you enough money for what has gone on." The LTC felt that the Chamber charging the City \$700 to maintain a parking lot was above and beyond the \$300 they received. Charging \$30/ hr. for the Chamber staff was excessive and felt that volunteers could do it. Ms. Bahrke stated that the Chamber asked in 1993 for money to promote tourism and has been receiving money since 1994. The Chamber has not given us an inventory of tourism activity, marketing or strategic plans. Ms. Bahrke stated, after investigating other towns they found you don't have to be open to supply the needs of tourists, if you supply articles and pamphlets at

motels, restaurants and outside the Chamber – this is not being done in Lebanon. Ms. Bahrke stated, "I found it extremely irritating that the Council has gone behind the Commission's back to meet with the Chamber when the LTC had been meeting with their representative, we should have been included in this process. If that is how you're going to run the LTC, then I think I need to resign."

Councilor Munk stated for the record that he was the one who contacted the Chamber, as stated previously, after reading the article in the paper.

Douglas Christopherson, LTC member, stated he and his wife are newcomers to Lebanon, and have been involved with tourism for 13 years in a previous location. We are the only county that does not have a countywide tourism for marketing. Marion, Polk, Benton and Lane County does. The Transient Room Tax now provides the money to continue the process of developing a strategic plan, marketing, and the operation of the Santiam Travel Station. That is what LTC has been doing. Greg Nirvino, President of The Chamber Board, has been involved with the LTC meetings since its conception, when the TLC made the motion to deny the \$500 request and the letter was sent to the City, Mr. Nirvino resigned.

Mr. Christopherson stated that the Chamber states that they spend approximately \$959/month for tourism. Of that, \$454 is spent on staff time (\$34 for the Executive Director and \$21 for the assistant). LTC figured that they are only spending 13.35 hours/month out of 436 hours on tourism. The Chamber's accounting also takes into consideration the physical space which is figured at 25% of the cost.

Mr. Christopherson stated that most area Chambers are not participating in tourism, but that tourism promotion is usually done by an independent Visitors Association. Mr. Christopherson believes that it can be done with volunteers open only on the weekends because that is when most of the tourists come to Lebanon. He is currently working on a budget for \$1,000 to operate the Santiam Travel Station with no paid staff time. About \$500 would be spent on tourism marketing. He felt that the Council should defeat the motion made earlier and go with the statement previously set up. He encouraged the Chamber to work with the LTC by supporting the LTC's tourism promotion efforts.

Councilor Munk verified for the record that his direction to Council was for the LTC to work together with the Chamber as oppose to taking away the Chambers funds. Mr. Christopherson quoted the LTC ordinance . . . "to promote the experience for tourism". . . and stated that is what they are doing. It does not say anywhere to work with the Chamber, but he (Christopherson) certainly supports LTC working with the Chamber.

Councilor Munk asked if he remembered correctly that at a previous meeting the City Council asked the LTC to work out with the Chamber a joint proposal to share Transient Room Tax funds. Councilor Thackaberry confirmed that he had the same recollection. Mr. Christopherson replied that efforts to develop a mutual proposal failed and the LTC Ordinance did not mandate sharing Transient Room Tax funds with the Chamber.

Councilor Munk asked about the proposal to hire someone for \$8.00/hr. (equating to \$361.20/mth. w/taxes) that would only be for one day per week. On the other hand there is someone to answer tourism questions all week long for \$500 at the Chamber.

Committee Member Bahrke stated that the proposed hiring of an \$8/hr. per week person was to be a temporary position to help out for the next month or two to get the inventory and the volunteers together and to get us going quickly.

Chair Watts stated that the LTC's main focus for them is tourism, not a side activity as for the Chamber. \$500/month going to the Chamber would leave the LTC between \$200 and \$300 a month to operate for tourism.

Councilor Harrington addressed the proposed part-time position stating that it was taken off of this Agenda because the person offered the job did not want to accept money for it, but would rather volunteer.

Councilor Toombs pointed out that even though the LTC is running the tourism center with volunteers it still costs money to operate the Santiam Travel Station.

City Administrator Hitt stated the expenses thus far are for: Computer hookup, two telephone lines, electricity and uncertain what the heating costs for the building will be.

Councilor Harrington said that he would like to reiterate a statement that he made before when they started the LTC. If we can't get it up and running the way it should be in two years, he will be the first one to admit it is not working and we'll have to move in another direction. However, he feels that they should have the benefit of the doubt and the City should give the LTC the time and funding necessary to make a good effort.

Peggy Christopherson, LTC member, addressed the money issue. They were told that they would not have any heating or electrical expenses for the first year. Expenses would be for software, a telephone and computer line. The TLC is working to come up with ways of being self-supporting to get more money than the TOT money through souvenirs, books, and other merchandise.

Ms. Cvitanovich addressed the issue, putting the money aside, what she hears Council saying is to have both the LTC and the Chamber to simply collaborate. Ms. Cvitanovich stated that a strategic plan was needed as well as legitimate funding. Ms. Cvitanovich suggested hiring a facilitator to work with both organizations to benefit the community.

Councilor Usinger suggested that the City come up with another \$200 to be matched by the LTC's offer of \$300 to continue the job, at least until the LTC gets on their feet.

*Councilor Thackaberry made a motion, Councilor Harrington seconded, to **table Councilor Munk's proposal until the October City Council meeting at which time the issue can be discussed. In the meantime, both parties need to try to work it out between themselves. If not, Council will have to make a decision at the October meeting.** The motion passed with four voting yea, and Councilor Munk voting nay stating that the organizations have already had negotiations and are at an impasse.*

9) PROPOSED CITY ORDINANCE AMENDMENTS

City Administrator Hitt briefed Council on the proposed amendments to the ordinances described below:

Transient Room Tax

- ▶ The rate is changed from \$2.00 per night per occupied room to 6% per occupied room.
- ▶ The tax is now imposed on all stays less than 30 days in comparison to all stays less than seven days as per the current ordinance.
- ▶ The exemption for city-owned property is eliminated.
- ▶ There are increased enforcement tools including a requirement to make the books available for inspection and a daily penalty, enforceable by lien, if the owner refuses to make records available for inspection.

City Attorney McHill read the following Ordinance by title:

A BILL FOR AN ORDINANCE AMENDING SECTIONS OF CHAPTER 3.12, TRANSIENT ROOM TAX, OF THE LEBANON MUNICIPAL CODE.

*A motion was made by Councilor Munk, seconded by Councilor Thackaberry and passed unanimously by roll call that **A BILL FOR AN ORDINANCE AMENDING SECTIONS OF CHAPTER 3.12, TRANSIENT ROOM TAX, OF THE LEBANON MUNICIPAL CODE** be adopted.*

Peddlers, Street Vendors & Itinerant Merchants

- ▶ Provides for two new categories, "street vendors" – those with a vehicle traveling to different places of business, and "itinerant merchants" – those operating at a fixed site but not in a building or other permanent structure for a limited period of time.
- ▶ Clarifies the basis for license denial or revocation.
- ▶ Provides for a license term of 30 days to one year (applicant's choice) rather than the current one year.
- ▶ Prohibits certain solicitation activities such as going door to door before 10:00 a.m. or after 7:00 p.m. nor offering food products for sale without meeting health department requirements.

The overall purpose of the ordinance amendments is for public safety in regard to people going door to door or traveling the neighborhood (e.g., an ice cream vendor) with contact of exposed vulnerable children. The Supreme court made a recent decision that the cities have a vested interest in ensuring the safety of the citizens with these types of businesses. A license requirement will provide police some background information.

City Attorney McHill stated, for the point of clarification, that a license would not be required for religious, political campaigning or people working to support a cause or an organization.

City Attorney McHill read the following Ordinance by title:

A BILL FOR AN ORDINANCE AMENDING LEBANON MUNICIPAL CODE CHAPTER 5.32, PEDDLERS, STREET VENDORS AND ITINERANT MERCHANTS.

*A motion was made by Councilor Thackaberry, seconded by Councilor Usinger and passed unanimously by roll call that **A BILL FOR AN ORDINANCE AMENDING LEBANON MUNICIPAL CODE CHAPTER 5.32, PEDDLERS, STREET VENDORS AND ITINERANT MERCHANTS** be adopted.*

Parades, Processions and Public Gatherings

City Administrator Hitt briefed Council that a proposed amendment was previously submitted with some Councilors expressing reservations about the provisions governing parades and under what conditions a permit would be required. The current provisions provide the following:

- ▶ Expands the definition of a "parade" from 10 or more to 50 or more persons.
- ▶ Clarifies that a permit is required only when a parade or public gathering is likely to "interfere with traffic or the use or access to public property."
- ▶ A permit for a Public Gathering is required only when it includes at least 75 persons, *and* is on public property, *and* includes the offering of "good or services . . . To the general public." All three requirements would have to be met in order to trigger a permit requirement for a Public Gathering.

Councilor Munk asked if Councilor Miller had any comments on the proposal since he was one of the Councilors with reservation to the amendments. Mr. Hitt stated that he did not receive any comments from him.

City Attorney McHill read the following Ordinance by title:

A BILL FOR AN ORDINANCE AMENDING LEBANON MUNICIPAL CODE CHAPTER 10.48, PARADES, PROCESSIONS AND PUBLIC GATHERINGS.

*A motion was made by Councilor Thackaberry, seconded by Councilor Munk and passed unanimously by roll call that **A BILL FOR AN ORDINANCE AMENDING LEBANON MUNICIPAL CODE CHAPTER 10.48, PARADES, PROCESSIONS AND PUBLIC GATHERINGS** be adopted.*

10) AMENDING SCHEDULE OF CITY FEES

City Administrator Hitt proposed a few minor amendments to the Fee Schedule adopted last April:

- ▶ Mobile Home/ Trailer Court Park annual fee @ \$50 + \$7.50 per space
- ▶ Peddlers, Street Vendors & Itinerant Merchants @ \$15 (30 days), \$25 (60 days), \$30 (six months), \$40 (one year)
- ▶ Parade, Procession or Public Gathering @ \$20
- ▶ Failure to Comply with LMC 3.12.190 of the Transient Room Tax @ \$20/per day

Councilor Harrington stated that he has ten spaces in his trailer park. All of the residents are single, retired seniors on a fixed income. Councilor Harrington stated that he would like to see the \$7.50/space reduced to \$5.00/space. City Attorney McHill explained that this subject is a conflict of interest for Councilor Harrington and recommended that he not participate in the vote of the resolution.

City Attorney McHill read the following Resolution by title:

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR CITY SERVICES

*A motion was made by Councilor Thackaberry, seconded by Councilor Munk and passed unanimously, with Councilor Harrington abstaining, that **A RESOLUTION ESTABLISHING FEES AND CHARGES FOR CITY SERVICES** be adopted.*

11) RFP FOR GRANT ADMINISTRATION FOR 2001 REHAB LOANS

City Administrator Hitt stated that the City of Lebanon was awarded a \$390,000 CDBG-funded grant to provide loans to low and moderate income homeowners in order to improve or rehabilitate their property. It was originally thought that Linn County Affordable Housing would administer this grant for all the agencies involved in the grant. However, subsequent ruling front the state indicated that we would have to prepare a public RFP. The proposed RFP meets those requirements and allows funding to become available to the Lebanon residents.

*A motion was made by Councilor Thackaberry, seconded by Councilor Munk and passed unanimously to **direct staff to proceed with the proposed RFP.***

12) CITY ADMINISTRATOR'S REPORT

City Administrator Hitt gave an update on the following matters:

Wal-Mart Application: The Planning Department gave an informational meeting on August 12 regarding the application process, with approximately 70 people in attendance. Mr. Hitt received positive feedback on the meeting and announced the Public Hearings scheduled for August 21 and 22. Mr. McHill addressed the issue of disclosing the many forms of ex parte contact.

Economic Development Planning: Met last week with property owners, state, local and county officials about how to remove roadblocks for developing industrial sites.

Linn County Library District: The Scio Library is sponsoring a program for additional grant funding from the State Library. Letters of support are due to Program Director Denice Lee by tomorrow for the August 16 meeting.

Council Meeting Schedule: There will not be a meeting on September 11. The next meeting will be held September 25, 2002.

September 11 Commemoration: Mayor Simpson has been working on ceremonies for the one year anniversary of the September 11 tragedies.

City Administrator Vacation: Mr. Hitt will be gone from September 12 through the 17th.

City Council Elections: A reminder that election packets are due by August 27.

Miscellaneous Matters: Meeting at Bing's. The Fire Department is holding their annual BBQ at noon this Saturday at River Park. Councilor Harrington stated that the annual "Tree Day" is this weekend at Udell's Tree Farm.

CITIZEN COMMENTS - *Those citizens with comments concerning public matters may do so at this time.*

Mr. Jim Rieke, a business owner of 580 Main Street, stated that he came up with a way to automatically water the hanging pots. Mr. Rieke would like to incorporate the watering system into the downtown project while the reconstruction is going on. President Toombs stated that someone from staff (Jim Ruef and John Hitt) will come over to talk to him.

Mr. Abe Abraham addressed the Council with concerns about the legality of an electrical sign at Isabella and Main Streets. Mr. Abraham also felt the City should not go back to diagonal parking downtown.

Mr. David Bertucci, of Lebanon Real Estate, addressed the Council regarding 14,000 square foot parcel on Stohlz Hill and 12th Street. The owners cannot get a final occupancy approval because of a previously approved driveway the City wants the owners to move further from the intersection. The property owner's expense would be approximately \$1,000.

Council President Toombs stated that staff would address the issue and contact him.

ITEMS FROM COUNCIL MEMBERS

There were none.

ADJOURNMENT

There being no further business or discussion, Council President Toombs adjourned the meeting of the Lebanon City Council at 9:45 p.m.

Recorded and transcribed by: Linda Kaser, Administrative Assistant

J. Scott Simpson, Mayor []
Ken Toombs, Council President []

Attested by:

John E. Hitt, City Administrator

RELEVANT ZONING ORDINANCE AND COMPREHENSIVE PLAN EVALUATION CRITERIA

1. City Annexation Policy (City of Lebanon Resolution #11 for 1982), Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*
3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*
6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that . . . *the city shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capabilities of the city.*
7. Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) states that . . . *the city shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the city's service capability.*
8. Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2) states that *Unless otherwise approved by the city, specific development proposals shall be required for annexation requests on vacant land adjacent to the city to insure completion within a reasonable time limit in conformance with a plan approved by the city.*
9. Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that *the city shall consider impacts on community facilities before ... annexation requests are approved.*

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**MINUTES
LEBANON CITY COUNCIL MEETING**

September 25, 2002

Members Present: Mayor Scott Simpson, Councilors Mel Harrington, Ron Miller, Roger Munk, Dan Thackaberry, Ken Toombs and Stan Usinger

Staff Present: John Hitt, City Administrator; Tom McHill, City Attorney; Jim Ruef, Director of Public Works; Mike Healy, Police Chief; Allen Dannen, City Engineer and Jim Clark, Project Manager

CALL TO ORDER/FLAG SALUTE/ROLL CALL

Mayor Scott Simpson called the regular session of the Lebanon City Council to order at 7:30 p.m. in the Lebanon School District Board Room, 485 S. 5th Street. All members were present.

CONSENT CALENDER

a) MEETING MINUTES:

- ◆ City Council Meeting Minutes - August 14, 2002
- ◆ Library Advisory Board Meeting Minutes - August 14, 2002
- ◆ Senior & Disabled Advisory Board Meeting Minutes - July 17, 2002

b) AMENDMENT TO PERSONAL SERVICES AGREEMENT - Larry Houchin, Municipal Court Judge.

c) EASEMENT FOR PUBLIC ACCESS AND UTILITIES:

- ◆ Waterline Easement for Chester McMains
- ◆ Waterline Easement for Marion Boykin

Councilor Harrington questioned the City Council Minutes of August 14, 2002. Page 9, Paragraph 3, indicated the dollar amount to be \$48,000. Mr. Harrington and Thackaberry stated that the approved amount should be \$40,000, not \$48,000. Mr. Dannen stated \$48,000 was correct. Administrative Assistant Linda Kaser confirmed the tape clearly stated the amount of \$48,000 was needed. City Administrator Hitt told Council, the tape would be reviewed again and discussed at the next Council meeting.

A motion was made by Councilor Munk, seconded by Councilor Usinger and passed unanimously to approve the consent calendar with the exception of the August 14, 2002 City Council Minutes which were tabled until the October 9 City Council meeting.

INTRODUCTION

City Administrator Hitt introduced the new IS Manager Tom Oliver.

PROCLAMATION

Mayor Simpson declared October 6 - 12, 2002 as "HEALTHCARE FOOD SERVICE EMPLOYEE WEEK" and encouraged all citizens to join in this observance.

PUBLIC HEARING

1) LIQUOR LICENSE APPLICATION (Off Premises Sales) - Tobacco World, Inc.

Police Chief Healy reported the unfavorable recommendation from both the Planning and Building Departments due to a number of building and zoning issues need to be resolved before approval of the application could be made. The Fire Department denied approval due to safety issues and the Safety Division gave approval only if the establishment becomes fully licensed by the Department of Agriculture.

A motion was made by Councilor Thackaberry, seconded by Councilor Usinger and passed unanimously that the liquor license for Tobacco World be recommended for denial.

LEGISLATIVE SESSION

2) USE OF TRANSIENT ROOM TAX FUNDS

City Administrator Hitt briefed the Council on the last Council meeting tabling the motion to award the Chamber of Commerce \$500 from transient room tax revenue pending discussion between the Chamber and Lebanon Tourism Commission (LTC).

Mayor Simpson described his meeting with Chamber President Elect Greg Nervino. (See Attachment "1".) Mayor Simpson pointed out the original motion tabled last meeting until October due to Council Agenda scheduling could now be heard tonight.

A motion was made by Councilor Thackaberry, seconded by Councilor Usinger and passed unanimously to revoke the original motion to table discussions until October and continue with discussions tonight.

City Administrator Hitt reminded Council of Ordinance Title 2.34 relating to the establishment of the Tourism Commission and addressing the purpose and function of the LTC. Funding of activities to be provided by the City was also addressed. City Administrator Hitt reiterated the costs involved with keeping the Santiam Travel Station open.

Councilor Harrington and Thackaberry felt Council should allow the LTC to precede as originally promised. Councilor Thackaberry would like to see the Chamber receive funds as well.

Councilor Munk reminded Council when Mr. Hitt, Councilors Harrington, Toombs and he met with the Chamber some time ago, they committed \$500/month to the Chamber through the summer tourism season.

Councilor Toombs questioned the cost effectiveness of keeping the Santiam Travel Station open, stating the Chamber could provide tourism duties at a lower cost.

Councilor Usinger suggested giving \$500/month to the Chamber for at least another year until the LTC is completely up and running. Councilor Munk pointed out the LTC had already been in place for close to a year.

Councilor Miller asked if there was money in the budget to fund both organizations. Finance director Cole stated the money would have to come from General Fund. Councilor Miller expressed the Chamber should remain involved with the tourism process.

Mayor Simpson would like to see some kind of record keeping procedure in place for the Chamber if granted \$500/month.

Greg Nervino explained the Chamber could not provide proper service without adequate funding.

A motion was made by Councilor Munk, seconded by Councilor Toombs, to grant the Lebanon Chamber of Commerce \$500 per month to promote tourism for a three (3) year period. The motion was amended by Councilor Harrington, seconded by Councilor Thackaberry, to grant the money for a one (1) year period instead of three. The motion failed with two yeas (Councilors Harrington and Thackaberry) and four nays (Councilors Miller, Munk, Toombs and Usinger) to accept the amendment.

Mayor Simpson reiterated there should still be some form of accountability issued to the Chamber. Councilor Miller suggested doing a similar agreement as the original Chamber agreement in 1993. It should be made clear as to the Chamber's role and responsibilities. City Administrator Hitt stated he could bring a draft agreement back to Council for approval. Mr. Nervino felt the Chamber Board would accept an agreement if it was similar to the original agreement.

Mayor Simpson asked if anyone would like to speak in favor of the motion granting the Chamber \$500/month. Hearing none, Mayor Simpson asked if anyone would like to speak in opposition.

LTC Chair Peggy Christopherson stated if Council voted in favor of the motion they would be doing away with the LTC because they could not operate on the remaining transient room tax funds, if the Chamber received \$500/mth. Mrs. Christopherson explained the accomplishments made thus far, e.g., a visitor's guide, operations plan and guidelines for spending the dollars received. Ms. Christopherson stated she would resign if the motion passed.

LTC member Gloria Olsen stated that the focus should be on the tourism plan not on the money. Ms. Olsen questioned turning the money over to an organization [Chamber] that is service oriented, unless the Council had a plan from them for providing that service. Ms. Olsen asked what would happen to the LTC if the motion passed.

Citizen Lyle Winters stated that this was the exact same subject as the meeting he came to about five months ago and asked the City Council to speak up for the audience to hear.

Mayor Simpson requested a five-minute recess at 8:35 p.m. and reconvened at 8:40 p.m.

Councilor Miller, having had a chance to review a few projects completed by the LTC, provided positive comments on their work and encouraged them to keep working on their plan. Hopefully, there could be a way to fund the LTC through the General Fund in upcoming years.

The original motion still on the table to grant \$500/month to the Chamber for a three-year period to promote Tourism was brought back to the forefront and passed with four yeas (Councilors Miller, Munk, Toombs and Usinger) and two nays (Councilors Harrington and Thackaberry).

Mr. Hitt stated that an agreement would be brought back to Council in the next month or two.

3) OREGON TRANSPORTATION INVESTMENT ACT AGREEMENT - Main Street Improvements

City Engineer Dannen explained the Oregon Transportation Investment Act (OTIA) grant would fund the conversion of Vine, Ash and Maple Street to one-way traffic between Park and 2nd Street. These streets will be re-stripped for angled parking providing extra 53 parking spaces in the downtown area. Also included are minor intersection improvements at Park and 2nd, traffic signal adjustments and street trees. The work will be done in conjunction with the Main Street intersection improvements next summer. The total grant amount is \$216,000 with \$13,000 in matching City funds.

Councilor Toombs asked how staff would address the issue of the project impeding traffic for downtown businesses, e.g., Floor Krafters, especially with delivery trucks. Councilor Dannen stated staff had not delved into the details of the design but would look at the likely traffic problem. Councilors Toombs and Miller stated that staff needs to accommodate all downtown businesses. Mayor Simpson stated field tests with drawn out radiuses of their delivery truck needs should be performed.

Councilor Harrington asked if the streetlights had been delivered yet. Mr. Dannen stated they are scheduled for Delivery October 15. The street trees will be planted during the same time the lights are installed.

A motion was made by Councilor Miller, Councilor Toombs seconded, and passed unanimously to authorize the Mayor and City Administrator to execute the 2001 Agreement for next year's Main Street Improvements project.

4) TRANSFER OF JURISDICTION OF COUNTY ROADS

City Engineer Dannen gave a brief history on the transfer of jurisdiction of portions of Airport Road, Airway Road, River Drive and 12th Street and provided overhead maps of the areas.

City Attorney McHill read the ordinance by title:

A BILL FOR AN ORDINANCE ACCEPTING THE TRANSFER OF JURISDICTION OF CERTAIN COUNTY ROADS TO THE CITY OF LEBANON; AND REQUESTING THE SURRENDER OF JURISDICTION OF CERTAIN COUNTY ROADS TO THE CITY OF LEBANON.

A motion was made by Councilor Munk, seconded by Councilor Thackaberry, and passed unanimously by roll call that AN ORDINANCE ACCEPTING THE TRANSFER OF JURISDICTION OF CERTAIN COUNTY ROADS TO THE CITY OF LEBANON AND REQUESTING THE SURRENDER OF JURISDICTION OF CERTAIN COUNTY ROADS TO THE CITY OF LEBANON be approved.

5) INTRA-FUND TRANSFER

Finance Director Cole explained the proposed transfer of \$12,700 from Contingencies to the Parks Department budget. The transfer enables the Parks Department to purchase a mower. The total price of the mower is \$36,900 with \$24,200 coming from the Equipment Acquisition Fund.

City Attorney McHill read the Resolution by title:

A RESOLUTION AUTHORIZING CERTAIN INTRA-FUND TRANSFERS IN THE 2002-03 BUDGET.

A motion was made by Councilor Harrington, seconded by Councilor Toombs, and passed unanimously that A RESOLUTION AUTHORIZING CERTAIN INTRA-FUND TRANSFERS IN THE 2002-03 BUDGET be approved.

6) CITY ADMINISTRATOR'S REPORT

City Administrator Hitt provided an update on the following:

1. Status of Santiam Travel Station Phase II Improvement - ODOT has gone out to bid on the project and the bid results will be passed on to Council when received.
2. 2002 Election Campaign - Signs have been an issue in the Public Right-of-Way. The procedure will be for the Police Department to respond to complaints. A sign recovery system will also be in place.

3. Downtown Improvements - On schedule.

4. Upcoming City Council Meetings - A joint meeting of the Council and Planning Commission will be held on October 9 at 5:30 p.m. in the School District Board Room to review Russell Drive Area. A tentative open house for the LMS Master Plan will be held at 2:00 in the afternoon the same day.

November 13 and 14 are scheduled for the public hearings on Wal-Mart and then on December 11 and 12, if needed, Council would render a decision. The Council meetings for those hearings will be at the usual time. Mr. Hitt asked Council to notify him as soon as possible if someone could not attend either of those days.

5. Miscellaneous Items - The CIP Committee will meet on October 14 @ 6:30 p.m. at the Community Development Center.

Mr. Hitt will be on vacation September 26 (1/2 day) and 27.

The League of Oregon Cities Annual Conference is coming up. Council needs to let Mr. Hitt know if anyone is interested in attending.

The City received a visit from some officials from the sister city of Shitara, Japan.

CITIZEN COMMENTS

Dan Phelps addressed Council regarding his concern for the traffic situation and the need for Stop signs on 5th and Mary Streets. Councilor Toombs added that he has also received complaints about the Tangent intersection.

Public Works Director Ruef will look at the intersections and bring the details back to Council. City Administrator Hitt will make sure the Police Chief has officers at those locations during the peak hours.

Debbie Nofziger, 275 Wassom Street, questioned the Mayor concerning his residency. Mayor Simpson stated that he resides at 725 West "D" Street.

ITEMS FROM COUNCIL MEMBERS

Councilor Harrington stated that all the times he had called the Mayor he found him at home on "D" Street.

Mayor Simpson recessed for five minutes and reconvened into Executive Session at 9:18 p.m.

EXECUTIVE SESSION

- ▶ Per ORS 192.660(1)(h) To consult with legal counsel concerning legal rights and duties of the Council regarding current litigation or litigation likely to be filed.
- ▶ Per ORS 192.660(1)(e) To conduct deliberations with persons designated by the Council to negotiate real property transactions.

ADJOURNMENT

Mayor Simpson adjourned the City Council Meeting at 9:50 p.m.

Recorded and transcribed by Linda Kaser, Administrative Assistant.

J. Scott Simpson, Mayor []
Kenneth Toombs, Council President []

Attested by:

John E. Hitt
City Administrator



MEMORANDUM

TO: City Council and Read File

DATE: September 25, 2002

FROM: Scott Simpson

SUBJECT: Tourism Funding

I met with Chamber President Elect Greg Nervino for two plus hours on September 10, to discuss tourism funding for the chamber.

The conclusion we reached was that 2 or 3 councilors would meet with a sub-committee of the chamber board to discuss a simple procedure to record and account for chamber tourism activity.

This accounting procedure would provide the City Council with a record of tourism related spending and a source of additional information if council wishes to re-visit the LTC Ordinance.

Greg, called me Monday, September 23rd, to report the chamber board members he called were not interested in meeting.

I look forward to the City Council's discussion.

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

THIS AGREEMENT, made and entered into this _____ day of _____, 20__ by and between LEBANON SCHOOL DISTRICT NO. 9 , herein called Grantors, and the CITY OF LEBANON, a Municipal corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the Grantor does bargain, sell, convey and transfer unto the City of Lebanon, a perpetual and permanent easement and right-of-way, including the right to enter upon the real property hereinafter described, construct sidewalk, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

- 1. The right-of-way hereby granted is described as follows:

SEE ATTACHED "EXHIBIT A"

- 2. The permanent easement described herein grants to the City and to its successors, assigns, authorized agents or contractors, the perpetual right to enter upon said easement at any time that it may see fit for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$ 1.00, the receipt of which is hereby acknowledged, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor may obtain therefrom. Nothing herein shall reduce or limit grantor's obligation to pay any costs or assessments which may result from the improvements.
4. The Grantor does hereby covenant with the City that Grantor is lawfully seized and possessed of the real property above described, has a good and lawful right to convey it or any part thereof, and will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City will make reasonable efforts to return the site to its original condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, we have set our hands hereto this 23 day of September, 2002

STATE OF OREGON)
County of Linn) ss.
City of Lebanon)

Tom McHill, Board Chair []
Doug Libby, Vice Chair [x]
Jim Robinson, Clerk

IN WITNESS WHEREOF, we have set our hands hereto this day of _____, 20__.

STATE OF OREGON)
County of Linn) ss.
City of Lebanon)

J. Scott Simpson, Mayor []
Ken Toombs, Council President []

John E. Hitt, Recorder

GRANTEES

GRANTOR(S)

On the 23rd day of September, 2002, personally appeared the within named who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: [Signature]
NOTARY PUBLIC FOR OREGON
My commission expires: 11/29/05

On the _____ day of _____, 20__, personally appeared _____ and JOHN E. HITT, who each being duly sworn, did say that the former is the _____ and the latter is the Recorder for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its City Council, which accepted this easement on the day of _____, 20__, and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON
My commission expires: _____

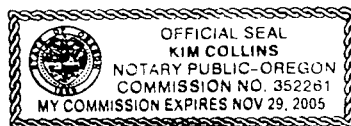
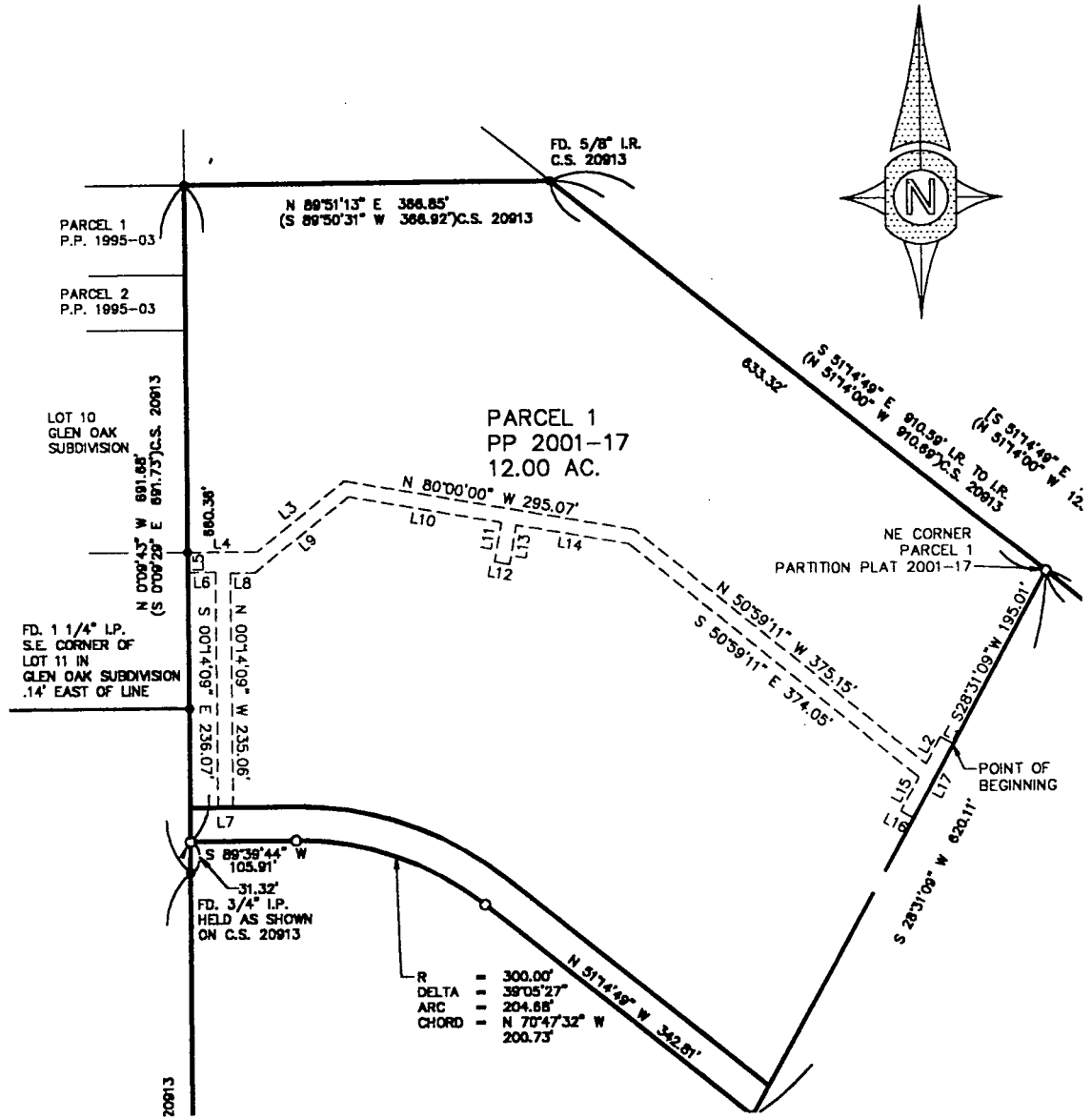


EXHIBIT "B"

SE 1/4 SECTION 14, T. 12 S., R. 2 W., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON



LINE TABLE		
LINE	LENGTH	BEARING
L1	15.06	N61°28'51"W
L2	30.61	S28°31'09"W
L3	112.56	S50°59'11"W
L4	69.21	S89°50'12"W
L5	20.00	S00°00'00"E
L6	27.45	N89°50'12"E
L7	15.00	N89°39'44"E
L8	24.62	N90°00'00"E
L9	120.63	N50°59'11"E
L10	155.98	S80°00'00"E
L11	40.73	S10°00'00"W
L12	15.00	S80°00'00"E
L13	40.73	N10°00'00"E
L14	113.38	S80°00'00"E
L15	38.46	S28°31'09"W
L16	15.06	S61°28'51"E
L17	84.32	N28°31'09"E

ENGINEER 8072 SURVEYOR 1366

JAMES F. UDELL
ENGINEERING & SURVEYING
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366
JOB NAME:RVR-EASEMENT

Appointment(s)



CITY OF LEBANON

PUBLIC WORKS DEPARTMENT – ENGINEERING MEMORANDUM

TO: J. Scott Simpson, Mayor

DATE: October 1, 2002

FROM: Allen Dannen, City Engineer ASD

SUBJECT: CIP Committee Appointments

As you are aware, the City of Lebanon is beginning its annual CIP planning process with CIP Committee meetings beginning this month. There are currently two vacant citizen positions on the committee. Both Paul Aziz and Bob Elliott have indicated their willingness to fill these vacant positions. With their past and present experience serving on various City commissions and committees, I believe both gentlemen will be valuable additions to the CIP Committee. I request that you appoint them to the CIP Committee at the City Council meeting on October 9, 2002. Thank you for your assistance with this matter.

cc: John Hitt, City Administrator
Jim Ruef, Director of Public Works
Ron Whitlatch, Senior Engineer
File

Presentation

LEBANON RECREATION PROGRAM REPORT

Presented by: Ms. Cindy Ongers



CITY OF LEBANON
925 MAIN STREET
LEBANON, OREGON 97355-3200
FAX: (541) 451-1260

MEMO

October 4, 2002

TO: Mayor and City Council

FM: City Administrator

RE: City Summer Recreation Program

Cindy Ongers, who both proposed and managed the city's pilot summer recreation program, will provide a report as to the results. In addition, Casey Cole will have the financial results of the recreation program.

No decision is required at this time. If the City Council desires to continue the program, either on a part-year or all year basis, direction should be given to staff to come back to Council with a written proposal including costs estimates.

ACCOUNTS PAYABLE	451-7476	CIP PROJECTS OFFICE	451-7441	PLANNING	451-7435
ADMINISTRATION	451-7421	ENGINEERING	451-7433	PUBLIC WORKS	451-7437
BUILDING	451-7431	FINANCE	451-7474	WATER/SEWER BILLING	451-7471

Agenda Item 1



CITY OF LEBANON
925 MAIN STREET
LEBANON, OREGON 97355-3200
FAX: (541) 451-1260

MEMO

October 4, 2002

TO: Mayor and City Council

FM: City Administrator

RE: Request for Transient Room Tax Funds

Warren Beeson, representing the Lebanon Community Foundation, has forwarded the attached request for Transient Room Tax funds for the purpose of marketing the Cheadle Lake area being developed by the Foundation.

At this time, there is approximately \$14,000 in collected but unallocated Transient Room Tax funds.

ACCOUNTS PAYABLE	451-7476	CIP PROJECTS OFFICE	451-7441	PLANNING	451-7435
ADMINISTRATION	451-7421	ENGINEERING	451-7433	PUBLIC WORKS	451-7437
BUILDING	451-7431	FINANCE	451-7474	WATER/SEWER BILLING	451-7471

John Hitt

From: WarrenBeeson [gravagraphics@proaxis.com]
Sent: Thursday, October 03, 2002 5:11 AM
To: John Hitt
Subject: Tourism request



MKTNGPKT.DOC

John

Request for funding is attached.

Our plan is to produce a marketing packet that would have folding pockets for inserts that would give information about different aspects of the Lebanon Park at Cheadle Lake. It is to be a marketing tool for us to use in "selling" our facility to potential rental customers. We need this because we are receiving requests for information and, other than a flyer outlining our rental fees, we have nothing to show or describe our facility to potential users. We feel an essential element in making this facility a success is to develop a variety of different users - for the rental income; for the economic benefit for the community; and for the social benefits for the community. We believe we have a great asset; now we need to use it for the greatest benefit possible. The lack of marketing tools is hampering our efforts; a situation this tool would help rectify. It would be available at the Chamber office on request as well as from our organization. We also plan to mail packets to potential users that we can identify.

The packet itself is designed so that we can easily add to it, or make changes, as we continue to develop the facility. It will also include a rendering of our new master plan for future development.

Thanks

WB

BUDGET

MARKETING PACKET

Printing - folder	\$75.00
Printing - inserts	160.00
Design, Layout & Typesetting (6 Hrs. @ \$25)	175.00
Cover Artwork	55.00
Map / Photos	100.00
Master Plan Insert	2,000.00
Miscellaneous (copying, supplies, etc.)	75.00
	<hr/>
TOTAL	\$2,640.00

Agenda Item 2

To: John Hitt, City Administrator
City of Lebanon
925 Main Street
Lebanon OR 97355

From: Robert Fudge
Friends of Lebanon
20 E. Airport Road # 236
Lebanon OR 97355

Date: October 4, 2002

RE: Agenda item for City Council meeting

Dear Mr. Hitt:

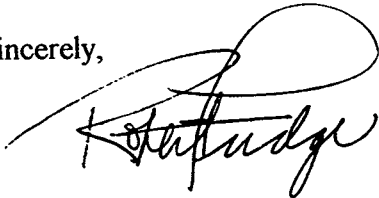
On behalf of Friends of Lebanon, I request that the following item be placed on the agenda for the next meeting of the Lebanon City Council.

On September 27, 2002, Friends of Lebanon submitted a prospective petition for a initiative measure. The proposed charter amendment would require voter approval of annexations.

Friends of Lebanon asks that the City Council refer the proposed charter amendment to the voters. If the City Council accedes to this request, Friends of Lebanon will withdraw its initiative.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Fudge", with a large, stylized flourish above the name.

Robert Fudge

Proposed Charter Amendment

AMENDS CHARTER: REQUIRES VOTER APPROVAL OF ANNEXATIONS

New language in bold:

CHARTER

CHAPTER I NAME AND BOUNDARIES

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as the Lebanon Charter of 1979.

Section 2. NAME OF CITY. The municipality of Lebanon, Linn County, Oregon, shall continue to be a municipal corporation with the name "City of Lebanon."

Section 3. BOUNDARIES. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified **as provided herein: unless mandated by State Law or necessitated by failing septic systems or health hazards, annexation (delayed or otherwise) to the City of Lebanon must be approved by the voters of the City.** The Administrator shall keep in his office at the City Hall at least two copies of this Charter in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Administrator.

(a) Wards, number and boundaries. For the purpose of municipal representation, the City of Lebanon shall be divided into three or more Wards, which shall be designated and bounded by the Council, which may be changed and altered by the Council from time to time as the requirements of the City may demand.

Agenda Item 3



CITY OF LEBANON
925 MAIN STREET
LEBANON, OREGON 97355-3200
FAX: (541) 451-1260

MEMO

October 4, 2002

TO: Mayor and City Council

FM: City Administrator

RE: City Administrator's Report

At the City Council meeting I will provide a brief oral update on the following items:

1. LMS Master Plan
2. Santiam Travel Station
3. League of Oregon Cities Annual Conference
4. City Library
5. Miscellaneous Items

ACCOUNTS PAYABLE	451-7476	CIP PROJECTS OFFICE	451-7441	PLANNING	451-7435
ADMINISTRATION	451-7421	ENGINEERING	451-7433	PUBLIC WORKS	451-7437
BUILDING	451-7431	FINANCE	451-7474	WATER/SEWER BILLING	451-7471