

LEBANON CITY COUNCIL MEETING
Wednesday, January 28, 2004
7:30 p.m.

Santiam Travel Station
750 3rd Street

Lebanon City Council Agenda



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Wednesday, January 28, 2004
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Santiam Travel Station
750 3rd Street

AGENDA

CALL TO ORDER/FLAG SALUTE

ROLL CALL

CONSENT CALENDAR

LEBANON CITY COUNCIL AGENDA: January 28, 2004

CITY OF LEBANON MINUTES:

- City Council Meeting – January 14, 2004
- Lebanon Tourism Commission – December 1, 2003

PRESENTATIONS

- 1) **A New Economic Development Project – Oregon Crafted** – Joan Shea, OCBE

PUBLIC HEARING

- 2) **Vacation of Public Utilities Easement – Oak Terrace Subdivision**

Presented by: Jim Ruef, Public Works Director

Approval/Denial by ORDINANCE

- 3) **Liquor License Renewal (Lmt'd On-Premises Sales) – Shari's of Lebanon**

Presented by: Mike Healy, Police Chief

Approval/Denial by MOTION

LEGISLATIVE SESSION

- 4) **Irrevocable Petition – Rachel & Ellis Stutzman**

Presented by: Jim Ruef, Public Works Director

Approval/Denial by MOTION

5) Transportation System Plan (TSP)

Presented by: Jim Ruef, Public Works Director

DISCUSSION ONLY

6) City Tourism Commission

Presented by: Roger Munk, City Councilor

DISCUSSION ONLY

7) City Administrator's Report

Presented by: John Hitt, City Administrator

DISCUSSION ONLY

8) Heather Estates Subdivision, File S-03-01

Presented by: Tom McHill, City Attorney

Approval/Denial by MOTION

CITIZEN COMMENTS - *Those citizens with comments concerning public matters may do so at this time. Please identify yourself before speaking and enter your name and address on the sign-up sheet.*

ITEMS FROM COUNCIL

ADJOURNMENT

Consent Calendar

LEBANON CITY COUNCIL AGENDA: January 28, 2004

CITY OF LEBANON MINUTES:

- City Council Meeting – January 14, 2003
- Lebanon Tourism Commission – December 1, 2003

**MINUTES
LEBANON CITY COUNCIL MEETING**

November 12, 2003

Council Present: Mayor Ken Toombs and Councilors Bob Elliott, Mel Harrington, Ron Miller, Roger Munk, Dan Thackaberry, and Scott Simpson

Staff Present: City Administrator John Hitt, City Attorney Tom McHill, Public Works Director Jim Ruef, Sergeant Fitzwater, Finance Director Casey Cole, Library Program Manager Denice Lee, Senior Engineer Ron Whitlatch, Human Resource Manager Marsha Fugate, and Administrative Assistant Linda Kaser

CALL TO ORDER/FLAG SALUTE/ROLL CALL

Mayor Toombs called the regular session of the Lebanon City Council to order at 7:30 p.m. in the Santiam Travel Station Board Room at 750 3rd Street. All members were present.

CONSENT CALENDAR

LEBANON CITY COUNCIL AGENDA: January 14, 2004

CITY OF LEBANON MINUTES:

- City Council Meeting – December 10, 2003
- City Council Project Walden Update Work Session – December 10, 2003
- Library Advisory Board Meeting – December 10, 2003
- Planning Commission Meeting – June 18, September 17 and October 15, 2003
- Senior Advisory Board Meeting – November 19, 2003

APPOINTMENTS:

- Building Board of Appeals – Steve Latimer & Mike Wells

Mayor Toombs noted that Council would not need to act as the Urban Renewal Agency when acting on the proposed URD boundary changes and that Council would reconvene after the Executive Session.

A motion was made by Councilor Thackaberry, seconded by Councilor Elliott, and passed unanimously to approve the Consent Calendar as amended.

PRESENTATIONS

1) LINN LIBRARY LEAGUE PROPOSAL (Bookmobile)

Library Manager Lee introduced Co-coordinators May Garland and Linda Ziedrich of the Linn Library League. Ms. Garland spoke of the new grant proposal sent to the State Library for additional funding for

library services in Linn County. During the grant process, the League learned of an opportunity to buy a 1986 bookmobile from the City of Eugene. The purpose of the bookmobile would be to serve the most remote areas of Linn County and demonstrate the benefits of expanded library services in Linn County. *[Photos of the bookmobile were presented to Council.]*

The grant funding would allow the purchase and operation of the bookmobile throughout Linn County for the next three years. Since Lebanon is centrally located, the League felt it was the best location to park the bookmobile. Co-coordinators Garland and Ziedrich requested that the City of Lebanon hold the title and insurance coverage for the vehicle. The City of Lebanon would be fully reimbursed for the insurance premiums through the grant funds received.

The bookmobile will be left loaded with 3,000 items and parked on a County-approved lot. There will be one grant funded person and one volunteer running the bookmobile six days per week for a two-week cycle. During the two weeks, the mobile will provide free service making 12 rural stops (one stop/day), i.e., Jordan, Lacombe, Sodaville, Crawfordsville, Halsey, Cascadia, etc.

Councilor Munk moved, Councilor Harrington seconded, to accept the title to the bookmobile and provide insurance coverage, with the understanding that the Linn Library League will reimburse the City for the insurance costs. The motion passed unanimously.

PUBLIC HEARING

2) LIQUOR LICENSE CHANGE OF OWNERSHIP (Off-Premises Sales)

Mayor Toombs opened the Public Hearing at 7:45 p.m.

Sergeant Fitzwater stated that the Police Department possessed no documented evidence to support the denial of the *change of ownership* request from Ranjit Dingham & Jawant S. Sranna of Oregon Minimart located at 2684 S. Santiam Highway. The liquor license would continue to be for Off-Premises Sales.

Hearing no comments in favor or opposition of the application, Mayor Toombs closed the Public Hearing at 7:47 p.m.

Councilor Elliott moved, Councilor Thackaberry seconded, to recommend approval of Change of Ownership from T.R. Minimart, LLC to Oregon Minimart with Off-Premises Sales. The motion passed by roll call with 5 yeas (Councilors Elliott, Harrington, Munk, Simpson and Thackaberry) and 1 nay (Councilor Miller).

3) LEBANON URBAN RENEWAL DISTRICT (URD) – Proposed Boundary Amendment

Director Ruef summarized the November 12 City Council meeting on the proposed Lebanon URD amendments and 7th Street improvements. At that time Council, acting as the Urban Renewal Agency, directed staff to present the proposed boundary change to the Lebanon Planning Commission for review and comments. On December 17, 2003, the Planning Commission voted unanimously to recommend that the Lebanon City Council approve the proposed Lebanon URD plan and boundary adjustment.

In response to Councilor Simpson, Ruef provided other options if the proposed boundary amendments and 7th Street improvements were not approved. Those options are to put the current URD money towards the existing indebtedness, or Council could review last year's proposed projects' list to determine whether or

not to pursue one of those projects.

As discussed on November 12, if the City Council adopts the ordinance, the City's consultants (Cogan Owens and Cogan) recommended that a judge review the improvement plan prior to using any of the levied accumulated net taxes. The bonds were originally sold for the 2nd Street road improvement project in which the project costs were less than anticipated. The remaining money can be used for anything described in the bond; when the bond was sold 7th Street wasn't part of the District at that time. Therefore, consultants felt that it is best to err on the side of caution and have a judge determine whether using those funds on a project (7th Street) not in the URD at the time the bond was sold is acceptable.

Councilor Harrington and Miller expressed concern for the legal fees of going before a Judge. Whitlatch noted that bond counsel Jim Shannon would likely represent the city, and it was uncertain at this time what the costs would be.

Ruef reiterated that Phase I includes reconstruction of 7th Street, from Airport Road to Kees Street. The School District would also contribute to the road improvement project.

Mayor Toombs opened the Public Hearing at 8:03 p.m.

Planning Commissioner John Brown stated that the School District had been before the Planning Commission twice before for building improvements and were required to do a half-street improvements at the time of their next building improvement. Both times the School stated they did not have funds to do the half-street improvements. The Planning Commission told the School that they would not have to make the improvements, but the School would be required to make half-street improvements with any future requests. Mr. Brown stated that the School has again avoided the half-street improvement costs in the area of Cascade School on 7th Street. Mr. Brown stated that the City should stand tough on their negotiations and make the School District pay their fair share instead of looking to the taxpayers who already paid when the School took out a bond to do the improvements. Any other developer would have to pick up the costs of the improvements and one entity shouldn't be treated differently than another.

Jim Robinson, 485 S. 5th Street, Lebanon, Superintendent of Schools and a Walker Road resident addressed the Council stating that as a private citizen he was excited about the possibility of some improvement to the area since 7th Street was in terrible need of repair. As the Superintendent he appreciated the negotiations with the City to once again collaborate for the benefits of the citizens of the community. The Schools contribution of \$175,000 for the street will provide a benefit for the kids and parents at Cascade School.

Traffic is backed up to Airport Road and down to 5th Street making it impossible at times to move traffic during peak hours. Along with the turn lane, improvements and extension of a stacking area behind the school will allow for an estimate of 40 to 60 cars queuing up to dismiss the students.

Mr. Robinson felt this project was a good move that doesn't penalize taxpayers or extend the length of the URD; the project takes the money that exists and converts it to a very good use.

Councilor Harrington stated that an additional \$106,000 contribution didn't appear to be a problem for the Schools after reading the newspaper article (attached). This amount coupled with the negotiated \$175,000 would bring the amount in line for what the half-street improvement would cost. Paying the additional \$106,000 would be beneficial for the whole community since the City is strapped for funding. Mr. Robinson stated that the School's mission and purpose behind their bond was for building improvements; the bond didn't specify street improvements. Mr. Robinson stated that the original negotiated solution in his opinion was a fair solution to the taxpayers.

In response to Councilor Munk's mention of the recent news article, Mr. Robinson stated that he was aware of the extra funds during the negotiations with the City. Mr. Robinson stated that the School leveraged every dollar they had in the bond issue to benefit the schools. Upon passage of the \$49.8 million bond to build schools, the School invested the whole amount and accrued interest during the two to three years it took to build the schools. The interest accrued accompanied with energy credits, design savings makeovers and reimbursements gave the School the extra funding relief.

Councilor Munk expressed his disappointment that the School knew they had more funds during the time of negotiations with the City.

A brief discussion ensued on what the half-street improvement would entail and the estimated costs of those improvements under difference scenarios.

Hitt briefed Council on rational nexus and due proportionality. Whatever off-site improvements the City imposes would need to have an appropriate type and scale of development consistent with the impact the current School District project would have on 7th Street. How much the School does in the way of off-site improvements needs to be looked at project by project, not what has happened in the past with another project. Hitt added that staff could not locate any record or contract with the School District that they must pay for any future street improvements the next time a request for building improvements was made.

John Brown stated that there was not a contract with the School District but that the Commission made a statement to the School District representatives on what would need to be done in the future.

Hitt clarified that the City has not yet given final approval, and that any proposed agreement would be submitted to the City Council, who would have to approve it, before it could become final. Counsel Joe Phillips, John Hitt, and Jim Ruef conducted the negotiation with the School District.

Mayor Toombs declared the Public Hearing closed at 8:25 p.m.

City Attorney McHill read the title of the Ordinance.

Councilor Harrington moved, Councilor Thackaberry seconded, to deny the Ordinance as proposed.

Simpson stated, after hearing from Planning Commissioner Brown, that he felt that the School previously agreed to pay for the street improvements and the School should honor that commitment. Simpson presented a diagram indicating the greater number of individuals in the School District area than the number within the city limits. Councilor Simpson expressed concern that if the Council does not require the School District to pay their share then ultimately those people residing in the city limits will pay more than their pro rata share.

At the request of Councilor Thackaberry, Hitt explained that the School District's attorney based his position on the Tigar vs. Nolan decision in that the requirement for due proportionality on the current project (Cascade School) would only be justified in requiring a minimal value of off street improvements. A decision must be based on if what is being required relates to the project, if it is rational and proportional based on the amount of requested improvements, and based on the current project – not reflect on what was done in the past.

Hitt stated that the \$175,000 amount negotiated was actually higher than the proportionality, based upon the square footage being added, increase students, project value and a variety of other factors that could be considered.

Based upon Hitt's explanation, Councilor Thackaberry withdrew his second to the previous motion and moved to approve the Ordinance as written. Councilor Miller seconded the motion to approve A BILL FOR AN ORDINANCE AMENDING NO. 2105, SOUTH MAIN ROAD/SECOND STREET/WALKER ROAD URBAN RENEWAL PLAN. The motion passed with Mayor Toombs breaking a tie vote of 4 yeas (Councilors Elliott, Miller, Thackaberry and Mayor Toombs) and 3 nays (Councilors Harrington, Munk, and Simpson).

LEGISLATIVE SESSION

4) DOWNTOWN PROJECT BID RESULTS

Senior Engineer Whitlatch provided a project overview and estimate, bid results, options for moving forward, and the need for additional matching funds as outlined in the staff report for the Main Street Improvements Phase II Project. Wildish Construction from Eugene, Oregon submitted the low bid totaling \$436,922.90.

This low bid would leave approximately \$36,000 shortfall to the project. Staff recommended using an additional \$36,000 from the Parks SDC fund to complete the project construction. This entire amount would only be used if ODOT were unable to contribute additional grant funding to the project. Also recommended was the use of an additional \$14,000 from the State Foot and Bike Path fund to cover the engineering design costs and additional grant match to ODOT.

Councilor Harrington requested staff to put funds in the next budget to take out the eight remaining cobra lights and replace them with the new streetlights concurrent with the phase of this project.

Councilor Simpson moved, Councilor Elliott seconded, to allow the use of an additional \$36,000 from the Parks SDC fund to complete Phase II of the Main Street Improvements and \$14,000 from the State Foot and Bike Path fund to cover the engineering design costs and additional match to ODOT. The motion passed with 5 yeas (Councilors Elliott, Harrington, Miller, Munk and Simpson), and 1 nay (Councilor Thackaberry).

5) AREA RAILROAD STUDY – Request for Contributions

City Administrator Hitt recalled the last Council meeting in which Lane County Commissioner Modrell gave a rail study presentation and asked for contributions from the City of Lebanon to pay for the study.

Council's consensus was to contribute \$1,000 towards the Rail Study.

6) CITY ADMINISTRATOR'S REPORT

City Administrator Hitt provided an update on the following:

Santiam Travel Station Lighting, Parking, and Sound System. Councilor Munk directed staff to raise the lights and frost the globes. Additional parking spaces are in the midst of being added along the side of the building. The entire sound system, with the exception of the microphones, will be brought over from the

School District within a month.

City Council Goal Setting Session. The meeting was set for 6:00 p.m. on February 4, 2004, at the Santiam Travel Station.

Budget Meeting Update. A work session was scheduled for 6:30 p.m. prior to the regular City Council meeting on January 28, 2004.

City Grants. A \$600,000 grant was received for the new Senior Center and the City is ready to pursue additional city grants through Randall Funding, COG, and staff for projects such as Academy Square gyms, a new skate park, etc.

Recent Winter Weather. Hitt acknowledged the dedication and hard work of the Maintenance Crews and Police Department during the recent inclement weather.

City Charter of 2004. Now effective and is located in the back of the Council Agenda binders.

City Entrance Sign. A city requirement for the Wal-Mart Super Center would be for them to move the entry sign south of town. Wal-Mart has agreed to pay for a new sign. Anyone that has an example of a city entrance sign they like, or ideas for a design, should contact Ginger Allen or John Hitt.

Miscellaneous Matters:

- ❖ City Hall closed for Martin Luther King Day, January 19.
- ❖ At the request of a couple Council members, staff is investigating the pros and cons of a residency policy for department managers to reside within the city limits. The study should be available within a month.
- ❖ New phone system will be online January 22. New phone numbers will be distributed to Council.

CITIZEN COMMENTS

John Brown spoke about the vehicle stacking problems at the new schools as well as the Middle School Gymnasiums and City trade agreement.

ITEMS FROM COUNCIL

In response to Council Munk, Ruef stated that staff would bring back the plans for the 7th Street improvements for Council's approval.

Councilor Miller directed staff to estimate the costs of not sweeping and the consequences on the drainage system as a result of not sweeping and bring it back to Council.

Councilor Munk stated that there is still a "School Bus Parking Only" sign by the old Middle School next to the Senior Center.

Mayor Toombs temporarily adjourned the regular session at 9:25 p.m. to enter into Executive Session.

EXECUTIVE SESSION

- ❖ Per 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 192.660(1)(d) To conduct deliberations with persons designated by the Council to carry on labor negotiations.

Mayor Toombs reconvened to the regular order of business of the Lebanon City Council.

LEGISLATIVE SESSION

Councilor Harrington moved, Councilor Munk seconded, to approve a stipulated peremptory writ of mandamus in the case of State of Oregon ex rel Cloudburst Development, LLC v. City of Lebanon, Linn County Circuit Court Case #031836, containing the provisions of the Conditions of Approval (attached) negotiated between the parties which are in the record and the added condition that there be no attorney fees or costs awarded to either party, and authorizing the City Attorney and City Administrator to sign necessary documents to settle the case. The motion passed unanimously.

OTHER ITEMS

Councilor Munk asked if February 11 agenda items could be moved to another date because he is not available on the 11th.

ADJOURNMENT

Mayor Toombs adjourned the meeting at 9:45 p.m.

Recorded and transcribed by: Administrative Assistant Linda Kaser

Kenneth I. Toombs, Mayor []
 Ron Miller, Jr., Council President []

ATTESTED BY:

John E. Hitt, City Recorder

Lebanon Tourism Commission
December 1, 2003
Regular Monthly Meeting
12 Noon at Santiam Travel Station

Members Present: Ray Weldon, Scott Simpson, Mel Harrington, Carol Sedlacek, Peggy Christopherson, and Virginia Franklin

Regular Attenders: Ginger Allen and Marti Specht

At 12:15 P.M., Chairperson Peggy Christopherson called the meeting to order. Then, the minutes of the previous meeting, November 17th, were read and accepted as written.

Holidays in the Park

Virginia Franklin requested money be approved to purchase lights to decorate the designated area assigned to the LTC in Ralston Park for the festival. Carol Sedlacek made a motion to spend \$100 for lights; Ray Weldon seconded that motion. The motion passed unanimously.

Lebanon Tourism Budget

Before the meeting, Peggy e-mailed the proposed budget to the members.

After reviewing it, more information was needed to complete it. That was to be gathered and plotted into the budget at a later date. Some of those unknown areas were the cost of cleaning the depot and only the bathroom and the cost of using the depot. Also, it is necessary to learn the annual revenue from the bed tax.

Assignments

Mel Harrington will install the lock box near the mailbox at the depot.

Ginger Allen will report at a later meeting the findings concerning the flag installation and the lighting of it.

Lebanon Visitor Center Web Site

The web site creator has received payment, and Peggy will check on the progress being made.

Flowers for Santiam Travel Station

Scott Simpson suggested hanging baskets on Third Street in front of the depot. These baskets would come from the city. Ray Weldon made a motion that \$400 be spent for flowers to be planted in the hanging baskets and in the benches outside the depot. Carol seconded the motion, and it passed.

Future Meetings

December 10, 2003, Peggy is to read a letter about the LTC at the city council meeting.

January 5, 2004 is the next regular monthly meeting.

January 6, 2004 is the next GO meeting at 3:30 P.M.

The meeting was adjourned at 1:15 P.M.

Virginia Franklin
Recording Secretary

Presentation

A New Economic
Development Project

Presented by: Joan Shea, OCBE

Star Spangled Celebration

2004

813 Main St.
Lebanon, OR 97355
(541) 451-1039

January 21, 2004

To: John Hitt, City Administrator



From: Warren Beeson, Executive Director
Lebanon Community Foundation

Re: Grant request

This is to request grant funding from the City of Lebanon for a new tourism/economic development project. It will help provide basic, essential services to conduct the first of an annual community-wide July 4 Celebration in Lebanon. This event is to be held at Lebanon Community Park at Cheadle Lake in 2004 and has been initiated as a joint effort by the Lebanon Community Foundation, the Lebanon Chamber of Commerce, and the Lebanon Rotary Club. I've included a fact sheet about the event for background information. The Foundation is offering use of the property and management, and the other organizations are providing volunteers and staff support.

The success of the event in its first year is crucial to its long-term prospects. We must have a successful first-year event if we are to carve out a niche among the variety of opportunities in the region. While there is little competition on this particular date, the over-all competition among area events throughout the summer is keen. It is therefore critical that we get off to a flying start. To do so we need strong financial underpinning in areas dealing with public services, communications and amenities. We will use the grant for that purpose. We expect to find other funding sources for the major costs associated with putting on a first-class fireworks show, entertainment, publicity, and management costs. In fact, we already have \$3,500 in sponsor commitments. I've included a copy of our draft budget for reference. Our funding request is for a total of \$6,750; broken down as follows:

Street Banners (<u>3@\$850</u>)	\$ 2,250
Portable Toilets & Washers	1,150
Signs (Directional & On Grounds)	1,000
Tents, Canopies & Shade	1,250
Traffic Control & Parking	1,100
Total	<hr/> \$ 6,750

We see this event as an opportunity to bring visitors to our community (tourism), as a chance to market our park facility, and as a community morale builder. I know the City has the same interests we do in doing all these things. I can be available at your convenience to answer any questions or provide further information. I can be reached at work (451-1039) or at: july4th@gravagraphics.com by email. I look forward to hearing from you.

BUDGET 2004
Star Spangled Celebration

<u>INCOME</u>		<u>REV. 1-15-04</u>
Event Sponsor	\$10,000	5,000
Fireworks Sponsor	5,000	6,000
Concert Sponsor	2,500	2,500
Activity Sponsors	7,500	7,500
Booth Fees / Profit Sharing	2,500	2,500
Carnival	1,000	0
City of Lebanon Grant	11,800	6,750
Donations	2,500	2,500
	<hr/> \$42,800	<hr/> 32,750
<u>EXPENSES</u>		
Fireworks Display	\$17,500	6,000
Advertising / Promotion	5,000	5,000
Facilities / Grounds Prep. Porta-Potties, Canopies, Supplies)	5,000	5,000
Sound / Lights / Stage	2,500	2,500
Printing / Signs	2,000	2,000
Traffic Control / Parking	1,000	1,000
Event Management	500	500
Entertainment	3,000	3,000
Contingency	2,500	2,500
	<hr/> \$39,000	<hr/> 27,500
Net Proceeds	\$3,800	5,250

1-15-04

A STAR SPANGLED CELEBRATION

2004

The first annual Star Spangled Celebration is scheduled for July 4, 2004 at Lebanon Community Park at Cheadle Lake. The focus of the event is a community celebration of Independence Day. With the demise of the Albany Timber Carnival there is no celebration featuring fireworks, family activities, music, or a patriotic theme in the Albany- Lebanon-Sweet Home area; home to nearly 100,000 people. Many of these people leave the area on July 4th to find entertainment, or in some cases provide their own. The event will fill that need. Attendance the first year is projected to be 5,000+.

ORGANIZATION

Organizations backing the event are the Lebanon Community Foundation (owners of the park site), the Lebanon Chamber of Commerce, and the Lebanon Rotary Club. It is being developed however, as a combined effort involving numerous local Lebanon groups and organizations. Proceeds from the event will go to the support growth of the event and into development of the park property. The Lebanon Community Foundation treasurer will handle the finances. A Management Council has been established to oversee operations of the event.

PARTICIPANTS

A wide variety of community organizations are already involved in the event. Each will organize their own activity in which they may operate a game booth, run an event, provide a service (cleanup, parking cars, etc.), have a food booth, or sell some product. Many will use it as an opportunity to raise funds; others will be involved as a service project. Businesses and individuals are also expected to participate by either their presence or by sponsoring an activity. All will add to the day's festivities.

ACTIVITIES

A full range of family activities is planned for the day. It will feature a full day of family picnic-style activities, food booths and concessions, music, and entertainment. A patriotic pops concert and a grand fireworks display will cap the evening off. A pancake breakfast, community church service, game booths done by local groups, and contests for kids are proposed for the day. Other features under consideration include: a kids talent show, a chicken barbeque, a beer/wine garden, a car show, games for kids, and military displays. Others will be added as the program evolves and details finalized. Organizers expect attendees may come and enjoy the entire day at the event.

VENUE

The Star Spangled Celebration will be held at Lebanon Community Park at Cheadle Lake; a 35-acre event center under development. It is located on the southern edge of Lebanon just off Highway 20. It has open space for activities, plenty of parking, and is adjacent to Cheadle Lake – location of the fireworks display. It is centrally located in the region and easily accessible to travelers and local residents alike. Admission to the event is \$5.00 per car.

10-20-03

Agenda Item 1

Agenda Item 2



CITY OF LEBANON

MEMORANDUM

TO: Malcolm Bowie
City Engineer

DATE: January 23, 2004

FROM: Ed Patton *E.P.*
Project Engineer

CC:

SUBJECT: Easement Vacation – Oak Terrace Storm Detention Access

Attached are the ordinance, easement vacation forms, public consents, the published notice, and application for vacation (petition) for use during the public hearing scheduled for the City Council meeting on January 28, 2004.

The vacation involves the release of a 2 foot wide easement and 5 feet of another adjacent easement as requested by petition. The petition was submitted by RM Sutherland Construction who sold the subject property to Claude Ivan Ritchie and Suann M. Ritchie.

The vacation of the easement will release an area previously used as a maintenance access along the storm detention pond located along the west side of the Lot containing the easements. New easements have been granted to the City along the opposite side of the detention pond. Also a new wider well graded maintenance access has been constructed in the new easements. The new access will also serve as a driveway to future homes on 2 adjacent Lots. The concrete driveway approach for the access is incomplete, but the access is usable by our maintenance equipment. To assure completion of the approach, occupancy will not be granted for new homes served by this driveway until completion of the driveway approach.

Because the Ritchie's would be the only parties affected by not pursuing the vacation, and because the driveway approach is the responsibility of RM Sutherland Construction, I propose the easements be vacated as requested and the approach be treated separately. The old easement area is unused by any other utilities.

A BILL FOR AN ORDINANCE)
VACATING PUBLIC UTILITY)
EASEMENTS AT OAK TERRACE)

ORDINANCE BILL NO. _____
For 2004
ORDINANCE NO. _____

WHEREAS, as a result of petition from abutting property owners, the City of Lebanon has initiated vacation proceedings for a public utility easement, more particularly described as follows:

A portion of a 17 feet wide public utility easement, said portion being a strip of land 5.0 feet in even width in Lot 4 of Brown's Oak Terrace Subdivision in Section 23 of Township 12 South in Range 2 West of the Willamette Meridian, City of Lebanon, Linn County, Oregon. Said 5.0 foot strip being described as follows:

The eastern most 5.0 feet of the western most 17.0 feet both being of even width as measured at right angles and being parallel to the west line of Lot 4 in Brown's Oak Terrace Subdivision, City of Lebanon, Linn County, Oregon. See attached Exhibit "A".

Also, an easement for public utilities recorded in Linn County records Volume 960 Page 527, said easement being a strip of land 2.0 feet in even width in Lot 4 of Brown's Oak Terrace Subdivision in Section 23 of Township 12 South in Range 2 West of the Willamette Meridian, City of Lebanon, Linn County, Oregon. Said 2.0 foot strip being described as follows:

The Easterly 2.0' of even width of the Western most 19.0 foot as measured at right angles and being parallel to the West line of Lot 4 in Brown's Oak Terrace Subdivision, City of Lebanon, Linn County, Oregon. See attached Exhibit "A".

WHEREAS, the Council for the City of Lebanon has conducted a public hearing on January 28, 2004, having duly considered the testimony of interested persons and the general public; and

WHEREAS, the City Council finds that notice has been duly given, that the consent of the owners of the requisite area has been obtained, and

WHEREAS, the City Council has determined that the public interests will not be prejudiced by the vacation of such easement;

NOW, THEREFORE, the people of the City of Lebanon do ordain as follows:

Section 1. Public utility easements, more particularly described as follows:

A portion of a 17 feet wide public utility easement, said portion being a strip of land 5.0 feet in even width in Lot 4 of Brown's Oak Terrace Subdivision in Section 23 of Township 12 South in Range 2 West of the Willamette Meridian, City of Lebanon, Linn County, Oregon. Said 5.0 foot strip being described as follows:

The eastern most 5.0 feet of the western most 17.0 feet both being of even width as measured at right angles and being parallel to the west line of Lot 4 in Brown's Oak Terrace Subdivision, City of Lebanon, Linn County, Oregon. See attached Exhibit "A".

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The Easterly 2.0' of even width of the Western most 19.0 foot as measured at right angles and being parallel to the West line of Lot 4 in Brown's Oak Terrace Subdivision, City of Lebanon, Linn County, Oregon. See attached Exhibit "A".

is hereby declared vacated.

Section 2. A certified copy of this Ordinance vacating the above-described easement on any map in regard thereto shall be filed for record with the County Clerk for Linn County.

Section 3. A certified copy of this Ordinance shall be also filed with the County Assessor and the County Surveyor for the County of Linn.

Section 4. This Ordinance shall be in full force and effect thirty (30) days after the date this ordinance is signed and approved by the City Council and the Mayor.

Passed by the Council by a vote of ___ for and ___ against and approved by the Mayor this 28th day of January, 2004.

Ken Toombs, Mayor []
Ron Miller, Council President []

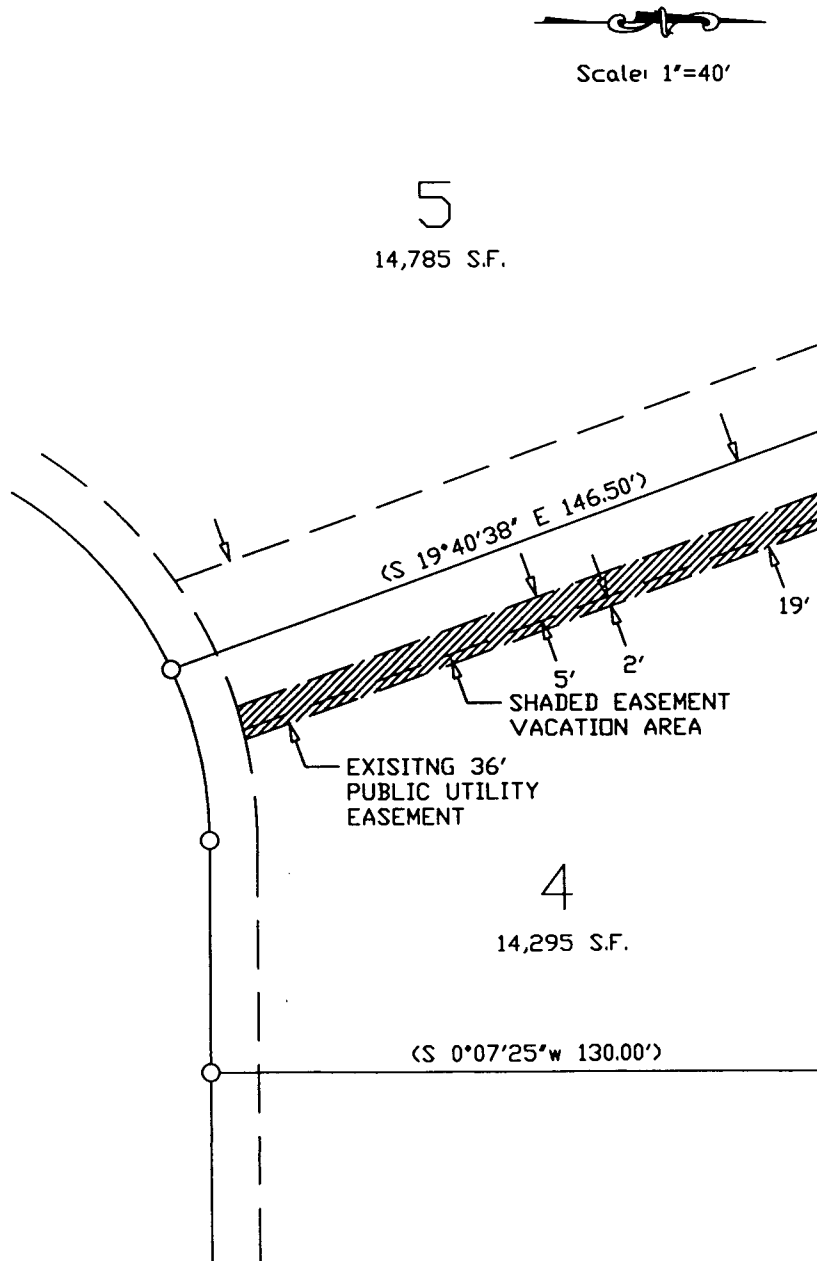
ATTEST:

John E. Hitt, City Recorder

EXHIBIT A

VACATION OF 7.0' OF PUBLIC UTILITY EASEMENT IN LOT 4 OF BROWN'S OAK TERRACE SUBDIVISION

IN THE NW 1/4 OF SEC. 23, T.12S., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON



EASEMENT VACATION

KNOW ALL PERSONS BY THESE PRESENTS that on the 16th day of December, 1996, Brown Construction, Inc., granted to the CITY OF LEBANON, a municipal corporation of the State of Oregon, an easement over and along the full width and length of the premises described as follows; to wit:

A portion of a 17 feet wide public utility easement, said portion being a strip of land 5.0 feet in even width in Lot 4 of Brown's Oak Terrace Subdivision in Section 23 of Township 12 South in Range 2 West of the Willamette Meridian, City of Lebanon, Linn County, Oregon. Said 5.0 foot strip being described as follows:

The eastern most 5.0 feet of the western most 17.0 feet both being of even width as measured at right angles and being parallel to the west line of Lot 4 in Brown's Oak Terrace Subdivision, City of Lebanon, Linn County, Oregon. See attached Exhibit "A".

The City of Lebanon hereby reconveys and released to Claude Ivan Ritchie and Suann M. Ritchie, the easement described above, it being the intention of the parties to terminate, release, and relinquish all the right, title, and interest of the City in the above-described easement.

IN WITNESS THEREOF, THE city of Lebanon has executed this release this _____ day of _____, 2004.

CITY OF LEBANON, OREGON

By: _____
Kenneth I. Toombs, Mayor []
Ron Miller, Council President []

By: _____
John Hitt, Recorder

STATE OF OREGON)
) ss.
COUNTY OF LINN)

Before me, on the _____ day of _____, 2004, personally appeared the above-named _____ and John Hitt, who each being duly sworn did say that the former is the Mayor 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 on behalf of said corporation, and each of them acknowledged said instrument to be its voluntary act and deed.

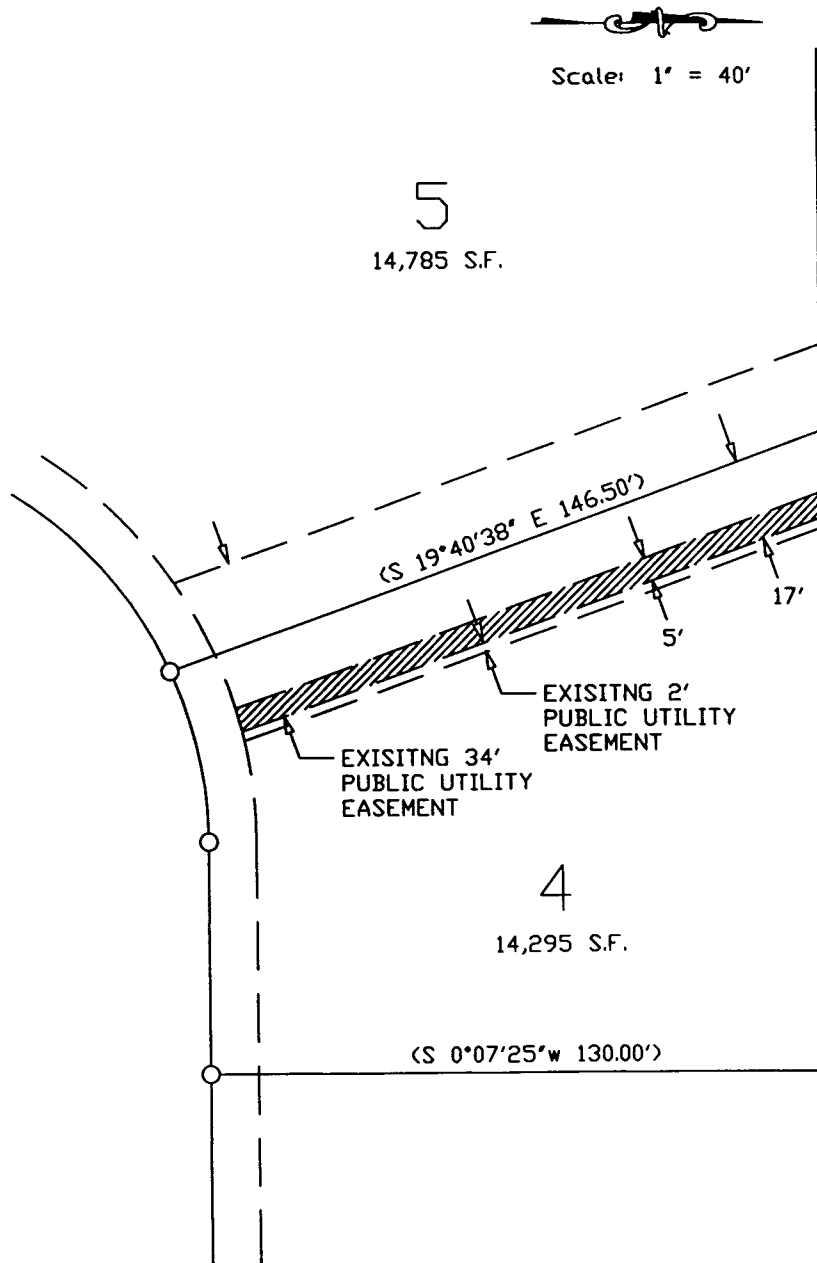
NOTARY PUBLIC FOR OREGON
My Commission Expires:

AFTER RECORDING RETURN TO:
City of Lebanon
Public Works Dept.
925 Main Street
Lebanon, OR 97355

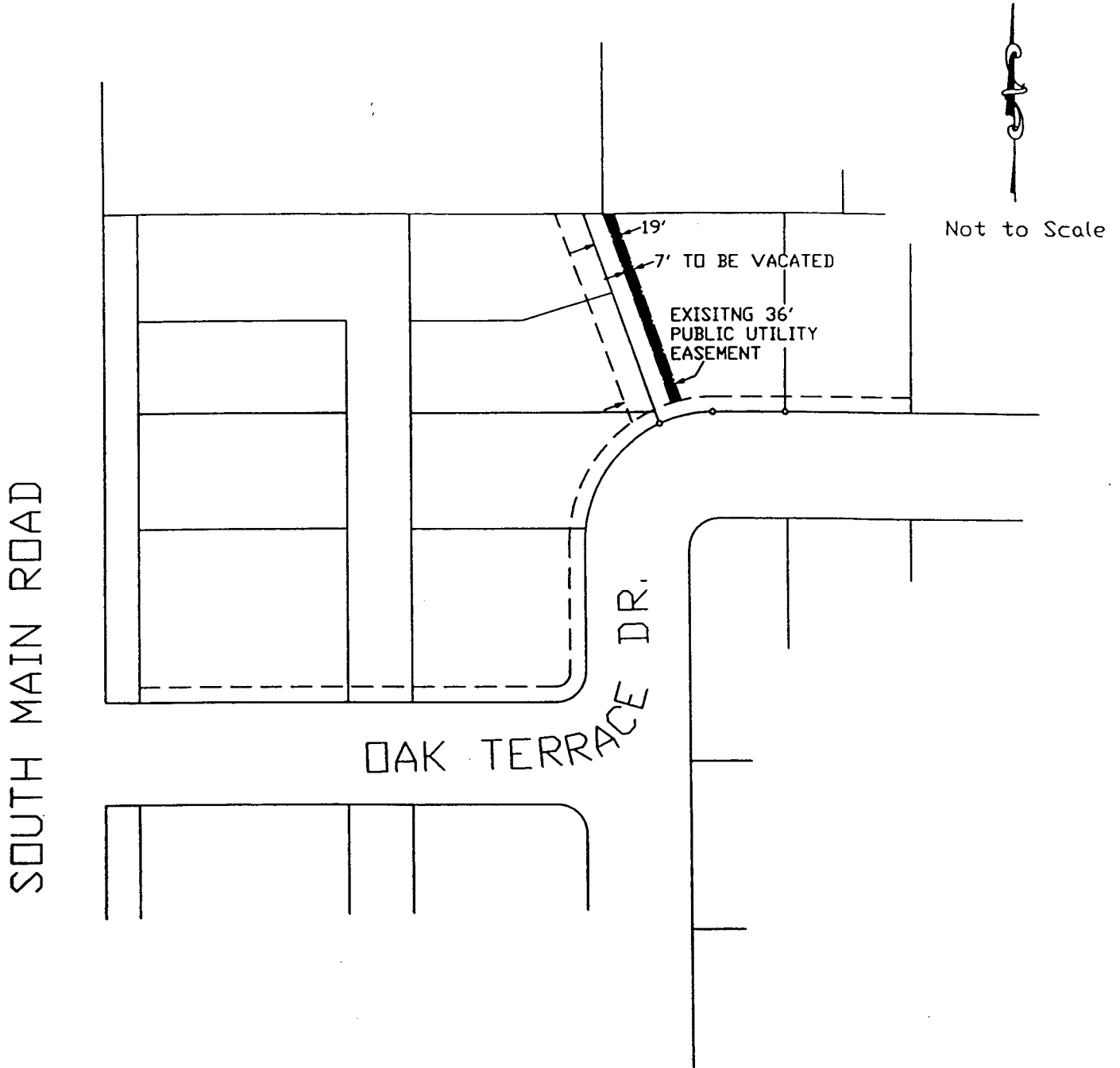
EXHIBIT A

VACATION OF 5.0' OF PUBLIC UTILITY EASEMENT IN LOT 4 OF BROWN'S OAK TERRACE SUBDIVISION

IN THE NW 1/4 OF SEC. 23, T.12S., W.M.
CITY OF LEBANON, LINN COUNTY, OREGON



VACATION OF 7.0' OF PUBLIC UTILITY EASEMENT

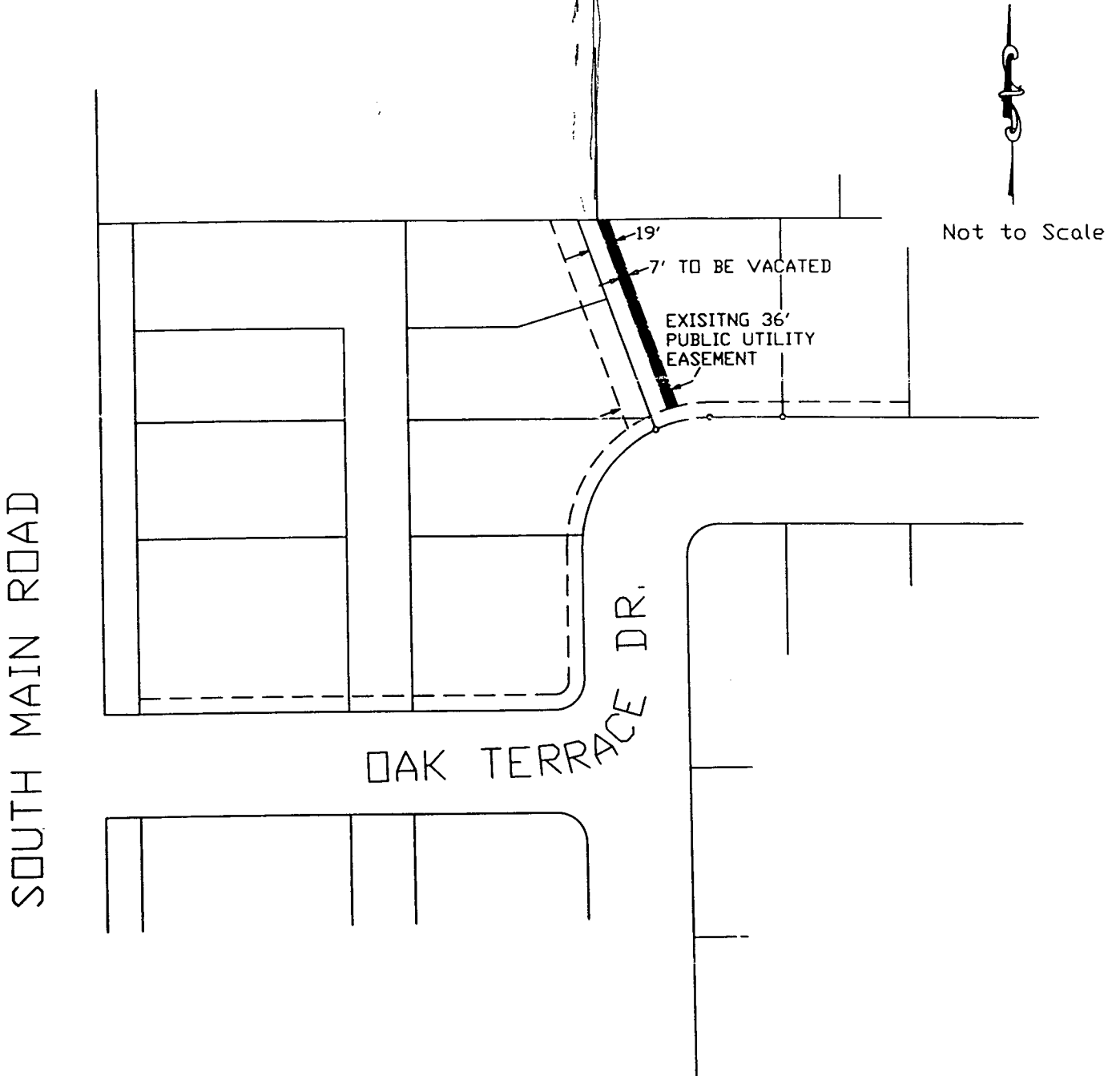


I, Claude Gordon Pate
(ADJACENT PROPERTY OWNER'S SIGNATURE)

, do not oppose the proposed vacation as illustrated on this drawing.

11/17/03
DATED

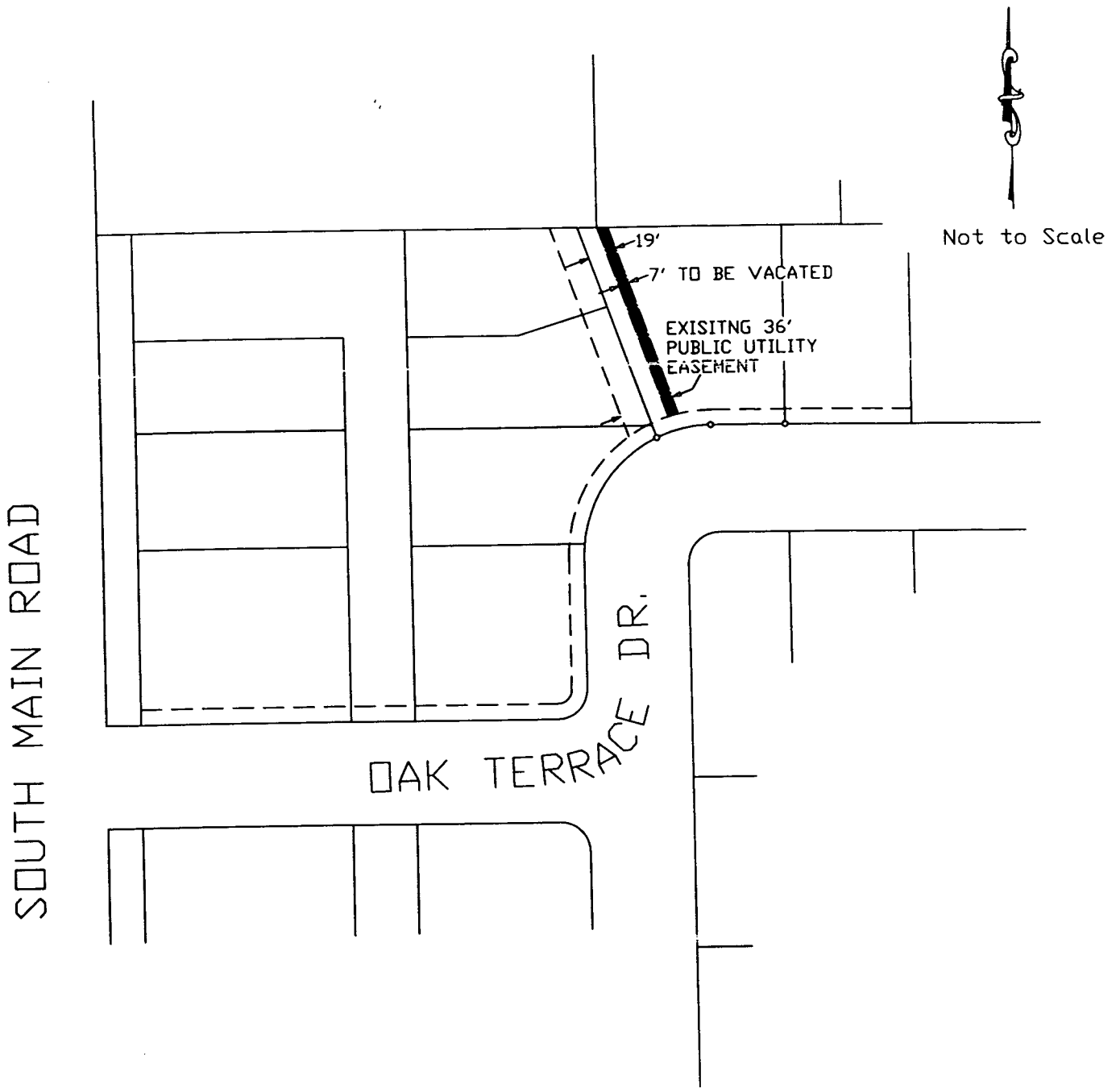
VACATION OF 7.0' OF PUBLIC UTILITY EASEMENT



I, David R. P... .., do not oppose the proposed vacation as illustrated
(ADJACENT PROPERTY OWNER'S SIGNATURE)
on this drawing.

11-21-03
DATE

VACATION OF 7.0' OF PUBLIC UTILITY EASEMENT



[Handwritten Signature]
(ADJACENT PROPERTY OWNER'S SIGNATURE)

do not oppose the proposed vacation as illustrated on this drawing.

11/19/03
(DATE)

**NOTICE OF PUBLIC HEARING
LEBANON CITY COUNCIL**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon City Council on Wednesday, January 28, 2004 at 7:30p.m. in the Santiam Travel Station meeting room located at 750 3rd Street to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

1. Vacation of Public Utility Easements

A portion of a 17 feet wide public utility easement, said portion being a strip of land 5.0 feet in even width in Lot 4 of Brown's Oak Terrace Subdivision in Section 23 of Township 12 South in Range 2 West of the Willamette Meridian, City of Lebanon, Linn County, Oregon. Said 5.0 foot strip being described as follows:

The eastern most 5.0 feet of the western most 17.0 feet both being of even width as measured at right angles and being parallel to the west line of Lot 4 in Brown's Oak Terrace Subdivision, City of Lebanon, Linn County, Oregon.

Also, an easement for public utilities recorded in Linn County records Volume 960 Page 527, said easement being a strip of land 2.0 feet in even width in Lot 4 of Brown's Oak Terrace Subdivision in Section 23 of Township 12 South in Range 2 West of the Willamette Meridian, City of Lebanon, Linn County, Oregon. Said 2.0 foot strip being described as follows:

The Easterly 2.0' of even width of the Western most 19.0 foot as measured at right angles and being parallel to the West line of Lot 4 in Brown's Oak Terrace Subdivision, City of Lebanon, Linn County, Oregon.

The petition was submitted May 1, 2003 by RM Sutherland Construction. Objections or remonstrances may be filed with the City Administrator's office at or before 5:00 p.m. on the date of the hearing.

If you have questions or need further information regarding this hearing, please contact Ed Patton, Project Engineer, at the Community Development Center, 853 Main Street (telephone 451-7460).

Upon request, the City will provide an interpreter for hearing impaired persons. To request an interpreter, contact the City Administrator's Office at 451-7422 no less than 48 hours prior to the public hearing.

CITY OF LEBANON
APPLICATION FOR VACATION OF PUBLIC LAND

Name: RM Sutherland Construction
Address: 29595 Bellfountain Rd. Phone: 753-2871
City, State, Zip Code: Corvallis OR 97333

Public Land Proposed for Vacation: Pak Terrace Drive
(name of street or location)

Storm Detention Access

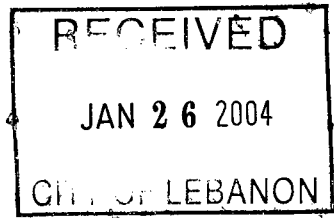
Submittals Required for Application:

- 1. Petition from adjoining property owners.
- 2. Legal description of area to be vacated.
- 3. Vacation Fee (~~\$700~~ ^{\$750} - Act. No. 50-555-46015)

This application STARTS the vacation process required by ORS 271. The Final decision as to whether or not to vacate will be made by the Lebanon City Council, after providing Public Notice and conducting a Public Hearing.

Because of the notice and advertising requirements required in ORS 271, allow a minimum of two months from application to recording of the vacation.

RM Sutherland Constr 5/10/03
Signature of Applicant Date
Ed [Signature] 9/22/03
Signature of Engineering/Planning Dept. Date



January 19, 2004

To: Lebanon City Council
Re: Relocation of easement on Oak Terrace Drive

I want to thank the you and the Lebanon city staff I have communicated with for your time spent regarding this easement change request. The city's staff has been most helpful and cooperative. The request to move the easement was filed by R.M. Sutherland Construction on my behalf as the purchaser of the lot the easement is currently on. When I purchased the lot, I was naïve in my understanding of all the requirements to have the easement moved. The location of the easement prevents me from fully utilizing the property as I planned to do upon purchase.

Locating the easement on the other side of the retention pond (ditch) will provide the city with a better access than currently exists on my side of the pond (ditch). The future easement access has a solid base and will be paved. The future easement is an access road and hence will be open at all times to service the retention pond and access those houses built off of it. Thank you for your thoughtful consideration of this request.

Sincerely,


A handwritten signature in black ink, appearing to read "Ivan Ritchie". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ivan Ritchie
58 Oak Terrace Drive
Lebanon, OR

Agenda Item 3



LEBANON POLICE DEPARTMENT
MEMORANDUM

TO: John Hitt, City Administrator
FROM: Michael Healy, Police Chief 
DATE: 15 January 2004
RE: LIQUOR LICENSE RENEWAL APPLICATION
CC:

The following Lebanon, Oregon establishments are requesting consideration of renewal of the OLCC liquor license:

<u>Business Name</u>	<u>Address</u>	<u>Classification</u>
Shari's of Lebanon	2650 S. Santiam Hwy. Lebanon, OR 97355 Owner: Shari's Management Corp.	Limited On-Premises Sales

The Police Department does not possess any documented evidence to support the denial of this request.

"Integrity. Professionalism. and Teamwork"

LIQUOR LICENSE APPLICATION APPROVAL/DENIAL FORM
 FINANCE DEPARTMENT
 CITY OF LEBANON

Date: 16 December 2003
 APPLICANT NAME : Shari's of Lebanon
 LOCATION: 2650 S. Santiam Hwy., Lebanon, OR 97355
 Annual Renewal
 Owner: Shari's Management Corp
 License Type: Limited On-Premises Sales

RECOMMENDATION:	APPROVAL	DENIAL	DATE
FIRE DISTRICT <u><i>M. Kelly</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>01-06-04</u>
POLICE DEPT <u><i>M. Kelly</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>12/17/03</u>
PLANNING DEPT <u><i>D. Parker</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>12/22/03</u>
BUILDING DEPT <u><i>D. Parker</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>12/22/03</u>

NOTE: Recommendation for denial must be accompanied by supporting documentation.

INSURANCE COMPANY:

Agenda Item 4



CITY OF LEBANON

MEMORANDUM

TO: Malcolm Bowie
City Engineer

DATE: January 23, 2004

FROM: Ed Patton *E.P.*
Project Engineer

CC:

SUBJECT: Irrevocable petition – Rachel & Ellis Stutzman

The attached irrevocable petition for public improvements is for Vine Street improvements as required in the Notice of Decision for planning case number MLP-03-06. It is a condition of the approval of the partition plat to divide off the land at the north end of Airway Road west of Sunset Road and north of the westerly extension of Vine Street.

IRREVOCABLE PETITION FOR PUBLIC IMPROVEMENTS

Date 19 December, 2003

PETITIONER(S): Rachel L. Stutzman, Revocable Living Trust

Ellis J. Stutzman, Trustee; Rachel L. Stutzman, Trustee

Petitioner is the owner of the following described real property:

Parcel 2 of Lebanon Planning Case No. MPL-03-06, in Linn County, Oregon.

Said property is currently the east 209.29 feet of the south 200.35 feet of Tax Lot 700 of Linn County Assessor's map 12 S - 2 W - 9AD saving the portion dedicated as public right of way.

Said property is currently assigned the mail address as: unknown.

Petitioner hereby irrevocably petitions the City of Lebanon to initiate the following local improvements in accordance with the standard specifications of the City:

City standard public street, curb, gutter, sidewalk, and driveway improvements.

This petition is presented to the City of Lebanon so that Petitioner's property may be developed and receive municipal services from the City which will directly benefit Petitioner's property, and shall remain in force and effect for 20 years from the date hereof.

It is understood by Petitioner that:


1. The cost of the improvements shall be borne by the benefited property in accordance with state law, the Charter of the City of Lebanon and its ordinances and policies.
2. The City in its sole discretion may initiate the construction of all or part of the local improvements requested or may join all or part of Petitioner's property with other property when creating a local improvement assessment district.
3. Petitioner and Petitioner's heirs, assigns and successors in interest in the property shall be bound by this irrevocable petition which will run with the property and will be recorded by the City in the deed records of Linn County.
4. Petitioner declares that the public improvements herein sought will directly benefit the described property and will directly benefit the City through improvements to the public way and public utilities serving the property and other properties in the vicinity.
5. Petitioner shall not challenge the formation of a local improvement assessment district by the City and in any proceedings therein will acknowledge this petition of requested to do so by the City.
6. If the City is required to file an action in any court of competent jurisdiction to enforce the language in this petition or to prohibit the violation of any of the covenants contained herein, the prevailing party shall be entitled to recover reasonable attorney fees and costs and disbursements if litigation at trial or on appeal.
7. In construing this petition singular words include the plural.

Agenda Item 5



CITY OF LEBANON

MEMORANDUM

TO: Jim Ruef, Director of Public Works **DATE:** January 22, 2004
FROM: Rob Emmons, Senior Engineer 
CC: Malcolm Bowie, City Engineer
SUBJECT: Transportation System Plan – City Council Public Hearing

Background

This memo summarizes the history, purpose and public process used to develop the City of Lebanon's Transportation System Plan (TSP).

Work on the TSP started in 1999, with the selection of the consultant Hann Lee & Associates. Hann Lee was not able to complete the work necessary to finish the TSP and his contact was terminated in September 2001. The current work order contract is with CH2MHill which resumed work during the summer of 2003. They have completed the TSP using the material and data developed by Hann Lee & Associates.

The TSP addresses a system of facilities and services to meet local transportation needs for the next 20 years. It addresses transportation needs associated with streets, public transportation, bicycles, pedestrians, air, rail, water and pipelines. Once adopted, the TSP will serve as the transportation element of the Lebanon Comprehensive Plan.

The Process

The City appointed a Technical Advisory Committee (TAC) to help guide the development of the TSP. The TAC included representatives from affected state and regional agencies including Oregon Department of Transportation, Department of Land Conservation and Development, Linn County, City of Lebanon and our consultants CH2MHill and Hann Lee.

The City also appointed a Citizens Advisory Committee (CAC) to provide project guidance and policy recommendations to the City and other agencies, based on their perspective of the City's transportation needs.

The public was engaged throughout the development of the TSP. Town hall meetings and open houses were held to present key aspects of the TSP. At these meetings project questionnaires were distributed and fliers were handed out to further engage the public and encourage participation.

A work session was held before a joint meeting of the City Council and the Planning Commission on November 12, 2003. The TSP process, goals and preferred project alternatives were summarized. Both the City Council and Planning Commission members had the opportunity to ask questions and suggest improvements or alternatives to the proposed plan.

A public hearing was held before the Planning Commission on January 21, 2003. The Planning Commission made recommendations for changes to the TSP.

Action Requested

City staff requests that the City Council review the draft TSP and make recommendations for changes.

Agenda Item 6



CITY OF LEBANON

MEMORANDUM

TO: Mayor Toombs & City Council

DATE: 1/23/04

FROM: John Hitt, City Administrator

SUBJECT: City Tourism Commission

At the request of the Mayor, this item is being placed on the agenda for discussion and possible direction to City Staff.

Santiam Travel Station Visitor Center Lebanon Tourism Commission

Lebanon's Visitor Center
in the old
Southern Pacific Train Depot
Mayor Ken Toombs

750 South 3rd Street
Lebanon, Oregon 97355
(541) 259-6248
LTC@VisitLebanonOregon.com

Mission

- Advise the Lebanon City Council on the disposition of the City's Transient Occupancy Tax.
- Operate the Santiam Travel Station Visitor Center
- Operate the Visitor Center as a Community Information Service to tell visitors and local about all the events and activities.
- Market and promote the visitor experience.

Meetings

- Meetings – 1st Monday
Noon to 1 pm in the Visitor Center.

Members

Peggy Christopherson
Chairperson –
Peggy's Alaskan
Cabbage Patch B&B

Virginia Franklin
LTC Secretary

Ray Weldon
Community Member

Don Thoma
Lebanon Community
Foundation

Ray Watts
Community member

Carol Sedlacek
St. Martin's Episcopal
Church

Marty Specht
Visitor Center Manager

John Hitt
City Administrator
(Ex officio)

Ken Toombs
Mayor
(Ex officio)

**VISIT LEBANON
&
LINN COUNTY**



Excursion Day, May 15, 2004, at the Visitor Center
A celebration of Lebanon's long Railroad History,
Friendly Community Spirit, and Visitor Attractions.



January 26, 2004

Dear Mayor Tombs
and Lebanon City Council Members

The Grand Opening committee has set May 15, 2004 as the First Annual Excursion Day to open Lebanon's summer visitor season. This new annual event will celebrate Lebanon's railroad history, community spirit, and will kick off the opening of the Santiam Travel Depot Visitor Center for the 2004 summer season.

In addition to the flag raising with a bugler by the local American Legion, an engine of the Albany & Eastern Railroad will "Cut the Ribbon." At noon Mayor Toombs and other featured speakers will say a few words. The Boy Scouts will be selling hot dogs and retire the colors at the end of the day.

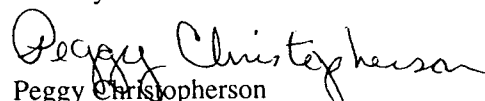
Other local groups will put on model railroad and model airplane displays. The ham radio club will be there, as will the local square dancers. Many other community clubs and organizations will perform or be vendors or have community and historical displays. Plans include involving the many downtown businesses with special sales and promotions.

The Lebanon Tourism Commission (LTC) needs \$2,000 to cover promotional costs, transportation, decorations, entertainment, and supplies and equipment. Additional monies will bring Clear Channel Radio (KRKT) to do a live remote. A draft budget is attached.

In your event packet you will see some of the materials, which have been developed to promote this great event. Also included is a list of some of the organizations and clubs who plan to participate.

Excursion Day is already listed in the events calendar on the web site of the Albany Visitor Association and will be on VisitLebanonOregon.com web site, which has been developed by the LTC. Furthermore, ads and press releases have been submitted to the Lebanon Express.

Thank you


Peggy Christopherson
Chairperson
Lebanon Tourism Commission

Agenda Item 7



CITY OF LEBANON

MEMORANDUM

TO: Mayor Toombs & City Council

DATE: 1/23/04

FROM: John Hitt, City Administrator

SUBJECT: City Administrator's Report

At the January 28th meeting, I will give the Council a brief report on the following matters:

1. New Telephone System
2. Proposed Entek Expansion
3. Library Plans
4. Street Sweeping
5. Miscellaneous Matters

Agenda Item 8



CITY OF LEBANON

ADMINISTRATIVE DEPARTMENT

MEMORANDUM

TO: Mayor Toombs and City Council

DATE: 1/22/2004

FROM: Tom McHill, City Attorney

SUBJECT: Heather Estates Subdivision

You recently voted to approve a settlement in the case which was filed against the City concerning the Heather Estates Subdivision. As you will recall, the developer for this subdivision, Cloudburst Development LLC, obtained an alternate writ of mandamus in the Linn County Circuit Court. John Hitt, Doug Parker, Jim Ruef, Malcolm Bowie and I negotiated a settlement which attaches conditions of approval that represent concessions on both sides of the issue. You have approved the procedure, which now results in the Linn County Circuit Court signing the stipulated peremptory writ. All that remains is for you to approve, pursuant to the writ, the Heather Estates Subdivision with the conditions agreed to in the stipulated writ. I will then file a return of the writ in the Circuit Court.

Please note that in addition to the agreed upon conditions, the Realtor, Cloudburst Development LLC, has agreed to forego its statutory right to attorney fees and a refund of one-half of their application fees.

Staff recommends that you approve the writ with the conditions attached, as the Circuit Court now orders you to do.

