

Archive

Lebanon City Council Agenda



June 8th, 2005
Santiam Travel Station
7:30 p.m.

LEBANON CITY COUNCIL MEETING
Wednesday, June 8, 2005
7:30 p.m.

Santiam Travel Station
750 3rd Street

AGENDA

CALL TO ORDER/FLAG SALUTE

ROLL CALL

CONSENT CALENDAR

CITY COUNCIL AGENDA: June 8, 2005

MINUTES: Lebanon Public Library Advisory Board Minutes – April 13th, 2005

PRESENTATION:

Strawberry Parade Needs

Presented by: Strawberrians

DISCUSSION ONLY

LEGISLATIVE:

1) Approval of Council Minutes – May 18th and May 25th, 2005

Presented by: Mayor Ken Toombs

Approval/Denial by MOTION

PUBLIC HEARINGS

2) System Development Charges

Presented by: Malcolm Bowie, City Engineer
Rob Emmons, Senior Engineer

Approval/Denial by ORDINANCE and RESOLUTION

3) City Supplemental Specifications Amendment

Presented by: Malcolm Bowie, City Engineer
Ron Whitlach, Senior Engineer

Approval/Denial by ORDINANCE

4) Adoption of Fiscal Year 2005/06 Budget

Presented by: Casey Cole, Finance Director

Approval/Denial by RESOLUTION making appropriations
Approval/Denial by RESOLUTION levying taxes

(Temporarily adjourn the regular order of business of the Lebanon City Council & convene as the Lebanon Urban Renewal Agency)

5) Adoption of 2005/06 Lebanon URD Budget

Presented by: Casey Cole, Finance Director

Approval/Denial by RESOLUTION making appropriations
Approval/Denial by RESOLUTION levying taxes

(Adjourn as the Lebanon Urban Renewal Agency & convene as the NW Lebanon Urban Renewal Agency)

6) Adoption of 2005/06 NW Lebanon URD Budget

Presented by: Casey Cole, Finance Director

Approval/Denial by RESOLUTION making appropriations
Approval/Denial by RESOLUTION levying taxes

(Adjourn as the NW Lebanon Urban Renewal Agency & convene as the Cheadle Lake Urban Renewal Agency)

7) Adoption of 2005/06 Cheadle Lake URD Budget

Presented by: Casey Cole, Finance Director

Approval/Denial by RESOLUTION making appropriations
Approval/Denial by RESOLUTION levying taxes

LEGISLATIVE SESSION

8) Intergovernmental Agreement (City of Lebanon and Cheadle Lake URD)

Presented by: Casey Cole, Finance Director

Approval/Denial by RESOLUTION by the Cheadle Lake Urban Renewal Agency

(Adjourn as the Cheadle Lake Urban Renewal Agency & reconvene with the regular order of business of the Lebanon City Council)

9) Intergovernmental Agreement (City of Lebanon and Cheadle Lake URD)

Presented by: Casey Cole, Finance Director

Approval/Denial by RESOLUTION by Lebanon City Council

10) Re-adoption of Legal Description for Entek Annexation

Presented by: Doug Parker, Planning Manager

Approval/Denial by ORDINANCE

11) Westside Interceptor Phase 2A

Presented by: Malcolm Bowie, City Engineer

Approval/Denial by MOTION

12) Update on Grant Street Bridge Replacement

Presented by: Malcolm Bowie, City Engineer

DISCUSSION ONLY

13) Covenant of Waiver of Rights and Remedies under Measure 37

Presented by: John Hitt, City Administrator

Approval/Denial by MOTION

14) Surplus Flour Mill Equipment

Presented by: John Hitt, City Administrator

Approval/Denial by MOTION

15) City Administrator's Report

Presented by: John Hitt, City Administrator

DISCUSSION ONLY

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

CITY COUNCIL AGENDA: June 8th, 2005

MINUTES: Lebanon Public Library Advisory Board Minutes – April 13th, 2005



City of Lebanon

City Hall
925 Main Street
Administration
541.258.4902
Finance
541.258.4914
Human Resources
541.258.4925
Mayor/City Council
541.258.4904
Public Works Admin
541.258.4918
IT/GIS

City Attorney
80 E. Maple Street
541.258.3194

Library
626 2nd Street
541.258.4926

Community Development Center
85 1/2 N Street
541.258.4907
Engineering
541.258.4923
Environmental
541.258.4921
Planning
541.258.4906

Municipal Court
30 E. Maple Street
541.258.4909

Police Department
40 E. Maple Street
541.451.1751

Public Works Maintenance/Parks
305 Oak Street
541.258.4281

Senior Center
65 "B" Academy
541.258.4919

LEBANON PUBLIC LIBRARY

Advisory Board Meeting Minutes

April 13, 2005

The Library Advisory Board meeting was called to order at 5:35 p.m. by Chair Carol Hiebert. Attending were Glenda Claborn, Sharon Follingstad, Harlan Mastenbrook, Carolyn Misa, Sue Spiker, Tom Stewart and Library Director Denice Lee.

Minutes of the March 16th meeting were approved.

Director's Report:

Circulation:

Circulation Statistics were unavailable.

Spring Break:

The library's Spring Break activities for March 21-24 were very successful. The theme for the week was Puppies, Kitten, and Birds, Oh My! Each day the children were treated to different professionals presenting animals, with the last day being a pet show put on by the children themselves. There were about 21 pets brought for the pet show, and everything went very well. These activities were for pre-school through 4th or 5th grade.

Middle School Book Club:

Tuesday, March 15th was the last meeting of the Middle School Book Club. The weekly sessions were held from 7 p.m. - 8:30 p.m. from January through March. The adult leaders all expressed delight at the group of students and the attendance averaged approximately 15 students all three months.

High School Book Club:

After presenting the facts about the success of the Middle School Book Club to the Friends of the Library at their last meeting, the Friends approved funding a High School Book Club. The staff will be exploring possibilities through the summer months in order to determine if there is sufficient interest.

Display Case:

The fund raising efforts of various board members to secure \$2,000 to purchase the old display case from Landstrom's Jewelers have been successful. The final \$215 needed was donated to the project by the Rock Hill Foundation. Their request is that we allow them to display a picture of the Rock Hill School in the case. Denice will be working with Susan, the Senior Center director, to locate a place at the Center for the case to reside until there is a new library facility. Denice will work with the Maintenance department to arrange moving the case.

Budget:

As the proposed budget went to the printers, the library's book budget stands at \$22,000. This is the fourth year of decline in the book budget. There has been no change in staffing or library hours of operation from this year.

CybraryN:

The CybraryN software that will allow patrons to schedule their own Internet appointments went live at the library Tuesday, April 12th. This software will also automatically time patron Internet and word processing sessions. Both of these features will free library staff to use their time in other, more professionally oriented ways. There are some glitches in the system, but we'll continue to correct them, and look forward to having the system fully operational very soon.

Policy Revisions:

The board worked through revisions of the two Internet policies in the policy manual. The purpose was to update the policies since the addition of filtering software on the children's computer, and to update the policies to reflect current practice.

Building Improvements:

With the painting of the restrooms, the director's office, and the children's area, the library is looking much better. The first electrical bill since the retrofit of the lighting fixtures showed a \$50 reduction over the past month. This is only a partial reflection of the anticipated reduction because the project wasn't completed until March 11. There have been many positive comments about the improved quality of the lighting at the library as a result of this project.

Volunteer Appreciation:

The annual spring Volunteer Appreciation Luncheon is scheduled for Friday, April 22 at 11:30 a.m. We will host the volunteers at Harden Hall. The Advisory Board is warmly invited.

Anne:

The library director reported that Anne Sigmund, the only other full-time employee at the library remains on Family Medical Leave. This can last for up to 12 weeks. In the interim, part time staff has been scheduled to serve the public, and the library director is assuming responsibility for Anne's other tasks as she is an AFSCME employee.

Friends Report:

The Friends are anticipating their first book sale at the new Senior Center. It is scheduled for the fourth Saturday in April.

Adjournment:

The meeting was adjourned at 6:41 p.m.

Next meeting May 11, 2005

5:30 p.m.

750 3rd Street

Santiam Travel Station

North End of Building

Presentation

STRAWBERRY FESTIVAL NEEDS

Presented by: Strawberrians

June 8, 2005

To: Lebanon City Council

From: Lebanon Strawberrians

For: Tourism Grant Request

Amount: \$ 10,000

The Lebanon Strawberrians are the official ambassadors for the city of Lebanon. We exist under the Lebanon Chamber of Commerce Umbrella. Part of the mission of the Strawberrians is to be the official escorts for the Lebanon Strawberry Festival Queen and Princesses at public events, to attend openings and welcome new businesses into the Lebanon Business Community and to act as Ambassadors and greeters for visiting dignitaries. In the past we have played that roll for people looking to locate business here i.e., the mobile home manufacturing plant once located here where Entect is now located . The Lebanon Strawberrians were chartered in ~~1971~~¹⁹⁶⁹ and continue to carry the Lebanon Banner to other communities in a positive professional manner spreading goodwill and the story of our community and our Festival

Our old car has gotten too old to be reliable and too expensive to keep in repair. Therefore, we have determined to start a money raising effort to replace the old Lincoln. We had a spaghetti feed last month netting \$315, and one of our members has donated \$1250, toward the effort. We also plan to ask the Strawberry Festival Board for a like amount.

We trust that you will agree that Lebanon needs to be presented in the best possible light and will grant this request.

Agenda Item 1

**LEBANON CITY COUNCIL SPECIAL MEETING
MINUTES**

May 18, 2005

Council Present: Mayor Ken Toombs and Councilors Bob Elliott, Rebecca Grizzle, Ron Miller, Dan Thackaberry and Ray Weldon.

Staff Present: City Administrator John Hitt, Director of Public Works Jim Ruef, City Engineer Malcolm Bowie, Senior Engineer Rob Emmons 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. Roll call was taken with Councilor Scott Simpson being absent.

CONSENT CALENDAR

CITY COUNCIL AGENDA: May 18, 2005

Councilor Thackaberry moved, Councilor Elliott seconded, to approve the Consent Calendar. The motion passed unanimously.

PROCLAMATION

1) Strawberry Festival Proclamation

Mayor Toombs proclaimed the commencement of the 96th Annual Strawberry Festival to be May 24.

WORK SESSION/PRESENTATION:

2) System Development Charge (SDC) Study

City Engineer Bowie, Senior Engineer Emmons and consultant, Debbie Galardi, of Galardi Consulting, LLC, provided an SDC update on the process used to update the City's SDC's, an overview of the charges, SDC Methodology, fee structure & schedule requirements, costs basis requirements, and the CAC committee's requirements and recommendations. [Power Point Presentation Attached]

Emmons reported that the study included water, sewer, storm drainage and parks; streets are not being updated at this time because staff is in the midst of updating the transportation system plan. Once that is updated the CAC committee will reconvene and go through the process of updating the street SDC's.

Councilor Thackaberry questioned if that would cost more money to go back and do streets at a different time. Emmons stated that it will potentially cost more. The sooner the streets are in the cheaper it will be for the city because of the consultants' fees and felt that it made more sense to do it all at once. Emmons stated that it does but if the streets were updated during this process staff would have had to default to the City's current Transportation System Plan, because the Transportation Master plan is not reflective of the projects that need to be funded through the SDC's. If we updated it, we would not be able to spend SDC money on the street projects that we really need to do.

Ruef stated that it is typical that when the SDC updates are done it is pretty typical that all of the master plans are not going to be up-to-date. We are behind on streets; in the process with water; the wastewater treatment update is done, but not the collection system. The City should go forward with what we have because by the time you get one master plan done it is time to update another plan.

Emmons stated that per ORS, the City is only able to include projects for each system that were included in the master plan for that system.

Galardi provided an overview of what SDC charges are used for; a charge on new development that generally occurs at the time of connection to the system or when a building permit is issued, limited to capital improvements, cannot include operation and maintenance costs in the SDC's and it is for prior and future investments in the system in for growth.

Galardi briefed on the methodology and basic concepts for each system as well as the fee structure requirements.

ADJOURNMENT

There being no further business, Mayor Toombs adjourned the meeting at 6:10 p.m.

Meeting Recorded and Transcribed by: Linda Kaser

Kenneth I. Toombs, Mayor []
Scott Councilor Simpson, Council President []

ATTESTED BY:

John E. Hitt, City Recorder

**LEBANON CITY COUNCIL MEETING
MINUTES**

May 25, 2005

Council Present: Mayor Ken Toombs and Councilors Bob Elliott, Rebecca Grizzle, Scott Simpson, Dan Thackaberry and Ray Weldon.

Staff Present: City Administrator John Hitt, City Attorney Tom McHill, Finance Director Casey Cole, Police Chief Mike Healy, Director of Public Works Jim Ruef, Community Development Manager Doug Parker, City Engineer Malcolm Bowie, IS Manager Tom Oliver, 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. Roll call was taken with Councilor Ron Miller being absent.

CONSENT CALENDAR

Mayor Toombs removed Item 1 from the Executive Session.

CITY COUNCIL AGENDA: May 25, 2005

MINUTES: Planning Commission Minutes – March 16, 2005
Senior Center Advisory Board Minutes – April 20, 2005
Lebanon Public Library Advisory Board Minutes – April 13, 2005

Councilor Elliott noted that the first page of the Lebanon Public Library minutes was incomplete.

Councilor Elliott moved, Councilor Thackaberry seconded, to approve the Consent Calendar with the Library Board minutes pending for further information. The motion passed unanimously.

LEGISLATIVE ACTION

1) Approval of Council Minutes – April 13 and 27, 2005

Councilor Grizzle moved, Councilor Elliott seconded, TO APPROVE THE APRIL 13 AND 27, 2005 CITY COUNCIL MINUTES AS SUBMITTED. The motion passed by roll call vote with 4 yeas (Councilors Elliott, Grizzle, Simpson and Weldon) and 1 nay (Councilor Thackaberry).

PUBLIC HEARINGS:

2) Liquor License Renewal for Bojangles (continued from April 27)

Mayor Toombs declared the Public Hearing open at 7:37 p.m. to determine the Lebanon City Councils recommendation to OLCC of Sylvia Dixon's, Dixon Enterprises, Liquor License Renewal request for Bojangles located at 76 E. Sherman Street in Lebanon.

Chief Healy noted that this Public Hearing was a continuation from the April 27 City Council meeting at which time the Council asked him to provide a Police history of Bojangles.

City Attorney McHill cited Chapter 5.10.060 (Criteria Designated) of the Lebanon Municipal Code (LMC). City Council may make an unfavorable or conditionally favorable recommendation to the OLCC on any application if the following apply and referred Council to Section 15.

Council evaluated the Police history of Bojangles and found that all of these behaviors have occurred at numerous times in the past year.

Mayor Toombs asked for public comments in favor of the license request.

Sunnie Weathers, 31938 Moss Street, Lebanon, stated that while she was not a customer of Bojangles, she felt that by denying the license renewal request due to continued problems at the establishment that those creating the problems would just move to another establishment.

Hearing no further public testimony in favor or opposition of this request, Mayor Toombs declared the Public Hearing closed at 7:50 p.m.

Councilor Simpson moved, Councilor Elliott seconded, and was passed unanimously by roll call vote TO MAKE A RECOMMENDATION TO OLCC THAT THE OWNER OF BOJANGLES BE DENIED THEIR LIQUOR LICENSE RENEWAL BASED ON LMC 5.10.060, SECTION 15. "That there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise, either in the premises or involving patrons of the establishment in the immediate vicinity of the premise if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Behavior which is grounds for an unfavorable recommendation under these criteria, were so related to the sale or service of alcohol, includes, but is not limited to: a) Obtrusive or excessive noise, music or sound vibrations; b) Public drunkenness; c) Fights; d) Altercations; and e) Harassment or unlawful drug sales."

3) Liquor License Approval for Wal-Mart Supercenter

Mayor Toombs declared the Public Hearing open at 7:54 p.m. to determine the approval or denial of the New Liquor License Request from Wal-Mart Supercenter located at 3290 S. Santiam Highway in Lebanon.

Chief Healy stated that staff found no evidence to support a denial of this request and that the Fire Department, Police Department, and Planning and Building Departments have all given their approval.

Hearing no public testimony in favor or opposition of this liquor license request, Mayor Toombs declared the Public Hearing closed at 7:53 p.m.

Councilor Elliott moved, Councilor Weldon seconded, TO MAKE A RECOMMENDATION TO OLCC THAT WAL-MART SUPERCENTER'S LIQUOR LICENSE REQUEST BE APPROVED. The motion passed by roll call vote with 4 yeas (Councilors Elliott, Grizzle, Simpson, and Weldon) and 1 nay (Councilor Thackaberry).

4) State Revenue Sharing

Mayor Toombs declared the Public Hearing open at 7:58 p.m. to conduct a public hearing concerning the City of Lebanon's uses of State Revenue Sharing Funds as approved by the City's Budget Committee.

Finance Director Cole explained the procedure to receive and the use of State Revenue Sharing funds. These funds come from beer and wine taxes collected by the state. The Approved Budget for FY 2005/06 has budgeted revenue in the amount of \$92,000 in the General Fund.

Hearing no public testimony in favor or opposition of the State Revenue Sharing, Mayor Toombs declared the Public Hearing closed at 7:59 p.m.

Attorney McHill read the title of the RESOLUTION.

Councilor Thackaberry moved, Councilor Elliott seconded, to APPROVE A RESOLUTION CERTIFYING THE CITY OF LEBANON PROVIDES MUNICIPAL SERVICES FOR ELIGIBILITY IN RECEIVING STATE SHARED REVENUE PAYMENTS. The motion passed unanimously by roll call vote.

Attorney McHill read the title of the ORDINANCE.

Councilor Elliott moved, Councilor Grizzle seconded, to APPROVE AN ORDINANCE DECLARING THE CITY OF LEBANON'S ELECTION TO RECEIVE STATE REVENUES. The motion passed unanimously by roll call vote.

5) City Fee Schedule

Mayor Toombs declared the Public Hearing open at 8:01 p.m. to consider revising miscellaneous City Fees and Charges.

Hitt explained that staff reviews the fees and permits on an annual basis to make certain that there are no special services currently being provided that should be assessed a separate fee; make special services pay for themselves, to the extent reasonable or desirable; compare our fees with other similar jurisdictions to assure reasonable compatibility; and to make certain that our fees are justified based on the City resources necessary to provide the service, permit or license.

Hitt noted that if approved, the new fees will become effective July 1, 2005 and noted the following corrections on Page 2:

- Business License Fees (Miscellaneous) Peddlers, Solicitors and ~~temporary Business;~~
- Transient Merchants/~~per~~-30 Days

Hitt noted the proposed building fee changes that are in accordance with State Law and included in the packet for formality and public information purposes and are not open for Council amendments.

At the request of Councilor Grizzle, Manager Parker identified and reviewed the proposed fee increases for the Planning Department (located on Page 5 & 6) in an attempt to get more of a partial cost recovery. Parker reviewed several approaches used by other jurisdictions to determine the assessment of fees.

Hitt noted a correction on Page 5:

- Land Partition Proposed Fee Total should be \$850.

Mayor Toombs asked for public comment in favor of the proposed fees. Hearing none, Mayor Toombs asked for public comment in opposition of the proposed fees.

Cindy Thompson, 551 W. "B" Street, Lebanon (associated with Mrs. B's Teas) addressed Council with her concern for what she felt was an excessive fee proposed for sidewalk café tables.

Parker stated that the permit process, reviewing the site plan, an estimated ½ hour of staff time with each applicant defining the site plan, as well as an enforcement officer and other staff's time in making sure the businesses are complying with the site plan on their permits makes the \$50/table a modest fee relative to the cost to the city embarking on this new program.

Ms. Thompson referred to a statement made in the agenda packet that *one of the reasons to do this program is to bring more business into the area and help the other businesses out.* With the cost of the tables and the price charged for meals, there is no way to recoup the cost and she would not be able to afford to partake in this program. Ms. Thompson stated that this is a good idea to make your business visible and asked Council to rethink the fee.

Jim Ricke, 467 Mary Street, spoke on behalf of Los Arbolitos and Big Town Hero on the proposed sidewalk café permit fee. Both businesses felt that a flat fee of \$25.00 would be more reasonable or they would not be able to otherwise have outside seating.

Hearing no further public testimony in favor or opposition of the revised City fees and Charges, Mayor Toombs declared the Public Hearing closed at 8:20 p.m.

City Attorney McHill Read the Title of the Resolution

Councilor Thackaberry moved to approve the Resolution with the following amendments: Raise the "IPP Hauled Waste Dump Fee" to .0725/per gallon, change the sidewalk café permits to a flat fee totaling \$50 annually, and strike the language concerning alcohol under Sidewalk Café Permit and revisit it next year.

After receiving clarification on false alarm fees from Chief Healy, Councilor Thackaberry also amended the False Alarm billing to read that only the first false alarm call is free, the second false alarm would have a fee of \$25.00 and up with no maximum limit.

Councilor Grizzle seconded the motion.

Councilor Grizzle felt that a \$50.00 annual flat fee was still too much and that the fee should be reduced to a flat fee of \$25.00 annually. While understanding it costs more for staff to go through the process, the cost benefits are more in trying to revitalize downtown and attract business; the impact on the City is not as great as the benefit to downtown. Councilor Simpson concurred.

Planner Parker suggested that, if Council's concern is to promote the sidewalk tables, the first year's fee be waived because once the fees are at a certain level it would be marginally cost effective.

Councilor Thackaberry stated that the fees could be set with this established fee then Council could waive the fee for this year.

Councilor Grizzle stated she would not want to revert to automatically charging next year. She agreed that if it's successful and find that staff has put in extraordinary amounts of time in maintaining the program they could discuss a fee for next year.

Councilor Grizzle moved, Councilor Simpson seconded, to amend the amended motion to exclude fees for the first year.

Thackaberry stated that if you don't include the fees now we never will.

Hitt recommended that Council not vote for the last amendment in that he preferred Councilor Thackaberry's suggestion to establish a fee and waive it for the first year because if there is no established fee there would be less dedication to doing this program correctly.

Councilor Grizzle withdrew her motion.

Councilor Thackaberry moved, Councilor Grizzle seconded, TO APPROVE A RESOLUTION ESTABLISHING FEES AND CHARGES FOR CITY SERVICES WITH THE AMENDMENTS PREVIOUSLY MENTIONED BY STAFF AND COUNCIL. The motion passed unanimously by roll call vote.

6) Sidewalk Café Permitting

Mayor Toombs declared the Public Hearing open at 8:40 p.m. to consider amendment of a City Ordinance creating a permit for the issuing of sidewalk café permits.

City Attorney McHill clarified that this would be considered an ordinance, not an amendment to an ordinance.

Parker was pleased to announce that this sidewalk café program is in response to the business community approaching staff asking for the opportunity to do this program; this program was not generated by staff.

Parker stated that the Development Review Team discussed all of the issues related to the public sidewalks to make sure they would not become a hazard and potential liability, block ADA access, or any way a detriment to the other businesses not participating in this program.

Parker noted that only restaurants with a county issued restaurant license are allowed to apply, which would include taverns and those alcohol serving businesses.

Parker stated that proper public hearing notice was given and every business and property owner downtown was notified. Mr. Parker personally went to all 11 businesses that have such a license and spoke with the owner, or operating manager, to explain the proposed program.

Parker stated that at this juncture the review team is intending to limit this program to the downtown central business commercial zone. Parker suggested that if Council allows the program on city sidewalks they should consider allowing it on private property as well, but it is not our jurisdiction vis-à-vis regulating placement. Staff feels it will help the downtown business area.

Councilor Thackaberry asked about the language leaving it up to the applicant to bolt tables down or not. Parker stated that if the tables and chairs are to remain on the sidewalk when the business is closed they need to be firmly secured to the sidewalk. Parker confirmed that ADA requirements are satisfied.

Parker noted that even if the permit fee is waived staff would need to identify an area on the site plan to place the tables and chairs.

Hearing no further public testimony in favor or opposition of this request, Mayor Toombs declared the Public Hearing closed at 8:47 p.m.

McHill read the title of the Ordinance.

Councilor Elliott moved, Councilor Thackaberry seconded, TO APPROVE A BILL FOR AN ORDINANCE CREATING A PERMIT FOR THE ISSUING OF SIDEWALK CAFÉ PERMITS.

Councilor Simpson and Thackaberry felt that the restaurant owners should, at least for the first year, take the tables and chairs in each night to avoid possible problems.

Parker stated that in looking at this type of program in other jurisdictions some of the businesses have heavy tables that would not be possible to bring in/out on a nightly basis; staff felt that it was best to defer to the judgment of the business owners and avoid dictating specifically what kind of tables they can have.

Councilors Weldon and Grizzle stated that it is difficult to speculate problems and felt that if a problem developed it should be dealt with at that time.

Councilor Simpson moved, seconded by Councilor Thackaberry, that for the first year all sidewalk café tables and chairs be removed and put inside the premises in the evening hours at the termination of the business day. The motion failed with a vote of 2 in favor (Councilors Simpson and Thackaberry) and 3 opposed (Councilors Elliott, Grizzle, and Weldon).

The original motion passed unanimously by roll call TO APPROVE A BILL FOR AN ORDINANCE CREATING A PERMIT FOR THE ISSUING OF SIDEWALK CAFÉ PERMITS.

Councilor Thackaberry, Councilor Simpson seconded, to waive the \$50 annual permit fee for the first year. The motion passed unanimously by roll call.

7) Dangerous Dog Ordinance Amendment

Chief Healy proposed amending the existing ordinance governing specifically the impoundment of those dogs which, based on investigation, are deemed to be dangerous and poses an immediate threat to public safety. The amendment would allow the investigating officers to immediately impound any dog believed to be dangerous based upon probable cause developed through the investigation. Currently, the only one allowed to do that is the Police Chief.

City Attorney McHill stated that with Council's permission, the final Ordinance would have a declaration that this ordinance would take effect immediately because it relates to the involvement of public health, safety and welfare. McHill read the title of the Ordinance:

Councilor Grizzle moved, Councilor Elliott seconded, A BILL FOR AN ORDINANCE AMENDING SECTION 6.14.070 OF THE LEBANON MUNICIPAL CODE CONCERNING IMPOUNDMENT OF DANGEROUS DOGS AND DECLARING AN EMERGENCY. The motion passed unanimously by roll call.

8) Public Contracting Procedures for Architectural and Engineer Related Services

Bowie proposed amending the municipal code by adding Section 1 (3.04.075), Selection of Consultants for

Architectural, Engineering Services, Land Surveying and Related Services that clarifies how the section of Engineering and related services may be procured.

City Attorney McHill read the title of the Ordinance.

Councilor Elliott moved, Councilor Grizzle seconded, TO APPROVE A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.04 OF THE LEBANON MUNICIPAL CODE, PUBLIC CONTRACTING PROCEDURES CONCERNING THE SELECTION OF PERSONAL SERVICES CONTRACTS FOR ARCHITECTURAL, ENGINEERING, LAND SURVYING AND RELATED SERVICES. The motion passed unanimously by roll call vote.

9) Request for Tourism Dollars to Promote WI-FI Project

Tourism Funding Status Report:

Hitt reported that the City has collected \$14,615 in receipts for the first three-quarters of the year with the beginning balance over \$16,500 for revenue and the total for the year of almost \$31,500; Hitt anticipated that by fiscal year end it would be approximately \$36,000. \$6,480 in tourism promotion costs have paid out as of May 9. In addition, another \$15,000 of expenses is pending including the \$500 monthly Chamber allotment, the 4th of July Celebration, and a few others. After paying those, approximately \$9,500 will be left, not counting the initial 4th quarter revenues. The City should have be roughly \$14,000 to \$15,000 available funds by the end of the fiscal year, including all funds that have currently been committed.

Councilor Thackaberry asked that the itemized list be available in the next Read File.

Councilor Simpson clarified that it is a reimbursement not an allotment for the Chamber. Hitt stated that was correct.

Mayor Toombs stated that an informal understanding between Council and City Administrator Hitt was that Hitt was authorized to approve expenses under \$1,000 and anything over that amount would need to go through the Council Process. Hitt stated that it was his practice to bring requests of \$500 or more to the City Council.

WI-FI Promotion Funding Request

IS Manager Tom Oliver and Duston Denver from Val-Net requested funding of up to \$2,000 in Tourism Funds to promote the City's WI-FI project. These funds, along with City Fund 542, would be used to generate promotional materials, i.e., flyers, stickers and signs. Also, a portion of these funds will be used to pay for the creation of a logo representing the WI-FI service to be used on all advertising material.

Denver stated that over 200 inquiries about this project have been received, very well received.

Councilor Weldon moved, Councilor Thackaberry seconded, to approve the WI-FI funding request of up to \$2,000 for promotional advertising. The funding is reimbursed as invoices are submitted. The motion passed unanimously.

Oliver provided Council with a brief update of the WI-FI system. The permitting process with Pacific Power and Light is taking longer than anticipated so the project is at the same stage as his last update.

10) City Administrator's Report

Hitt provided a brief report on the following:

Lowe's Update [Verbatim Transcript] –

Hitt: I think probably everybody has heard, but just to confirm, the Planning Commission last night had a request from a member of the public to hold the record open for seven days, was not able to come to a decision on a general development plan submitted by Lowes. um That um meeting will be June 15 so the record will be held open for the member of the public that testified in opposition for seven days, Lowes has another seven days to submit written rebuttal and then the Planning Commission on January 15 will um

Kaser: June

Hitt: June 15, January 15, thank you, June 15 will um do the continue the public hearing and make a decision. Um, I'm not sure where that leaves Lowes as far as closing escrow and purchasing the property, um they um were originally hoping to close escrow by the end of this month. They already indicated to me, prior to last nights meeting, that because of the Corp of Engineer's permit being delayed somewhat that they weren't going to close escrow by the end of May anyway. Now, I don't know whether this means we are really now probably looking more like the end of June or beyond I honestly don't know. I haven't had a chance to confirm that with them. Um, ah I mentioned already that ah their two remaining permits outstanding are the Planning Commission's General Development Plan approval and then ah Army Corp of Engineers Division Division of State lines ah lands for fill permit and um both of those permits are still pending. So Lowes has been pretty consistent from the beginning of saying that they didn't want to close on the property until they had all of their permits in hand. So, I, at this point I'm I'm not sure when that might happen. There was a testimony last night, or an input to the Planning Commission about um the um wetlands mitigation area and relating to the Council's expressed interest and um providing um um public access to that area and obviously probably an association with that public access, some parking facilities. I um I know this has come up a couple times at previous City Council meetings, and I guess um, so I want to cover the Council in a form of clarification as to your interest and desires there. My understanding, and I apologize if my understanding is in error, my understanding is that this was a goal or desire for Council over the long term and I and I want to explain [inaudible] what I mean by long term. The division of state lands when we came to them some weeks ago (and I don't remember exactly how long) it was while these discussions were going on though, and it's ah that it's ah desire of the City to ah, and certainly staff is 100% supportive of that concept ah to have public access to the wetlands mitigations area. There comment was that ah that could be their permitting phase, during the initial permitting phase a possible problem, not so much from DSL's perspective but from Corp of Engineers perspective, because there is some sensitivity on their part that if the public has access immediately upon completion of the mitigation that that area is still very sensitive, the plants are still [in a] very sensitive stage, and that allowing public access from the Corps perspective at least could be a little bit problematical. So, their recommendation was that we wait until wetlands mitigation was done, perhaps some period of time, six months a year to go by, to ensure that the plants were taking hold and things were going as the wetlands mitigations plan was purposing. And then either one of two things would happen, we could either apply for a permit modification to DSL ah to provide some level of public access which they may, say yes to, or they can say no to. Ah and or we could wait until the wetlands mitigation monitoring period is time is done, which frankly could be as long as five years out. Um so um what I want I need to make sure is if I misread Council's direction there and Council's direction is to proceed immediately then, with a high priority from the very beginning, having full public access, um um staff will pursue that to the best of our ability with the understanding that there would be no guarantees that that would happen because it is not our permit. Its something that would have to come from the State or the Corp ah and also with the realization that it could in, DSL's phrase, probably, likely would,

result in some delay or perhaps even a possible denial of the permit from the Corps perspective because of the issues I just mentioned regarding their sensitivity of allowing public in there, particularly in the very early stages of the wetlands mitigation period. So, I wanted clarification from the City Council in that regard to make sure that ah you are comfortable, and if you are in fact comfortable with that having be a year, or perhaps more out, before that could actually happen. You might apply for a permit in a year or so but it may be sometime after that before we would actually be able to do that.

Thack: I don't

Mayor: I don't think we should muddy the water

Thackaberry: I don't have any problem with waiting but you know my concern that I raised last night was the plans didn't show anything about public access.

Hitt: right, and, right

Thackaberry: And if you are going to, it wouldn't be that hard to put it into the plan.

Hitt: Well, that's, that's what DSL was saying, that ah that the Corp might have a problem with that.

Thackaberry: Well, not if not if the there's a designation that the public is not going to be allowed in there for a certain period of time, I mean they're reasonable people.

Hitt: Well, this is the ah, this is the ah plan as it now stands. And I'm going to pass it around um I think what it shows is that it doesn't show a public access but what it does show is that the primary water conveyance and water outlets um are on the far west side of the property. And then it would seem to be, at least to me, to go in for us to go in and ask, ah in a year or so down the road, ask DSL and say here's an area that is not very much impacted, um is it possible to get approval to go on it at that time? Um Again, you know if it's Council's desire for us to ask Lowes to show that, then we can we can convey that to them. Again, it's their permit application, um the property won't be ours until probably, at least not completely ours, until [inaudible - map being passed around] down the road anyway, so we would not be in position to really control what is asked for until then.

Grizzle [speaking to Thackaberry]: Would that be a make or break for you? If we couldn't do that then you would hold you would have us hold it up – hold up the whole Lowes project.

Thackaberry: Well, it isn't going to be held up, it's just that they can make this plan so that the public access is available. The plan that you are looking at there has berms that makes it almost impossible for public access.

Mayor: Do you have knowledge that they will do that, when they tell us they won't?

Thackaberry: I don't have any knowledge of what there going to do.

Mayor: Well then why are you wanting us to do that. [Inaudible - talking over each other]

Thackaberry: But if you look at the plan the plan does not allow for public access, and I'm sure that we want public access to the site.

Mayor: Malcolm

Bowie: We have the responsibility of monitoring that and maintaining that wetland and of course in order to do that there is going to have to be some access points.

Thackaberry: mm-mm

Bowie: And I think it would be a natural to somehow meld those into some kind of public access over time.

Thackaberry: Alright, so let's get that into the plan then, I mean surely those access points should be shown.

Bowie: The maintenance access points are not shown.

Hitt: No, they're not currently shown, no. Now whether they will be shown in some later iteration of this -- that I don't know. I'm not familiar enough with the Corp process, ah of this Corp process.

Simpson: Malcolm, would these wetland mitigation issue would that not have to be completed at the time that the whole project was completed in roughly two years.

Bowie: The monitoring takes place, now correct me if I'm wrong here Jim, but it takes place over a five year period.

Ruef: Five years [inaudible - map still being passed around] I want to add to this whole thing no one's been more emphatic since the beginning than I have that the public is going to have access to this and I was very disappointed early on when we first heard, it was actually from the consultants, they said you better rethink that because Army Corp of Engineers are not reasonable and they will not like seeing that. It's going to hold you up. And I pushed, continued to push it because I did not want to give up on that. Um, I feel its that we should keep it off of the plan for now because I feel I think that if we put these on, it would be a harmful to Lowes. What I was trying to do, and this is just a generic plan this is not showing those kind of details, there's a building out over in this area here that I'm hoping that its going to be our "wetland's maintenance staging area". Now if people want to park there, we're not going to prohibit them from doing that and what it's going to end up being is the public parking area. After that, trails are going to be real difficult because of trying to [inaudible] trails. I think the public is going to get out there we're not going to prohibit that. We're not going to encourage it initially during the monitoring period. The thought is to, once we get into place, during monitoring we look for the opportunity and then build after that. What I'd like to do is see it as part of our project in some obscure written area so that I can use Urban Renewal money that I'll have to use to maintain this thing to do whatever minor modifications I have to do to put the trail in. I don't anticipate that these are going to be real elaborate trails.

Thackaberry: I didn't either.

Ruef: I figured some pretty modest trails. So we are still working on that aspect but I think we should not leave, we should not show those things on here. You know, Lowes is too important to us. Trails are easy to add later on. The parking area is a little bit tougher but I'm hoping that I've got that covered by leaving that one site in ah for, I'm a little bit nervous about leaving the parking area in here because of then the [inaudible] and it becomes a policing problem but um we are also going to have some space in at Reeves Parkway park, I'm hoping to get something from them.

Thackaberry: Well, that that was another thing I thought that the City Council maybe talked about certainly a connectivity of trails. So, you know I would like to see some sort of access given to us here so that we have this.

Ruef: We are designing the [street down there? inaudible - talking over each other] so our intention is to provide the area. Maybe it's a dead-end street where people can park. Extend it then. We'll have to do something more elaborate [inaudible] but for now [inaudible] to the point of having those drawings yet so we can't show you

Thackaberry: And, and and, I'll say it like I said it I don't know how many times last night, I don't want this to fall through the cracks. So that was my testimony last night; I want to make sure that the record that this goes on record and not fall through the cracks. I'm I'm not saying that we have to to ah hold things up, but things do fall through the cracks and I don't want this to be one of them.

Simpson: See, I think this is a great opportunity, not only to the public but for those employees who then want to take a break at lunch time and go over and utilize this particular area. Now whether that occurs in one year, two years, or five years from now, I don't think that's really, you know, that doesn't affect me that much. But I think the idea that you know that is available is a huge plus, so I just want to make sure that we're going in that direction; the timing isn't as important as the result.

Thackaberry: Right, right

Grizzle: I would agree, I but I saw also in our meeting as more [inaudible]. I would be comfortable incorporating it into part of our goals, you know we talked about goals a few months ago [inaudible], certainly officially put it somewhere that if what we would like to do with that is our vision for that area because I agree what a great thing you know what a great thing that we have ah, but not to not make or break.

Simpson: Oh, I think Dan's made clear that you know it's not a make or break issue.

Hitt: Okay, but I just wanted to make sure I was clear on Council's . . .

Simpson, Grizzle, Elliott: Yea, that's correct, are we sure of that

Thackaberry: Well, it is a make or break with me. It will be, there will be public access to that site, that's that's, I'm saying that right now. That's a make or break for me and I'm sure there will be. I just want to make sure that it doesn't doesn't fall through the cracks and that at some future date then we've got a hang up here as to go about.

Grizzle: So the make or break, let me clarify. If we, if Lowes puts that in now, that is in the plans now, not that we state it as a goal.

Thackaberry: I don't think Lowes is going to put it in.

Simpson: I don't either.

Thackaberry: There not going to put it in the plan. I'm saying the City should should...

Simpson: The City has to have a

Thackaberry: The City needs to pursue.

Simpson: As a goal, a major goal. I think we're all on the same page.

Hitt: I'm just trying to confirm. Okay.

Simpson: Is that right?

Thackaberry: Yea, right.

Elliott: Is it a long-term goal?

Thackaberry: It will be a long term goal.

Hitt: Well, I'm saying that it's along a five year goal. Correct and that could change radically once the wetlands mitigation work is done [inaudible]. Ah, I do want to add one other thing on Lowes that I mentioned once before but I think its worth mentioning again here. And I don't think aah, it's something that the public is aware of and that is the benefit of this project to our downtown. And ah as you may recall, the the ah Oregon Economic and Community Development Department estimated that, that Lowes when full employment is arrived (and right now we're really um the Lowes folks are talking about 800 jobs minimally) that's that ah will equate to a \$27.5 roughly, probably annual payroll. That's significant new dollars to be brought into the economy to our local economy. New dollars that can help for downtown; there not there now. There is one other, even more direct benefit, and that is we ah staff is proposing or are planning to propose to you all. That um we expand the Northwest Urban Renewal District to ah bring in the downtown area in if you were to approve, that without ado is provide a direct ah funding from from the industrial development that Lowes represents and other follow up businesses will represent to be a direct benefit to in helping enhance and rebuild and improve the downtown. So this is not just a large corporation coming in with a big development that provides some jobs for people but everybody else, it doesn't really mean much. Ah, I think it will mean a lot to everyone. Um, because those dollars will be used for to a larger measure for community development, downtown development, that will be a broad benefit to everyone in the community. So, um I hope the media carries that message, I hope that we all carry that message to those who somehow feel that ah Lowes, that's maybe okay or may not be okay, but really doesn't have anything to do with the rest of the community. It has a lot to do both directly and indirectly with the rest of the community.

City Council Summer Schedule – Tentatively will not meet July 13. Meetings are scheduled for June 8, June 22, and July 27. August's schedule will be discussed at a later date.

Branding Campaign Status – The results of the information the branding facilitator put together, based on individual and group interviews, and would like to convey is the City's access to transportation links, access to available land, access to what's important to business success, a positive attitude to business, proximity to recreational opportunities and a sense of community/small town. Within that context, the facilitator felt that there may be, based on current perceptions of Lebanon, some need to clarify our name, our role, and our position in Oregon. There may be some possible negative connotations based on inquiries from outside the Lebanon area. The focus of the campaign is not so much local, but primarily business owners in other states that may look at expanding their business or finding a new location for the business somewhere on the west coast. We want to make sure Lebanon is the place they think of.

The branding campaign will probably be completed in July or August about the time we start our economic development marketing campaign; we estimate the development marketing campaign will cost \$5,000 to \$10,000.

The Branding Advisory Committee unanimously voted to describe ourselves as "Lebanon City" throughout the branding process. Hitt asked for Council's thoughts on using the term "Lebanon City" to use for economic development marketing only as it provides a distinction between other Lebanons around the country. This would not be a permanent or long term commitment or a commitment to use it in any other context, but strictly as a trial balloon in economic development marketing, unless Council gives consensus in a year or two to use it in a broader sense.

Councilor Simpson is on the Advisory Committee and has found it to be very exciting process with a good cross section of people who attend and good discussions that go on so they you get both sides of issues. Simpson stated that the Committee is not ready to discuss the plans in detail but he found it interesting that the group came to a unanimous decision.

Councilor Grizzle asked for clarification on the Committee's decision.

Kaser, who attended the meetings, stated that the Committee made a unanimous decision to use the phrase "Lebanon City" in marketing Lebanon. It sets us apart from the other Lebanons in the country without always having to add Oregon to it. Hitt added that this would not change anyone's local usage or letterhead, but just to business owners interested in our town.

Since Council did not express any major concerns, Hitt proceeded with the following updates.

FY 05/06 Budget Status – Will come before Council at the June 8 meeting.

Request for Transient Occupancy Tax Funds – Sally Scaggs of Habitat for Humanity requested \$650 to help with advertising costs for this years "Art in the Park" event which is scheduled for Saturday and Sunday, July 9 & 10, at River Park.

Thackaberry stated he would support her request again this year. Councilor Simpson was not opposed but would like a future goal or policy for these organizations to come forward and ask for money. It would be beneficial to try to have the organizations start making some plans for the long term that would ultimately bank some of the dollars coming in so that those dollars become seed money for the future.

Councilor Weldon asked if Hitt was working on something to fill out. Hitt stated he is but it would be an application form that provides a proposed budget.

Simpson stated that he would like a longer term policy issue or does the City want to commit to helping fund them every year.

Thackaberry agreed it would be nice if, whether they achieve it or not, they at least have a game plan.

Weldon stated that it could be incorporated on the application form.

Grizzle, in reference to the tourism tax money and where it's going, would like to see Council revisit it and would like to be more involved in the process. There may be other alternatives; she felt the money is micromanaged and it may be more appropriate for that to go before another body that Council oversees.

Mayor Toombs reiterated that Hitt has the authority to approve up to \$1,000.

After a brief discussion of accountability, the consensus was to award \$650 to the Art in the Park event.

CITIZEN COMMENTS

Chuck Nugent, 36469 Rock Hill, Lebanon, asked Council to reconsider having *Citizen Comments* at the beginning of the meeting. Mr. Nugent provided an update regarding leaks at the old middle school gyms (Academy Square). The roofers, Stutzman Kropf, have been doing the patch and repair for free and it was revealed that the west walls scuppers were plugged with fall leaves causing the water to pool on the roof and come over the edge of the lip and down the wall.

Mr. Nugent stated that with all the leaves around the area it would need periodic maintenance and he stated, "I guess if you want me to do that I could buy a ladder and do it, but that is where the major leaks came from." The only other leak was the exhaust fan flashing on the west side; it just needs to be filled with caulking and he asked if the City could do that. Ruef replied that staff could do that.

Mr. Nugent also noted that the gutter drains are restricted because of the scupper and suggested that the two pipes that are semi plugged be moved and let them drain on the asphalt so they don't backup on top. Over the last 1.5 years of patching, there are very few leaks left; however, there will always be some because the roof has hit its life cycle.

His group is in the process of doing a rendering of the gyms with drawings needing to be completed in 60 days for Council's review. Once approved, the fundraising will begin.

* * * * *

Judy Phillips, Recreation of Kids and Community, addressed the Mayor's earlier comment to hear about her skaters were skating out here. Mrs. Phillips stated, "You need to understand that if your City doesn't have a skate park, it is one. I made it my problem but it belongs right here; it's a community problem, not my personal problem. I want the skate park and I'll make it happen if I can".

Phillips stated that she checked and there is lots of grant money for cities and parks and the City needs to be looking for this money as much as we do. Phillips stated, "I want to give this problem back to you and you accept it when you see skateboarders skating; they're not mine, they're ours and I can't do it alone."

Councilor Weldon noted that skateboard parks are good tourism attraction.

* * * * *

Sunnie Weathers, 31938 Moss Street, Lebanon, on behalf of the Senior Class Party, requested a \$1,000 donation for a Senior Class all night alcohol/drug free party.

Councilor Weldon stated that this wouldn't be considered tourism money. Hitt stated that we don't have this in our budget.

Mayor Toombs adjourned the regular session at 10:15 p.m. in order to hold an Executive Session. Mayor Toombs noted that Council would return to regular session after the Executive Session.

EXECUTIVE SESSION

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

Mayor Toombs called the regular session to order at 10:25 p.m.

COUNCIL COMMENTS

Councilor Simpson brought forward a suggestion from Rick at Buffalo Shoes to honor Kevin Davis, the young man who died in Iraq, in the form of a street sign. Simpson asked if this was something the City wants to set a precedent for serviceman/women killed in the line of duty.

Grizzle suggested incorporating it into the park system where we memorialize in some way citizens who have been killed serving our country.

Simpson stated that maybe the labyrinth would be an appropriate place for some kind of memorial.

After Councilor Weldon stated that this request should first go through the Parks/Tree Board Committee for their review and they should bring back a recommendation to Council. Councilor Weldon felt that the memorial should be supported by the private sector.

Kaser offered to address the request at the next Parks/Tree Board Committee Meeting and to talk with Rick at Buffalo Shoes. Simpson will get Kaser the information needed to contact him.

ADJOURNMENT

There being no further business, Mayor Toombs adjourned the meeting at 10:45 p.m.

Meeting Recorded and Transcribed by: Linda Kaser

Kenneth I. Toombs, Mayor []
Scott Councilor Simpson, Council President []

ATTESTED BY:

John E. Hitt, City Recorder

Agenda Item 2



CITY OF LEBANON

MEMORANDUM

TO: Malcolm Bowie, City Engineer **DATE:** May 31, 2005
FROM: Rob Emmons, Senior Engineer *RE*
CC: File

SUBJECT: New System Development Charge (SDC) Ordinance, Resolutions and Fees

This memo reviews proposed changes in Lebanon's SDC ordinance and fee structures. Staff recommends Council approval of a new SDC ordinance and resolutions establishing the new fees and structure.

This SDC update proposes to change fees for four of the five SDC-eligible infrastructure systems: water, sewer, storm drainage and parks. The transportation or street system is not part of this SDC update. The transportation SDCs will be updated after the Transportation System Plan has been completed and adopted by Council.

SDC Basic Information & History

In the mid 1970's local governments were experiencing growth in residential, commercial and industrial properties. This growth requires extension of new streets, water mains, sewers and other public facilities. The total cost for construction was borne by the developer/property owner.

This growth also created additional demands on the existing systems and the need to oversize both new and existing facilities. Much of this cost was borne by tax and rate payers. Systems Development Charges (SDC's) were created to place the cost of growth on those creating the impact and need for additional facilities.

The City of Lebanon has adopted and reaffirmed the following policy:

SYSTEM IMPACTS CAUSED BY COMMUNITY GROWTH SHALL BE PAID FOR BY THE DEVELOPMENT ACTIVITIES WHICH CREATE THAT IMPACT.

In 1976, Lebanon started a process to adopt a SDC. A SDC committee was formed and Ordinance No. 1860 was adopted, instituting the City's SDC. The last ordinance revision was in November of 1994.

New Ordinance and Revised Fee Justification

City Council has directed City staff to update the SDC fees which were last updated in 1994. This, together with changes in ORS 223.297-.315, makes it necessary to update our SDC ordinance and fee structure. Some of the highlights of ORS 223.297-315 include:

- Each system fee may be comprised of two separate fees: an improvement fee for future projects and a reimbursement fee for completed projects.
- Improvement fees must be developed from an adopted list of capital projects (such as a Master Plan, Facilities Plan, or Capital Improvement Plan) which pertain to that particular system. Projects selected for inclusion within the SDC project list must be capacity expanding improvements that are needed to meet future demand.
- Improvement fees collected for a system can only be expended on projects which are on the SDC project list. As noted above, these projects are compiled from adopted master plans, adopted facility plans, and adopted Capital Improvement Plan.
- The reimbursement fee must be based on a methodology that considers the excess capacity of the existing system and results in new growth paying no more than its equitable share of existing system capital costs.
- The fee schedule should reflect potential impacts to each particular system. For example, water meter size is an acceptable means of estimating an individual development's capacity requirements, and therefore, is often used for developing a water SDC schedule.

Process Used to Update SDC's

The process used to develop the SDC methodology and ordinance was similar to that used to develop the existing methodology and ordinance:

- The SDC committee was reconvened and held the first of eight (8) meetings on March 31, 2004, where the basics of SDC's were reviewed along with the recent legislative changes.
- Staff developed system plans for each of the four systems being updated: water, sewer, storm drainage and parks. As required by ORS 223.309, the system plans were based on City master plans and Capital Improvement Plan.
- The SDC committee met to review the draft system plans and help guide the development of the methodology used to determine the SDC fees.
- After review by the SDC committee, the draft plans were used by Galardi Consulting as the basis for calculating the new fee levels and structure.

- The SDC Citizen Advisory Committee then met to review the draft fee schedules, offer policy refinement recommendations, and to recommend a rate structure and fees to City Council. The draft SDC fees are included herein for Council's action.

Notice Requirements

As required by ORS 223.304(7), 90 days written notice was mailed to persons requesting official notice prior to the public hearing on June 8th, and the methodology supporting the SDC's was made available for public review and comment on April 8th, 60 days prior to the public hearing.

Citizen's Advisory Committee Recommendations

Specific SDC methodology and fees are detailed in the Lebanon SDC Methodology Report prepared by Galardi Consulting and will be referenced by the new ordinance and resolutions. A brief summary of each system is listed below.

- **Water:** Retain the current methodology of basing SDC charges on equivalent ¾-inch water meter size (that of a typical single family dwelling unit). The resulting rate is \$1,049 per ¾-inch meter equivalent. Water meter equivalencies are based on American Water Works Association water meter flow rates.
- **Sewer:** Retain the current methodology of basing SDC fees on equivalent ¾-inch water meter size. The resulting rate is \$2,725 per ¾-inch meter equivalent. Water meter equivalencies are based on American Water Works Association water meter flow rates. The latter replaces the current methodology that was based on a different set of equivalencies, reflecting an historical analysis of water usage records. The updated equivalencies are more reflective of industry practices and current customer usage records.
- **Storm Drainage:** Revise the current methodology of basing SDC fees on lot size to a methodology based on measured impervious area. Measured impervious area is generally a more equitable approach and is consistent with current industry practices and legal precedence. The revised rate is \$53.74 per 1,000 square feet of impervious surface area which results in a SDC fee of \$134 for the average single family dwelling.
- **Parks:** Retain the current methodology of basing SDC fees on estimated persons per household for single family and multifamily dwelling units. However, there are two recommended changes to the current method of determining the SDC fee.
 - Exclude costs associated with open space and Ralston Park land acquisition. Open space and Ralston Park land acquisition will be shown

on the Parks project list and project map and thus will be eligible for SDC expenditures, but will not be calculated in the cost of determining Park SDC's.

- o Non-residential developments to be assessed a parks system SDC based on development size and employment density. The commercial portion of the fee is designed to recover 15 percent of growth-related costs, based on an analysis of park reservation data.

The resulting Park SDC fee is \$588 per single family dwelling – reduced from the current rate of \$610 per single family dwelling. The commercial SDC would be \$130.70/1,000 sq. ft. for retail development, \$88.88/1,000 sq. ft. for industrial development and \$172.52/1,000 sq. ft. for office development.

- **System Valuation:** For purposes of calculating the reimbursement portion of the SDC's, the CAC recommends valuing the City's existing system facilities by the Book Value method (original cost less accumulated depreciation). All calculations for SDC fees assumed book values for existing facilities and infrastructure.
- **Implementation:** The committee recommends phasing in the calculated maximum SDC fees equally over a three (3) year period. Approximately 1/3 of the difference between existing system fees and calculated maximum fees per system will be implemented each year for three years. This will allow the development/building community to gradually adjust to the new fees. The decrease in the parks system fee would be implemented entirely in the first year.

Staff Recommendation:

City staff concurs with the Citizen's Advisory Committee recommendations and also recommends the following:

- **Adding a 7.5% Compliance Cost:** In addition to recovering capacity costs for the individual systems (water, sewer, storm drainage, and parks), Oregon law provides that SDC revenue may be used for costs incurred by the local government in complying with the requirements of the law. In order to recover the estimated compliance costs as determined in the SDC methodology report, the calculated SDC fees would need to increase by 7.5 percent.
- **Adding an Annual Adjustment for Inflation:** To help keep SDC fees current to the average change in materials and labor costs, SDC fees should be tied to the construction cost index (CCI) published by McGraw Hill, Inc. in its ENR publication. The annual adjustment for inflation would take place every July 1st and would begin at the end of the three year phase in period. The first

adjustment would take place July 1, 2008 and would inflate the SDC's from August 1, 2005.

In addition, staff recommends Council approval of the following, both of which are attached:

- A new SDC ordinance which complies with ORS 223.297-.314, and
- As provided in the new ordinance above, four separate resolutions one each for Water, Sewer, Storm Water and Parks establishing a new SDC fee structure.

The effective date of the ordinance and resolutions is August 1, 2005.

**A BILL FOR AN ORDINANCE AUTHORIZING)
THE IMPOSITION OF SYSTEM DEVELOPMENT)
CHARGES AND REPEALING MUNICIPAL)
CODE CHAPTER 13.12)**

**ORDINANCE BILL NO. _____
for 2005
ORDINANCE NO. _____**

WHEREAS, having considered various proposals and plans for equitable financing of all or part of future or existing capital improvements within the City of Lebanon and recognizing that the continuing increase in the intensity of the use of land and demand for capital improvements within the City will require substantial changes for the safety of the public and in order to protect the values and usefulness of properties within the City, the City Council has determined that system development charges for existing and future capital improvements should be imposed and collected in accordance with ORS 223.297-.314.

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

Section 1. PURPOSE: This ordinance is intended to provide authorization for system development charges for capital improvements pursuant to ORS 223.297 - 223.314 for the purpose of creating a source of funds to pay for the installation, construction, and extension of capital improvements. These charges shall be collected at the time of the development of properties which increase the use of capital improvements and generate a need for those facilities.

Section 2. SCOPE: The system development charges imposed by this Ordinance are separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

Section 3. DEFINITIONS:

- A. Capital Improvements. Facilities or assets used for:
 - 1. Water supply, treatment and distribution;
 - 2. Wastewater collection, transmission, treatment and disposal;
 - 3. Drainage and flood control;
 - 4. Transportation; or
 - 5. Parks and recreation.
 - 6. "Capital improvement" does not include costs of the operation or routine maintenance of capital improvements.

- B. Development. Conducting a building or mining operation, making a physical change in the use or appearance of a structure or land, or creating or terminating a right of access.

- C. Improvement fee. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to section 4 of this ordinance.

- D. Land area. The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.
- E. Owner. The owner(s) of record title or the purchaser(s) under a recorded sales agreement, and other persons having an interest of record in the described real property.
- F. Parcel of land. A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.
- G. Permittee. The person to whom a Building Permit, Development Permit, Permit to Connect to the sewer or water system or Right-of-Way Access Permit is issued.
- H. Qualified public improvement. A capital improvement that is:
1. Required as a condition of development approval;
 2. Identified in the plan and list adopted pursuant to section 9 of this ordinance; and either
 3. Not located on or contiguous to property that is the subject of development approval; or
 4. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.
- I. Reimbursement fee. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to section 5 of this ordinance.
- J. System development charge. A reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water and sewer facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

Section 4. SYSTEM DEVELOPMENT CHARGE IMPOSED: METHOD FOR ESTABLISHMENT CREATED:

- A. Unless otherwise exempted by the provisions of this ordinance or other local or state law, a system development charge is hereby imposed upon all development within the city, upon the act of making a connection to the city water or wastewater system within the city, and upon all development outside the boundary of the city that connects to or otherwise uses the wastewater or

water facilities of the city.

- B. System development charges shall be established and may be revised by Resolution of the City Council. The Resolution shall set the amount of the charge, the type of permit to which the charge applies, the methodology used to set the amount of the charge and, if the charge applies to a geographic area smaller than the entire city, the geographic area subject to the charge.

Section 5. METHODOLOGY:

- A. A system development charge methodology may be a combination of a reimbursement fee and an improvement fee, if the methodology demonstrates that the charge is not based on providing the same system capacity.
- B. The methodology used to establish the reimbursement fee shall consider:
1. the cost of the then-existing facilities,
 2. prior contributions by then-existing system users,
 3. the value of unused capacity,
 4. rate-making principles employed to finance publicly owned capital improvements,
 5. gifts or grants from federal or state governments or private persons and
 6. other relevant factors identified by the Council.
 7. The methodology for establishing or modifying a reimbursement fee shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities. The methodology must be available for public inspection.
- C. The methodology used to establish the improvement fee must be available for public inspection and shall consider:
1. the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related,
 2. the need for increased capacity in the system to which the fee is related that will be required to serve the demands placed on the system by future users,
 3. the requirement of obtaining the cost of capital improvements for the projected need for available system capacity for future users and
 4. other relevant factors identified by the Council.

Section 6. CERTAIN SYSTEM DEVELOPMENT CHARGES AND METHODOLOGIES PROHIBITED:

As used in this section, "employer" means any person who contracts to pay remuneration for, and secures the right to direct and control the services of, any person.

- A. A system development charge shall not be imposed that requires an employer to pay a reimbursement fee or an improvement fee based on:
1. The number of individuals hired by the employer after a specified date; or
 2. A methodology that assumes that costs are necessarily incurred for capital improvements when an employer hires an additional employee.
 3. A methodology set forth in an ordinance or resolution that establishes an improvement fee or a reimbursement fee shall not include or incorporate any method or system under which the payment of the fee or the amount of the fee is determined by the number of employees of an employer without regard to new construction, new development or new use of an existing structure by the employer.

Section 7. AUTHORIZED EXPENDITURES:

- A. Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.
- B. Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of debt for such improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the improvements funded by improvement fees must be related to the need for increased capacity to provide for future users.
- C. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the Systems Development Charge Funding Project Plan adopted by the city pursuant to section 9 of this ordinance.
- D. Notwithstanding subsections A. and B of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this ordinance, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge funds.

Section 8. EXPENDITURE RESTRICTIONS:

- A. System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.
- B. System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.

Section 9. PROJECT PLAN:

- A. The Council shall adopt by resolution the Systems Development Charge Funds Project Plan. This Plan shall:
 - 1. List the capital improvements that may be funded with improvement fee revenues; and
 - 2. List the estimated cost, timing of construction of each improvement and percentage of costs eligible to be funded with revenues from the improvement fee for each improvement.
 - 3. In adopting this plan the City Council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section. The city may modify this project plan at any time through the adoption of an appropriate resolution.

Section 10. INSTALLMENT PAYMENT:

- A. When a system development charge is due and payable, the permittee may apply for payment in twenty (20) semi-annual installments, secured by a lien on the property upon which the development is to occur or to which the utility connection is to be made, to include simple interest on the unpaid balance, if that payment option is required to be made available to the permittee by ORS 223.208.
- B. The City Administrator or designee shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.
- C. A permittee requesting installment payments shall have the burden of demonstrating the permittee's authority to assent to the imposition of a lien on the property and that the interest of the permittee is adequate to secure payment of the lien.
- D. The City Administrator or designee shall docket the lien in the lien docket. From that time the city shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by the council. The lien shall be enforceable in the manner provided in ORS Chapter 223, and shall be superior to all other liens pursuant to ORS 223.230.

Section 11. EXEMPTIONS:

- A. Structures and uses established and existing within the City limits on or before January 1, 1977 (except when new structures are created) are exempt from the charge, except water and sewer charges, to the extent of the structure or use existing on that date and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the water or sewer charges pursuant to the terms of this ordinance upon the receipt of a permit to connect to the water or sewer system.
- B. Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the International Building Code, are exempt from all portions of the system development charge.
- C. An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of a capital improvement are exempt from all portions of the system development charge.
- D. Projects financed by city revenue are exempt from all portions of the systems development charge.

Section 12. CREDITS:

- A. When development occurs that is subject to a system development charge, the system development charge for the existing use, if applicable, shall be calculated and if it is less than the system development charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in the use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required, however, no refund or credit shall be given unless provided for by another subsection of this section.
- B. A credit shall be given to the permittee for the cost of capital improvements and fee title to land identified in the systems development charge funds project plan which is provided by the permittee upon acceptance by the City of the improvement or land. The City shall review the plans for the capital improvement and verify costs. Land shall be assigned a value equal to the real market value at the time of application for credit as determined by the County Assessor. Credit is not available when less than fee title is transferred. The request for credit shall be filed by the permittee in writing no later than 60 days after acceptance of the improvement or land by the City.
- C. Credits given pursuant to this section are:
 - 1. Valid for a period of ten (10) years from the date of issuance;

2. Transferrable from the permittee to any other person;
 3. Not refundable for cash or any other thing of value; and
- D. The City will make a determination on the request for credit and if approved issue a credit certificate. The certificate shall contain at a minimum the following information:
1. The name of the person to whom the credit is issued;
 2. The systems development charge to which the credit may be applied;
 3. The issue date and the expiration date;
 4. The original signature of the City Manager and the City Finance Director.
- E. The City shall establish a systems development charge credit list. Upon the issuance of a credit certificate, the City shall enter onto the list the information contained in the certificate. No credit certificate shall be valid or may be redeemed unless there is an entry in the systems development charge credit list which corresponds to the information on the systems development charge credit certificate.
- F. When a person wishes to transfer a systems development charge credit certificate, the person shall execute a transfer document indicating the name of the person to whom the certificate is being transferred, the date of the transfer and the signature of the person transferring the document. Only a person eligible to redeem a certificate may transfer the certificate. In order for a transfer to be effective, the transfer document must be endorsed by the City. In order to obtain the City endorsement, the person transferring the document must present the transfer document to the City requesting such endorsement. The City shall provide the endorsement only after making an entry on the systems development charge credit list indicating the name of the person to whom the certificate is being transferred and the date of the transfer. In order for a credit certificate to be valid and redeemable, the person attempting to redeem the credit must be the same person eligible to use the credit as shown on the systems development charge credit list.
- G. Credits shall not be transferable from one type of system development charge to another.

Section 13. NOTIFICATION AND ADMINISTRATIVE REVIEW PROCEDURES:

- A. Establishment or modification of system development charge. The City shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge.
1. Written notice must be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify a system development charge.
 2. City Council shall hold a public hearing if the City receives a written request for a hearing on the proposed modification within seven days of the date the proposed modification is scheduled for adoption.

3. The methodology supporting the system development charge must be available at least 60 days prior to the first hearing.
 4. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the City. Names may be periodically deleted from the list, but at least 30 days prior to removing a name from the list shall notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.
 5. Legal action intended to contest the methodology used for calculating a system development charge may not be filed after 60 days following adoption or modification of the system development charge ordinance or resolution.
 6. Notwithstanding other provisions of this section, a public hearing is not required if the City does not receive a written request for a hearing.
 7. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge methodology if the change in amount is based on:
 - a. A change in the cost of materials, labor or real property applied to projects or project capacity as set forth on the list adopted pursuant to ORS 223.309; or
 - b. The periodic application of one or more specific cost indexes or other periodic data sources. A specific cost index or periodic data source must be:
 - i. A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property or a combination of the three;
 - ii. Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and
 - iii. Incorporated as part of the established methodology or identified and adopted in a separate ordinance, resolution or order.
- B. Increase in a system development charge resulting from a proposed modification of the list to include a capacity increasing capital improvement.
1. The City shall provide, at least 30 days prior to the adoption of the modification, notice of the proposed modification to the persons who have requested written notice under ORS 223.304 (6).
 2. The City shall hold a public hearing if the City receives a written request for a hearing on the proposed modification within seven days of the date the proposed modification is scheduled for adoption.
 3. Notwithstanding B.(2) of this section, a public hearing is not required if the City does not receive a written request for a hearing.
- C. Expenditures. A citizen or other interest party may challenge the propriety of an expenditure of system development charge revenues by appealing the expenditure to the City Council by filing a written request with the City Administrator describing with particularity expenditure from which the person appeals.

1. Such a challenge must be filed within two years of the expenditure of the system development charge revenues.
 2. The Council shall determine whether the expenditure is in accordance with this ordinance and the provisions of ORS 223.297-.314.
 3. Any expenditure of revenues from system development charges in violation of the limitations described herein or in ORS 223.307 shall be replaced with moneys derived from sources other than system development charges. Replacement moneys must be deposited in a fund designated for the system development charge revenues not later than one year following a determination that the funds were misspent
- D. Decisions made under this section may be judicially reviewed only as provided in ORS 34.010 to 34.100.
- E. The City must advise a person who makes a written objection to the calculation of a system development charge of the right to petition for review pursuant to ORS 34.010 to 34.100.

Section 14. SEGREGATION AND USE OF REVENUE:

- A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds by the City. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in this Ordinance.
- B. The City Administrator shall provide an annual accounting, based on the City's fiscal year, of system development charges showing the total amount of system development charge revenues collected for each type of charge and the projects funded from each account. The annual accounting shall include:
1. A list of the amount spent on each project funded, in whole or in part, with system development charge revenues; and
 2. The amount of revenue collected by the local government from system development charges and attributed to the costs of complying with the provisions of ORS 223.297 to 223.314, as described in ORS 223.307.

Section 15. CONSTRUCTION: The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this ordinance.

Section 16. SEVERABILITY: The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

Section 17. REPEALER: Lebanon City Code Chapter 13.12 is hereby repealed effective upon the effective date of this ordinance.

Section 18. SAVING CLAUSE: Lebanon City Code Chapter .13.12 shall remain in force for the prosecution, conviction, and punishment of persons who violate those code sections before the effective date of this ordinance.

Passed by the City Council of the City of Lebanon by a vote of _____ for and _____ against this _____ day of June, 2005.

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

ATTEST:

John E. Hitt, City Recorder

A RESOLUTION SETTING THE AMOUNT OF) RESOLUTION NO. _____
THE WASTEWATER SYSTEM DEVELOPMENT) for 2005
CHARGE, ADOPTING AN AUTOMATIC)
ANNUAL ADJUSTMENT FOR INFLATION)

WHEREAS, reference to ORS 223.297 to 223.314 and to City of Lebanon Ordinance No. _____ establishing the City's ability to assess a wastewater (sewer) system development charge, and,

WHEREAS, the City adopted the report, *System Development Charge Study* prepared for the City of Lebanon by Galardi Consulting, LLC, May 2005, that applies methodologies consistent with ORS 223.304 to update the wastewater reimbursement and improvement fees; and,

WHEREAS, the City Council appointed a technical review committee that met with City staff and consultants to update the system development charges and recommends the City increase the wastewater SDC from its current level to the level in the report over a three year period,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON AS FOLLOWS:

Section 1.

The amount of the wastewater system development charge shall be increased to the following amounts by type of customer and by effective date over the next three years:

Meter Size	Current	SDC	Effective		
			August 1, 2005	July 1, 2006	July 1, 2007
Single-Family Residential (Per Unit)	\$363	\$1,150	\$1,236	\$1,937	\$2,725
Nonresidential					
5/8 X 3/4"	\$363	\$1,150	\$1,236	\$1,937	\$2,725
1"	\$904	\$2,874	\$3,090	\$4,844	\$6,813
1 1/2"	\$1,813	\$5,750	\$6,188	\$9,687	\$13,625
2"	\$5,078	\$10,652	\$11,351	\$16,226	\$21,800
3"	\$16,321	\$25,414	\$27,321	\$34,507	\$43,600
4"	\$18,134	\$34,798	\$37,408	\$51,462	\$68,125
6"	\$18,150	\$57,517	\$61,831	\$96,884	\$136,251

The total amount of the SDC shall include a 7.5 percent fee for administration as permitted by ORS 223.307(5)

Section 2.

System Development Charges established by Section 1 of this resolution shall be collected upon issuance of a permit to connect to the sewer system or upon increased usage of the sewer system.

If a development is subject to more than one SDC charge, all charges shall be collected at the time the first permit is issued.

Section 3

Beginning with July 1, 2008, and each July 1 thereafter, the wastewater SDC shall be adjusted for inflation using the construction cost index (CCI) published by McGraw Hill, Inc. in its publication *ENR*. *ENR* updates the CCI monthly and provides annual summaries in the July edition.

The formula for updating the SDC each year is as follows:

$$SDC_{\text{current year}} = SDC_{\text{last year}} \times (CCI_{\text{current year}} / CCI_{\text{last year}})$$

where:

- $CCI_{\text{current year}}$ = Construction Cost Index for the current year
- $CCI_{\text{last year}}$ = Construction Cost Index for the last year the SDCs were updated
- $SDC_{\text{current year}}$ = the SDC updated by the CCI
- $SDC_{\text{last year}}$ = the SDC to be updated

The wastewater SDC shall not be adjusted for inflation until July 1, 2008, at which time the appropriate $CCI_{\text{last year}}$ shall be August 1, 2005.

Section 4

The *System Development Charge Study* identifies or incorporates by reference the identification of capital improvements eligible for funding through the wastewater SDC and is hereby adopted as the Systems Development Charge Funds Project Plan as required by Section 9, Ordinance _____.

Section 5

This resolution shall be effective August 1, 2005

Passed by the City Council of the City of Lebanon by a vote of _____ for and _____ against this _____ day of June, 2005.

_____	Kenneth I. Toombs, Mayor	[]
_____	Scott Simpson, Council President	[]

ATTEST:

John E. Hitt, City Recorder

**A RESOLUTION SETTING THE AMOUNT OF) RESOLUTION NO. _____
 THE WATER SYSTEM DEVELOPMENT) for 2005
 CHARGE, ADOPTING AN AUTOMATIC)
 ANNUAL ADJUSTMENT FOR INFLATION)**

WHEREAS, reference to ORS 223.297 to 223.314 and to City of Lebanon Ordinance No. ___ establishing the City's ability to assess a water system development charge, and,

WHEREAS, the City adopted the report, *System Development Charge Study* prepared for the City of Lebanon by Galardi Consulting, LLC, May 2005, that applies methodologies consistent with ORS 223.304 to update the water reimbursement and improvement fees; and,

WHEREAS, the City Council appointed a technical review committee that met with City staff and consultants to update the system development charges and recommends the City increase the water SDC from its current level to the level in the report over a three year period,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON AS FOLLOWS:

Section 1

The amount of the water system development charge plus the administration fee shall be by type water meter size and by effective date over the next three years:

Meter Size	Current	Effective					
		August 1, 2005		July 1, 2006		July 1, 2007	
		SDC	SDC plus Administration Fee (7.5%)	SDC	SDC plus Administration Fee (7.5%)	SDC	SDC plus Administration Fee (7.5%)
5/8 x 3/4"	\$548	\$715	\$769	\$882	\$946	\$1,049	\$1,123
1"	\$4,370	\$3,788	\$4,072	\$3,206	\$3,440	\$2,623	\$2,824
1 1/2"	\$2,740	\$3,575	\$3,822	\$4,410	\$4,741	\$5,245	\$5,648
2"	\$4,384	\$5,720	\$6,119	\$7,056	\$7,507	\$8,392	\$8,921
3"	\$8,768	\$11,440	\$12,228	\$14,112	\$15,010	\$16,785	\$17,832
4"	\$13,700	\$17,875	\$19,216	\$22,050	\$23,700	\$26,226	\$28,176
6"	\$27,400	\$35,751	\$38,432	\$44,102	\$47,310	\$52,452	\$56,311

The total amount of the SDC shall include a 7.5 percent fee for administration as permitted by ORS 223.307(5)

Section 2.

System Development Charges established by Section 1 of this resolution shall be collected upon issuance of a permit to connect to the water system or upon increased usage of the water system.

If a development is subject to more than one SDC charge, all charges shall be collected at the time the first permit is issued.

Section 3

Beginning with July 1, 2008, and each July 1 thereafter, the water SDC shall be adjusted for inflation using the construction cost index (CCI) published by McGraw Hill, Inc. in its publication ENR. ENR updates the CCI monthly and provides annual summaries in the July edition.

The formula for updating the SDC each year is as follows:

$$SDC_{\text{current year}} = SDC_{\text{last year}} \times (CCI_{\text{current year}} / CCI_{\text{last year}})$$

where:

- $CCI_{\text{current year}}$ = Construction Cost Index for the current year
- $CCI_{\text{last year}}$ = Construction Cost Index for the last year the SDCs were updated
- $SDC_{\text{current year}}$ = the SDC updated by the CCI
- $SDC_{\text{last year}}$ = the SDC to be updated

The water SDC shall not be adjusted for inflation until July 1, 2008, at which time the appropriate $CCI_{\text{last year}}$ shall be August 1, 2005.

Section 4

The *System Development Charge Study* identifies or incorporates by reference the identification of capital improvements eligible for funding through the water SDC and is hereby adopted as the Systems Development Charge Funds Project Plan as required by Section 9, Ordinance _____.

Section 5

This resolution shall be effective August 1, 2005

Passed by the City Council of the City of Lebanon by a vote of _____ for and _____ against this _____ day of June, 2005.

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

ATTEST:

John E. Hitt, City Recorder

A RESOLUTION SETTING THE AMOUNT OF) RESOLUTION NO. _____
THE PARKS SYSTEM DEVELOPMENT)
CHARGE, ADOPTING AN AUTOMATIC) for 2005
ANNUAL ADJUSTMENT FOR INFLATION)

WHEREAS, reference to ORS 223.297 to 223.314 and to City of Lebanon Ordinance No. _____ establishing the City's ability to assess a parks system development charge,

WHEREAS, the City adopted *System Development Charge Study* (May 2005, prepared by Galardi Consulting, LLC) that presented a methodology that complies with ORS 223.304 for a park reimbursement and improvement fee, and

WHEREAS, based on review and recommendations by a technical advisory committee, the City Council adopted the Study,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON AS FOLLOWS:

Section 1

The amount of the parks system development charge shall be the following amounts per residential unit and per employee per 1,000 square feet of building area and by effective date:

	Units	Unit Cost	SDC/Unit	SDC/Unit plus Administration Fee (7.5%)
Residential	<i>persons/DU</i>	<i>SDC/person</i>	<i>SDC/DU</i>	<i>SDC/DU</i>
Single-Family	2.61	\$225.44	\$588.41	\$632.54
Multifamily	2.13	\$225.44	\$480.20	\$516.21
Commercial	<i>Emp./1,000 sq. ft.</i>	<i>SDC/Emp.</i>	<i>SDC/1,000 sq. ft.</i>	<i>SDC/1,000 sq. ft.</i>
Retail	2.5	\$52.28	\$130.70	\$140.80
Industrial	1.7	\$52.28	\$88.88	\$95.54
Office	3.3	\$52.28	\$172.52	\$185.46

DU = dwelling unit
Emp/1,000 sq. ft. = employees per 1,000 square feet of building space

The total amount of the SDC shall include a 7.5 percent fee for administration as permitted by ORS 223.307(5)

Section 2.

System Development Charges established by Section 1 of this resolution shall be collected upon issuance of a building permit.

If a development is subject to more than one SDC charge, all charges shall be collected at the time the first permit is issued.

Section 3

Beginning with July 1, 2008, and each July 1 thereafter, the parks SDC shall be adjusted for inflation using the construction cost index (CCI) published by McGraw Hill, Inc. in its publication ENR. ENR updates the CCI monthly and provides annual summaries in the July edition.

The formula for updating the SDC each year is as follows:

$$SDC_{\text{current year}} = SDC_{\text{last year}} \times (CCI_{\text{current year}} / CCI_{\text{last year}})$$

where:

- $CCI_{\text{current year}}$ = Construction Cost Index for the current year
- $CCI_{\text{last year}}$ = Construction Cost Index for the last year the SDCs were updated
- $SDC_{\text{current year}}$ = the SDC updated by the CCI
- $SDC_{\text{last year}}$ = the SDC to be updated

The parks SDC shall not be adjusted for inflation until July 1, 2008, at which time the appropriate $CCI_{\text{last year}}$ shall be August 1, 2005.

Section 4

The *System Development Charge Study* identifies or incorporates by reference the identification of capital improvements eligible for funding through the parks SDC and is hereby adopted as the Systems Development Charge Funds Project Plan as required by Section 9, Ordinance _____.

Section 5

This resolution shall be effective August 1, 2005.

Passed by the City Council of the City of Lebanon by a vote of _____ for and _____ against this _____ day of June, 2005.

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

ATTEST:

John E. Hitt, City Recorder

**A RESOLUTION CHANGING STORM WATER) RESOLUTION NO. _____
SYSTEM DEVELOPMENT CHARGE, ADOPTING) FOR 2005
AN AUTOMATIC ANNUAL ADJUSTMENT FOR)
INFLATION)**

WHEREAS, reference to ORS 223.297 to 223.314 and to City of Lebanon Ordinance No. __ establishing the City's ability to assess a storm water (sewer) system development charge, and,

WHEREAS, the City adopted the report, *System Development Charge Study* prepared for the City of Lebanon by Galardi Consulting, LLC, May 2005, that applies methodologies consistent with ORS 223.304 to update the storm water reimbursement and improvement fees; and,

WHEREAS, the City Council appointed a technical review committee that met with City staff and consultants to update the system development charges and recommends the City increase the storm water SDC from its current level to the level in the report over a three year period,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON AS FOLLOWS:

Section 1

The amount of the storm water system development charge shall be increased to the following amounts by type of customer and by effective date over the next three years:

Type of Development	Current (Per AC of land area)	Effective					
		August 1, 2005		July 1, 2006		July 1, 2007	
		SDC Per 1000 sq ft impervious area	SDC plus Adminis- tration Fee (7.5%)	SDC Per 1000 sq ft impervious area	SDC plus Adminis- tration Fee (7.5%)	SDC Per 1000 sq ft impervious area	SDC plus Adminis- tration Fee (7.5%)
Single Family (1,000 sq ft)	\$3.86						
Mixed Density	\$315.00						
Commercial	\$473.00	\$38.40	\$41.28	\$46.07	\$49.53	\$53.74	\$57.77
Industrial, Light	\$447.00						
Industrial, General	\$473.00						
Special Development	\$420.00						

The total amount of the SDC shall include a 7.5 percent fee for administration as permitted by ORS 223.307(5)

Section 2.

System Development Charges established by Section 1 of this resolution shall be collected upon issuance of a building permit.

If a development is subject to more than one SDC charge, all charges shall be collected at the time the first permit is issued.

Section 3

Beginning with July 1, 2008, and each July 1 thereafter, the storm water SDC shall be adjusted for inflation using the construction cost index (CCI) published by McGraw Hill, Inc. in its publication ENR. ENR updates the CCI monthly and provides annual summaries in the July edition.

The formula for updating the SDC each year is as follows:

$$SDC_{\text{current year}} = SDC_{\text{last year}} \times (CCI_{\text{current year}} / CCI_{\text{last year}})$$

where:

- $CCI_{\text{current year}}$ = Construction Cost Index for the current year
- $CCI_{\text{last year}}$ = Construction Cost Index for the last year the SDCs were updated
- $SDC_{\text{current year}}$ = the SDC updated by the CCI
- $SDC_{\text{last year}}$ = the SDC to be updated

The storm water SDC shall not be adjusted for inflation until July 1, 2008, at which time the appropriate $CCI_{\text{last year}}$ shall be August 1, 2005.

Section 4

The *System Development Charge Study* identifies or incorporates by reference the identification of capital improvements eligible for funding through the storm water SDC and is hereby adopted as the Systems Development Charge Funds Project Plan as required by Section 9, Ordinance _____.

Section 5

This resolution shall be effective August 1, 2005

Passed by the City Council of the City of Lebanon by a vote of _____ for and _____ against this _____ day of June, 2005.

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

ATTEST:

John E. Hitt, City Recorder

Agenda Item 3



CITY OF LEBANON

PUBLIC WORKS DEPARTMENT - CAPITAL IMPROVEMENTS MEMORANDUM

TO: Malcolm Bowie, City Engineer

DATE: May 23, 2005

FROM: Ron Whitlatch, Senior Engineer *RW*

SUBJECT: ADOPTION OF NEW SPECIFICATIONS FOR CONSTRUCTION

This memo requests City Council approval of an Ordinance to adopt the 2002 Standard Specifications for Construction as the standard to govern construction in the City of Lebanon. Approval of this Ordinance will also adopt the City of Lebanon Supplemental Specifications, which supplements the abovementioned standard specifications.

BACKGROUND

Currently, the City of Lebanon uses the 1990 APWA Standard Specifications for Construction to govern construction activities within the City. As industry standards change, the City's current specifications for construction continue to become outdated. In September 2004, staff initiated the process to switch construction specifications from the 1990 APWA Construction Specifications to the joint APWA/ODOT 2002 Standard Specifications for Construction.

By changing to the 2002 joint specifications the City will stay current with industry standards for construction, and be able to decrease the amount of Special Provisions that are being written into individual projects. The proposed City Supplemental Specifications (to the 2002 Standard Specifications to Construction) have been reviewed and commented on by multiple staff members from the Engineering and Maintenance Departments.

Staff also took this opportunity to revise the City of Lebanon Standard Drawings for Construction. You will find those attached as well.

RECOMMENDATION

I recommend that City Council approve an Ordinance to adopt the 2002 Standard Specifications for Construction as the standard to govern construction in the City of Lebanon. This ordinance will also adopt the City of Lebanon Supplemental Specifications, which supplements the abovementioned standard specifications.

**AN ORDINANCE ADOPTING)
THE 2002 OREGON STANDARD)
SPECIFICATIONS FOR CONSTRUCTION)
AND THE CITY OF LEBANON)
SUPPLEMENTAL SPECIFICATIONS)**

**ORDINANCE BILL NO. _____
For 2005
ORDINANCE NO. ____**

WHEREAS, it is desirable and in the public interest that the construction of public improvements and the construction of private improvements within the city right-of-way conform to contemporary standards of engineering and safety and ;

WHEREAS, construction standards not formally adopted through action by the governing body of a local agency may be subject to legal challenge by parties affected by the standards and ;

WHEREAS, the City Engineer has recommended the 2002 Oregon Standard Specifications for Construction, APWA Oregon Chapter and the Oregon Department of Transportation as a widely recognized and appropriate standard to govern construction in Lebanon;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEBANON AS FOLLOWS:

- Section 1.** The 2002 Oregon Standard Specifications for Construction, attached hereto and incorporated by this reference as Exhibit "A" are hereby adopted as the standards for construction within the city.
- Section 2.** The City Of Lebanon Supplemental Specifications, attached and incorporated by this reference as Exhibit "B" are adopted by the City to supplement the 2002 Standard Specifications for Construction, Exhibit "A".
- Section 3.** Except as otherwise provided by written contracts with the city or by supplemental specifications and plans authorized and maintained by the City Engineer, all public improvements, all private improvements located within or affecting city rights-of-way or easements, and all improvements affecting city-owned utilities shall be constructed, reconstructed, repaired, and maintained in accordance with 2002 Oregon Standard Specifications of Construction, APWA Oregon Chapter and the Oregon Department of Transportation, manual published jointly by the American Public Works Association, Oregon Chapter.

Section 4. For the purpose of administration of the provisions of the manual, the term "Owner" shall refer to the city and the term "Contractor" shall refer to the person, persons or firm responsible for the construction, reconstruction, repair, and maintenance of the improvements.

Section 5. Exceptions and additions to the plans and specifications contained in the manual may be authorized or required by the City Engineer. With regard to a particular project or class of project, the City Engineer may disapprove any specification or material otherwise permitted if, in the engineer's opinion, the use of the specification or material would not be suitable or would not conform with the highest standards of safety, engineering, and construction practice.

Passed by the Lebanon City Council by a vote of _____ for and _____ against and approved by the Mayor this _____ day of June, 2005.

Kenneth I. Toombs, Mayor

ATTEST:

John E. Hitt, City Recorder

Agenda Item 4



CITY OF LEBANON
FINANCE DEPARTMENT
MEMORANDUM

TO: John E. Hitt, City Administrator

DATE: June 1, 2005

FROM: Casey Cole, Finance Director *CC*

SUBJECT: Changes for Budget Adoption 2005-06

Attached is a resolution to appropriate the City's 2005-06 budget as well as a resolution to levy the taxes. Oregon Budget Law allows the budget to change from approval to adoption by up to 10% or \$5,000, whichever is greater in each or any fund. The resolution to adopt the budget represents an increase over the budget approved by the Budget Committee of 0.35%, or \$144,319. No individual fund increased by more than 2.43%. By fund, the changes are:

General Fund	Increase of \$56,816, or 1.09%
Debt Service Fund	No change
Enterprise Fund	Decrease of \$78,000, or -0.45%
Special Revenue Fund	Increase of \$138,503, or 2.43%
Special Assessment Fund	No change
Capital Projects Fund	Increase of \$27,000, or .24%
Trust and Agency (Bail)	No change

In most cases, the changes were made to reflect an update to the estimates of revenues and/or expenditures to year end. The beginning balance, or carryforward, can be increased or decreased by a combination of changes to the revenue and expenditure estimate to year end.

In General Fund, the change is an increase of \$38,000 from additional carryforward, and an increase in revenues from grants for next year of \$18,816. Most of the additional amount was added to Administration and Economic Development to provide matching funds for economic development projects and to Parks to provide an additional seasonal worker and funding for a worker in the Jobs Plus program.

In the Enterprise fund, the Water department decreased \$100,000 as a result of decreasing the current year revenue estimate. This in turn decreased the carryforward for next year. Revenues have been slightly behind budget, and the wet spring weather has not helped the revenue picture. The Small Waterline department decreased \$4,000 due to current year expenditure estimates being adjusted higher, and the Wastewater department increased \$26,000 as a result of an increase in the current year revenue estimate.

In the Special Revenue fund, the two largest changes were in Building Inspection and the Senior Center OCDBG departments. The \$35,000 change in Building Inspection resulted from an update of the current year revenues and expenditures that increased the carryforward. The grant for the new Senior Center may be completed by June 30, but in case it is not, \$50,000 was included in next year's budget to finish the parking lot project. The remainder of the changes in Special Revenue, were to carry forward other projects that will be completed next year, or due to an update in the revenue estimates for the current year.

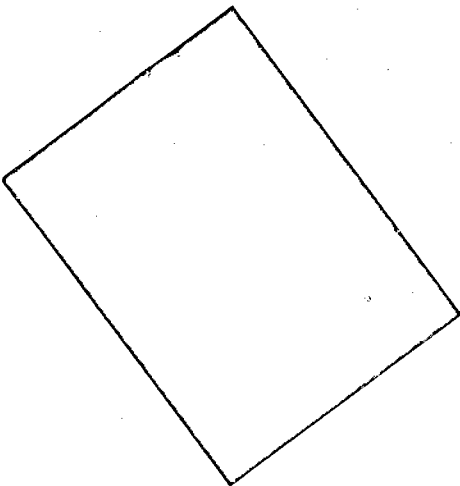
For the Capital Projects fund, a vehicle purchase from the Equipment Acquisition department has been carried forward to next year, and small increases in the current year revenue estimates for the SDC funds resulted in additional carryforward.

One change to the Urban Renewal Districts budget was to include \$12,500 for an economic development grant in the Northwest URD. There were no changes to the remainder of the funds.

Action requested:

- Conduct public hearing on the approved budget.
- Motion to approve resolution making appropriations.
- Motion to approve resolution levying taxes.

Adjourn as the Lebanon City Council, and reconvene as the Lebanon Urban Renewal Agency for the next agenda item.



**CITY OF LEBANON
2005-06 SUMMARY OF BUDGET CHANGES**

	Approved Total Expenditures	Adopted Total Expenditures	Increase (Decrease)	Percent Change	Comments
<u>GENERAL FUND</u>					
Administration & Economic Dev 110	\$ 43,822	\$ 79,072	\$ 35,250	80.44%	Add'l for economic dev project and correction to salary projections
Human Resources 116	16,307	16,307	-	0.00%	
City attorney 120	44,095	44,095	-	0.00%	
Planning 126	76,219	76,219	-	0.00%	
Public Works 130	9,625	9,625	-	0.00%	
Parks 133	481,391	497,207	15,816	3.29%	Add'l for 1 seasonal worker, temporary office help, & Jobs Plus program
Finance 140	77,563	77,563	-	0.00%	
Legislative 160	27,633	27,084	(549)	-1.99%	Correction to salary projections
Library 165	320,145	320,145	-	0.00%	
Municipal Court 170	263,956	263,956	-	0.00%	
Police 180	3,136,091	3,142,735	6,644	0.21%	Correction to salary projections
Senior Services 190	140,893	140,893	-	0.00%	
Non-Departmental 195	565,951	565,606	(345)	-0.06%	Decr contingency for depts add'l expense, correct janitorial for Sr Center
Subtotal General Fund	\$ 5,203,691	\$ 5,260,507	\$ 56,816	1.09%	
Tax Anticipation Note	-	-	-	0.00%	
Total General Fund Budget	\$ 5,203,691	\$ 5,260,507	\$ 56,816	1.09%	
<u>DEBT SERVICE FUND</u>					
Water Bonds 317	\$ 867,511	\$ 867,511	\$ -	0.00%	
City Hall Repair Debt Service 319	51,510	51,510	-	0.00%	
Pension Bond Series 2002 320	482,831	482,831	-	0.00%	
Total Debt Service Fund	\$ 1,401,852	\$ 1,401,852	\$ -	0.00%	

**CITY OF LEBANON
2005-06 SUMMARY OF BUDGET CHANGES**

	Approved Total Expenditures	Adopted Total Expenditures	Increase (Decrease)	Percent Change	Comments
<u>ENTERPRISE FUND</u>					
Water 430	\$ 3,171,000	\$ 3,071,000	\$ (100,000)	-3.15%	Updated 04-05 Rev Est decr Carryforward, Contingency
Water CIP 435	730,000	730,000	-	0.00%	
Water Bond Debt Svc 436	101,600	101,600	-	0.00%	
Waterline Repl. 437	484,769	480,769	(4,000)	-0.83%	Updated 04-05 Expend Est decr Carryforward, Contingency
Storm Drainage 450	37,200	37,200	-	0.00%	
Wastewater 470	3,146,750	3,172,750	26,000	0.83%	Updated 04-05 Rev Est incr Carryforward, Contingency
Wastewater CIP 475	8,935,000	8,935,000	-	0.00%	
Wastewater Bond D.S. 476	588,150	588,150	-	0.00%	
Railroad 480	571	571	-	0.00%	
Total Enterprise Fund	\$ 17,195,040	\$ 17,117,040	\$ (78,000)	-0.45%	
<u>SPECIAL REVENUE FUND</u>					
City Facilities Repairs 506	\$ 20,100	\$ 20,100	\$ -	0.00%	
Motel Tax 510	57,000	57,000	-	0.00%	
Santiam Trav Station 515	3,197	3,197	-	0.00%	
Blding Inspection 527	747,250	782,250	35,000	4.68%	Updated 04-05 Expend Est incr Carryforward, Contingency
Park Enterprise 533	85,606	90,606	5,000	5.84%	Incr Carryforward for 04-05 project to carry over to 05-06
Parks Grant Fund 535	334,302	343,664	9,362	2.80%	Projects Carried forward to 05-06
Environ Services 537	1,542,784	1,542,784	-	0.00%	
Geographic Infor Svcs 540	264,344	264,344	-	0.00%	
Information Services 542	409,323	409,323	-	0.00%	
Support Services 544	4,400	4,400	-	0.00%	
Foot & Bike 550	52,190	56,190	4,000	7.66%	Incr Carryforward for 04-05 project to carry over to 05-06
Eng Improve Permits 555	166,300	177,300	11,000	6.61%	Updated 04-05 Rev Est incr Carryforward, Contingency
Streets 558	809,860	809,860	-	0.00%	
Storm Drainage 559	79,100	79,100	-	0.00%	
Traffic Team 560	179,190	193,690	14,500	8.09%	Updated 04-05 Rev Est incr Carryforward, Contingency
911 Taxes 562	60,000	60,000	-	0.00%	

**CITY OF LEBANON
2005-06 SUMMARY OF BUDGET CHANGES**

	Approved Total Expenditures	Adopted Total Expenditures	Increase (Decrease)	Percent Change	Comments
Civil Forfeitures 563	5,223	5,223	-	0.00%	
School Resource Officer 564	82,104	82,104	-	0.00%	
Dial a bus 569	158,414	164,414	6,000	3.79%	Updated 04-05 Rev Est incr Carryforward, Contingency
STP Streets 571	87,950	87,950	-	0.00%	
Downtown Beautification 575	10,858	10,858	-	0.00%	
Senior Center OCDBG 578	-	50,000	50,000	100.00%	Portion of parking lot project carry over to 05-06
Homeland Sec./Terrorism Grant 583	267,000	267,000	-	0.00%	
83/84 Housing Rehab 585	102,630	102,630	-	0.00%	
85/86 Housing Rehab Unrestricted 59	10,100	10,100	-	0.00%	
Gills Landing 593	5,000	8,641	3,641	72.82%	Incr Carryforward for 04-05 project to carry over to 05-06
93 Housing Rehab 594	51,000	51,000	-	0.00%	
96 Housing Rehab 595	51,000	51,000	-	0.00%	
98 Housing Rehab 596	51,000	51,000	-	0.00%	
Total Special Revenue Fund	\$ 5,697,225	\$ 5,835,728	\$ 138,503	2.43%	
<u>SPECIAL ASSESSMENT FUND</u>					
Bancroft Bond Summary 720	\$ 210	\$ 210	\$ -	0.00%	
Walker Road LID 721	900	900	-	0.00%	
SCIP LID 722	120	120	-	0.00%	
Oak St. LID 723	1,200	1,200	-	0.00%	
Public Improvements 750	22,400	22,400	-	0.00%	
Total Bancroft Bond Fund	\$ 24,830	\$ 24,830	\$ -	0.00%	
<u>CAPITAL PROJECTS FUND</u>					
Grant St Bridge Grant 805	\$ 6,967,000	\$ 6,967,000	\$ -	0.00%	
State Highway Signal Maint 815	104,000	104,000	-	0.00%	
Equipment Acq. & Replacement 820	1,520,627	1,538,127	17,500	1.15%	Vehicle purchase carried forward
Historic Resources Trust 824	105	105	-	0.00%	

**CITY OF LEBANON
2005-06 SUMMARY OF BUDGET CHANGES**

	Approved Total Expenditures	Adopted Total Expenditures	Increase (Decrease)	Percent Change	Comments
Pioneer Cemetary 825	11,800	11,800	-	0.00%	
Local Law Enf Blk Grant 827	10,000	10,000	-	0.00%	
Police Trust 829	8,000	8,000	-	0.00%	
Library Trust 830	106,644	106,644	-	0.00%	
Library Building Trust 833	56,320	56,320	-	0.00%	
Sr Center Building Trust 834	56,000	56,000	-	0.00%	
Senior Services Trust 835	20,180	20,180	-	0.00%	
Snedaker Trust 838	67,865	67,865	-	0.00%	
Streets Cap Proj 840	575,000	575,000	-	0.00%	
Streets Cap Restr 841	12,400	12,400	-	0.00%	
Infrastructure Deferral 845	271,000	271,000	-	0.00%	
Drainage SDC 852	131,000	132,500	1,500	1.15%	Incr Carryforward, correct salary projection and incr Contingency
Parks SDC 862	218,000	220,000	2,000	0.92%	Incr Carryforward, correct salary projection and incr Contingency
Sewer SDC 872	128,000	130,000	2,000	1.56%	Incr Carryforward, correct salary projection and incr Contingency
Sewer SDC 873	21,800	21,800	-	0.00%	
Streets SDC 882	559,500	561,500	2,000	0.36%	Incr Carryforward, correct salary projection and incr Contingency
Water SDC 892	396,500	398,500	2,000	0.50%	Incr Carryforward, correct salary projection and incr Contingency
Water SDC 893	19,925	19,925	-	0.00%	
Total Capital Projects Fund	\$ 11,261,666	\$ 11,288,666	\$ 27,000	0.24%	
Bail	\$ 160,000	\$ 160,000	\$ -	0.00%	
Total City Budget	\$ 40,944,304	\$ 41,088,623	\$ 144,319	0.35%	

**CITY OF LEBANON
2005-06 SUMMARY OF BUDGET CHANGES**

	Approved Total Expenditures	Adopted Total Expenditures	Increase (Decrease)	Percent Change	Comments
<u>URBAN RENEWAL</u>					
Lebanon Urban Renewal 920	\$ 76,155	\$ 76,155	-	0.00%	
Lebanon URD Debt Service 921	116,450	116,450	-	0.00%	
Leb URD Bonds 923	634,772	634,772	-	0.00%	
Subtotal Lebanon URD	\$ 827,377	\$ 827,377	-	0.00%	
Northwest URD 925	\$ 589,659	\$ 602,159	\$ 12,500	2.12%	Expenditure of funds from an economic development grant
Project Construction 929	7,388,000	7,388,000	-	0.00%	
NW Leb URD Bonds 930	960,050	960,050	-	0.00%	
NW Leb URD 2000 Bond Constr 931	1,000	1,000	-	0.00%	
Subtotal Northwest URD	\$ 8,938,709	\$ 8,951,209	\$ 12,500	0.14%	
Cheadle Lake URD 935	\$ 189,340	\$ 189,340	-	0.00%	
Cheadle Lake URD Debt Service 936	102,440	102,440	-	0.00%	
Subtotal Cheadle Lake URD	\$ 291,780	\$ 291,780	-	0.00%	
Total Urban Renewal Funds	\$ 10,057,866	\$ 10,070,366	\$ 12,500	0.12%	
Total of all budgets	\$ 51,002,170	\$ 51,158,989	\$ 156,819	0.31%	
Total per budget report	51,002,170	51,158,989			
Difference					

A RESOLUTION ADOPTING THE CITY) RESOLUTION NO. _____
OF LEBANON'S BUDGET AND MAKING)
APPROPRIATIONS FOR FISCAL YEAR 2005-06) FOR 2005

RESOLUTION ADOPTING A BUDGET

BE IT RESOLVED that the City Council of the City of Lebanon hereby adopts the budget for 2005-06, in the sum of \$41,088,623 now on file at City Hall.

RESOLUTION MAKING APPROPRIATIONS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON:

Section 1. That the amounts for fiscal year beginning July 1, 2005, and for the purposes shown below, are hereby appropriated as follows:

GENERAL FUND

Administration & Economic Development	79,072
Human Resources	16,307
City Attorney	44,095
Planning	76,219
Engineering	9,625
Parks	497,207
Finance	77,563
Legislative	27,084
Library	320,145
Municipal Court	263,956
Police	3,142,735
Senior Services	140,893
Non-Departmental	<u>565,606</u>
GENERAL FUND TOTAL	\$5,260,507

DEBT SERVICE FUND

Water Bonds	867,511 ¹
City Hall Repair Debt Service	51,510 ²
Pension Bond Series 2002	<u>482,831³</u>
DEBT FUND TOTAL	\$1,401,852

¹ Includes \$417,938 unappropriated fund balance not appropriated.

² Includes \$6,394 unappropriated fund balance not appropriated.

³ Includes \$11,482 unappropriated fund balance not appropriated.

ENTERPRISE FUND

Water	3,071,000
Water Capital Improvement	730,000
Water Bond Debt Service	101,600 ⁴
Waterline Replacement	480,769
Storm Drainage	37,200
Wastewater	3,172,750
Wastewater Capital Improvement	8,935,000
Wastewater Bond Debt Service	588,150
Railroad	<u>571</u>
 ENTERPRISE FUND TOTAL	 \$17,117,040

SPECIAL REVENUE FUND

City Hall Repairs	20,100
Motel Tax	57,000
Santiam Travel Station	3,197
Building Inspection	782,250
Park Enterprise	90,606
Parks Grant	343,664
Operations & Environmental	1,542,784
Geographic Information Services	264,344
Information Systems Service	409,323
Support Services	4,400
Foot & Bikepath	56,190
Engineering Improvements Permits	177,300
Streets	809,860
Storm Drainage	79,100
Traffic Team	193,690
911 Taxes	60,000
Civil Forfeitures	5,223
School Resource Officer	82,104
Dial-A-Bus	164,414
STP Streets	87,950
Downtown Beautification Grant	10,858
Senior Center OCDBG	50,000
Homeland Security/Terrorism Grant	267,000
83/84 Housing Rehabilitation	102,630
85/86 Housing Rehabilitation – Unrestricted	10,100
Gills Landing	8,641
93 Housing Rehabilitation	51,000
96 Housing Rehabilitation	51,000
98 Housing Rehabilitation	<u>51,000</u>
 SPECIAL REVENUE FUND TOTAL	 \$5,835,728

⁴ Includes \$2,200 unappropriated fund balance not appropriated.

SPECIAL ASSESSMENT FUND

Bancroft Bond Summary	210
Walker Road LID	900
SCIP LID	120
Oak Street LID	1,200
Public Improvements	<u>22,400</u>
 SPECIAL ASSESSMENT FUND TOTAL	 \$24,830

CAPITAL PROJECTS FUND

Grant Street Bridge Grant	6,967,000
State Highway Signal Maintenance	104,000
Equipment Acquisition & Replacement	1,538,127
Historic Resource Commission Trust	105
Pioneer Cemetary	11,800 ⁵
Local Law Enforcement Grant	10,000
Police Trust	8,000
Library Trust	106,644
Library Building Trust	56,320
Senior Center Building Trust	56,000
Senior Services Trust	20,180
Snedaker Trust	67,865 ⁶
Streets Capital Improvement Projects	575,000
Streets Capital Improvement (Restricted)	12,400
Infrastructure Deferral	271,000
Drainage SDC	132,500
Parks SDC	220,000
Sewer SDC	130,000
Sewer SDC Reimbursement	21,800
Streets SDC	561,500
Water SDC	398,500
Water SDC Reimbursement	<u>19,925</u>
 CAPITAL PROJECTS FUND TOTAL	 \$11,288,666

TRUST AND AGENCY FUND

Bail & Trust	<u>160,000</u>
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⁵ Includes \$11,400 unappropriated fund balance not appropriated.

⁶ Includes \$63,865 unappropriated fund balance not appropriated.

TRUST AND AGENCY FUND TOTAL

\$160,000

CITY BUDGET TOTAL

\$41,088,623

Section 2. This resolution is effective July 1, 2005.

Adopted and appropriated by the Lebanon City Council by a vote of _____ for
and _____ against on this 8th day of June, 2005.

Kenneth I. Toombs, Mayor

[]

J. Scott Simpson, Council President

[]

ATTEST:

John E. Hitt, City Recorder

RESOLUTION LEVYING TAXES FOR) RESOLUTION NO. _____
 THE CITY OF LEBANON'S BUDGET FOR)
 FISCAL YEAR 2005-06) FOR 2005

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON AS
 FOLLOWS:

Section 1. The City of Lebanon hereby levies the taxes provided for in the adopted budget at the rate of \$5.1364/\$1,000 of assessed valuation for operations, and in the amount of \$479,381 for debt service and that these taxes are hereby levied upon the assessed value of all taxable property within the City of Lebanon.

The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution make up the above aggregate levy:

	<u>Subject to the General Governmental Limitation</u>	<u>Excluded from the Limitation</u>
General Fund	\$5.1364/\$1,000	
Debt Service Fund		\$479,381

Section 2. This resolution is effective July 1, 2005.

Passed by the Lebanon City Council by a vote of _____ for and _____
 against on the 8th day of June, 2005.

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

ATTEST:

 John E. Hitt, City Recorder

Agenda Item 5



CITY OF LEBANON
FINANCE DEPARTMENT
MEMORANDUM

TO: John E. Hitt, City Administrator
FROM: Casey Cole, Finance Director *CC*
SUBJECT: Lebanon Urban Renewal District Budget
Adoption FY 2005-06

DATE: June 2, 2005

There were no changes to the approved budget of \$827,377.

Action Requested:

Conduct a public hearing on the approved budget.
Motion to approve a resolution making appropriations.
Motion to approve a resolution levying taxes.

Adjourn as Lebanon Urban Renewal District and reconvene as Northwest Lebanon Urban Renewal District.

A RESOLUTION ADOPTING THE LEBANON)
URBAN RENEWAL BUDGET AND MAKING)
APPROPRIATIONS FOR FISCAL YEAR 2005-06)

RESOLUTION NO. _____
FOR 2005

RESOLUTION ADOPTING A BUDGET

BE IT RESOLVED that the Board of the Lebanon Urban Renewal Agency hereby adopts the budget as approved by the Budget Committee for 2005-06, in the sum of \$827,377 now on file at City Hall.

RESOLUTION MAKING APPROPRIATIONS

BE IT RESOLVED BY THE BOARD OF THE LEBANON URBAN RENEWAL AGENCY:

Section 1. That the amounts for the fiscal year beginning July 1, 2005 and for the purposes shown below, are hereby appropriated as follows:

LEBANON URBAN RENEWAL

Lebanon Urban Renewal	76,155
Lebanon Urban Renewal GO Bonds	116,450 ¹
Lebanon Urban Renewal District Bonds	<u>634,772</u> ²
TOTAL APPROPRIATIONS	\$827,377

Section 2. This resolution is effective July 1, 2005.

Passed by the Lebanon Urban Renewal Agency by a vote of _____ for and _____ against on the 8th day of June, 2005.

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

ATTEST:

John E. Hitt, City Recorder

¹ Includes \$25,000 unappropriated fund balance not appropriated.

² Includes \$40,672 unappropriated fund balance not appropriated.

RESOLUTION LEVYING TAXES FOR THE)
CITY OF LEBANON'S URBAN RENEWAL)
DISTRICT BUDGET FOR FISCAL YEAR)
2005-06)

RESOLUTION NO. _____
FOR 2005

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LEBANON
URBAN RENEWAL AGENCY:

Section 1. To certify to the county assessor for the Lebanon Urban Renewal District Plan Area a request for the maximum amount of revenue that may be raised by dividing the taxes under Section 1c, Article IX, of the Oregon Constitution, and the maximum as the amount to be raised through the imposition of a special levy.

Section 2. This resolution is effective July 1, 2005.

Passed by the Lebanon Urban Renewal District Board of Directors by a vote of _____ for and _____ against on this 8th day of June, 2005.

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

ATTEST:

John E. Hitt, City Recorder

Agenda Item 6



CITY OF LEBANON
FINANCE DEPARTMENT
MEMORANDUM

TO: John E. Hitt, City Administrator
FROM: Casey Cole, Finance Director *CC*
SUBJECT: NW Lebanon Urban Renewal District Budget
Adoption FY 2005-06

DATE: June 2, 2005

There was \$12,500 added to materials and services for part of an economic development grant that has been applied for. The budget totals \$8,951,209.

Action Requested:

Conduct a public hearing on the approved budget.
Motion to approve a resolution making appropriations.
Motion to approve a resolution levying taxes.

Adjourn as the NW Lebanon Urban Renewal District and reconvene as the Cheadle Lake Urban Renewal District.

A RESOLUTION ADOPTING THE NORTHWEST)
LEBANON URBAN RENEWAL BUDGET AND)
MAKING APPROPRIATIONS FOR FISCAL)
YEAR 2005-06)

RESOLUTION NO. _____
FOR 2005

RESOLUTION ADOPTING A BUDGET

BE IT RESOLVED that the Board of the Northwest Lebanon Urban Renewal Agency hereby adopts the budget as approved by the Budget Committee for 2005-06, in the sum of \$8,951,209 now on file at City Hall.

RESOLUTION MAKING APPROPRIATIONS

BE IT RESOLVED BY THE BOARD OF THE NORTHWEST LEBANON URBAN RENEWAL AGENCY:

Section 1. That the amounts for the fiscal year beginning July 1, 2005 and for the purposes shown below, are hereby appropriated as follows:

NORTHWEST LEBANON URBAN RENEWAL DISTRICT (URD)

NW Lebanon Urban Renewal District	602,159
Project Construction	7,388,000
NW Lebanon Urban Renewal Bonds	960,050 ¹
NW Lebanon Urban Renewal Bond Construction	<u>1,000</u>
TOTAL APPROPRIATIONS	\$8,951,209

Section 2. This resolution is effective July 1, 2005.

Passed by the Northwest Lebanon Urban Renewal Agency by a vote of ___ for and ___ against on the 8th day of June, 2005.

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

ATTEST:

John E. Hitt, City Recorder

¹ Includes \$30,000 unappropriated fund balance not appropriated.

RESOLUTION LEVYING TAXES FOR THE)
CITY OF LEBANON'S NORTHWEST URBAN)
RENEWAL DISTRICT BUDGET FOR FISCAL)
YEAR 2005-06)

RESOLUTION NO. _____
FOR 2005

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTHWEST
LEBANON URBAN RENEWAL AGENCY:

Section 1. To certify to the county assessor for the Northwest Lebanon Urban Renewal District Plan Area a request for the maximum amount of revenue that may be raised by dividing the taxes under Section 1c, Article IX, of the Oregon Constitution, and the maximum as the amount to be raised through the imposition of a special levy; and

Section 2. This resolution is effective on July 1, 2005.

Passed by the Northwest Lebanon Urban Renewal District Board of Directors by a vote of _____ for and _____ against on this 8th day of June, 2005.

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

ATTEST:

John E. Hitt, City Recorder

Agenda Item 7



CITY OF LEBANON
FINANCE DEPARTMENT
MEMORANDUM

TO: John E. Hitt, City Administrator

DATE: June 2, 2005

FROM: Casey Cole, Finance Director *CC*

SUBJECT: Cheadle Lake Urban Renewal District Budget
Adoption FY 2005-06

There were no changes to the approved budget of \$291,780.

Action Requested:

Conduct a public hearing on the approved budget.
Motion to approve a resolution making appropriations.
Motion to approve a resolution levying taxes.

Agenda Item 8



CITY OF LEBANON
FINANCE DEPARTMENT
MEMORANDUM

TO: John E. Hitt, City Administrator

DATE: June 2, 2005

FROM: Casey Cole, Finance Director *CC*

SUBJECT: Resolution to approve Intergovernmental Agreement between the City and Cheadle Lake Urban Renewal Agency

In Article IX, Section 1c of the Oregon Constitution, there is the requirement for an Urban Renewal District to have indebtedness established prior to levying a tax. There has not been a bond issued in the Cheadle Lake URD, so the two options available to establish indebtedness are:

- A) Do a short term borrowing from the bank.
- B) To borrow from the City until property tax revenue is realized.

In fiscal year 2004-05, option B was chosen because the cost was less then to borrow from the bank.

Option B is what is being recommended again for fiscal year 2005-06. The interest cost charged to the district will be the current rate the City earns on its investments. Additionally, the district saves the issuance costs that the bank would charge.

An intergovernmental agreement between the Agency and the City acknowledges the indebtedness, and makes valid the levying of the tax.

Attached is a resolution for the City and the Cheadle Lake Urban Renewal Agency to approve that authorizes the Mayor or Council President to execute the intergovernmental agreement.

Actions requested:

As the Cheadle Lake urban renewal agency board, a motion to approve a resolution authorizing an intergovernmental agreement.

Adjourn as the Cheadle Lake urban renewal agency board.

Reconvene as the Lebanon City Council, then request a motion to approve a resolution authorizing an intergovernmental agreement.

A RESOLUTION OF THE CHEADLE LAKE)
URBAN RENEWAL AGENCY OF THE CITY) RESOLUTION NO. _____
OF LEBANON, OREGON AUTHORIZING AN) for 2005
INTERGOVERNMENTAL AGREEMENT)
WITH THE CITY OF LEBANON, OREGON)

WHEREAS, the Cheadle Lake Urban Renewal Agency of the City of Lebanon, Oregon (the "Agency") is a "unit of local government" as defined in Oregon Revised Statutes 190.003; and

WHEREAS, the Agency finds it desirable to enter into an intergovernmental agreement with the City of Lebanon, Oregon (the "City") whereby the City will loan to the Agency current and prior taxes of the Agency estimated to be received for fiscal year 2005-2006; and

WHEREAS, this short term loan will be repaid during fiscal year 2005-2006 with an interest rate that is equal to that rate the City earns on investments, estimated to be three percent per annum; and

WHEREAS, the Agency has certified, or will certify, tax increment revenues of the Area for collection in fiscal year 2005-2006 in an amount not less than \$105,850 to carry out the purposes of the Plan.

NOW, THEREFORE, THE CHEADLE LAKE URBAN RENEWAL AGENCY OF THE CITY OF LEBANON, OREGON RESOLVES:

Section 1. Approval of Intergovernmental Agreement. The intergovernmental agreement with the City whereby the City agrees to loan on behalf of the Agency certain current and prior taxes of the Agency estimated to be received for fiscal year 2005-2006, is approved in substantially the form attached hereto with such changes as are approved by the Chair and Secretary.

Section 2. Execution of Intergovernmental Agreement. The Mayor or Council President is authorized to execute the intergovernmental agreement on behalf of the Agency.

Passed by the Cheadle Lake Urban Renewal Agency by a vote of _____ for and _____ against this 8th day of June, 2005.

CHEADLE LAKE URBAN RENEWAL
AGENCY OF THE CITY OF LEBANON

Attest:

John E. Hitt, City Recorder

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

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT entered into as of the 8th day of June, 2005, by and between the CHEADLE LAKE URBAN RENEWAL AGENCY OF THE CITY OF LEBANON, OREGON (the "Agency"), a public body, corporate and politic, created as a separate agency by the City of Lebanon, Oregon and the CITY OF LEBANON, OREGON, a municipal corporation (the "City").

Each of the parties to this agreement is a "unit of local government" as defined in Oregon Revised Statutes 190.003. Each of the parties has the legal authority for the performance of any or all functions and activities set forth herein. This agreement specifies the functions and activities to be performed and by what means they shall be performed by each of the parties hereto and apportions among the parties the responsibility for providing funds to pay for expenses incurred in the performance of these functions and activities.

On August 30, 2000, the City established an urban renewal area within the boundaries of the City and known as the "Cheadle Lake Urban Renewal Area" (the "Area"). The City adopted the Cheadle Lake Urban Renewal Plan of redevelopment for the area (the "Plan"). Included as part of the Plan are proposed infrastructure improvements in the Area to conform to the Comprehensive Plans of the City and Linn County, Oregon and the Zoning Districts based on these Comprehensive Plans. The Agency is authorized by Oregon Revised Statutes, Chapter 457 to incur an indebtedness for the purpose of paying the expenses incurred in carrying out the Plan. The Agency receives, from the collection of certain tax levies upon all taxable properties within the boundaries of the Project, tax increment funds pledged to the payment of indebtedness incurred by the Agency by reason of the carrying out of the Plan.

The Agency and the City do agree:

1. The City shall loan to the Agency current and prior taxes of the Agency estimated to be received in fiscal year 2005-2006 at an interest rate equal to that rate the City earns on investments, estimated to be three percent per annum.
2. The Agency shall pay to the City from the fiscal year 2005-2006 annual tax allocation collected by the Agency from the Area, the amount of the loan and interest up to \$102,440, to be paid after December 31, 2005.
3. The Agency and the City acknowledge that the obligation to make such payments from the tax increment funds of the Agency collected from the Area shall and does constitute an "indebtedness" incurred in carrying out the Plan and the Agency does pledge the tax allocations from that Area to pay such indebtedness under the provisions of Chapter 457, Oregon Revised Statutes.
4. The City and the Agency heretofore have found and determined, and do hereby reaffirm and readopt such findings and determinations, that the Project is of direct benefit to the Area.

5. In the event of any dispute or litigation concerning the terms and provisions of this intergovernmental agreement, the parties hereto agree that the prevailing party in any such dispute or litigation shall be entitled to recover from the other party the prevailing party's reasonable attorneys' fees and its reasonable costs and fees incurred in such dispute and litigation including its attorneys' fees and costs incurred in any appeal upon such dispute.

IN WITNESS WHEREOF, the Agency has caused this agreement to be executed by its duly authorized persons, and the City has caused this agreement to be executed by its designated officer, the day and year first above written.

CHEADLE LAKE URBAN RENEWAL AGENCY
OF THE CITY OF LEBANON

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

CITY OF LEBANON, OREGON

John E. Hitt, City Administrator

Agenda Item 9

A RESOLUTION OF THE CITY OF)
 LEBANON, OREGON AUTHORIZING) RESOLUTION NO. _____
 AN INTERGOVERNMENTAL AGREEMENT) for 2005
 WITH THE CHEADLE LAKE URBAN RENEWAL)
 AGENCY OF THE CITY OF LEBANON)

WHEREAS, the City of Lebanon, Oregon (the "City") is a "unit of local government" as defined in Oregon Revised Statutes 190.003; and

WHEREAS, the City finds it desirable to enter into an intergovernmental agreement with the Urban Renewal Agency of the City of Lebanon, Oregon (the "Agency") whereby the City will loan to the Agency current and prior taxes of the Agency estimated to be received for fiscal year 2005-2006; and

WHEREAS, the short term loan will be repaid during fiscal year 2005-2006 with an interest rate that is equal to that rate the City earns on investments, estimated to be three percent per annum.

NOW, THEREFORE, THE CITY OF LEBANON, OREGON RESOLVES:

Section 1. Approval of Intergovernmental Agreement. The intergovernmental agreement with the Agency dated as of the 8th day of June, 2005 whereby the City agrees to loan to the Agency current and prior taxes of the Agency estimated to be received for fiscal year 2005-2006. This short term loan will be repaid during fiscal year 2005-2006 with an interest rate that is equal to that rate the City earns on investments, estimated to be three percent per annum, and is approved in substantially the form attached hereto with such changes as are approved by the Mayor and the City Administrator.

Section 2. Execution of Intergovernmental Agreement. The City Administrator is authorized to execute the intergovernmental agreement on behalf of the City.

Passed by the Council of the City of Lebanon by a vote of _____ for and _____ against on this 8th day of June, 2005.

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

Attest:

 John E. Hitt, City Recorder

Agenda Item 10



City of Lebanon
Community Development

MEMORANDUM

TO: John Hitt, City Administrator **DATE:** June 3, 2005
FROM: Doug Parker, Community Development Manager *DP*
CC: Tom McHill, City Attorney
SUBJECT: Re-adoption of ENTEK Annexation Legal Description (A-04-06 / ENTEK)

On March 30, 2005, the City Council conducted a public hearing and voted to approve a proposed annexation, initiated per property owner's request and requesting Limited Industrial (ML) zoning upon annexation for Assessor's Map 12S-2W-3C, Tax Lot 1600 and 12-2W-10BB, Tax Lot 103. This approximately 25.95 acre annexation territory, comprised of two vacant parcels located west of Hansard Avenue and north of Highway 34. The purpose of this annexation is to facilitate the future expansion of ENTEK Manufacturing, thus providing additional local employment opportunities. Future expansions and development activity will be the subject of future planning review and approval. No one testified in opposition to this proposed annexation at either the City Council or Planning Commission public hearings pertaining to this annexation request.

The Planning Commission recommendation for approval of this annexation request as a result of their February 16, 2005 public hearing as well as the staff report (Lebanon File # A-04-06 including legal description and an annexation map) were considered as part of those deliberations.

As indicated by the attached Oregon Department of Revenue letter, the annexation territory legal description contained two errors that precluded that state agency from being able to accept the flawed legal description and acknowledge the official city boundary change. Subsequently, the applicant has provided a corrected legal description that is included as Exhibit "A." The originally submitted annexation map is correct as submitted and not in need of corrective modification.

At this time it is appropriate for the City Council to adopt a corrected, revised legal description for this annexation territory.

Notice to Taxing Districts

ORS 308.225



 OREGON

 DEPARTMENT

 OF REVENUE

 Cadastral Information Systems Unit

 PO Box 14380

 Salem, OR 97309-5075

 (503) 945-8297, fax 945-8737

City of Lebanon

 Finance Director

 925 Main Street

 Lebanon, OR 97355

RECEIVED

 APR 22 2005

Description Map received from: CITY

 On: 4/11/2005

This is to notify you that your boundary change in Linn County for

ANNEX TO CITY OF LEBANON

ORD. #2372 (ORD. BILL #3)

has been: Approved

 Disapproved 4/20/2005

Notes:

POINT OF BEGINNING CANNOT BE DESCRIBED BY DEED REFERENCE. 4TH LINE

 FROM BOTTOM BEARING SHOULD BE "S42^15'51"W, NOT EAST.

Department of Revenue File Number: 22-500-2005

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change

 The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge
- Establishment of Tax Zone



Carolyn Sunderman

 Cartographic Program Specialist

 Taxlotting Team

 Cadastral Information Systems



Oregon

DEPARTMENT OF

 REVENUE

Property Tax Division

 955 Center St. NE

 Salem, OR 97310

 Office: 503-945-8882

 Fax: 503-945-8737

 TTY: 503-945-8617

carolyn.m.sunderman@state.or.u

**A BILL FOR AN ORDINANCE ANNEXING
PROPERTY FOLLOWING CONSENT
FILED WITH THE CITY COUNCIL BY
LANDOWNERS IN SAID AREA PURSUANT TO
ORS 222.120 AND ORS 222.170 (File A-04-06,
ENTEK MANUFACTURING)**

) **ORDINANCE BILL NO. _____**
) **for 2005**
) **ORDINANCE NO. _____**
)
)
)

WHEREAS, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, signed by more than one-half of the landowners who also own more than one-half of the land in the contiguous territory described in Exhibit "A", which real property represents more than one-half of the assessed value of all real property in the contiguous territory to be annexed; and

WHEREAS, the Lebanon City Council has elected to dispense with submitting the question of the proposed annexation to the electors of the City, initiating the annexation of the territory pursuant to ORS 222.120, calling a hearing and directing that notice be given as required by ORS 222.120(3); and

WHEREAS, after conducting the hearing and considering all objections or remonstrances with reference to the proposed annexation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that this annexation is in the best interest of the City and of the contiguous territory; and

WHEREAS, the Oregon Department of Revenue has notified the City that the legal description of the previously approved annexation territory is in error and need of rectification in order to effectuate the prior City Council action pertaining to this annexation territory, the City Council now replaces the original, erroneous legal description of annexation territory A-04-06 with the corrected legal description included as Exhibit "A."

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1 Record. The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk and the Oregon State Department of Revenue.

Passed by the Lebanon City Council by a vote of _____ for and _____ against and approved by the Mayor this _____ day of June, 2005.

Kenneth I. Toombs, Mayor

ATTEST:

John E. Hitt, City Recorder

CORRECTED
LEGAL DESCRIPTION FOR ANNEXATION

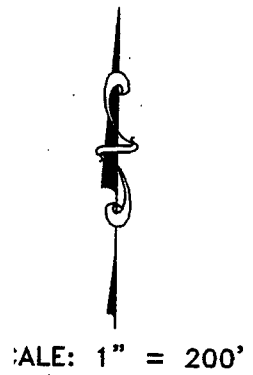
A parcel of land located in the Northwest Quarter of Section 10 and in the Southwest Quarter of Section 3, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, being more particularly described as follows:

Beginning at a 5/8 inch iron rod located North $0^{\circ}23'26''$ West 2,576.54 feet and South $65^{\circ}44'09''$ East 887.91 feet from the Southwest corner of the Morgan Kees Donation Land Claim Number 43 in the aforementioned Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, being at the Northwest corner of that property conveyed to Entek Manufacturing, Inc., and described as property transferred from Area "A" to Area "C" in Linn County Deed Records Microfilm Volume 1403 Page 774; thence along the West line of said Entek property South $0^{\circ}35'15''$ East 1,106.92 feet to a 5/8 inch iron rod at the Northwest corner of that property conveyed to Entek Manufacturing, Inc., and described as property transferred from Area "A" to Area "B" in Linn County Deed Records Microfilm Volume 1403 Page 763; thence along the lines of said Entek property South $0^{\circ}35'15''$ East 424.27 feet to a 5/8 inch iron rod and North $89^{\circ}17'41''$ East 387.56 feet to a 5/8 inch iron rod at the Southeast corner of that aforementioned property conveyed to Entek Manufacturing, Inc., and described in Linn County Deed Records Microfilm Volume 1403 Page 763, said Southeast corner being on the West line of that property conveyed to Entek Manufacturing, Inc., and described as property transferred from Area "A" to Area "B" in Linn County Deed Records Microfilm Volume 1279 Page 292; thence along the West lines of said transferred property South $0^{\circ}35'15''$ East 638.11 feet to a 5/8 inch iron rod on the North line of that property conveyed to the State of Oregon and described in Linn County Deed Records Microfilm Volume 989 Page 76; thence along said State of Oregon North line North $89^{\circ}18'53''$ East 53.00 feet to a 5/8 inch iron rod; thence North $0^{\circ}35'15''$ West 440.98 feet to a 5/8 inch iron rod at the Northwest corner of that property conveyed to Weatherly and described in Linn County Deed Records Microfilm Volume 630 Page 526; thence North $89^{\circ}20'07''$ East 527.93 feet to the Northeast corner of said Weatherly property, also being on the East line of that property conveyed to Steckley and described in Linn County Deed Records Microfilm Volume 519 Page 837; thence along said Steckley East line North $0^{\circ}20'40''$ West 137.33 feet to a point on the Southerly right-of-way line of Harrison Street; thence South $89^{\circ}20'39''$ West 237.38 feet to a 5/8 inch iron rod at the Southwest corner of Harrison Street; thence North $0^{\circ}23'35''$ West 478.16 feet to a 5/8 inch iron rod at the Southeast corner of that property conveyed to Entek Manufacturing, Inc., and described as property transferred from Area "A" to Area "C" in Linn County Deed Records Microfilm Volume 1279 Page 280; thence along the East and North line of said transferred property North $0^{\circ}23'35''$ West 792.68 feet to a point on the Southerly right-of-way line of the Southern Pacific Railroad, and along said Southerly right-of-way line North $65^{\circ}44'09''$ West 384.01 feet to a 5/8 inch iron rod at the Northeast corner of that aforementioned property conveyed to Entek Manufacturing, Inc., and described as property transferred from Area "A" to Area "C" in Linn County Deed Records Microfilm Volume 1403 Page 774; thence along the North lines of said transferred property and the Southerly right-of-way of the Southern Pacific Railroad North $65^{\circ}44'09''$ West 14.74 feet to a 5/8 inch iron rod, South $24^{\circ}15'51''$ West 20.00 feet to a 5/8 inch iron rod, and North

65°44'09" West 403.11 feet to the point of beginning. The basis of bearings for this description is from Linn County Survey No. 23224 and Linn County Survey No. 23465. The area contained within this annexation is 25.95 acres, more or less.

EXHIBIT A
Page 2 **of** 2

POI BEGINNING FOR LEG. DESCRIPTION FOR ANNEXATION PROPERTY

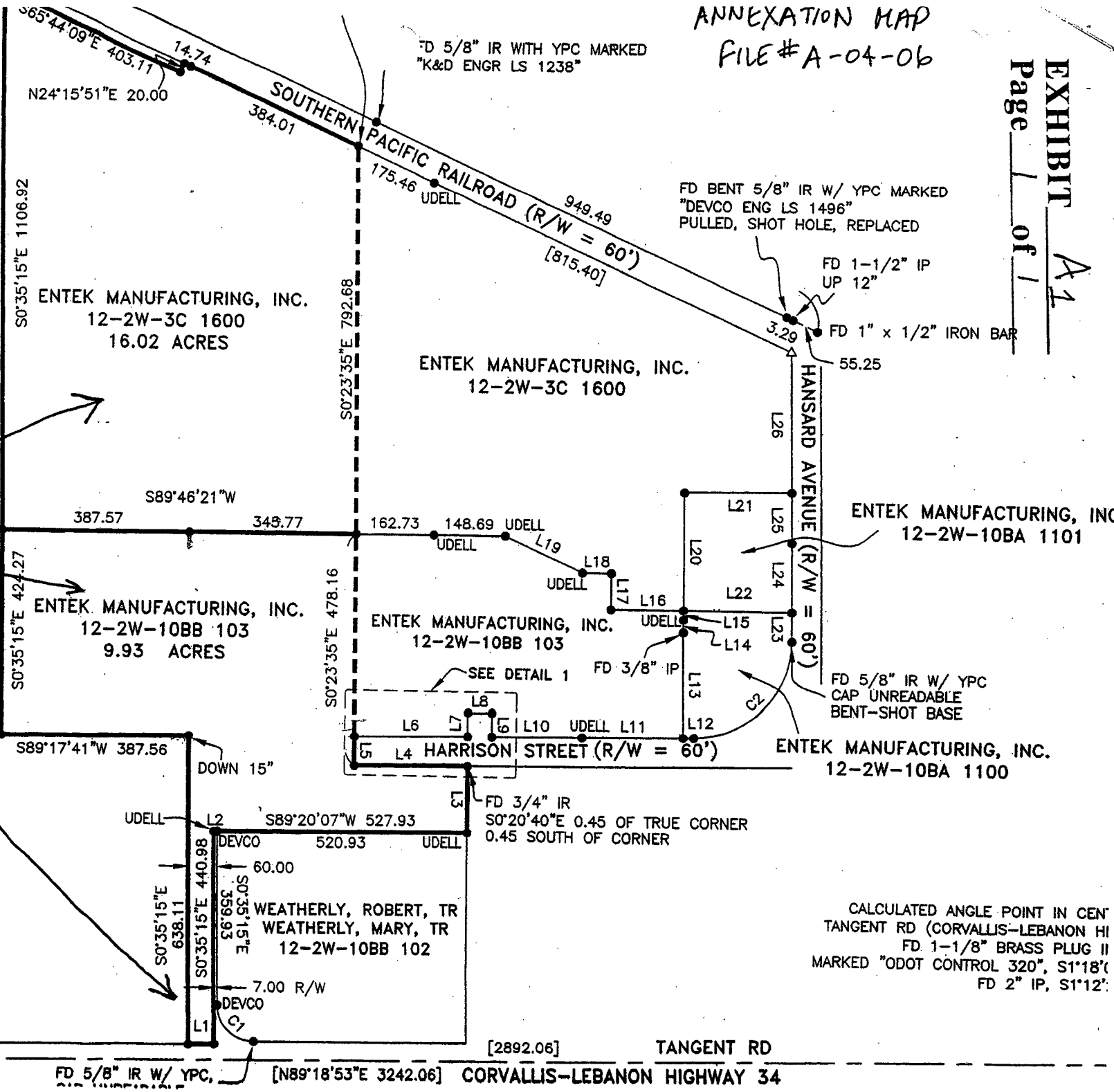


WEATHERLY, NORMAN, TR
WEATHERLY, MILDRED, TR
12-2W-10BB 100

ANNEXATION TERRITORY

S03°14'E 648.81

30



CALCULATED ANGLE POINT IN CENTER
TANGENT RD (CORVALLIS-LEBANON HI
FD 1-1/8" BRASS PLUG II
MARKED "ODOT CONTROL 320", S1°18'
FD 2" IP, S1°12'

Agenda Item 11



CITY OF LEBANON

PUBLIC WORKS DEPARTMENT - CAPITAL IMPROVEMENTS

MEMORANDUM

TO: Malcolm Bowie, City Engineer
FROM: Ron Whitlatch, Senior Engineer *RW*

DATE: May 27, 2005

SUBJECT: AWARD OF CONTRACT
Westside Interceptor Phase 2a—Project no. 00714

This memo requests a City Council motion to award the contract for the Westside Interceptor Phase 2a Project to Emery & Sons Construction.

BACKGROUND

On April 20, 2005, City Council authorized City staff to advertise the Westside Interceptor Phase 2a Project for bids. This is the next phase of a long-range plan to expand sanitary sewer service area and capacity in Lebanon. It picks up where the last phase, Westside Interceptor Force Main Diversion ended, on Harrison Street, just west of Hansard Avenue. The project will extend the new 54" Westside Interceptor to the west where it will intercept the existing 27" Westside Interceptor allowing for the removal of the Harrison Street Pump Station. The project will allow Entek Corporation to make some expansions as well as complete some of the proposed infrastructure improvements related to the Lowe's facility locating in Lebanon.

The scope of the project includes 745 lineal feet of 54" reinforced concrete sewer pipe, 3 manholes, Harrison Street Pump Station demolition, and other miscellaneous items as indicated in the project plans.

Bids for the project were opened Thursday, May 12, 2005. Five bids were received. A comparison of the bids with the Engineer's Estimate is presented below.

Contractor	Bid Price
Emery & Sons Construction Co.	\$424,385.00
James W. Fowler Co.	\$561,900.74
Kerr Contractors, Inc.	\$567,610.00
Clackamas Construction, Inc.	\$570,605.00
Landis & Landis Construction	\$707,242.50
Engineer's Estimate	\$646,427.50

Attached is a copy of the bid tabulation. The low bidder is Emery & Sons Construction Co. of Stayton, Oregon. Their bid is approximately 35% less than the estimate provided by the City.

RECOMMENDATION

I recommend that City Council pass a motion to award the contract to Emery & sons Construction Co.

Westside Interceptor Phase 2a

Responsive Bidder Checklist

Bid Opening - Thursday, May 12, 2005, 09:00 a.m. Lebanon Community Development Center

	Contractor	Bid Amount	Proposal	Noncollusion Affidavit	Bid Bond Listed USTC	Resident Bidder Certification	Contractor's License Certification	Subcontractor's List	BOLI Rated to Received Public Works Contracts?	Prequalified with City of Lebanon	Project Engineer's Review
1	Emery & Sons Construction Inc.	\$424,385.00	X	X	X	X	X	X	X	X	SJ
2	James W. Fowler Company	\$561,900.74	X	X	X	X	X	X	X	X	SJ
3	Kerr Contractors Inc.	\$567,610.00	X	X	X	X	X	X	X	X	SJ
4	Clackamas Construction, Inc.	\$570,605.00	X	X	X	X	X	X	X	X	SJ
5	Landis & Landis Construction	\$707,242.50	X	X	X	X	X		X	X	SJ
6											
7											

Bid Tabulation

Bid Item No.	Bid Items	Units	Quantity	Engineer's Estimate		EMERY & SONS		J.W. FOWLER	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	MOBILIZATION	L.S.	1	\$55,000.00	\$55,000.00	\$39,000.00	\$39,000.00	\$55,000.00	\$55,000.00
2	REMOVAL OF STRUCTURES & OBST.	L.S.	1	\$11,000.00	\$11,000.00	\$5,000.00	\$5,000.00	\$450.00	\$450.00
3	EROSION CONTROL	L.S.	1	\$24,000.00	\$24,000.00	\$3,000.00	\$3,000.00	\$900.00	\$900.00
4	TEMPORARY PROTECTION & DIRECTION OF TRAFFIC	L.S.	1	\$5,000.00	\$5,000.00	\$3,000.00	\$3,000.00	\$4,750.00	\$4,750.00
5	FENCE RECONSTRUCT/ACCESS GATE	L.S.	1	\$5,000.00	\$5,000.00	\$2,000.00	\$2,000.00	\$1,800.00	\$1,800.00
6	TYPE II RESTORATION	L.S.	1	\$5,000.00	\$5,000.00	\$1,000.00	\$1,000.00	\$1,100.00	\$1,100.00
7	HARRISON STREET RESTORATION	L.S.	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$4,300.00	\$4,300.00
8	CLASS "C" A.C. TRENCH PATCH	S.Y.	18	\$100.00	\$1,800.00	\$40.00	\$720.00	\$75.00	\$1,350.00
9	PUMP STATION DEMOLITION	L.S.	1	\$30,000.00	\$30,000.00	\$15,000.00	\$15,000.00	\$14,000.00	\$14,000.00
10	LONG TERM GENERATOR STORAGE	L.S.	1	\$6,000.00	\$6,000.00	\$1,500.00	\$1,500.00	\$500.00	\$500.00
11	TRENCH OVER EXCAVATION	C.Y.	330	\$45.00	\$14,850.00	\$50.00	\$16,500.00	\$29.00	\$9,570.00
12	SUBGRADE GEOTEXTILE	S.Y.	745	\$1.50	\$1,117.50	\$2.00	\$1,490.00	\$1.00	\$745.00
13	CDF BACKFILL OF EXCAVATION & INFRASTRUCTURE	C.Y.	138	\$90.00	\$12,420.00	\$100.00	\$13,800.00	\$125.00	\$17,250.00
14	CDF TRENCH DAM	EA.	2	\$1,000.00	\$2,000.00	\$2,000.00	\$4,000.00	\$2,700.00	\$5,400.00
15	54" CLASS IV SANITARY PIPE	L.F.	745	\$550.00	\$409,750.00	\$300.00	\$223,500.00	\$515.00	\$383,675.00
16	54" 22.5" MITERED BEND	EA.	1	\$5,000.00	\$5,000.00	\$6,500.00	\$6,500.00	\$7,700.00	\$7,700.00
17	54" "T"-TOP MANHOLE	EA.	1	\$5,000.00	\$5,000.00	\$7,500.00	\$7,500.00	\$5,500.00	\$5,500.00
18	96" CAST-IN-PLACE MANHOLE	EA.	1	\$17,000.00	\$17,000.00	\$30,000.00	\$30,000.00	\$17,000.00	\$17,000.00
19	RECONSTRUCT MANHOLE CHANNEL	EA.	1	\$2,500.00	\$2,500.00	\$2,000.00	\$2,000.00	\$850.00	\$850.00
20	4" SANITARY SEWER LATERAL	L.F.	118	\$30.00	\$3,540.00	\$200.00	\$23,600.00	\$220.00	\$25,960.00
21	8" 3034 PVC SANITARY SEWER PIPE	L.F.	10	\$200.00	\$2,000.00	\$300.00	\$3,000.00	\$180.00	\$1,800.00
22	SUPPLEMENTAL FLEXIBLE JOINT SEAL	EA.	74	\$100.00	\$7,400.00	\$200.00	\$14,800.00	\$0.01	\$0.74
23	ENVIRONMENTAL SHUTDOWN	DAY	2	\$7,400.00	\$14,800.00	\$500.00	\$1,000.00	\$400.00	\$800.00
24	CONTAMINATED MEDIA HANDLING	TON	25	\$50.00	\$1,250.00	\$59.00	\$1,475.00	\$60.00	\$1,500.00
Total Base Bid:					<u>\$646,427.50</u>		<u>\$424,385.00</u>		<u>\$561,900.74</u>

Westside Interceptor Phase 2a

KERR CONST. CLACKMAS CONST. LANDIS & LANDIS


Bid Item No.	Bid Items	Units	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	MOBILIZATION	L.S.	1	\$84,710.00	\$84,710.00	\$34,375.00	\$34,375.00	\$110,000.00	\$110,000.00
2	REMOVAL OF STRUCTURES & OBST.	L.S.	1	\$15,325.00	\$15,325.00	\$6,000.00	\$6,000.00	\$2,500.00	\$2,500.00
3	EROSION CONTROL	L.S.	1	\$9,690.00	\$9,690.00	\$4,000.00	\$4,000.00	\$7,000.00	\$7,000.00
4	TEMPORARY PROTECTION & DIRECTION OF TRAFFIC	L.S.	1	\$8,260.00	\$8,260.00	\$4,000.00	\$4,000.00	\$6,000.00	\$6,000.00
5	FENCE RECONSTRUCT/ACCESS GATE	L.S.	1	\$4,000.00	\$4,000.00	\$3,500.00	\$3,500.00	\$7,500.00	\$7,500.00
6	TYPE II RESTORATION	L.S.	1	\$6,870.00	\$6,870.00	\$5,000.00	\$5,000.00	\$13,750.00	\$13,750.00
7	HARRISON STREET RESTORATION	L.S.	1	\$14,025.00	\$14,025.00	\$12,000.00	\$12,000.00	\$15,500.00	\$15,500.00
8	CLASS "C" A.C. TRENCH PATCH	S.Y.	18	\$70.00	\$1,260.00	\$150.00	\$2,700.00	\$180.00	\$3,240.00
9	PUMP STATION DEMOLITION	L.S.	1	\$26,215.00	\$26,215.00	\$18,500.00	\$18,500.00	\$90,000.00	\$90,000.00
10	LONG TERM GENERATOR STORAGE	L.S.	1	\$5,395.00	\$5,395.00	\$2,000.00	\$2,000.00	\$6,500.00	\$6,500.00
11	TRENCH OVER EXCAVATION	C.Y.	330	\$57.00	\$18,810.00	\$60.00	\$19,800.00	\$32.00	\$10,560.00
12	SUBGRADE GEOTEXTILE	S.Y.	745	\$10.00	\$7,450.00	\$1.20	\$894.00	\$8.50	\$6,332.50
13	CDF BACKFILL OF EXCAVATION & INFRASTRUCTURE	C.Y.	138	\$131.00	\$18,078.00	\$92.00	\$12,696.00	\$325.00	\$44,850.00
14	CDF TRENCH DAM	EA.	2	\$4,350.00	\$8,700.00	\$1,800.00	\$3,600.00	\$8,000.00	\$16,000.00
15	54" CLASS IV SANITARY PIPE	L.F.	745	\$318.00	\$236,910.00	\$500.00	\$372,500.00	\$375.00	\$279,375.00
16	54" 22.5" MITERED BEND	EA.	1	\$12,245.00	\$12,245.00	\$2,000.00	\$2,000.00	\$4,500.00	\$4,500.00
17	54" "T"-TOP MANHOLE	EA.	1	\$10,965.00	\$10,965.00	\$5,000.00	\$5,000.00	\$8,000.00	\$8,000.00
18	96" CAST-IN-PLACE MANHOLE	EA.	1	\$23,320.00	\$23,320.00	\$2,400.00	\$2,400.00	\$17,000.00	\$17,000.00
19	RECONSTRUCT MANHOLE CHANNEL	EA.	1	\$2,610.00	\$2,610.00	\$1,200.00	\$1,200.00	\$7,000.00	\$7,000.00
20	4" SANITARY SEWER LATERAL	L.F.	118	\$99.00	\$11,682.00	\$180.00	\$21,240.00	\$60.00	\$7,080.00
21	8" 3034 PVC SANITARY SEWER PIPE	L.F.	10	\$104.00	\$1,040.00	\$200.00	\$2,000.00	\$78.00	\$780.00
22	SUPPLEMENTAL FLEXIBLE JOINT SEAL	EA.	74	\$225.00	\$16,650.00	\$300.00	\$22,200.00	\$225.00	\$16,650.00
23	ENVIRONMENTAL SHUTDOWN	DAY	2	\$6,000.00	\$12,000.00	\$4,000.00	\$8,000.00	\$12,000.00	\$24,000.00
24	CONTAMINATED MEDIA HANDLING	TON	25	\$456.00	\$11,400.00	\$200.00	\$5,000.00	\$125.00	\$3,125.00

Total Base Bid: \$567,610.00 \$570,805.00 \$707,242.50

Agenda Item 12



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT - CAPITAL IMPROVEMENTS
MEMORANDUM

TO: Malcolm Bowie, City Engineer **DATE:** May 31, 2005
FROM: Ron Whitlatch, Senior Engineer 
SUBJECT: **UPDATE TO CITY COUNCIL REGARDING PROJECT STATUS**
Grant Street Bridge Replacement – Project No.03701

Currently, City Staff and OBEC Engineering are moving forward with final design of the Grant Street Bridge Replacement Project. Due to its large size, high cost, and necessity to the community, we feel it is important to inform the City Council of the status of the project. At the June 8, 2005 City Council Meeting, we will present renderings of the proposed bridge, overall construction drawings of the entire project, cost analysis, schedule, and the process which we have gone through to get to the final design stage.

There will be a representative from OBEC Engineering at the meeting to answer any technical questions regarding environmental issues and details of the proposed bridge.

Agenda Item 13



City of Lebanon Administration

MEMORANDUM

To: Mayor and City Council

DATE: June 8th, 2005

From: City Administrator

RE: Waiver of Measure 37 Claims

Several cities are requiring that those who apply for city annexation or a rezone waive any future right to make a Measure 37 claim against the City granting annexation or rezone.

Attached to this memo is a memo from City Attorney, Tom McHill, dated March 31, 2005. He proposes that the City Council, by motion, administratively approve staff use of a form similar to the form by Lake Oswego (also attached).

If the motion is approved, staff would prepare a similar for that we would then require for submission along with any annexation or rezone application.

Get for agenda



CITY OF LEBANON

M E M O R A N D U M

TO: John Hitt, Lebanon City Administrator

DATE: March 31, 2005

FROM: Thomas A. McHill, Lebanon City Attorney

SUBJECT: Covenant of Waiver of Rights and Remedies under Measure 37

John, as you know, I recently attended a meeting of the City Managers to participate in a forum on Measure 37 issues. The long and the short of it is that there are many many things about Measure 37 that no one has any answers about.

However, I also did find out that there are some cities that are requesting that persons who wish to annex or apply for zone changes on properties waive rights and remedies under Measure 37. An example of such a process is the City of Lake Oswego.

I am attaching a form of agreement that Lake Oswego uses which sets out, in effect, a settlement of Measure 37 issues upon the request of a landowner to make as a part of the landowner's application for certain proceedings. This covenant is set up to be recorded in the county records so that the waiver would "run with the land". This would be used in the situation whereby someone desires to make a change and then the City would attempt to foreclose further actions as a result of the current landowner's request.

I don't see any reason why such a form couldn't be used within the City of Lebanon. Measure 37 is silent on this issue. Unless the Legislature does otherwise, and particularly in view of the recent opinion of the Attorney General that waivers do not go with the land, this may be an attempt to agree otherwise.

If you want to discuss this, please feel free to call.

cc: Doug Parker

Name of Document For Recording: Covenant Of Waiver Of Rights And Remedies Grantor: Name of Person Signing Grantee: City of Lake Oswego Consideration: None. Tax Statement to be mailed to: No change. Recordation Authority: LOC 12.52.010 <u>After Recording, Return To:</u> City of Lake Oswego, Attn: City Recorder, P.O. Box 369, Lake Oswego, OR 97034	(For County Recording Use Only)
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Covenant Of Waiver Of Rights And Remedies

Whereas, ~~base name of petitioner(s)~~ (hereinafter referred to as "Petitioner", including collectively all petitioners) has petitioned to the City of Lake Oswego ("City") to commence certain proceedings, e.g., annexation, zone change, for the following described real property,

~~Address of real property to which the proceedings relate~~

Whereas, pursuant to the enactment of Ballot Measure 37 (effective December 2, 2004), a property owner may elect to seek just compensation or waiver of land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property;

Whereas, there is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances;

Whereas, City does not wish to approve the Petitioner's requested proceedings if the result would or could arguably give rise to a later claim by the owner or the owner's successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings or would or could arguably give right to a right to require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings; and

Whereas, Petitioner seeks to induce the City to proceed with the proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings;

Now, therefore, the undersigned Petitioner warrants that the petitioner executing this Covenant holds the full and complete present ownership or any interest therein in the property, and hereby agrees and covenants as follows:

Comment: This form should be completed by STAFF, not the applicant. You will need to verify that the "applicant" is the owner of the property, so that when the Covenant is recorded, it is binding against the property. (Covenants signed by non-owners is outside the chain of title and is not binding against the property.)

Formatted

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation and Rezone, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Sensitive Lands Overlay District and/or design districts (all inclusively referred to herein as "proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Lake Oswego, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
2. This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument or a memorandum hereof may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Lake Oswego.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Lake Oswego at any time in the discretion of the City of Lake Oswego and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this _____ day of _____, 200__.

(signature)	(signature)
Petitioner Name:	Petitioner Name:
Date Signed:	Date Signed:

Petitioner (corporation, etc.) Name: _____
 By: _____
 Name of Signor: _____
 Office/Title of Signor: _____

State of Oregon)
 County of Clackamas)

Comment: Page 2
 Copy notary form for each group of signators; modify State/County or leave blank as needed.

On this _____ day of _____, _____, before me the undersigned Notary Public, personally appeared

_____ (name of Petitioners signing; not Notary name)

- personally known to me
 - proved to me on the basis of satisfactory evidence
- To be the person who executed the within instrument
- as _____ or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
<p style="text-align: center;">Notary Signature</p> <hr/> <p style="text-align: center;">Notary name (legible):</p> <hr/>	

This document is accepted pursuant to authority and approved for recording.

City of Lake Oswego, Oregon

 Douglas J. Schmitz, City Manager

State of Oregon)
County of Clackamas)

On this _____ day of _____, _____, before me the undersigned Notary Public,
personally appeared Douglas J. Schmitz,

- personally known to me
- proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as City Manager or on behalf of the entity therein
named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal Do not write outside of the box	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____	
Notary name (legible): _____	

Agenda Item 14



City of Lebanon Administration

MEMORANDUM

To: Mayor and City Council

DATE: June 8th, 2005

From: City Administrator

RE: Declaring as Surplus, Certain Flour Mill Equipment

Some years ago the City received old milling equipment from the City of Eugene. The original intention was to place this equipment in a restored Elkins Flour Mill.

At this point in time, there seems no one, or no local group, interested in the work of transporting and mounting this equipment in the Elkins Mill, or anywhere else.

We were contacted by state park officials and those interested in the Thompson Mill, near Shedd. (see attached emails) They viewed the milling equipment in our possession and would like to acquire it at no cost.

The question before the City Council is two fold:

1. Do you consent to declaring this equipment as surplus?
2. Are you willing to let the Thompson Mill group take possession of it or would you prefer some kind of public bidding process?

The City has and continues to pay a monthly fee of approximately \$75 to store the equipment.

John Hitt

From: Doug Parker
Sent: Thursday, April 28, 2005 5:20 PM
To: 'CRISPIN Doug'; Receipt notification requested; Receipt notification requested; Receipt notification requested
Cc: Receipt notification requested; RUURS Kees
Subject: RE: Mill Machinery

READ FILE

Doug:

The City has a wealth of information pertaining to the Elkin's Mill building. The structure and site are actually now owned by Linn Benton Community College who also now controls access.

The city is in receipt of and storing flour mill equipment and parts received from EWEB/Eugene. These materials have been in storage since receipt and **are available for the asking!** The previous plans the City had to display the mill equipment in the Elkin's building have been permanently modified and eliminated due to LBCC control of the building/site and loss of advocate and institutional interest in those prior plans.

Let me know if you are interested in obtaining the old mill equipment and parts—this is an entire "lot" offer—you can take it all!

We'd be happy to share the information resources we have pertaining to the Elkin's Mill. Please contact LBCC for actual access to the building.

Doug Parker
 Community Development Manager
 853 Main Street
 Lebanon, OR 97355
 541. 258. 4252
 dparker@ci.lebanon.or.us

-----Original Message-----

From: CRISPIN Doug [mailto:Doug.Crispin@state.or.us]
Sent: Wednesday, April 27, 2005 7:41 AM
To: Receipt notification requested; Receipt notification requested; Receipt notification requested
Cc: Receipt notification requested; Receipt notification requested; RUURS Kees
Subject: RE: Mill Machinery

Gentlemen,

Do you have any information on Elkins Grist Mill? I am interested in seeing and learning about your old mill. I am also interested in seeing what old mill machinery you may have received from EWEB.

Even though Thompson's Mills is not officially open to the public, I would be happy to offer a ranger-guided tour of our old mill. Since we are Linn County "neighbors", I would like to reach out to our fellow old mill owners and get acquainted.

Doug Crispin
 Park Ranger

4/28/2005

Thompson's Mills State Heritage Site - Shedd
 Oregon Parks and Recreation Department
 (541) 491-3611 mill office
 (541) 954-3513 cell

>>> patd@proaxis.com 04/27/05 07:16AM >>>

Dear Doug:

I don't have anything to do with the Elkins Flour Mill anymore but I would imagine that you could contact the City Administrator, John Hitt, about both your questions. He should be able to answer your questions. If not, you could contact Doug Parker or Terry Lewis at the Lebanon Planning Department.

I am so pleased that something is happening with the Thompson's Mills, one of the wonderful resources in Linn County. Good luck with your project.

Sincerely, Pat Dunn

-----Original Message-----

From: CRISPIN Doug [mailto:Doug.Crispin@state.or.us]
 Sent: Tuesday, April 26, 2005 9:35 AM
 To: IPM Return requested (Receipt notification requested)
 Cc: IPM Return requested (Receipt notification requested); RUURS Kees (IPM Return requested) (Receipt notification requested)
 Subject: Mill Machinery

Dear Pat Dunn,

My name is Doug Crispin. I am the park ranger at Thompson's Mills near Shedd.

Last year the Oregon Parks and Recreation Department purchased Thompson's Mills, Oregon's oldest water-powered mill. In the past year we have been working hard to learn the mill's history, do clean-up, fix the most glaring safety problems, while trying to understand how the mill works. We are a year

or two away from opening to the general public. The non-profit group Boston Mill Society has been helping with these efforts. I got your name from Martin

Thompson, the president of the Boston Mill Society.

The reason I am writing is to learn about the Elkins Grist Mill. I understand that LBCC acquired the mill. Do you know who I may contact to try to arrange a tour?

Also, I understand that the Eugene Water and Electric Board may have donated some mill machinery towards the restoration of the Elkins Mill. At some time in the future the Oregon Parks and Recreation Department will attempt to get a

portion of Thompson's Mills operational for grain milling demonstrations. I am

always interested in learning what old mill equipment may still be around, how

it works, and trying to apply learning to our Thompson's Mills project. Do you

know who I may contact to see if I could view this old machinery?

4/28/2005

Any help or suggestions you may have regarding viewing Elkins Grist Mill and old mil machinery would be much appreciated.

Thank You,

Doug Crispin
Oregon Parks and Rec. Dept
Thompson's Mills State Heritage Site
(541) 491-3611 mill office
954-3513 cell

Agenda Item 15



City of Lebanon Administration

MEMORANDUM

To: Mayor and City Council

DATE: June 8th, 2005

From: City Administrator

RE: City Administrator's Report

I will provide the City Council a brief oral update on the following matters:

1. Parking Lot Construction
2. Lowe's
3. Sewer Laterals
4. Strawberry Weekend
5. Miscellaneous Matters