

Lebanon City Council Agenda



July 27th, 2005
Santiam Travel Station
7:30 p.m.

LEBANON CITY COUNCIL MEETING
Wednesday, July 27, 2005
7:30 p.m.

Santiam Travel Station
750 3rd Street

AGENDA

CALL TO ORDER/FLAG SALUTE

ROLL CALL

CONSENT CALENDAR

CITY COUNCIL AGENDA: July 27, 2005

MINUTES: Library Advisory Board Minutes – May 11 and June 8, 2005
Senior Center Advisory Board Minutes – May 18 and June 15, 2005

APPOINTMENTS: Appoint Ken Toombs, Ginger Allen, Casey Cole and Ray Weldon to
Tourism Intake Form Committee

LEGISLATIVE:

1) Approval of Council Minutes – June 22nd, 2005

Presented by: Mayor Ken Toombs

Approval/Denial by MOTION

PRESENTATION

2) Proposed New Post Office

Presented by: Linda McNulty, U.S. Postal Service

3) Update from Kids and Community

Presented by: Judy Phillips

PUBLIC HEARING

4) Senior Center Community Development Block Grant: Completion of Senior Center remodeling project

Presented by: Susan Tipton, Senior Center Manager

Approval/Denial by MOTION

- 5) **OLCC Application – New Outlet: Peppers, 2752 S. Santiam Hwy., Lebanon, OR 97355.
Owner – Pepper Three Inc**

Presented by: Mike Healy, Police Chief

Approval/Denial by MOTION

- 6) **OLCC Change of Ownership, Pizza Factory, 1188 Main Street, Lebanon, OR 97355.
Owner – From: Fox Run, LLC To: Sege, LLC**

Presented by: Mike Healy, Police Chief

Approval/Denial by MOTION

- 7) **OLCC Application - New Outlet, Yaho Deli & Mart, 501 Park St., Lebanon, OR 97355.
Owner – Yoon and Myong Park**

Presented by: Mike Healy, Police Chief

Approval/Denial by MOTION

LEGISLATIVE

- 8) **Branding Logo**

Presented by: Bill Baker, President of Total Destination Management

Approval/Denial by MOTION

- 9) **Award Bid for Hansard Ave Water & Sewer Improvement Project**

Presented by: Malcolm Bowie, City Engineer

Approval/Denial by MOTION

- 10) **Procedures to Sell City Owned Real Property**

Presented by: John Hitt, City Administrator
Tom McHill, City Attorney

Approval/Denial by ORDINANCE

- 11) **City Council Goal Framework and Timeline**

Presented by: John Hitt, City Administrator

Approval/Denial by MOTION

12) 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.*

EXECUTIVE SESSION

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

ITEMS FROM COUNCIL

ADJOURNMENT

Consent Calendar

CITY COUNCIL AGENDA: July 27, 2005

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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 1st 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

May 11, 2005

The Library Advisory Board meeting was called to order at 5:35 p.m. by Vice Chair Carolyn Misa. Attending were Harlan Mastenbrook, Council Representative Ron Miller, Sue Spiker, Tom Stewart and Library Director Denice Lee.

Minutes of the April 13th meeting were approved.

Director's Report:

Circulation:

April 2005	8576	2005 Year to Date	79,716
April 2004	7606	2004 Year to Date	81,287

High School Book Club:

The staff will be exploring possibilities through the summer months in order to determine if there is sufficient interest in starting a High School Book Club. The Friends of the Library have approved funding such a group, if there is interest.

Display Case:

The display case purchased from Landstrom's has been moved to the Senior Center at Academy Square. It has been noted in the minutes of the Senior Center Board and the Library Board that the case is being housed at the Senior Center until a new library facility is built. Instructions for disassembling and reassembling are in the display case.

Linn Library League:

The library director passed out a summary of a survey done by Northwest Survey & Data Services of Eugene for the Linn Library League. The purpose of the survey was to determine if there is enough voter support to pursue a library district ballot measure. The survey revealed that there is about a 60/40 split in favor of a library district at this time.

The Linn Library League has prepared a PowerPoint presentation explaining the district plan and is interested in presenting it to the Library Advisory Board. The director was encouraged to schedule them for one of our upcoming meetings.

Part of the funding provided to the Linn Library League by the Library Science Technology Act through the Oregon State Library is for free library cards. The League is working on a plan for distributing those cards. The Advisory Board was open to the idea of reducing the cost of a non-resident card for a fixed amount of time to maximize the amount of funding available for the free cards. There will be more on this from the League as they progress in their plans for this project.

Grants Update:

Currently the Library/Senior Center Trust has three outstanding grant applications. The Trust has done an on-site visit with the Oregon Community Foundation (\$50,000) and has another on-site visit scheduled with Meyer Memorial Trust (\$50,000) for May 19. There has been no word from the Spirit Mountain Community Fund (\$30,000). Response to our library building project has been positive from other granting bodies, but to date they are interested in the capital project, not the architectural project.

Budget:

Thanks to intervention by Councilman Miller and Councilman Simpson, and a vote by the Budget Committee, the library's book budget was increased from \$22,000 in the proposed budget to \$29,000 in the approved budget. This change will allow the library to do make a better effort keeping our collection relevant to patron needs.

CybraryN:

The CybraryN software that automatically times patron Internet and word processing sessions and allows patrons to schedule their own appointments is working very well for the patrons and staff alike. The system went live at the library Tuesday, April 12th and with assistance from Richard Nelson of the IS department, the problems have been on a steady decline. This software will allow a great deal of staff time to be directed in more productive areas.

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, Kendra Antila has been designated AIC (acting in capacity) for Anne's position.

The library has been notified by Teamster's that we can no long use part-time staff to fill sick/vacation days if that brings the staff person's total hours to more than 79.99 in a calendar month. This has been the case all along, and the auditors checking the time sheets felt what we were doing with scheduling was acceptable, but Teamster's administration has taken a different view. To deal with this situation, the director is hoping to fill another "on call" position to fill in for vacation and sick hours when part-time staff reaches the 79.99 hour cap.

Tom Stewart:

Our volunteer Internet tutor has recommended that his services be made available for other computer related tutorials for the public. As patrons make clear what their training needs are, staff will communicate this to Tom when they schedule the tutorials. Because of Tom's expertise and willingness to expand his focus, the library will be able to offer a wider range of training situations to our patrons.

Scott Simpson:

Scott Simpson has offered to make a bicycle available to the library as a prize for the upcoming Summer Reading Program. It is hoped that the bicycle can be displayed at the library in the children's area as an incentive to participate in the Summer Reading Program. This will be the grand prize through a drawing for 1st through 5th grade students.

Friends Report:

The Friends reported a \$138 total from their last book sale. They are anticipating that their monthly meetings will be held at the Senior Center beginning in July.

Adjournment:

The meeting was adjourned at 6:31 p.m.

Next meeting June 8, 2005

5:30 p.m.

Santiam Travel Station



City of Lebanon

LEBANON PUBLIC LIBRARY Advisory Board Meeting Minutes June 8, 2005

The Library Advisory Board meeting was called to order at 5:23 p.m. by Chair Carol Hiebert. Attending were Sharon Follingstad, Carol Hiebert, Harlan Mastenbrook, Carolyn Misa, Sue Spiker, Tom Stewart, Council Representative Ron Miller, and Library Director Denice Lee.

Minutes of the May 11th meeting were approved.

Director's Report:

Circulation:

May 2005	8639	2005 Year to Date	88,355
May 2004	7102	2004 Year to Date	88,389

Linn Library League:

The Linn Library League has received agreement from the participating libraries to fund non-resident cards for a uniform price of \$30 per household. This will allow the League to maximize the number of cards to be offered through the free card program.

The League will be giving a presentation to the Lebanon City Council on Wednesday, June 22. The director encouraged all board members to attend that meeting.

Summer Reading Program:

The Summer Reading Program theme for this year is "Dragons, Dreams, and Daring Deeds". The program for the pre-school through kindergarten ages will continue on Thursdays at 11 a.m. The program for kindergarten through 4th grades will start on June 21 and be on Tuesdays from 1-2 p.m. through the month of July. There will be an extra program co-sponsored by the Linn Library League, and the Lebanon Public Library on Monday, August 1. There will be a professional puppet performer for this session. The Friends of the Library will be asked to fund the Library's portion.

Grants Update:

There has been no word from the Spirit Mountain Community Fund (\$30,000) but the response to our library building project has been positive from other granting bodies for the capital project. To date they are not interested in the architectural project. It was suggested that perhaps the cost of architectural fees could be reduced by finding a design that has already been used at another library and modifying it for our use. The Library/Senior Center Trust will look at other approaches to architectural funding.

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Anne's Retirement:

Anne Sigmund, the library assistant II for the library will be retiring. The library will host an open house to honor Anne's years of service on Friday, June 10 from 3-5 p.m. at the library. Board members have all received personal invitations.

Staff Positions:

Interviews will be held tomorrow, June 9th the library assistant II position opened by Anne's retirement. We will advertise the library assistant I position if Kendra is hired for Anne's position thus leaving the storytime position open. In addition, we anticipate hiring another "On-Call" position to alleviate the staff shortage caused by the ruling from the Teamsters' Union regarding our part-time staff and the 79.99 hour maximum they can work before being added to insurance coverage.

Advisory Board Position/s:

Tom Stewart and Harlan Mastenbrook will complete their terms on the advisory board at the end of June 2005. Harlan indicated that the Friends have reassigned him as the Friends representative to the advisory board.

Friends Report:

The Friends reported \$88 in sales from their last book sale with an additional \$26.50 in daily sales which are split with the Senior Center. Harlan also reported that he and a group will be meeting with Sharon Follingstad of the Lebanon Express for an article about the Friends of the Library and their move to the new Senior Center at 65 "B" Academy Square.

Adjournment:

The meeting was adjourned at 6:18 p.m.

Next meeting July 13, 2005

5:30 p.m.

750 3rd Street

Santiam Travel Station

North End of Building



City of Lebanon

Senior Center

65 B Academy
Lebanon OR 97355
(541) 258-4919 fax (541) 258-4956
www.ci.lebanon.or.us

ADVISORY BOARD MEETING

May 18, 2005

MINUTES

Members present: Robert Elliott, Linda Learn, Frances West, Tori Hartman, Susan Tipton

Members absent: Lori McNulty, Bonnie Prince, Remona Simpson, Stan Usinger, Cleora Wymore

WELCOME: Board member Linda Learn welcomed members and opened the meeting. She noted that there were only 3 board members in attendance so again we had no quorum.

MINUTES: Due to lack of a quorum the minutes of February and April's meeting will have to join those of today's to be approved at the June meeting.

CHAIRPERSON'S REPORT: Linda as interim chair mentioned that she will be retiring from her job in September so a replacement will need to be found. A reminder that last month Bonnie reminded the board that her term as chair ends this month and a new chair will need to be elected. Since there was no quorum election of a new chair will need to be dealt with next month.

REPORTS:

- Tori stopped in to give an update on the meal site. She said dining rooms attendance is up, there are the regulars and in addition there is an influx of new people stopping in to eat. Many of the new people are younger and that is encouraging to growth of the meal program.
- Susan said LBCC classes are winding down; this summer the only ongoing class will be Aerobics from 8a to 9 M, W and Friday. Susan said Gwen Marchese from LBCC is planning a series of one-day seminars probably using the craft room. Ideas run to stained glass classes, drawing, painting, possibly a writing seminar and others under discussion. Finding instructors will determine what classes are offered.

CONTINUING BUSINESS:

- Susan said Washington Mutual declined to grant furniture money; no word yet on a decision from Weyerhaeuser.

- Susan said the site work on the East parking lot has begun. Due to the torrential rains not as much as been completed but stakes have been put in place by the surveyors and some other prep work has been done. Pipe work will start Friday.
- Bob asked about the "Future Home..." portion of the banner and Susan said it has been removed and is in her office awaiting placement on the "Future Home of the Lebanon Library"

NEW BUSINESS:

- Susan said the building is being re-keyed- Rob Poirier from the police department is helping. The keys will be stepped down-meaning that SC staff will have one key that opens all doors, kitchen manager will have a key that opens the front and her section of the kitchen, renters and other users will have keys that just open the front door and specific areas based on need. Once the keying is completed the alarm system will be used.

ITEMS FROM THE FLOOR:

- Frances said she will bring in an afghan she crocheted for a raffle in June or July

ADJOURNMENT There being no further business the meeting was adjourned

Next Meeting: Wednesday, June 15th, 2005



City of Lebanon

Senior Center

65 B Academy
Lebanon OR 97355
(541) 258-4919 fax (541) 258-4956
www.ci.lebanon.or.us

ADVISORY BOARD MEETING

June 15, 2005

MINUTES

Members present: Robert Elliott, Bonnie Prince, Remona Simpson, Frances West, Cleora Wymore, Tori Hartman, Susan Tipton

Members absent: Lori McNulty, Linda Learn, Stan Usinger,

WELCOME: Chair Bonnie Prince welcomed members and opened the meeting. She noted that there were 4 board members in attendance so minutes for February, April and May were reviewed.

MINUTES: Remona moved to approve the February, April and May minutes with some typos in the February minutes corrected, Cleora seconded and the motion passed.

CHAIRPERSON'S REPORT:

Bonnie reported that the Meals on Wheels board met here at the center and they were very impressed with the facility.

REPORTS:

- Tori gave an update on the meal site. She said dining rooms attendance is pretty stable with some new faces each week.
- Susan outlined the LBCC classes planned for the summer. These will be 6 or 8 hour classes in which a participant goes home with a finished project so it will be fun for participants.

CONTINUING BUSINESS:

- Susan said Weyerhaeuser granted \$2,000 towards the furniture purchase. This was an amount less than we had hoped for but it will help.
- Bonnie again reminded the board that her term has ended and a new chair is needed. Linda will also be leaving the board when she retires. There were no volunteers for the job of chair. Board members were invited to think of people who would make good board members. Susan will put an article in the LE to solicit new board member applications if no other potential members are put forth but it is imperative that a new chair be nominated.

- Susan mentioned the building now is keyed. The keys are a step-down system of keying so building renters will be given a key that just opens the doors of the rooms they will be renting and not have access to the rest of the building.

NEW BUSINESS:

- Susan said a committee is being formed to work on the open house for the center planned for August 18th, from 3 PM till 7 PM. Bonnie and Tori volunteered to be on that committee.

ITEMS FROM THE FLOOR:

- Susan mentioned that the lease for COG was almost complete. It has been reviewed by Tom McHill, city attorney and by COG's attorney and their suggested changes are again with Tom McHill and is expected to be completed soon. A significant difference in this contract is that the meal site will be responsible for ordering all its own products and supplies. Previously there was a convoluted system of the SC paying for some food items that were used by the meal site and a rotation system for buying other things like paper towels used by the meal site. The new contract cleans that up and makes the separation logical and financially suitable for the senior center.
- Bonnie reported that at long last the card project is nearing the break-even point. The project is just \$5.14 in the hole and hopes to soon be actually profitable.

ADJOURNMENT There being no further business Remona moved for adjournment and Frances seconded the motion. All approved and the meeting was adjourned

Next Meeting: Wednesday, July 20th, 2005

Agenda Item 1

**LEBANON CITY COUNCIL MEETING
MINUTES**

June 22, 2005

Council Present: Mayor Ken Toombs and Councilors Bob Elliott, Ron Miller, 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, City Engineer Malcolm Bowie, Community Development Manager Doug Parker, Library Services Director Denice Lee 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 Rebecca Grizzle being absent.

CONSENT CALENDAR

Mayor Toombs noted that Items 5, 6 and 7 are Public Hearings. Legislative Action begins with Item 8.

CITY COUNCIL AGENDA: June 22, 2005

MINUTES: Lebanon Planning Commission Minutes – April 20, 2005

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

LEGISLATIVE ACTION

1) Approval of Council Minutes – May 18 and June 8, 2005

After reviewing the May 18, 2005 minutes, Councilor Simpson noted the incorrect year (2006) on the footer. *Councilor Simpson moved, Councilor Elliott seconded, TO APPROVE THE MAY 18, 2005 CITY COUNCIL MINUTES AS AMENDED. The motion passed by roll call vote with 4 yeas (Councilors Elliott, Miller, Simpson and Weldon) and 1 nay (Councilor Thackaberry).*

Councilor Simpson addressed the last paragraph on Page 14 of the June 8, 2005 minutes regarding the current OMI contract. Hitt confirmed that the City has a 10 year contract with OMI that is subject to revisions and changes as needed throughout the duration of the contract. *Councilor Simpson moved, Councilor Elliott seconded, TO APPROVE THE JUNE 8, 2005 CITY COUNCIL MINUTES AS WRITTEN. The motion passed by roll call vote with 4 yeas (Councilors Elliott, Miller, Simpson and Weldon) and 1 nay (Councilor Thackaberry).*

PRESENTATION

2) OLCC Presentation

Chief Healy introduced Janice Kindrick the Regional Manager of the Oregon Liquor Control Commission (OLCC). Kindrick stated she was present to answer any questions regarding liquor licenses, the way liquor laws are enforced, and specifically what role Council plays in the application process for new and existing licenses.

Mayor Toombs stated that one of the frustrations Council has had is that they have voted to not recommend approval of a liquor license for a certain establishment on a couple of occasions, for various reasons, and it doesn't seem to make any difference because OLCC approved the license anyway. Kindrick stated that she has heard that same sentiment from other towns across the state and provided history in regards to that sentiment.

In September of 2003, OLCC hired a new Director, Teresa Keizer, who has acknowledged these same concerns and plans to make some changes. In the past, OLCC has done a full investigation of those reasons for denial. If OLCC's findings don't support your refusal you would get a letter of explanation of those findings. By statute there are certain reasons why OLCC can refuse a license (see Attachment 1). If OLCC is unable to find facts to support this statute then they do not have the legal basis to refuse a license. By the time the police get a call and respond, usually the disturbance is already over.

Kindrick stated that proving a denial in an administrative hearing is difficult and that maybe taking the police reports is not the most effective way to maintain compliance in the liquor establishments. Kindrick felt that it is more effective for the Commission and police departments to work together. OLCC has a close relationship with the Lebanon Police Department and feels that both should work more with the establishment owners in creating voluntary control plans. Then, hopefully, down the road those plans would have more "teeth" [merit] and we would be able to hold the owners to their agreement and perhaps put limitations on when they can operate from that which the law allows.

Councilor Miller stated that the police reports have indicated several of the problems listed under Section (5). Kindrick responded that *history of serious and persistent problems* is the most serious charge which results in cancellation of the license for the first time. An administrative hearing would be requested and, based on the police reports, OLCC would have to prove that those problems occurred. All those involved are subpoenaed to attend the hearing and are subject to cross examination by the business owner's attorney and that is where it gets bogged down. It's very difficult in practice to prove wrongdoing and the new OLCC administrator has recognized that and is trying to enhance legislation to make it easier to make a case.

In response to Miller's question of how many hearings have been held under Section (5), Kindrick stated that many times the business owners accept responsibility for the violation and pay the fine; they don't request a hearing. OLCC has not charged any cases in Lebanon over the last year under *history of serious and persistent problems*, so subsequently no hearings were held. The reason OLCC hasn't charged any violations under this section was that we were not able to establish the witnesses from the report to do our own follow-up at our office. Primarily, this was because when the police arrived, the people were gone or uncooperative and so the fact that we have a police report is not enough to make a case; OLCC still has to do their own follow-up investigation.

Miller asked if the City received any reimbursement, from the money generated as the result of the establishment paying those fines, to help recoup the extra costs involved with the police responding to calls

at the establishment. Kindrick stated that the City does receive money from the liquor commission, but in the form of taxation.

Miller asked what good is it to write up a police report, if administratively OLCC decides not to hold a hearing. Kindrick stated that under that particular charge OLCC's subsequent investigation did not resolve a violation, but because of the increase in police reports OLCC committed resources to come to Lebanon and work undercover and that's how the establishment was ticketed. It was those police reports that brought us to Lebanon.

Kindrick spoke of the limitation of her office due to resources. She manages an office that covers four counties (Marion, Yamhill, Polk and Linn) and of those four, she has three enforcement staff. Because of that it is a complaint driven organization where they work in areas that there are problems. OLCC is working successfully with the Police Department by directing new applicants to the Chief to enter into voluntary control plans. Kindrick believes the control plans will be very effective because the end result of the statute *history of serious and persistent problems* states that "*The applicant may overcome the history by showing that the problems are not serious or persistent or that the applicant demonstrates a willingness and ability to control adequately the premises. . .*" OLCC can go back to that plan and ask the owner if they did everything on the control plan. If not, it shows they don't have the willingness to successfully maintain their premises and the OLCC would then have a much stronger case.

In response to Council, Kindrick stated that in the 1.5 years she has worked for OLCC, approximately ten establishments have had their licenses pulled throughout her jurisdiction – none of those were in Lebanon – primarily for felony conviction of the licensee, history of serious and persistent problems, financial requirements and hidden ownership.

Kindrick stated that if OLCC refused Council's recommendation, a letter would be sent to the Mayor. Mayor Toombs stated that he had never seen a letter.

Simpson stated that when the Police have over 60 calls for police assistance at one establishment that is a problem. Simpson stated that he knows, because of his past communication with other Mayors across the state, there is frustration throughout the state and it seems that there should be a way to work with OLCC to work through these frustrations. "If ultimately Council requests a non renewal, OLCC should grant that request because obviously we've been through a lot to get to that point."

In response to Simpson, Kindrick stated that from her four-county area she has received 2 non renewal recommendations this year, one from Lebanon and one from Marion County. Simpson stated that there should be a process to go through to meet the requirements so that if a City Council justifiably requests a non renewal it would have more clout. Kindrick stated strengthening the partnership between the Commission and Police Department and if everyone is using the same statutes then we can keep moving in the same direction.

Kindrick responded to Mayor Toombs earlier statement that she did not receive 60 police reports for one location, so perhaps that figure was a police scan of police responding but perhaps they didn't all result in actual incident reports.

In response to Simpson, Kindrick stated that the Director is proposing for legislation to increase the saturation statute where currently OLCC is not legally able to deny licenses based on saturation, unless they are in an alcohol impact area. Statewide the communities need to be able to point out that they have too many bars within an area and the OLCC needs to be effectively able to refuse those licenses because of saturation. Kindrick stated that Council's support of the proposed legislation would be appreciated. The

other thing OLCC is looking at is a matrix to be able to more easily deny licenses, and putting more teeth in the voluntary control plans, so that if the business owners don't do what the plan calls for they put restrictions on their license.

The Commission's goal is to provide education to the business owners to be able to have access to liquor in the community but have it dispensed in a lawful and safe way for the community.

In regard to Section (1), Hitt asked who makes the determination that you can't deny a license based on sufficient licensed premises. Kindrick stated that it is based on past practice and she thinks it's a legal principle as far as determining what "sufficient licensed premises in the locality" means. That needs to be handled through the administrative rule process, which is on the block and they don't have to go through legislature for that. Hitt urged OLCC to do that because it is one of the biggest complaints that he hears from the citizens as well as other City Managers; there are certain areas within towns that there are way too many liquor establishments and that can have a negative impact to the area affected.

In response to Chief Healy, Kindrick stated that an alcohol impact area is something that the City of Portland got the legislature to pass. The area would need to have a very high population base to it and it would receive automatic product restrictions on every license within the impact areas.

Mayor Toombs thanked Ms. Kindrick for taking the time to discuss this with Council.

3) Library District Project

Director Lee stated that for the last 3.5 years she has been working with a group of people from Scio who started the Linn Library League with the goal of creating a Library District in Linn County. In the fall of 2002, the League received a \$42,000 grant to begin the project; in the fall of 2003, the League received a 3-year grant for \$270,000 to further pursue the formation of a library district for Linn County; and in January of 2004, a bookmobile was purchased with a \$76,000 grant awarded to help fund it. Linn County is one of two remaining counties in the state that do not have some kind of a county-wide library system/district.

May Garland and Linda Ziedrick, of the Linn Library League, presented a PowerPoint update on the Linn Library District, the services the District will provide and the proposed funding.

Garland provided an update on the bookmobile. Last year was the first year of service with almost 4,000 visits, 631 w/book cards, 7,000 items were checked out and 3,800 items are currently in their collection.

Garland listed the advantages of a Library District: open 30% more hours, the materials budget would be twice as large, one to two day delivery from other libraries, more programs (including continuation of summer reading program) and better training for staff. Affects on local libraries would be: current staff would remain in jobs, librarian would continue to choose own materials, cities would retain building ownership, training of local staff would be at a reasonable cost, benefit from economies of scale, funding would be stable, all users would share the cost, and no more hassles over borrowing rights.

The current system costs for Albany, Sweet Home and Scio residents currently pay between \$.60 & .67 per \$1,000 assessed value for their library services, \$.86/per \$1,000 for Brownsville, and Harrisburg is \$.31/\$1,000. The proposed cost would be about \$.60/\$1,000 of assessed valuation. To fund the District we need communities that currently fund libraries and City Councils must agree to reduce their local taxes that they currently spend on their libraries, or no more than \$.60/\$1,000 of assessed valuation. Council would then decide whether city residents will have the opportunity to be a part of this District. In addition, non

city residents would begin to pay a tax to the Library District that would replace all current library fees.

Councilor Miller stated that a District has been discussed for the past 10 years because he felt that services were being duplicated and the residents outside the city limits were not being serviced. Miller asked what the next step is.

Ziedrick stated that they are currently visiting all of the City Councils affected by this District and hope to finish presentations by the end of summer. If they find a city does not want to participate, they may need to redraw the district lines and refigure funding. They thought about putting this on the November 2006 ballot but are rethinking of postponing due to other proposed levies on the 2006 ballot.

Miller noted that it would not be an increase for city residents. Mayor Toombs felt it was a great plan.

May asked Council to let them know if they had any ideas to make this District more attractive to voters.

Note: The Linn County Public Library District Plan distributed earlier will be filed in the City Administration Office.

4) Proposed Project for Homeless Shelter

[Homeless Shelter material distributed earlier in the evening (will be filed in the City Administration Office.)

Patricia Leary presented David Gearhart, Chairman of the Lebanon Emergency Shelter. Gearhart stated that this project is to help the city of Lebanon with the growing homeless population. Gearhart referenced the letters in the back of the packet in support of the project adding that they have filed Articles of Corporation and 501(C)3 status. He asked for a consensus of approval to proceed with their proposed goals and how to best go about this project.

Gearhart stated that the Lebanon Soup Kitchen is a vital part to assisting the homeless; however, there is a demand for housing. They are proposing to open an emergency shelter offering overnight housing during the winter months to those in need. A draft of their proposal is on page 3 with many details still being worked out. The main goal is to provide a safe, warm dry place to sleep and take care of personal hygiene. The hours of operations will be evening hours only to encourage people to work during the day. They currently have two people lined up for paid staff and plan to cover the other staffing needs with volunteers from the community and local churches.

They have looked at several possible facilities but they feel they should be located somewhere in proximity to the soup kitchen to enable people to eat and get settled for the night in a reasonable amount of time.

They have identified several possible grants and are working with a grant writer.

Gearhart listed a few benefits of having an emergency shelter: some police officers have said that the shelter would ease their job by getting people off the streets at night and; the Fire Department and hospitals would have less calls for weather related emergencies.

Mayor Toombs asked for Council Comments.

In response to Councilor Weldon, Gearhart stated that yes they would only be open at night because of budget restriction and they don't want to provide permanent shelter. This encourages them to work during

the day.

Gearhardt believed the doors should be open to anybody who needed services. However, personally he'd like to solve the local problems and felt that it was far enough off of the I-5 corridor that it would not attract a lot of transients.

They have contacted FISH and would work with them.

In response to Councilor Miller, Gearhart stated they have not found a building due to zoning issues to not locate downtown but it defeats the purpose if we get to far out. These people don't have cars and the Shelter would not provide meals.

After a brief discussion on rules regarding weapons being checked at the door, Chief Healy sated that if they check a gun in, it would be his preference for the shelter to call the police.

Councilor Simpson asked what the percentage of the homeless people would be at the shelter that have been released from a mental institution or jail/prisons. Gearhardt, stated he had no idea. Councilor Miller stated that as long as they're behaving themselves, how they got in that circumstance wouldn't matter if they need help. Gearhardt agreed and felt that they would see people from all of those sectors, just as you would see sitting down at the soup kitchen.

Hitt asked if the number of nights would be restricted, Gearhart has suggested that but it has not been decided yet. Hitt stated that if you did not restrict the number of nights, people would view it as a living accommodation and word would get out this is a great free living accommodation.

In response to Councilor Weldon's questions, Gearhart stated that people in the shelter could not go in and out and if the police see someone under the bridge they can bring them to the shelter as long as the person is not intoxicated or needs medical attention. Gearhardt did not see a major expense to the city with this project because they plan on getting most of their funding from donations and grants.

In response to Councilor Miller, Manager Parker stated that he had told the shelter representatives that rooming and boarding houses are not a permissible use in our central business commercial zone which has repeatedly been the candidate's location. The other fundamental issue is that the proposed open hours are from 10 p.m. to 7 a.m. They need for their clients to be somewhere nearby at 10 p.m. when the doors open and need somewhere for their clients to go at 7 a.m. when asked to leave. Also, the shelter is not intending on providing any showers. There are a lot of logistics, as far as what it would take for a facility to comply with building code, to have this type of operations. Parker suggested that the Shelter Board get some informed requirements advice.

Gearhart has proposed earlier hours of operation for families with children. Also, showers are needed since we are asking them to go to work. Hopefully, we can address that issue again.

Mayor Toombs suggested that they work with staff to work through the logistics issues and then bring back to Council for their consensus.

Councilor Miller stated that to not help these people is not good. We have a citizens group who has come forward and personally felt that whatever the City could do to help in that matter he is for.

Councilor Weldon stated he agreed and thinks they should look into it and get all the answers and then come back and see what you need help with.

Councilor Simpson stated that the numbers he's heard are not good and would like to get more numbers of people who are homeless that have been repeat criminals, many of whom are from mental facilities. Simpson stated he would like more information before making his decision.

Councilor Thackaberry stated, "You have my support."

Councilor Elliott stated that he would need more information.

Toombs stated that Council would probably support this issue but they need more input and suggested to coordinate with city staff.

PUBLIC HEARINGS

5) Lunceford Annexation

Mayor Toombs declared the Public Hearing open at 8:45 p.m. to consider Annexation A-05-01, Map 12S-2W-22A, Tax Lot 7000, 2.21 Acres.

Attorney McHill provided members of the audience and Council the general procedure that would be followed with this annexation hearing. This request comes before Council after recommendation by the Lebanon Planning Commission to annex this property as described in the staff report.

McHill stated that all testimony, arguments, and evidence presented must be directed toward the criteria listed by staff, or other criteria specifically identified by the individual presenting the testimony. The relevant criteria identified by staff from Page 6 – 9. Additionally, the Planning Commission adopted 18 findings found in the staff report beginning on Page 10, based upon the annexation ordinance. Because the Ordinance of 2003 is on appeal, Exhibit "A" supplemental findings addressing statewide planning goals should be included in the proposed ordinance.

McHill stated that all testimony, arguments and evidence that are brought before Council must be directed to the criteria or other criteria in the Comp Plan or land use regulation that the witness believes will apply to the decision to be made of this case. Failure to raise an issue with statements and evidence sufficient to allow the Council and the parties to respond to that issue precludes any appeal on that issue.

McHill noted that staff prepared a draft ordinance in the packet which includes Adopted Findings from the Planning Commission and should also contain the Supplemental Findings from the Planning Commission's staff report. McHill noted that if Council should find, based on the evidence, that criteria is not met then you should not approve the ordinance but give direction to staff to come up with findings to support your decision.

Mayor Toombs asked the Council to disclose any conflicts of interest or ex parte contacts. Hearing none, Mayor Toombs asked for the staff report.

Manager Parker stated that the Planning Commission conducted a public hearing on May 18, 2005 and voted unanimously to recommend that Council approve the proposed annexation that constitutes a 2.21-acre annexation territory found at the NW corner of S. Main and Vaughan Roads. The subject property is adjacent to city limits to the north and immediate west and to the east, leaving a classic infill annexation. Since South Main Road was reconstructed a couple years ago the infrastructure was upgraded so full city services are available to serve the parcel.

The comprehensive plan map designation and subsequent zoning upon annexation would be residential mixed density. The staff report was distributed earlier because for some reason it was not included in the Council packet. The staff report does include Exhibit "A" which was an exhausted narrative prepared by the applicant including findings that not only addresses the city's comprehensive plan in annexation ordinance policies, but also addresses the statewide planning goals and guidelines.

The annexation also includes a small part of Vaughan Lane which helps to secure part of the right-of-way within city limits. Parker offered the staff report for the record and asked Council if they had any questions.

Mayor Toombs asked if Council had questions of staff.

Councilor Thackaberry asked if this annexation created an island of unannexed land to the north. Parker stated that it would and that the Planning Department has an annexation application now on this piece [shown on slide] so would result in two or three properties that have interest in annexing. This area is under served with an undeveloped lot due to inadequate services so this would help comply with the state's request to infill.

Applicant Testimony – Mayor Toombs invited the applicant to provide testimony.

Bob Speaker, 2960 NW Marshall Drive, Corvallis, OR land use planner representing Mr. Lunsford who owns the property. The criteria and issues have been thoroughly addressed in the staff report and at the Planning Commission hearing. The vacant land is surrounded by the city on three sides, with the property to the north having shown interest in being annexed. According to the City's criteria, this is considered an orderly and efficient annexation because it is contiguous with the city and all services are available as reviewed by the city engineering staff. No environmental issues have been identified with this property.

Councilor Thackaberry stated that he had concerns about creating an island of unannexed land. We have a few in our town and they tend to be problematic. How confident are you that the property to the north is also going to annex. Mr. Speaker stated that Mr. Parker is the one who has had conversations with them. Parker stated that he was not confident at all, he doesn't own the property. Speaker said he had no personal first hand knowledge of that piece of property.

Mayor Toombs stated that it is already an island we are just reducing the size of it. Parker referred to the map of the city limit lines, the property to the south is not within city limits and its right there; it had not been closed off. There are numerous islands of unannexed territory but not aware of it being a specific issue. If it is a concern of the Council, by annexing this it surrounds it with city limits and if the Council was to change its long standing policy of not forcing annexations, by approving this they would have the option to exercise an automatic annexation of the property should they elect to take it up.

Hearing no further testimony in favor or opposition of this annexation request, Mayor Toombs declared the public hearing closed at 9:00 p.m.

Before considering the draft ordinance or findings, Mayor Toombs asked the Council to indicate their thinking on the merits of this application in relation to the relevant criteria. Mayor Toombs asked the City Council to communicate their thinking about the proposed application, why, and what evidence from the record they relied upon.

Councilor Thackaberry stated, "It meets a lot of the criteria; my concern is creating an island of unannexed land. Therefore, I cannot support it."

Councilor Weldon stated that since he's new to Council he's not sure what the past practice has been on creating islands. Toombs stated that the past practice has been that we only annexed what has been applied for and go through the process.

Councilor Elliott stated, "I feel that it meets the criteria and he would be in favor of it based on the written and oral information."

Councilor Simpson stated, "I'd like us to really look at our old policy again and it doesn't have to be this evening, but I think this really brings one thing to the forefront – islands – and I think that's something we should be looking at and I would like to see the Planning Commission take that on and come back with some sort of recommendation to the Council. But on this particular issue it would appear that it meets the criteria but yet I'd really like to see all of these come together. Of course, you can't do that because you got different property owners. So I would support this at this point and time but would like to make note that Planning Commission work on something regarding islands."

Councilor Miller stated, "I'm not opposed to the annexation and have a question for Doug. This would give us right-of-way along Vaughan Land, right?" Parker confirmed. Miller proceeded that would mean the sidewalk could go around the corner upon development. I think that is really important and was shocked it wasn't already in the city. It would be nice to see that upon development. The sidewalk addition alone to the neighborhood would be good.

McHill clarified for the record that the supplemental findings addressed in Section 1 of the Ordinance according to Exhibit "A" supplemental findings addressing statewide planning goals is actually an exhibit to the applicant's narrative which is also labeled as Exhibit "A". Parker noted that the original ordinance given to Mayor Toombs was struck to Exhibit "B". Exhibit "A" is the legal description and "B" is the findings.

Mayor Toombs asked Attorney McHill to read the title of the proposed ORDINANCE.

A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170 (File A-05-01, LUNCEFORD AND LACOSTE PROPERTY)

Councilor Elliott moved, Councilor Miller seconded, TO ADOPT THE ORDINANCE AND FINDINGS AS SUBMITTED. The motion passed by roll call with 4 yeas (Councilors Elliott, Miller, Simpson and Weldon) and 1 nay (Councilor Thackaberry). Mayor Toombs declared the ordinance adopted and the findings of fact approved for Annexation A-05-01.

6) Appeal of AP-05-02 – Grothmann Four-plex

Mayor Toombs stated that this Public Hearing concerns the appeal of Administrative Review AR-05-02 as amended and approved by the City of Lebanon Planning Commission on May 18, 2005. AR-05-02 consists of a request to construct a 2,964 square foot four-plex on Tax Lot 601, West Maple Place. This appeal addresses only the conditions of approval of AR-05-02 imposed by the Planning Commission which limited development on the lot to a duplex as well as imposing other miscellaneous restrictions.

Mayor Toombs declared the Public Hearing open at 9:07 p.m.

McHill stated that this hearing is an appeal from the final approval of the Planning Commission on May 24, 2005. McHill advised Council to follow the same process as the previous hearing. Except there is not an ordinance in this case to approve, you affirm the Planning Commission by adopting their decision as your decision, amend the planning commission's decision, or overrule their decision.

Mayor Toombs asked the Council to disclose any conflicts of interest or ex parte contacts.

Councilor Simpson stated that he received a telephone call from a resident who was very concerned that this did not meet what was currently there and so is anxious to ask some questions.

Councilor Weldon stated that he did not remember the person's name but he was a neighbor and he told me that the Planning Commission said no and he wanted me to know that.

Elliott stated he is an acquaintance with Dale Grothmann and Dale called concerning golf and advised him what had happened at the Planning Commission. There was nothing discussed that is not in the written information here.

Parker stated that this was a request to build a four-plex on a recently partitioned 11,483 sq. ft. lot that had been part of a larger parent parcel which is actually the rear part. The lot itself does not have direct access to any street, but when the lot was created the property owner did make sure that he would have access by easement. There is a waterline in that easement and a hydrant that would need to be relocated if the easement was to be used for access. This was an Administrative Review application and staff sent out notice and received two very strong comments from surrounding property owners that are included in the packet and summarized in the staff report. Because of the strong sentiment, the development review team referred it to Planning Commission for those in opposition to be able to be heard in a forum. On May 18, 2005 the Planning Commission voted in favor to approve construction of nothing larger than a duplex which has to have a site obscuring fence shielded with lighting, and the hydrant needed to be located out of the access easement and relocated to the property to the north because that would not result in the loss of a parking space. An appeal was received of the Planning Commissions decision.

Parker stated that the proposal included 11 parking spaces some of which are stacked parking, the required setbacks and all of the open space that would be required in multi-family residential development, adequate turn around for the Fire District, and the minimum amount of required parking on the site. Parker stated that this proposal meets the land development standards as far as site development standards go. Whether or not it meets the land use question is another issue. This is a proposed two-story development and what is noteworthy about the neighborhood is that other than some two-story duplexes in this vicinity, and duplexes are permitted on corner lots, there are no other multifamily residential dwellings anywhere around here. They are all single-family dwellings, other than the corner duplexes permitted in the low density residential zone. This property itself is within the residential mixed density zone but is surrounded by low density residential. Therefore is not similar to the surrounding development.

The minimum site area of 8,850 square feet has been met. The minimum of 1,200 feet of open space has been met; there is 1,542 sq. feet of open space. The site development characteristics requirements were satisfied. The staff didn't identify any direct adverse impact to adjacent property or the neighborhood but the two letters that came in sited a number of neighborhood concerns, including the multi-family dwelling impact on neighboring dwelling like noise concerns, building out of scale with the established neighborhood, minimum onsite and limited available on-street parking. Parker stated that the floor plan is nice and efficient and helps densify, which is one of the things that the state planning agency tells us to do. Of course there are other attributes to the Statewide Planning Goals including quality of life, open space, etc. that go into the mix.

The applicant did everything from a technical perspective that was required of them to meet all of our requirements. The issue before tonight is whether or not this is an appropriate development at this location. The Fire Marshall's comments are included as a courtesy. Also, included are the Planning Commissions' conclusions and findings. Parker offered the staff report for the record.

Mayor Toombs asked Council if they had any questions of staff.

In response to Councilor Simpson, Parker described that stacked parking means that one parking space is in front of another such that the second car would need to move for the first car to get out as in a garage area. This site included two single car garages and two parking spaces in front of that. Every house in the neighborhood has stacked parking.

In response to Councilor Weldon's question on why corner multi-family dwelling units were allowed, Parker stated that Council adopted that when they adopted the zoning ordinance. One of the reasons is that corner lots are more expensive to development having street improvements on two sides, so there is a higher return on investment. Weldon noted that they would also have more parking on two sides.

Miller noted that it was not a requirement for a corner lot. Parker stated that all residential developments are required to have the minimum required off-street parking associated with it which is two parking spaces for a single-family dwelling. Multi-family would be a little more onerous because there are often more visitors and that needs to be accommodated for as well.

Simpson asked if the procedure that the Planning Commission used was flawed in any way. Parker stated that if that was the case, staff would have corrected it as part of the hearing process.

In response to Councilor Elliott, Parker stated that the ordinance empowers the planning official to be able to refer such decisions of the administrative review to the Planning Commission. Elliott asked if Doug had not received the letters of objection how they would have ruled. Parker stated that he believed the Development Review Team would have approved it as submitted. We did not have any reason not to, but we don't live next door to it.

Miller stated that Council has heard "not in my back yard" before on other developments. However, he thinks it fits and it is legal and meets all of the criteria and sees no reason not to allow the developer, the owner of the property, to build what he wants to build. The questions is does it meet all the criteria, Parker stated that it meets all of the site development requirements.

Weldon asked why they didn't ask for a four-plex to start with. Parker stated that was their original request and the Planning Commission approved the modification of that request.

Applicant Testimony – Mayor Toombs invited the applicant to provide testimony.

Dale Grothmann, 279 E. Grant Street, Lebanon, stated that the opposition was presenting this proposal like it is a super Wal-Mart or a Lowes. This is on a big lot and he is only requesting to build a four-plex. It is not a huge anomalous building. His representative will later identify that this meets the criteria for this unit and is an allowable use within the zoning. The fire hydrant issues are non relevant, we will have to meet what the Fire Marshall steps out or we won't get into that building. As far as the fence and the lighting, we accepted that it was not really a problem.

Downstairs are two 2-bedroom units, and upstairs are two 3-bedroom units. If you get two 2-bedroom units downstairs you are not going to have a big family with only a couple vehicles. As far as the land value,

some of these houses were built a long time ago; this will be a brand new complex. This is within the right of the property owners; it's an allowable use and there are not many areas in the city that it is allowed. "I'm not here to ruin a neighborhood and I realize it is hard to accept change." Grothmann noted that he could build a house larger than what the size of the four-plex would be.

In response to Councilor Miller, Grothmann state that the sq. ft. of living space of each unit is approximately 900 per unit, a total of 2,986 sq. ft. for the total complex.

Eric Kirby, 1164 W. Oak Street, Lebanon, (directly across the street from the proposed development site), representing the applicant, stated that they thought this would be an easy development review. We have certain criteria that we need to meet. We have the utilities (water, sewer, storm drain) and it's identified in the Lebanon Zoning Ordinance as a permissible use with an Administrative Review. We feel all of the criteria have been met.

We feel it meets the operating characteristics of the nearby neighborhood. Most of the homes on Maple Place are not big mansions. On the corners we have duplexes. There are five duplexes within 500 feet of it. They have met the criteria for open space, parking requirements and setbacks. The fire hydrant needs to be relocated but there will still be one in the area. There are not very many parcels that allow four-plexes; there are only two zones that permit a four-plex and this is one of them.

Thackaberry asked if the sewer and storm drain comes from Oak Street and would pass over Mr. Wheeler's property. Kirby stated that is correct there is an existing easement for that.

Mayor Toombs asked for public testimony in opposition of this appeal.

Dave Davis, 1540 W. Maple Place, Lebanon, OR he's chief concern is concern is for safety with the extra traffic. He felt the Commission looked at the issues and came up with a reasonable assessment to meet Grothmann's needs and the needs of his fellow neighbors. Davis reviewed a specific issue under Section 2D, *access roadway should not be closer than 20 feet to a structure unless topographical restrictions dictates the location.* Also, Item C states the road has to be 20 feet wide. The corner of my property and the corner of that easement are not 20 feet apart.

Davis clarified for Councilor Thackaberry, that his property is less than 10 feet from that easement.

Patricia Dunn, 1140 Maple Street, Lebanon, OR resides about 60 feet from the subject property, hoped that Council would support the Lebanon Planning Commission's findings. The neighbors are very concerned about the possibilities as stated in the Findings. There are many issues that make the proposed development a negative situation for the neighbors. Besides being an intrusion to our neighborhood, it will lower the property values of existing homes. The traffic will likely triple, or at least double, the children who have developed a sense of security in this cul-de-sac would now have to be trained to worry about traffic and the greater number of new and frequently changing tenants. The noise is also a concern.

William R. Wheeler, when I sold him that 1/4 acre I would never have sold it if he had told me he was going to build a four-plex there. Mayor Toombs stated that is not part of the criteria.

Todd Marshall, 1550 Maple Place, Lebanon, OR stated he bought his home 10 years ago and wanted to raise his family in a nice quiet neighborhood. Mr. Marshall addressed his concern for traffic safety with the number of kids around the neighborhood.

Parker stated he needed to make a technical clarification which he had also done with the Planning Commission, the comments from the Fire District are included in the staff report as a courtesy, and we do not have valuation criteria that are predicated on the Fire District's standards. Please don't predicate it on Fire District's standards because it is outside of your authority.

Don Robertson, Chairman of the Planning Commission, stated he was there to give some insight or answer questions, but was not hear to provide testimony.

Mayor Toombs asked Council if they had any questions.

In response to Councilor Weldon, Robertson stated that if the proposal complies with the zoning ordinance then it's a permitted use. There was no zoning that said it couldn't be two-stories like the rest of the places. Parker added that any of those dwellings, whether a single or duplex, can be more than two-story. There is nothing to constrain that. Hitt stated that the Planning Commission's conditions did not require a one-story building, just a duplex.

Robertson stated that the actual proposal is an outright permitted use on this property; the proposal is not what the Commission struggled with. The amount of opposition required the commission to respond and the Planning Commission was split down the middle and actually had four motions before final approval. The biggest issue was the compatible use issue which is very subjective. He felt there was no perfect decision that would satisfy everybody.

Mayor Toombs invited the applicant to provide his rebuttal.

Mr. Kirby stated that the Fired Department issues would be resolved in the final design. The applicant agreed with the other conditions the Planning Commission requested as far as the fencing, lighting and relocating the fire hydrant. They would like to release the one condition and that is building a duplex. It is in the owner's rights to build a four-plex.

Kirby pointed out the fact that they did call for a continuance of the Planning Commission meeting to allow the opportunity to have a neighborhood meeting and try to work these things out on our own. We mailed out letters and notified them of the meeting at his home and the two people who submitted the opposition letters did not show up for the meeting.

Hearing no further public testimony, Mayor Toombs declared the Public Hearing closed at 10:03 p.m.

Hearing no further questions, Mayor Toombs entertained a motion to affirm, modify or repeal the Planning Commissions decision concerning AR-05-02.

Councilor Thackaberry moved, Councilor Simpson seconded, to affirm the Planning Commission's decision.

Simpson felt that this plan does not really meet the criteria; I think it is going to create crowding in the area. I think we are looking at an area that is going to become very cramped and I think that also we would have youth in the area that would be put at risk simply of the nature of a cul-de-sac.

Elliott stated that he retracted his second to Thackaberry's motion and wasn't sure how the motion had been recorded. Secretary Kaser confirmed that she noted Councilor Simpson as the one who seconded the motion and had not heard Councilor Elliott's second.

Thackaberry made the motion because he thought a four-plex is out of size for the neighborhood.

McHill asked Councilor Thackaberry if he intended to adopt the findings as part of his motion. Councilor Thackaberry and Simpson confirmed that was their intent.

The motion passed by roll call with a vote of 3 yeas (Councilors Thackaberry, Simpson and Weldon) and 2 nays (Councilors Miller and Elliott) to AFFIRM THE PLANNING COMMISSIONS RULING FOR A DUPLEX AND TO ADOPT THE PLANNING COMMISSION'S FINDINGS.

Mayor Toombs called for a five minute recess.

7) OLCC Change of Name/Ownership (from Bojangles to Sherman Street Bar and Grill)

Mayor Toombs declared the Public Hearing open at 10:15 p.m. to consider a Change of Ownership for Bojangles Tavern on-premises sales located at 76 E. Sherman Street, owner Dixon Enterprises, to a new owner, VSI Enterprises, as well as a name change to "Sherman Street Bar and Grill.

Healy stated that a background investigation of all the parties involved had been done and he met with the parties and made them aware of all the recent history of Dixon Enterprises. They were requested to enter into an operation control plan with the police department. The establishment cooperated. Therefore, the Police Department, as well as the other departments listed, recommends approval of the request.

In response to Councilor Simpson, Chief Healy felt that if they follow the control plan that many of the previous owner's problems won't have a chance to develop. The control plan addressed the core issues of problems that the police have responded to in the past. Healy believed the problems are solvable, and stated that the owners have been extremely cooperative.

In response to Simpson, Healy was uncertain as to their plans for bouncers but it is addressed in the control plan that ID checkers are hired as well as some requirements on security officers. Healy noted that bouncers are not always a cure; they are sometimes a problem too.

Weldon addressed the memo that indicated the other departments denied the request. Chief Healy stated that it is an incorrect statement and is not sure why it was there. Healy stated that it was in error and assured the Council that the other departments had signed off on this request.

Hearing no further public testimony, Mayor Toombs declared the Public Hearing closed at 10:20 p.m.

Councilor Elliott moved, Councilor Thackaberry seconded, to approve the change of ownership and name of establishment located at 76 E. Sherman Street to Sherman Street Bar & Grill (owners VSI Enterprises, LLC). The Motion passed by roll call with 4 yeas (Councilors Elliott, Simpson, Thackaberry and Weldon) and 1 nay (Councilor Miller) to instruct staff to submit the appropriate forms to the OLCC.

LEGISLATIVE SESSION

8) OMI Contract

[OMI Fee Proposal for 2005 – 06 was distributed at the start of the meeting detailing wastewater and water treatment facts for 2004/05]

Mr. Brian Helliwell, Manager of OMI, presented a proposed fee change for operation of the water and wastewater treatment plants. The current contract allows OMI an opportunity to seek an adjustment to its compensation each budget year.

Helliwell reported on wastewater treatment plant facts which are outlined in the handout. Councilor Thackaberry questioned the math for the Biosolids. Helliwell explained that the 261 tons is for "dry" tons.

Helliwell continued to report on the history of fees, the total fee proposed for 2005/06, labor and benefits, and a breakdown of consumables.

Helliwell requested a 1.27% increase which equals \$13,317.

In response to Councilor Weldon, Helliwell stated that he works for the city through a contract and this is the seventh year of that ten year contract. Ruef added that the reason for the length of the contract was because of the incentives to keep the costs down for the first few years. There is an out in the contract to give six months notice. Helliwell explained that the biggest reason for annual adjustments is because it is hard to lock into a set fee when the electrical costs, chemicals, and fuel costs are unpredictable, as well as annual rainfall estimates.

Helliwell stated that if the city wanted to reduce costs, long-term, he believed getting rid of the digesters is the ultimate solution. With reduction of digesting the sludge, it would save roughly \$60,000 in electricity annually.

Simpson pointed out that this request was consistent with some of the things Council has done regarding COLA benefits and this is far less than COLA.

Councilor Elliott moved, Councilor Miller seconded, to approve the 1.27% (\$13,317) increase to the OMI contract. The motion passed unanimously by roll call vote.

9) FY 04/05 Intrafund Transfer

Cole reported that the proposed resolution is to make adjustments to the current year's General Fund budget. This is something done at the end of each fiscal year to make sure that each department's expenditures are staying in compliance to what their budget is. In reviewing those departments, there are four that will exceed their budget as outlined in the staff report. This transfer does not increase the General Fund budget overall, it merely transfers budget authority from one place in General Fund to another. This increase will not decrease the projected cash carry forward for next fiscal year as these expenditures were already included in the estimated expenses for this fiscal year.

McHill read the title of the Resolution.

Councilor Thackaberry moved, Councilor Elliott seconded, TO APPROVE A RESOLUTION AUTHORIZING CERTAIN INTRA-FUND TRANSFERS IN THE 2004-05 BUDGET. The motion passed unanimously by roll call.

10) Hansard Ave. Water & Sewer Project #05709 – Request Approval to Advertise for Bids

Bowie requested approval of the contract documents and authorizing staff to advertise for bids for the Hansard Avenue Water and Sewer Improvements Project as indicated on the visual distributed (attached). The project is being funded by a combination of grants and loans.

Councilor Elliott moved, Councilor Thackaberry seconded, to approve the contract documents and authorize staff to advertise for bids for the Hansard Avenue Water and Sewer Improvements Project. The motion passed unanimously.

11) Tourism Funding Request Form

Hitt stated that staff prepared a funding request form for Council's review. The process would be that anyone interested in obtaining tourism funds would need to fill out the form first. If it is a smaller amount, less than \$500, it would be approved by the City Administrator, or whatever amount the Council would like to set.

Weldon stated that he has copies of forms from other jurisdictions and he felt that there were a lot of things this form didn't include so suggested a committee be formed to review the process and form.

Councilor Thackaberry moved, Councilor Simpson seconded, to form a committee to work on this form.

Simpson stated that he thought there were several things worthy of looking at. I agree with Weldon that I'm not an expert in interpreting tourism law, but think it would be worthy to look at the pros and cons of suggesting that we would only give, or make available money to organization that would only be non profit, 501(C)3.

Miller asked if Weldon thought Council had been breaking the law and in what way. Weldon stated that he thought that sometimes we were by giving funds to private organizations.

Hitt explained the law as he understood it. These funds are to be provided to promote tourism. The case could be made that a private organization is promoting tourism, and if the Council agrees that it is for that purpose, it would not be in violation of state law. McHill agreed with Hitt's interpretation.

In response to Weldon, Cole stated he had discussed Tony Hayden's tourism funding request with the city auditor and the auditor was not concerned about giving the money out, but that the city would be setting a precedent, not that it was illegal in any way.

McHill stated that he did not think the state statute would necessarily preempt the local ordinances.

The motion passed unanimously to appoint a committee to review the form.

12) City Administrator's Report

Hitt stated that he planned on giving a two percent salary increase to the Exempt staff, with himself being excluded from that increase. Hitt reminded Council that the exempt staff, i.e., those not represented by a bargaining unit, received no pay increase last July 1 and in fact had a two month pay decrease of 5% in May and June of last year. This still does not catch up with cost of living increases but helps partially to keep up with the cost of living.

City Council Summer Schedule – No City Council meeting on July 13.

Kaser noted the corrected version of the SDC Water Resolution, distributed earlier, that needed to be addressed tonight.

Bowie stated that there was an error on the resolution on the 1-inch water meter. The phase-in spreadsheet shows the current SDC for the 1-inch meter as \$4,370 rather than \$1,370 and the spreadsheet carries the error through the 3-year phase in period for the 1-inch meter.

Councilor Miller moved, Councilor Elliott seconded, to correct the data on A RESOLUTION SETTING THE AMOUNT OF THE WATER SYSTEM DEVELOPMENT CHARGE, ADOPTING AN AUTOMATIC ANNUAL ADJUSTMENT FOR INFLATION. The motion passed unanimously.

CITIZEN COMMENTS - None

EXECUTIVE SESSION

Additional Attendance: Management Assistant Ginger Allen, IS Manager Tom Oliver, City Engineer Malcolm Bowie, and A.K. Dugan of the Lebanon Express.

Per ORS 192.660(1)(h) To consult with legal counsel concerning legal rights and duties of the Council regarding current litigation or litigation likely to be filed.

Per ORS 192.660(1)(e) To conduct deliberations with persons designated by the Council to negotiate real property transactions.

Mayor Toombs reconvened to the regular session.

LEGISLATIVE SESSION

Councilor Thackaberry moved, Councilor Elliott seconded, to authorize staff to negotiate for staff to enter into a short-term lease agreement that would provide city access to the land owned by the Wallace Family for a period of time not less than 6 months and for an amount of \$100 per month. The motion passed unanimously.

COUNCIL COMMENTS

In response to Councilor Miller regarding the OLCC change of ownership heard tonight, Healy felt that change is more possible with this new director than in the past but is not going to happen, unless there is some pressure to move. Miller stated as far as he's concerned, every time the officers are called to an establishment OLCC should have a copy in their file. Healy stated that the costs may outweigh the results and they need to strike a balance with cost.

* * * *

Miller stated that he felt the City of Lebanon would see a Measure 37 issue because of the four-plex. Thackaberry asked why he thought that, Miller stated, "We denied." Thackaberry stated that he did not own the property before. McHill stated he would need to review it but thought it was related to the ownership at the time of regulations.

* * * * *

Weldon asked what is going to be done about the projector screen. Hitt stated that we have a new screen on order that will be mounted behind the Mayor.

ADJOURNMENT

There being no further business, Mayor Toombs adjourned the meeting at 11:25 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

ADMINISTRATIVE DEPARTMENT MEMORANDUM

TO: Mayor Toombs and City Council

DATE: 7/22/05

FROM: John Hitt, City Administrator

SUBJECT: Presentation by Linda McNulty

Linda McNulty from the U.S. Post Service will be at the Council Meeting to discuss plans for a new post office and answer City Council questions.

Agenda Item 3

Presentation:

UPDATE FROM KIDS AND COMMUNITY

Presented by: Judy Phillips

Agenda Item 4



City of Lebanon

Senior Center

Monday, July 18, 2005

To: Council Members

From: Susan Tipton

Subject: Completion of CDBG project C03019

The remodel of the former Lebanon Middle School to meet the requirements of a senior center is complete and as a part of the grant closeout process a second public hearing is to be conducted. The purpose of the second public hearing is for the recipient (The city of Lebanon) to review the results of the project with citizens and to take comments about the local government's performance.

A copy of the public notice is included in this packet. It was published in the Lebanon Express and the Democrat Herald on 6/22 and 6/21 respectively giving a 30 day opportunity for public comments and the city council meeting 7/27 will give any citizen an opportunity to comment.

I have also included a spreadsheet showing the billing breakdown and final costs of this project.

PUBLIC HEARING NOTICE

June 20, 2005

The city of Lebanon Oregon is completing a remodel project funded with Community Development Block Grant funds from the Oregon Economic and Community Development Department. The location of the project is 65 "B" Academy Street, Lebanon Oregon. It is estimated that the project has benefited at least 4,273 persons of whom 74% are low or moderate income.

A public hearing will be held by the Lebanon City Council at 7:00 July 27th on Wednesday at the location of Santiam Travel Station.

The purpose of the hearing is for the city council to obtain citizens views about the project and to take comments about the local government's performance. Written comments are also welcome and must be received by July 20th, 2005 at 65 "B" Academy Street, Lebanon Oregon, 97355. Both oral and written comments will be reviewed by the Lebanon City council.

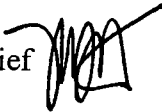
The location of the hearing is accessible to the disabled. Please let Susan Tipton at 541-258-4222 know if you need any special accommodations to attend or participate in the hearing.

More information about the Oregon Community Development Block Grant program and the project is available for public review at 65 "B" Academy Street, Lebanon, OR 97355. during regular office hours (8 am -4 pm Mon through Friday.) Advance notice is requested. If special accommodations are needed, please notify Susan Tipton Manager of the Lebanon Senior Center at 541-258-4222 so that appropriate assistance can be provided.

Agenda Item 5



**LEBANON POLICE DEPARTMENT
MEMORANDUM**

TO: John Hitt, City Administrator
FROM: Michael Healy, Police Chief 
DATE: 12 July 2005
RE: LIQUOR LICENSE APPLICATIONS
CC:

The following Lebanon, Oregon establishment is requesting consideration a change of ownership of an existing liquor license:

<u>Business Name</u>	<u>Address</u>	<u>Classification</u>
From: Pizza Factory	1188 E. Main..	Limited On-Premises Sales
To:	Lebanon, OR 97355	
Owners – From: Fox Run, LLC	To: Sege, LLC	

The following Lebanon, Oregon establishments have requested consideration for a new outlet liquor license:

- | | | | |
|-----|-------------------------|---|---|
| (1) | Yaho Deli & Mart | 501Park St.
Lebanon, OR 97355 | Off Premises Sales |
| | Yoon S. & Myong S. Park | | |
| (2) | Peppers | 2752 S. Santiam Hwy.
Lebanon, OR 97355 | Limited On Premises Sales &
Off Premises Sales |
| | Peppers Three, Inc. | | |

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

Date: 9 June 2005
 APPLICANT NAME :Peppers
 LOCATION: 2752 S. Santiam Hwy., Lebanon, OR 97355
 OwnershipPeppers Three Inc.
 License :L & O

RECOMMENDATION:	APPROVAL	DENIAL	DATE
FIRE DISTRICT <u> <i>Andy Stabe</i> </u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>6-17-05</u>
POLICE DEPT <u> <i>M. H. H. H.</i> </u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>6/13/05</u>
PLANNING DEPT <u> <i>D. Baker</i> </u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>6/14/05</u>
BUILDING DEPT <u> <i>D. Baker</i> </u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>6/14/05</u>

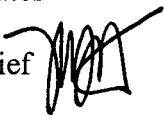
NOTE: Recommendation for denial must be accompanied by supporting documentation.

INSURANCE COMPANY:

Agenda Item 6



**LEBANON POLICE DEPARTMENT
MEMORANDUM**

TO: John Hitt, City Administrator
FROM: Michael Healy, Police Chief 
DATE: 12 July 2005
RE: LIQUOR LICENSE APPLICATIONS
CC:

The following Lebanon, Oregon establishment is requesting consideration a change of ownership of an existing liquor license:

<u>Business Name</u>	<u>Address</u>	<u>Classification</u>
From: Pizza Factory	1188 E. Main..	Limited On-Premises Sales
To:	Lebanon, OR 97355	
Owners – From: Fox Run, LLC	To: Sege, LLC	

The following Lebanon, Oregon establishments have requested consideration for a new outlet liquor license:

- | | | | |
|-----|-------------------------|---|---|
| (1) | Yaho Deli & Mart | 501Park St.
Lebanon, OR 97355 | Off Premises Sales |
| | Yoon S. & Myong S. Park | | |
| (2) | Peppers | 2752 S. Santiam Hwy.
Lebanon, OR 97355 | Limited On Premises Sales &
Off Premises Sales |
| | Peppers Three, Inc. | | |

"Integrity, Professionalism, and Teamwork"

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

Date: 14 June 2005
 APPLICANT NAME :Pizza Factory
 LOCATION: 1188 Main Street., Lebanon, OR 97355
 Ownership:From: Fox Run LLC, To: Sege, LLC
 License :L

RECOMMENDATION:	APPROVAL	DENIAL	DATE
FIRE DISTRICT <u>Amy Stahne</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>7-11-05</u>
POLICE DEPT <u>M. Haly</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>6/15/05</u>
PLANNING DEPT <u>D. Parker</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>6/22/05</u>
BUILDING DEPT <u>D. Parker</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>6/22/05</u>


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

INSURANCE COMPANY:

Agenda Item 7



**LEBANON POLICE DEPARTMENT
MEMORANDUM**

TO: John Hitt, City Administrator
FROM: Michael Healy, Police Chief 
DATE: 12 July 2005
RE: LIQUOR LICENSE APPLICATIONS
CC:

The following Lebanon, Oregon establishment is requesting consideration a change of ownership of an existing liquor license:

<u>Business Name</u>	<u>Address</u>	<u>Classification</u>
From: Pizza Factory	1188 E. Main..	Limited On-Premises Sales
To:	Lebanon, OR 97355	
Owners – From: Fox Run, LLC	To: Sege, LLC	

The following Lebanon, Oregon establishments have requested consideration for a new outlet liquor license:

- | | | | |
|-----|-------------------------|---|---|
| (1) | Yaho Deli & Mart | 501Park St.
Lebanon, OR 97355 | Off Premises Sales |
| | Yoon S. & Myong S. Park | | |
| (2) | Peppers | 2752 S. Santiam Hwy.
Lebanon, OR 97355 | Limited On Premises Sales &
Off Premises Sales |
| | Peppers Three, Inc. | | |

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

Date: 30 June 2005
APPLICANT NAME :Yaho Deli & Mart
LOCATION: 501 Park St., Lebanon, OR 97355
Owners: Yoon S. & Myong S. Park
License :O

RECOMMENDATION:	APPROVAL	DENIAL	DATE
FIRE DISTRICT <u><i>[Signature]</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>7-11-05</u>
POLICE DEPT <u><i>[Signature]</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>6/30/05</u>
PLANNING DEPT <u><i>[Signature]</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>7/5/05</u>
BUILDING DEPT <u><i>[Signature]</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>7/5/05</u>

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

INSURANCE COMPANY:

Agenda Item 8



CITY OF LEBANON

ADMINISTRATION MEMORANDUM

TO: John Hitt, City Administrator

FROM: Ginger Allen, Management Assistant *gallen*

SUBJECT: Branding Campaign

DATE: 07-22-2005

Bill Baker will be appearing before the City Council on Wednesday, July 27, 2005, to present the "Lebanon Brand Manual." This project is designed to enhance and communicate Lebanon's Economic Development image to both our local community and those looking to relocate in Lebanon. Mr. Baker, President of Total Destination Management, was contracted last fall to provide this service with the approval of City Council in conjunction with an Oregon Downtown Revitalization Grant.

Mr. Baker has also been meeting regularly with the Branding Advisory Board, consisting of Lebanon area citizens, City Councilor Simpson and staff, who have been invited to attend the July 27th, Council Meeting.

Agenda Item 9

HANSARD AVENUE WATER & SEWER IMPROVEMENTS

City of Lebanon Contract No. 05709

Responsive Bidder Checklist

Opening - Thursday, July 21, 2005, 09:00 a.m. Lebanon Community Development Center

	Contractor	Bid Amount	Proposal	Noncollusion Affidavit	Bid Bond Listed USTC	Boli Certificate	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	Pacific Excavation, Inc.	\$636,284.00	X	X	X	X	X	X	X	X	X	RW/7-21-05
2												
3												
4												
5												
6												
7												
8												

Bid Tabulation

Item No.	Bid Items	Units	Quantity	Engineer's Estimate		Pacific Excavation	
				Unit Cost	Total Cost	Unit Cost	Total Cost
1	Mobilization	%	10.0%	\$42,790.00	\$42,790.00	\$78,000.00	\$78,000.00
2	Removal of Obstructions	%	2.0%	\$8,558.00	\$8,558.00	\$2,000.00	\$2,000.00
3	Erosion Control	%	3.0%	\$12,837.00	\$12,837.00	\$2,000.00	\$2,000.00
4	Temporary Protection & Direction of Traffic	%	3.0%	\$12,837.00	\$12,837.00	\$1,000.00	\$1,000.00
5	Temporary Signs	S.F.	88	\$25.00	\$2,200.00	\$18.00	\$1,584.00
6	Construction Survey Work	L.S.	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
7	Type III Temporary Barricade	EA.	6	\$130.00	\$780.00	\$150.00	\$900.00
8	Flaggers	HR.	200	\$33.00	\$6,600.00	\$40.00	\$8,000.00
9	Cleaning & Grubbing	L.S.	1	\$4,000.00	\$4,000.00	\$7,500.00	\$7,500.00
10	Subgrade Geotextile	S.Y.	2,700	\$1.50	\$4,050.00	\$1.00	\$2,700.00
11	Finishing Roadbeds	LS	1	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00
12	3"-0" Aggregate Base	TON	2,900	\$11.00	\$31,900.00	\$13.00	\$37,700.00
13	Type II Restoration	S.Y.	80	\$10.00	\$800.00	\$5.00	\$400.00
14	Level 2, Dense, 1/2", HMA Trench Patch	S.Y.	1,880	\$11.50	\$21,620.00	\$16.00	\$30,080.00
15	Trench Foundation	C.Y.	100	\$30.00	\$3,000.00	\$40.00	\$4,000.00
16	6" 3034 PVC Sanitary Sewer Pipe, 10 ft. depth	L.F.	40	\$50.00	\$2,000.00	\$100.00	\$4,000.00
17	8" 3034 PVC Sanitary Sewer Pipe, 10 ft. depth	L.F.	205	\$65.00	\$13,325.00	\$110.00	\$22,550.00
18	12" 3034 PVC Sanitary Sewer Pipe, 10 ft. depth	L.F.	660	\$80.00	\$52,800.00	\$65.00	\$42,900.00
19	18" 3034 PVC Sanitary Sewer Pipe, 15 ft. depth	L.F.	1,500	\$110.00	\$165,000.00	\$160.00	\$240,000.00
20	Sewer Pipe Tees, 6"	EA.	1	\$100.00	\$100.00	\$350.00	\$350.00
21	6" Sanitary Sewer Cleanout	EA.	1	\$250.00	\$250.00	\$100.00	\$100.00
22	TV Pipe Inspection	L.F.	2,365	\$1.00	\$2,365.00	\$1.00	\$2,365.00
23	48" Concrete Sanitary Sewer Manhole	EA.	7	\$4,000.00	\$28,000.00	\$4,300.00	\$30,100.00
24	Abandon Existing 8" Sanitary Sewer	L.S.	1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
25	Abandon Existing Sanitary Sewer Manhole	EA.	2	\$1,000.00	\$2,000.00	\$1,500.00	\$3,000.00
26	6" Cl. 62 D.I. Potable Water Pipe w/Restrained Joints, Class "B" Backfill	L.F.	35	\$45.00	\$1,575.00	\$55.00	\$1,925.00
27	12" Cl. 62 D.I. Potable Water Pipe, Class "B" Backfill	L.F.	260	\$55.00	\$14,300.00	\$60.00	\$15,600.00
28	12" Cl. 52 D.I. Potable Water Pipe w/ Restrained Joints, Class "B" Backfill	L.F.	90	\$65.00	\$5,850.00	\$62.00	\$5,580.00
29	16" Cl. 52 D.I. Potable Water Pipe w/ Restrained Joints, Class "B" Backfill	L.F.	650	\$80.00	\$52,000.00	\$85.00	\$55,250.00
30	6" FLGxMJ Gate Valve	EA.	3	\$575.00	\$1,725.00	\$500.00	\$1,500.00
31	12" x 6" FLG Tee	EA.	1	\$1,000.00	\$1,000.00	\$600.00	\$600.00
32	12" FLG Butterfly Valve	EA.	1	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
33	12" MJ Butterfly Valve	EA.	2	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00
34	12" x 12" FLG Tee	EA.	1	\$1,400.00	\$1,400.00	\$700.00	\$700.00
35	16" FLG Butterfly Valve	EA.	1	\$2,100.00	\$2,100.00	\$2,000.00	\$2,000.00
36	16" FLGxMJ Butterfly Valve	EA.	2	\$1,900.00	\$3,800.00	\$2,000.00	\$4,000.00
37	16"x6" FLG Tee	EA.	2	\$1,200.00	\$2,400.00	\$1,900.00	\$3,800.00
38	16"x12" FLG Tee	EA.	1	\$1,600.00	\$1,600.00	\$1,900.00	\$1,900.00
39	16" 45" MJ Elbow	EA.	2	\$600.00	\$1,200.00	\$500.00	\$1,000.00
40	16" FLGxMJ Adaptor	EA.	2	\$550.00	\$1,100.00	\$400.00	\$800.00
41	12" Blind Flange	EA.	3	\$350.00	\$1,050.00	\$150.00	\$450.00
42	16" Blind Flange	EA.	1	\$400.00	\$400.00	\$250.00	\$250.00
43	Fire Hydrant Assembly	EA.	3	\$3,000.00	\$9,000.00	\$2,400.00	\$7,200.00

Total Base Bid:

\$529,812.00

\$636,284.00

Agenda Item 10

LEBANON CITY ATTORNEY

80 East Maple Street ▪ Lebanon, Oregon 97355 ▪ Phone: (541) 258-3194 ▪ Fax: (541)
258-7575

MEMORANDUM

DATE: June 6, 2005
To: Mayor and Council
FROM: Thomas McHill, Lebanon City Attorney
RE: Procedure to Sell City Owned Real Property

Pursuant to your recent discussions, I have prepared an ordinance which would codify the method by which City owned real property would be evaluated for sale, publicly decided to be sold, and declared available for sale. As you can tell, under this ordinance, the Council would make a determination as to the decision to sell separately from the actual sale of the property. In effect, this is a two step process in selling real property rather than the one step currently allowed under state law. Staff could bring a proposal to the Council that a parcel of city owned property should be sold. After the Council would conclude, at a regular or special meeting, that the property is no longer needed for public use, a procedure for soliciting bids for the sale is required by the ordinance. After bids or proposals are received, the Council would hold a public hearing, as required by State law, to allow public input on the proposed sale. The RFPs have various requirements as to contents and security required, which are outlined in the ordinance.

Nothing in this ordinance is intended to forego the requirements of state law as to public input into the sale. But, this procedure does set out a regular way for the council to consider sales prior to the public hearing on the sale. Everything in the RFP procedure is dependent upon the Council's final decision, made after a hearing. The Council retains the ability to reject all proposals which are made if the rejection is in the best interest of the City. The procedure would also apply to the leasing of city owned property.

In addition, nothing in this ordinance would preclude the Council's ability to conduct executive sessions during the procedure to consider negotiations or other particulars of a proposed sale. However, as always, the actual decisions to be made would be in open session.

If you should approve the ordinance, it will become effective thirty days after passage.

A BILL FOR AN ORDINANCE CREATING) **Ordinance Bill** _____
PROCEDURES FOR SELLING CITY OWNED) **for 2005**
REAL ESTATE AND CREATING A NEW)
CHAPTER 10.10 OF THE LEBANON MUNICIPAL) **Ordinance Number** _____
CODE)

WHEREAS, the State of Oregon, by the provisions of ORS 221.725 and ORS 221.727, has created methods by which City owned real property may be sold; and

WHEREAS, the City desires to create a procedure, consistent with the requirements of state law, to sell real property which is owned by the City, but is not needed for public use by the City;

NOW, THEREFORE, the City of Lebanon does ordain as follows:

Section 1. There is hereby created a new chapter of the Lebanon Municipal Code, Chapter 10.10, Sale of City Owned Real Property, as follows:

10.10.010 **Purpose.** This ordinance is created to provide a procedure by which the City sells real property owned by the City which has been determined to no longer have public need. This ordinance may be known as "Procedures to Sell City Owned Real Property." It is intended that the provisions of this chapter shall supplement the requirements of Oregon law in the sale of city owned real property. In the event that any provision of this chapter shall conflict with state law, state law shall control.

10.10.020 **Decision to Sell Real Property.** In the event that the City council should decide that a parcel or parcels of real property owned by the City is not longer needed for a public use, the Council may order that the property be sold pursuant to the procedures of this chapter. The decision of the Council to order the property sold shall be made at a regular or special meeting of the City council, and shall be based upon evidence and recommendations gathered by City staff. Unless otherwise required by the Council, no public hearing shall be required for the Council to make a determination that the real property is not needed for public use or to decide to sell the real property, subject to the public hearing procedures required by Oregon law and this Chapter.

10.10.030 **Procedure to Sell Real Property.** If the City council decides to sell real property pursuant to this Chapter, the City Administrator, or the City Administrator's designee, shall prepare a request for bids to buy the subject real property. A notice shall be published of the proposed Disposition of City Real Property Interest. Such notice shall be published in one or more newspapers of general circulation in Linn County, and in any other publication which the City Administrator deems advisable, considering any unique circumstance surrounding

the subject real property. The notice shall be published not less than once a week, for three successive weeks. The published notification shall include the following:

- A) A general description of the City Real Property Interest subject to disposition, including a legal description;
- B) The minimum asking price. The minimum asking price shall be determined after considering an appraisal of the real property or other information which the City Administrator deems appropriate, including a consideration of the costs of sale of the property;
- C) The name and address of the person to contact to obtain any additional information concerning the City real property interest;
- D) A Request for Proposals, including the address to which the Proposal must be delivered and the date and time the Proposal is due, which shall not be less than thirty (30) days from the date of the first notice;
- E) A requirement that a security deposit in the amount and form required by this chapter be submitted with the Proposal; and
- F) A reservation of the right of the City to accept or reject any Proposal;
- H) Any other information the City administrator deems desirable to include in the Notice.

10.10.040

Proposals for Purchase of Property.

- A) All Proposals submitted in response to the published notice described in this Chapter above, shall be accompanied by a deposit, in the form of:
 - (1) A certified check; or (2) Sufficient bond furnished by a surety company authorized to do business in this State, in favor of the State of Oregon, in a sum not less than ten percent (10%) of the total amount of the value of the Proposal.
- B) Deposits will be refunded to all unsuccessful Proposers after:
 - (1) The closing of the sale to a successful Proposer; or (2) Rejection of all Proposals.
- C) Each Proposal shall clearly set forth the amount offered for the purchase of the City owned Real Property, and shall include the following additional matters:
 - (1) Any conditions upon the Proposer's offer to acquire the City's Real Property Interest; and (2) Any other information the Proposer believes is relevant to its Proposal.
- D) If the City Administrator finds any Proposal to be ambiguous, the City Administrator may request that the Proposer submit further information in order to clarify the Proposer's Proposal. If the City Administrator does not request any such clarification, the ambiguous Proposal may be rejected.

10.10.050 **Opening of Proposals.** After the date and time for submitting Proposals has passed, the City Administrator shall open all Proposals that have been timely delivered and that have the required deposit. All responsive Proposals shall be evaluated by the City Administrator, or his designate, in order to determine the Proposal most advantageous to the City. The City Administrator may make recommendations to the city council concerning the transfer of the city's interest in the subject real property. The city council, as provided in this chapter after public notice and hearing may determine if the Proposal is most advantageous to the City. The determination of the most advantageous Proposal by the city council shall be final and conclusive and shall not be subject to review by any court.

10.10.060 **Negotiations.** The City Administrator shall notify the apparent successful Proposer and may negotiate to determine if the transfer can be consummated, subject to the final approval of the City council. If such negotiations are unsuccessful, the City Administrator shall notify the next highest ranking acceptable Proposal and may similarly attempt to negotiate the disposition of the City Real Property Interest.

10.40.070 **Public Hearing.** The city council shall hold a public hearing on the proposed disposition of the City Real Property Interest prior to the sale. Notice of the proposed sale shall be published in a newspaper of general circulation in the city.

- A) The notice shall be published at least once during the week prior to the public hearing required in this section. The notice shall comply with the provisions of ORS 221.725 and shall state the time and place of the public hearing, a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell the property. Proof of publication of the notice may be made or provided by ORS 193.070.
- B) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing herein prevents the city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.
- C) The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.
- D) Nothing in this section shall prevent the city council from adopting an alternative procedure for the sale of city real property, after public notice and hearing, as provided by ORS 221.727.

10.40.080 **Rejection of All Proposals.** The city council, in its sole discretion, may reject any or all Proposals.

10.10.090 **Continued Marketing of Real Property Interest After Rejection of All Proposals.** If all Proposals are rejected, the city may market and sell the Real Property Interest in any manner the city council deems appropriate, subject to the public hearing provisions of section 10.40.070, including by and through a real estate licensee provided that:

- A) Any resulting agreement of sale must be approved by the city council as required by state law.
- B) If no agreement of sale is executed within 18 months of the publication of the first public notice of sale described in section 10.10.030 above, no agreement of sale may be accepted without again first publishing a public notice of sale and complying with the provisions of this chapter.

10.10.100 **Application of this Chapter.** This chapter shall apply to sales and leases of city owned real property, only, after the effective date of this ordinance.

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

Mayor

ATTEST:

City Recorder

Agenda Item 11



CITY OF LEBANON

ADMINISTRATIVE DEPARTMENT MEMORANDUM

TO: Mayor Toombs and City Council

DATE: 7/22/05

FROM: John Hitt, City Administrator

SUBJECT: City Council Goals Framework and Timeline

Please find attached a proposed basic framework and timeline for achieving the City Council goals, established earlier this year.

In February, the City Council reviewed a preliminary "Goals Status Report". At that time, no objection or comment was made concerning goal descriptions and estimated completion dates.

Since then, the department managers and their staff have been developing intermediary benchmarks or pathways to achieve City Council goals, along with more carefully considered timelines.

At this time, it is appropriate for City Council to consider the following:

- A. Do you wish to retain these goals?
- B. Are there any goals or goal landmark(s) that should be revised?
- C. Are there any goals, or goal landmarks, that should be accelerated or retarded?
- D. There are four goals, #'s 22, 23, 25 and 28, that do not easily resolve to specific definitions or landmarks. Does the City Council, at this time wish to develop or articulate definitions and landmarks for these goals or leave them as statements of intention?

After making any desired changes, staff recommends that Council approve by motion, the Goals Framework and Timelines.

COUNCIL GOAL FRAMEWORK

July 27, 2005

Major Landmarks

No.	Council Goal	Landmark #1	Date	Landmark #2	Date	Landmark #3	Date	Landmark #4	Date	Responsible Department	Goal Achievement	Date
1	Adopt Invasive Weed Ordinance	City Attorney drafts Ordinance	8/30/05	City Council revises, discusses & amends draft	9/30/05	City Council adopts final Ordinance	10/31/05	NA		City Attorney	Adopted and in-force Ordinance	12/1/05
2	Designate ADA Parking areas in Downtown Core	Comm. Dev. mails survey to Downtown business & property owners	9/30/05	Survey results tabulated & received by City Council	10/31/05	Resolution adopted by City Council	11/30/05	Parking areas designated	12/31/05	Community Development and Public Works	ADA parking Areas marked	12/31/05
3	Research storefront improvement grants	Comm. Dev. Performed research - URD option only result	2/1/05	URD phase 2 amendment prepared by consultant	12/31/05	City Council adopt URD amendment	2/28/06	Property/Business Owners informed	3/31/06	Community Development	Downtown properties use City grant as match to fund storefront improvements	6/30/06
4	Wi-Fi High Speed Internet Project	Hardware installed and tested	8/31/05	Public access system installed and tested	9/30/05	Official launch of system	10/15/05	NA		Information Systems Dept	Wi-Fi available to all Lebanon citizens	10/31/05
5	State accreditation of Police Dept	Complete local changes necessary	7/31/06	Preliminary site accreditation review	7/31/07	Final site accreditation review	11/30/07	NA		Police Department	LPD achieves accreditation from Oregon Accreditation Alliance	12/1/07
6	Reduce Part I Index Crime Rate to below state average	Fill Records Coordinator Position	7/1/05	Implement geography based assignments	12/31/05	Implement Mobile Computer Project	6/31/05	Add full-time Code Enforcement Officer, CSO and 4 new patrol positions	1/1/08	Police Department	Crime Rate less than state average for at least 6 consecutive months	6/30/08
7	Cease Wastewater discharge into South Santiam	Procure access to walden site	8/15/05	preliminary design report	1/15/05	Develop final bid plans	5/15/06	Substantial completion	4/30/07	Public Works	All, or nearly all effluent discharge does not take place in S. Santiam River	6/15/07
8	Attract new industry with 50+ employees	Lowe's Groundbreaking for RDC	8/31/05	Lowe's completes construction	3/31/07	Full work schedule @ RDC	9/30/07	NA		Administration	50 or more FTE net jobs created	9/30/07
9	Finalize planning for parkway	Project management team approves draft TSP	12/15/05	City Council work session	1/15/06	City Council approves	2/15/06	NA		Public Works	Parkway route established and work begun to obtain ROW	3/15/06

Major Landmarks

No.	Council Goal	Landmark #1	Date	Landmark #2	Date	Landmark #3	Date	Landmark #4	Date	Responsible Department	Goal Achievement	Date
10	Sign Ordinance review - objectionable signs	LZOU Committee reviews/ recommends changes	10/31/05	Joint CC & PC meeting to review context w/ Zoning Code	2/28/06	Planning Commission review	3/30/06	City Council approves	4/30/06	Community Development	A revised and updated sign Ordinance as part of new Zoning Code	6/1/06
11	Recover Westside Interceptor contamination costs	Trial date set	12/1/05	Verdict rendered	1/1/06	Judgement received	6/30/06	NA		City Attorney	Receipt of full or partial judgement to offset extra costs	7/1/06
12	Develop walking/biking trail connectivity	Public input meeting	8/11/05	Discuss input with City Council	8/31/05	Park Master Plan amended to reflect Public/CC Goals	10/31/05	NA		Public Works	A revised and updated Parks Master Plan that encompasses interconnective trail network	11/30/05
13	Utilize recent technological breakthroughs to optimize wastewater treatment process	Staff completes review of alternatives	9/1/05	Staff approves preferred alternative	9/15/05	Staff Brings proposal to City Council	9/28/05	Implementation begins	10/15/05	Public Works	Wastewater Treatment plant operations modification complete	6/15/06
14	New Police/Court Facility	Update Needs Analysis	7/1/06	Perform preliminary design	7/1/08	Complete final design	7/1/09	Bid & Build	7/1/12	Police Department	New Police Station/ Courts Building operational	8/1/12
15	Develop new picnic shelters at River Park - Gill's Landing	Determine shelter locations	10/1/05	Submit grant proposals	12/31/05	Finish construction	8/31/06	NA		Public Works	At least 5 new shelters constructed	8/31/06
16	Competitive Bids for City Services	Develop policy to determine services to be bid & frequency	9/30/05	Council reviews and approves policy	10/31/05	Services scheduled for FY 05/06 submitted to CC for bid	1/31/06	NA		Administration	All City services bid according to approved CC policy	1/31/06
17	Develop bid plans for new Library	Grants researched & submitted	5/31/05	Grants) obtained	6/30/06	Bid awarded to develop plans	10/1/07	Plans completed and reviewed by CC	3/31/08	Library	Final, bid-ready construction plans approved by CC	4/30/08
18	Purchase 5+ acres of land owned by City of Albany (N. of River Park)	Make presentation to new Albany City Manager	10/31/05	Obtain appraisal/ price from Albany	1/3/06	Include funding in 06/07 budget	6/30/06	Complete purchase	9/30/06	Public Works	Ownership of parcel	9/30/06

Major Landmarks

No.	Council Goal	Landmark #1	Date	Landmark #2	Date	Landmark #3	Date	Landmark #4	Date	Responsible Department	Goal Achievement	Date
19	Form Ethics Committee	Present outline/ summary of state ethics rules to CC for discussion	8/31/05	Present draft additions to state rules	10/31/05	Council approves local ethics Ordinance	11/30/05	NA		City Attorney	Adopted Local Ethics Ordinance consistent with state law	1/1/06
20	Update City Zoning Ordinance consistent with Dec 2004 Comp Plan	Joint PC/CC discussion of proposed new Zoning Ordinance	2/28/06	P.C. Hearing on new Zoning Ordinance	3/30/06	CC adopts new Ordinance	4/30/06	NA		Community Development	New Zoning Ordinance in effect	6/1/06
21	Pursue county-wide Library District	Linn Library League formed and seeking City/County support	12/31/05	Proposed District boundaries & zones finalized	12/31/06	county-wide election	Nov-07	District commences operations	Jan-08	Library	Linn-Library District provides City Library services	1/1/08
22	Better communications and involvement among Councilors	No goal Definition or Defined Framework										
23	Have staff work with City of Albany for mutual partnership	No goal Definition or Defined Framework										
24	Help facilitate land trade to locate A&E RR in NW URD	Study of potential site complete	Spring 2005	Complete URD amendments	3/31/06	Complete Lowe's Improvement	9/30/06	Seek swap by property owners	12/31/06	Community Development	A.E. switching/ loading operation relocated to NW URD	7/1/07
25	Form a Parks and Recreation District	No Framework to Achieve Goal Determined										
26	Name Walden Site	City Council discussion	10/31/05	C.C. adopts name	11/30/05	Signs Placed	8/31/06	NA			Walden named and signs placed	8/31/06
27	Footbridge across Santiam River	Include proposed location in Parks Master Plan	10/31/05	CC adopts revised Parks Master Plan		Grant funding obtained/sought	6/30/07	Bridge Built	6/30/08	Public Works	Functioning footbridge over S. Santiam	6/30/08
28	Innovative ways to enhance G.F. revenues	No goal Definition or Framework Determined										
29	Establish Customer Service Standards for all Permits	Land Use Standards developed	5/30/05	Building Permit Standards developed	9/30/05	Presented to CC for review	11/30/05	NA		Community Development	Clear guidelines to Land Use & Building Permit processes and timelines	1/1/06

Agenda Item 12



City of Lebanon

Administration

MEMORANDUM

To: Mayor and City Council

DATE: July 22nd, 2005

From: City Administrator

RE: City Administrator's Report

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

1. Walmart Supercenter
2. Lowe's
3. Chamber Tour
4. Miscellaneous Matters

Executive Session

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

Executive Sessions are closed to the public due to the highly confidential nature of the subject. It is unlawful to discuss anything outside of the Executive Session.



CITY OF LEBANON

ADMINISTRATIVE DEPARTMENT
MEMORANDUM

TO: Mayor Toombs and City Council

DATE: 7/22/05

FROM: John Hitt, City Administrator

SUBJECT: Executive Session

I would like to provide the City Council a brief update on the status of Labor Negotiations for a new Collective Bargaining Agreement with AFSCME.