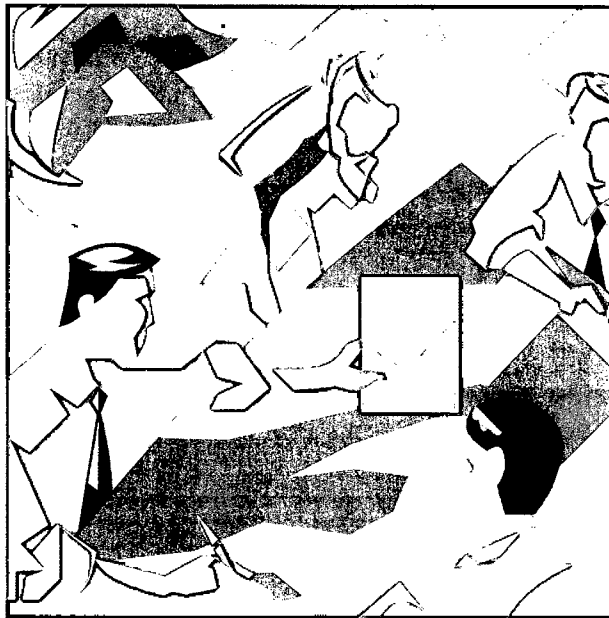


Lebanon City Council Meeting Agenda



July 26, 2006

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LEBANON CITY COUNCIL MEETING

Wednesday, July 26, 2006

7:00 p.m.

(Santiam Travel Station - 750 3rd Street)

A G E N D A

CALL TO ORDER REGULAR SESSION / FLAG SALUTE

ROLL CALL

APPROVAL OF CITY COUNCIL MINUTES – June 28, 2006

CONSENT CALENDAR

- ❖ City Council Agenda for July 26, 2006
- ❖ Lebanon Planning Commission Meeting Minutes – May 17 & June 7, 2006
- ❖ Library Advisory Board Meeting Minutes – June 14, 2006
- ❖ Library-Senior Center Trust Meeting Minutes – May 9, 2006
- ❖ Senior Advisory Board Meeting Minutes – May 10, 2006
- ❖ Parks Committee Tree Board Meeting Minutes – May 16, 2006

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

ITEMS FROM COUNCIL

PRESENTATIONS

- ❖ Award Presentation to the City of Lebanon from the Oregon Army National Guard
- ❖ SDC's for the Lebanon Aquatics District – Presented by: Gus Azner

LEGISLATIVE SESSION

1) Allied Waste Services – Request for Garbage and Collection Rates Increase

Presented by: Carol Dion and Kevin Heintz

Approval / Denial by MOTION

2) Irrevocable Petitions: 1) 1185 Airport Rd for 12th Street

2) Santiam Place 2 Subdivision for River Drive

Presented by: Malcolm Bowie, City Engineer

Approval / Denial by MOTION

- 3) **Authorization to Set a Public Hearing for a Right-of-Way Vacation – Jadon Drive**
Presented by: Malcolm Bowie, City Engineer
Approval / Denial by MOTION
- 4) **Industrial Subdivision Public Improvements Alternative Bid**
Presented by: Malcolm Bowie, City Engineer
Approval / Denial by RESOLUTION
- 5) **NW Industrial Area Improvements (Project No. 05707 – Change Orders #3 & #4)**
Presented by: Malcolm Bowie, City Engineer
Approval / Denial by MOTION
- 6) **Submission of City Measure Election to Finance New Police and Library Facilities**
Presented by: John Hitt, City Manager
Approval / Denial by RESOLUTION
- 7) **Grant Signing Authority**
Presented by: John Hitt, City Manager
Approval / Denial by MOTION
- 8) **Proposed Amendments to the City’s Towing Ordinance**
Presented by: Tom McHill, City Attorney
Approval / Denial by ORDINANCE
- 9) **City Contracts Report**
Presented by: John Hitt, City Administrator
Discussion Only
- 10) **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 print your name and address on the sign-up sheet.*

ADJOURNMENT

Approval of Minutes

**LEBANON CITY COUNCIL MEETING
MINUTES
June 28, 2006**

Council Present: Council President Ron Miller, Councilors Bob Elliott, Tim Fox, Rebecca Grizzle, Dan Thackaberry and Ray Weldon.

Staff Present: City Manager John Hitt, City Attorney Tom McHill, Finance Director Casey Cole, Police Chief Mike Healy, Public Works Director Jim Ruef, City Engineer Malcolm Bowie and Administrative Assistant Linda Kaser.

CALL TO ORDER/FLAG SALUTE/ROLL CALL

Council President Miller called the regular session of the Lebanon City Council to order at 7:00 p.m. in the Santiam Travel Station Board Room. Roll call was taken with Mayor Ken Toombs being absent.

APPROVAL OF COUNCIL MINUTES – June 14, 2006 (Regular and Work Session)

Grizzle moved, Elliott seconded, to approve the June 14, 2006 City Council Work Session and the June 14, 2006 Regular Session Minutes as submitted. The motion passed unanimously.

CONSENT CALENDAR

- ❖ City Council Agenda – June 28, 2006
- ❖ Removal of Agenda Items – *Last Executive Session was in error, only one scheduled for this evening: ORS 192.660(1)(e).*

Grizzle moved, Fox seconded, to approve the Consent Calendar as amended. The motion passed unanimously by roll call.

ITEMS FROM COUNCIL – *Hearing none, Miller asked for Citizen Comments.*

CITIZEN COMMENTS

Hans H. Schallig, co-owner of Diverse Things, located at 678 S. Main Street, stated that he was informed by the code enforcement officer that his sandwich board sign located on the sidewalk next to the curb surpassed the legal height requirement (a picture was distributed). He was also told he needs a secondhand buyers and seller's permit (Bill No 24, Ordinance #2311). Schallig stated that his primary business is produce and secondary is collectibles. Approximately 20% are secondhand materials acquired through internet or private parties.

Schallig stated that a 3-foot sign limit, per City ordinance, is not visible from the street. Schallig asked Council to consider extending the height limit or provide an exemption because of the nature of his business [seasonal]. Since the removal of the sign, they have seen a noticeable decrease (approximately 50%) in business. Schallig stated that his current produce sign dimensions are 5'6"

tall and 2' wide. It is a professional looking A-frame that is weighted down and does not obstruct pedestrian or vehicle traffic visibility.

At Miller's request, Parker briefed Council on the original rationale behind the sign ordinance. The business community asked to have some type of display signs, so staff crafted regulations in order to assure public health, safety and welfare.

Healy stated that most sign ordinance action is enforced by complaint basis and urged Council to be very specific with any changes to the code language in order to assist the enforcement officer when responding to those complaints; there should be no gray areas.

Schallig further explained that he doesn't feel that his business fits with what the secondhand ordinance was written for. Most of their "stuff" is new not used.

Staff was directed to follow up with the business owners and Miller urged Mr. Schallig to get involved with the Downtown Association in regards to downtown signage.

COUNCIL COMMENTS – *No Comments.*

PRESENTATION – *Loving Miracles Foundation Proposal*

Lela Fraker, Executive Director of Loving Miracles Foundation, presented their goal, pledge and the specific building they propose to use as an in-house recovery home for women of Linn County. The Foundation proposes applying for a grant of \$349,000 to purchase the building located at 150, 170, 170½ and 180 East Oak Street and an annual grant to run this program. Their goal is to offer recovery oriented support services, a nonprofit organization, that will provide equal opportunity to those seeking recovery. Fraker explained that once the Foundation applies for their 501(c)(3), they will pursue fundraising options and asked that the City support their endeavor.

Thackaberry moved, Weldon seconded, to enter into a memorandum of understanding to support the Loving Memory Foundation's efforts. The motion passed unanimously.

Miller directed Hitt to set up a meeting between staff and the Foundation Board Members.

In response to Parker, Fraker stated that she did talk with the building/planning department and was told that the proposed building site was zoned for this type of use. Parker urged that the Foundation do some evaluation of the structure to make sure it is the right structure for their needs before proceeding because it may impact eligibility for a variety of grant opportunities. Miller suggested that she talk with Teen Challenge about the possibility of using their building.

LEGISLATIVE SESSION

1) Cascade Meadows Parking Enforcement

McHill provided a brief history regarding amendments to the parking code and regulations. The ordinance is back before Council to enable law enforcement, and the City, to regulate parking on private residential developments. The proposed resolution would declare Cascade Meadows

Development a private residential development for the purpose of enforcing the code amendments. Upon approval, the ordinance and resolution will become effective immediately.

Miller asked if Cascade Meadows would like to comment. Hearing none, McHill read the title of the Ordinance.

Thackaberry moved, Fox seconded, A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.28 OF THE LEBANON MUNICIPAL CODE CONCERNING THE ENFORCEMENT OF PARKING REGULATIONS ON PRIVATE STREETS WITHIN RESIDENTIAL DEVELOPMENTS AND DECLARING AN EMERGENCY. The motion passed unanimously by roll call.

McHill noted that if further private developments should come before Council, they would also be looked at by Resolution. The title of the Resolution was read.

Grizzle moved, Thackaberry seconded, A RESOLUTION DECLARING CERTAIN CASCADE MEADOWS DEVELOPMENT A PRIVATE RESIDENTIAL DEVELOPMENT FOR PURPOSES OF LEBANON MUNICIPAL CODE SECTION 10.28.030, AND THEREFORE SUBJECT TO PARKING REGULATIONS. The motion passed unanimously by roll call.

2) OMI Contract Amendment for FY 06/07

Mr. Brian Helliwell, OMI Manager, presented the annual contract fee proposal for 2006/07. Helliwell briefly discussed plant productions for water and wastewater as well as history of fee proposals. Helliwell confirmed that OMI is not asking for an increase this year and the reason they were able to do that is that they picked up some satellite projects with other cities. Without the additional satellite projects, they would have needed to ask for a 2.2% to 2.5% increase. The largest operation cost increases are benefits and electricity carryover from the current biosolids issue. Helliwell proposed a contract amendment to Section 4, covering plant flows, BOD, and TSS based upon the actual 12 months of facilities operation.

Elliott moved, Thackaberry seconded, to amend Section 4 of the contract covering plants flows and unloading. The motion passed unanimously by roll call.

PUBLIC HEARING(S)

3) Hughes Annexation (A-06-07)

Council President Miller declared the public hearing open at 7:44 p.m. to consider Annexation A-06-07, Map 12-2W-3D, Tax Lot 100 & 116, 12.53 acres at Highway 20 and Reeves Parkway.

McHill reviewed the public hearing process and procedures that would apply to this as well as the next two annexation requests. McHill cited the relevant criteria beginning on Page 6 of the staff report. All testimony, arguments and evidence that are brought before Council must be directed toward the criteria indicated or other criteria in the Comp Plan or land use regulation that the witness believes will apply to the decision made in this case. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to LUBA based upon that issue.

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

Parker presented a request to annex an approximately 12.53-acre territory comprised of two tax lots located at the northwest corner of the intersection of Highway 20 and Reeves Parkway. The Comprehensive Plan Map designates the property as Mixed Use (C-MU) and would receive such zoning designation upon annexation. This is not a zone map amendment or a zone change. Parker noted that on May 17, 2006, the PC conducted a public hearing and voted unanimously to recommend approval to Council of this proposed annexation and zoning assignment. Parker noted that the property is within the NW Lebanon Urban Renewal District and the Grand Prairie Water District. The property owner has been cooperating with ODOT on a future highway 20 improvement project that has assisted our local highway improvement project. There is no development proposal at this time. There are currently three dwellings on the property abutting the highway. All dwelling are currently served by existing onsite services, wells and septic. Consequently, this annexation does not represent any additional demand on city services at this time. Parker offered the staff report and findings for the record.

Miller called for the applicant's testimony.

Eric Kirby, Udell Engineering, representing applicant John Hughes, stated that this application meets the evaluation criteria and asked for Council's approval.

Hearing no further public comments regarding this annexation, Miller closed the Public Hearing at 7:57 p.m. and asked for Council comments.

Ruef confirmed for Elliott that water and sewer lines would not be a problem.

McHill Read the title of the ORDINANCE.

Elliott moved, Grizzle seconded, to approve the findings of fact and adopt A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170 (File A-06-07, Hughes Property). The motion passed unanimously by roll call.

4) Phillips Annexation (A-05-07)

Council President Miller declared the public hearing open at 8:00 p.m. to consider Annexation A-05-07, Map 12-2W-14DC, Tax Lot 100, 102, 1000, 1100 and 1200, 8.53 acres, River Drive.

McHill explained that the same procedures would be followed as the last hearing and asked if anyone would like to hear the legal annexation proceedings again. Hearing no comments, McHill explained the applicable criteria identified beginning on Page 5. All testimony, arguments and evidence that are brought before Council must be directed toward the criteria indicated or other criteria in the Comp Plan or land use regulation that the witness believes will apply to the decision made in this case. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to LUBA based upon that issue.

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

Parker presented a request to annex 8.53-acre territory comprised of five tax lots (7.07 acres) and rights-of-way (approximately 1.51 acres) located on the south and west side of River Drive. Comprehensive Plan Map designates the property as Single Family Residential and would receive Residential Low Density (Z-RM) zoning designation upon annexation. This does not constitute a zoning map amendment or zone change but is the only option for first time assignment of urban zoning upon annexation.

On August 17, 2005, the PC conducted a public hearing and voted unanimously to recommend approval to Council of this proposed annexation and zoning assignment. The applicant and legal counsel have arrived at a binding agreement that will not allow for the property to be developed until urban services are provided. The proposed annexation is a rural subdivision of already platted lots (27 lots) that are all vacant without services, or a demonstration of adequate onsite services, to support the development of this property without the provision of urban services. Parker offered the staff report for the record.

Thackaberry asked if this annexation would create an island, Parker stated that it would not create an island.

Council President Miller asked for the applicant's testimony.

Erik Kirby, Udell Engineering, representing the applicant, stated that this annexation meets all of the criteria and that it is his understanding that there are no wells or existing septic systems on the property. The applicant fully intends to extend city services to this property, vacate the right-of-way and apply for a re-plat for the Residential Low Density zoning designation upon annexation.

Hearing no public comments in favor or opposition of this annexation, Miller closed the Public Hearing at 8:08 p.m.

Miller asked what Council's feelings are on the findings and merits of the proposed annexation. Consensus was that it meets the criteria. McHill read the title of the ORDINANCE.

Grizzle moved, Elliott seconded, to approve the findings of fact and adopt A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170 (File A-05-07, Phillips Property). The motion passed unanimously by roll call.

5) Amendment to NW Lebanon Urban Renewal Plan

Council President Miller declared the public hearing open at 8:10 p.m. to consider the NW Lebanon Urban Renewal Plan.

Parker presented the second amendment to the NW Lebanon Urban Renewal District (URD). The proposed amendments are being undertaken at this time to support the Lowe's Regional Distribution Center project located within this URD. In large part, this project was supported

through urban renewal funds and all amendments will fulfill the development agreement that the City Council previously endorsed and entered into with Lowe's. The second amendment was pursued and developed over an extended time period with the assistance of financial and legal consultants, experts in URDs, the City engineering staff and Finance Director. All development review staff members were involved in helping to refine these amendments that support not only the Lowe's project but all of the surrounding adjacent properties to these infrastructure improvements. The financial analysis and documentation has demonstrated that the revenues generated from the district, in large part from the Lowe's project, will be able to support this debt service. And, together with the support from the URD, the state grants and other funding sources, all contribute to the infrastructure and site development costs that are included in the proposed amendment.

On June 7, 2006, the Planning Commission reviewed the amendments for compliance with the Comp Plan through a public hearing process and voted unanimously to recommend to City Council that these amendments be approved. In part based upon their compliance with sited relevant comp plan policies and goals, those goals have been incorporated into this second amendment and reviewed by our consultant. Included is a wetland's mitigations site that is immediately contiguous to but west outside of the urban growth boundary. Consequently, we have entered into an Intergovernmental Agreement with the Linn County Board of Commissioners acknowledging that the west Linn restoration work will be part of this amendment and that it is occurring outside of but adjacent to our urban growth boundary. Parker described the material accompanied with the ordinance and offered the entire staff report for the record.

Miller asked if Council should convene as the NW Lebanon Urban Renewal Agency (URA) to approve this ordinance. Parker stated that he had asked the legal consultant regarding this process and the consultant provided a specific plan to adopt these amendments. McHill added that the City Council would act on this because the Plan is a legislative action taken by the City; the NW Lebanon Urban Renewal Agency is charged with carrying out the plan adopted by City Council.

Mel Harrington stated he received a notice in the mail and it says that the finance process is not going to change [inaudible, speaking from the audience] the bond remains \$24,680,000. "Is that what is owed on that bond at this particular time or is that going to be what is owed on that bond if this amendment is passed?" Cole stated he was uncertain as to what bond Harrington was referring. Hitt clarified that he thought Harrington was referring to the total maximum indebtedness. Staff confirmed that it would not change because it is not the amount owed, but rather the maximum amount that can be borrowed by the URA.

Weldon stated that he did not understand; it says that it will be paid back by taxes from Lowe's. Hitt stated it was primarily taxes from Lowe's. Weldon stated he thought Lowe's was exempt from paying taxes. Hitt confirmed that Lowe's is only exempt from taxes for three years. Hitt explained that the City is paying for the current projects now, along with the financing package from the State of Oregon that the Council approved approximately nine months ago. The City will take out a low interest loan for three years and then the State or the City will issue the bonds, depending on the best rate, to pay off the loan over a 15 to 20 year period. In 2012, or 2013, the City can make the decision as to how long we want to pay off the URA indebtedness. Hitt confirmed that Harrington was talking about the maximum amount the URA can borrow determined by the Council when it was first amended. The URA can borrow up to that amount only if approved by Council. Grizzle confirmed that this is all part of the Lowe's project which was discussed in depth months ago.

Fox asked if the City has already started borrowing on this project and what the amount is now. Hitt confirmed that we have started borrowing, with the majority being grant money. He guesstimated approximately \$.5 million to actual borrowing. Cole noted that there was a bond issued in 1999 that is separate from the Lowe's project. Miller briefed Council on the process of setting up a URD and setting limits on the entity. Parker stated that this report substantiates that the projected revenues will be able to serve these projects. Hitt confirmed that the very concept of a URD is that it will borrow the money relevantly upfront to do the authorized planned projects then pay off that debt with the tax revenues. Hitt confirmed for Grizzle that the borrowing is low with the interest only phase currently at 1.67%. Hitt confirmed for Weldon that the grants reduce the amount of borrowing and is part of the maximum indebtedness.

Hearing no further public comments regarding the proposed amendment, Miller closed the Public Hearing at 8:23 p.m. McHill read the title of the ORDINANCE.

Elliott moved, Fox seconded, to approve A BILL FOR AN ORDINANCE MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND ADOPTING THE SECOND AMENDMENT TO THE NORTHWEST LEBANON URBAN RENEWAL PLAN. The motion passed unanimously by roll call.

6) 2006 Housing Rehabilitation Grant

Council President Miller declared the public hearing open at 8:25 p.m. to consider the proposed Housing Rehabilitation Grant Application.

Cole stated that the deadline for the grant application is July 25, 2006. The City is required to hold a public hearing before applying for this grant to hear citizen comments regarding community development housing needs. Those comments are then included in the application process.

Miller asked for Council questions. Hearing none, Miller called for any public comments. Hearing no public comments in support or opposition of the application, Miller closed the Public Hearing at 8:27 p.m.

Weldon moved, Thackaberry seconded, to direct staff to apply for a 2006 Community Development Block Grant from the Oregon Economic and Community Development Department. The motion passed unanimously.

7) Liquor License Change of Ownership (Lebanon Market, 1695 Main Street)

Council President Miller declared the public hearing open at 8:28 p.m. to consider the change of ownership of an existing liquor license from Tobacco World, Inc., to Kulwinder Singh at Lebanon Market, 1695 S. Main Street, Lebanon.

Healy stated that the police department does not possess any documented evidence to support a denial of this request.

Hearing no public comments regarding this change request, Miller closed the Public Hearing at 8:29 p.m.

Grizzle moved, Elliott seconded, to approve the liquor license change of ownership request for 1695 S. Main Street. The motion passed unanimously by roll call.

8) Grant Street Bridge Right-of-Way Vacation

Council President Miller declared the public hearing open at 8:30 p.m. to consider vacating a portion of the public right-of-way bordering the north embankment of the existing Grant Street Bridge on the northeast side.

Bowie referred to the map in the Council packet indicating the new alignment and the approximately ½ acre being proposed to be vacated. Notice of tonight's hearing has been given to all adjacent property owners with no opposition. Written consent has been provided by a majority of area property owners as defined by ORS 271.

Hearing no public comments in favor or opposition for the proposed right-of-way vacation, Miller closed the Public Hearing at 8:33 p.m. McHill read the title of the Ordinance.

Elliott moved, Thackaberry seconded, A BILL FOR AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY AT GRANT STREET BRIDGE. The motion passed unanimously.

LEGISLATIVE SESSION

9) Adopt Capital Improvement Program Document

Bowie explained that Council was previously presented with a copy of the City's draft 5-Year Capital Improvement Program (CIP) on May 10 and had not received any requests for changes. Bowie noted the following staff changes: Page 1-10 (Transportation), a right turn lane at Milton and Highway 20 to help facilitate traffic movement in the area; Berlin Road Rebuild (Future Projects) because of the known problem with the existing road; and the Accelerator Improvement (Water) was moved to 2007/08 (numbers were adjusted because they were a little high).

Miller stated that there were a couple of people in the audience that wished to speak on this matter.

Mel Harrington, 481 S. Main Street, addressed Council regarding the storm drainage system and referred to the introduction to the program. "A new set of rules which will impact the storm drainage system is the Storm Water Phase II rules soon to be implemented by the EPA". Harrington asked why the City would implement this program, if the City doesn't have the rules for Phase II from the EPA. Ruef stated that we are not yet under the Phase II program. He anticipates that DEQ is finally going to implement that program. Therefore, this document is established on what we anticipate will happen in the next few years. We felt it was important to add these projects at least as a warning. The rules are out there but they have not got down to Lebanon's level yet. Harrington asked why we would move forward then. Ruef stated that this plan anticipates that these projects may come forward. Council still has to go through the normal approval process for these projects.

[Uncertain as to the source of information quoted below]

Harrington stated that he and others in the audience want to address implementing a charge for storm drainage runoff of homes and buildings that would supposedly "perk" into the storm system.

He read, "The storm drainage utility was proposed to City Council by CIP Program Committee." I believe I was on that Committee at that time, and so was Bob [Elliott], and I don't think that there was a utility proposed at that time. "The new storm drainage utility received initial approval for a startup budget," and I don't think that ever happened either. Because, as I recall, when we started talking about that fee it was about a \$5 to \$7 fee for runoff. Everybody on the CIP Committee said they didn't want to go there and this is not the time. Ruef clarified that the storm drainage utility fee predated Harrington's time on the CIP Committee and staff did get authorization, and have continued to get authorization, to have that preliminary budget in our budget every year. We don't spend the money until Phase II hits us. That has been the understanding, as we were not going to address this utility until such time as the Phase II regulations hit us. Harrington stated that could have been previous to him but he asked others, John Brown, and we thought that at that time we were not going to consider it. He's unsure how it could still be part of the program, if they [CIP Committee] said no. Ruef stated that it is part of the potential program and it was being held until we had to do Phase II. Harrington stated that the problem is that these folks [current Council] will vote this in ahead of time; it is the cart before the horse. Hitt stated, Ruef confirmed, that this plan does not impose a storm drainage utility; it says it is a possible funding source. Harrington stated that it means it is number one on the agenda, somewhere, because you guys [the City] don't have enough money. It says here, "If the utility is not formed, then transfers will have to be made from city funds." Hitt stated that was correct and is what we have been doing up until this point and time. Harrington stated that it says that it is coming from the Street Maintenance fund. I can remember a meeting that Mr. Miller was emphatic about not giving me \$22,000 for street lights and turn right around and propose giving \$300,000 to balance the budget out of the street fund. So, I have a problem with another utility coming up when we can finance it out of the street fund. Hitt stated that Council will make a decision when it is proposed to them; a storm drainage utility is not in this year's budget. Harrington stated it may not be in this year's, or next, but it may be in the year after that. Hitt stated that each Council has to make that decision as each year's budget is considered; you cannot lock this in for the future. Harrington stated I know that but I remember what they said at that particular time, and the answer was no, we are not going to do this. Hitt and Ruef stated that we haven't. Harrington stated if I'm going to vote no on that storm utility thing, then I'm not going to change my mind next year, or the year after, I'm going to vote no because my constituents don't want to pay that tax. They don't want to pay for storm water runoff and I know that some of them are going to say, okay, you prove to me that the water is going into your storm drain. He's talked to DEQ and they have a test well on my property and every drop of water on my property goes northeast. It's about 500 yards to the street, the way the water flows, and by the time it gets to the street its 30 feet down. I don't think the storm drain system is 30 feet down and if it is, it is a closed system anyway, how the hell is it going to get in there?

Weldon asked why we are doing the Plan if the Transportation System Plan (TSP) was never completed; they said we'd redo it in July. Ruef stated we are still working on it and we are trying to set up a meeting in late July to go over the latest draft. Weldon asked how we could do these Plans without knowing what the TSP and rules are. Bowie stated that the CIP document is an annual document that is continually updated. In between this year's adoption and the following year's adoption, we will hopefully have an adopted final TSP. We have the draft in hand, it was promised earlier and we didn't make it until June. It is ready to be reviewed and it will then be reviewed by the Planning Commission before going to Council. The TSP is a 20-year planning window. We will take projects out of the TSP and implement them into our 5-year program but we don't need to keep waiting. We can do it next June, but we need to have an up-to-date program each year. Bowie provided an example of why an up-to-date plan needs to be in place. It helps with the grant funding

process because it shows that Council is in agreement with us applying for this application. The proposed resolution would take care of that grant application requirement.

Fox stated it would be easier for Council to approve if there were more definites; there are a lot of open issues. Bowie stated we do have dollar figures associated with every one of the projects and those are pretty definite. The CIP is amendable, if we find that we need more dollars for a specific project. Miller stated that the CIP is the best he's ever seen while on Council and commended staff for their efforts. These are simply short term things that we know need to be done and this is how we *think* we are going to do it. However, this plan does not guarantee that this will necessarily get done because funding may not come through. We may have to shove projects off to another year. This is a document that continually changes; the process it is not concrete. Grizzle stated that if we waited for everything to be concrete we would never pass this. This gives a short term plan that indicates, at this time, the most pressing needs knowing they may or may not be done, but hoping it can be. Council is simply agreeing with the capital improvements indicated and the time frame that we hope they can be done in.

Weldon asked about the status of a street light at 5th and Airport as well as the bypass. Ruef stated that after a traffic study was done, staff was told that it did not warrant a light in that location. The turn lane that was put in when the high school remodeled helped the traffic in that area. I think we will have a bypass, Reeves Parkway ultimately, but it is so far out in possible funding. Weldon stated "shouldn't we at least start the project, whether it is a block or mile of it". Ruef stated he believed the extension of Reeves Parkway is in the Plan. Bowie stated that it was in the master plan and will likely get in the following year. We are talking about building part of the extension. Ruef stated that the draft TSP stated that we will relieve traffic congestion by doing Reeves Parkway. And, if there is an official highway bypass it is outside the 20 year window of the TSP. This discussion is appropriate for the TSP update and how the congestion will be handled over the next 20 years.

In response to Elliott, Ruef and Bowie stated that there would probably be a joint work session with Council and Planning Commission (PC). Then it will need to go to PC for a recommendation before going to Council. A brief discussion ensued about the delay in the TSP plan and trying to set up a meeting with the different government agencies involved.

Fox asked if the utility would bear the cost if the storm drainage utility is formed. And, would it be brought to Council for approval or by approving this program is Council accepting it. Bowie stated that there is no utility approval, it is just a historical narrative and the next page shows that there is zero funding. Miller confirmed that it just shows that we have discussed it as a possible funding source.

Weldon stated that all are submitted by the TSP, if they are submitted from that and we don't have one he does not understand that statement. Bowie stated that we need to keep in mind that it is within the 5-year window. There is a plan; it has not yet been approved by the state. Parker added that we have an adopted Transportation Master Plan, the new era of transportation master plans are called Transportation System Plans and there are a new set of guidance rules.

Thackaberry stated that we could take the page out that discusses storm drain utility so that it does not get approved by this Council. *Thackaberry moved to pull page 4-1 out of the document.*

Ruef stated that this document is to have a window to the future of what may be coming. If you are not letting people know in advance that this may come before Council; then it will be a surprise. That is why some street projects are proposed because we think, based on the draft TSP, that this is the stuff that will happen in the next few years. By taking it out, all you are doing is not letting people see what may be coming in advance. It doesn't mean it is not going to happen, it is a planning tool. But, taking it out because they may be unpopular or because we don't have a stamp on the TSP is not letting people know that it may come forward.

Thackaberry stated he did not want to give his stamp of approval and would like this page taken out, as well as some other pages, if it is in order at this time.

Miller stated that in the introduction there is a narrative that gives history and the thought gone into the process. It does not tell me I'm voting yes/no on a particular project. He does not feel bound by that paragraph at all. Grizzle stated that she does not feel bound either. There may be inevitable changes coming down from DEQ and if we take the page out, it's off the horizon and it hits us by surprise as opposed to looking at it year after year. Elliott agreed it should not be taken out and feels that if we do take things like this out, we are just hiding it from the public and he would rather be upfront.

Council confirmed for the audience that they are still asking questions of staff before opening it up to public comments. Thackaberry stated he would hold off on his recommendation until he hears public comments.

Bruce Howe, 488 2nd Street, stated that they have been aware of the storm drainage topic and referred to Section 1 of the proposed resolution that sounds like it would be a done deal, if Council signs it. He lives in a house that is over 100 years old, prior to codes, and his runoff percolates into the ground naturally; it does not go into the system. He and others have heard that there will be a tax assessment that will be based on the square footage of their houses. Hitt stated that this was incorrect. This document does not impose any tax or any charge to any homeowner. Miller stated that this document simply states that the option has been discussed in the past. If and when we address that issue, there would be a public hearing. Howe thanked Council and added that he liked what Councilor Thackaberry said about extracting the page.

Bob Scott, 460 2nd Street, stated that there are other cities that have already put this into being and he's interested in whether they have a standard formula. Ruef stated that each city has a different formula but most recognize impermeable surfaces. That would be the next step to research what charges would suit Lebanon best, if any.

McHill stated that you have no legislation on the book that enacts what we have been talking about; Council would have to approve that. McHill read the title of the Resolution.

Councilor Grizzle moved, Councilor Elliott seconded, A RESOLUTION CONSIDERING, ADOPTING AND ACCEPTING THE LEBANON CAPITAL IMPROVEMENT PROGRAM FOR 2006.

Thackaberry moved to amend the document by eliminating Pages 1-17, the Berlin Road TSP plan (\$3 million projected) because I think we have a lot of city streets in the core of our city limits that need a lot of work as oppose to Berlin Road; eliminate 4-1, and on the parks and facilities

Page 5-12 dealing with the Academy Square Park proposal. He has problems with that plan and would like it removed, Weldon seconded, to amend the document.

Fox asked Thackaberry the reason for eliminating Page 5-12. Thackaberry stated he did not like the design of the park area. Most of the residents of this town would like to see it left in grass; we don't need the concrete water structure and labyrinth.

Kaser asked if this was in the approved Parks Master Plan. Weldon stated that the labyrinth was discussed and voted down. Grizzle stated that if this comes before us, against the recommendation of the Parks Committee, we are not under any obligation by approving this design because we approved moving forward with the CIP. Weldon stated that when the property was being traded he thought we decided to keep it as grass and trees. Thackaberry stated that was his recollection as well.

Thackaberry called the question, Weldon seconded, to remove the pages. The motion failed by roll call vote with 3 yeas (Elliott, Fox and Grizzle) and 2 nays (Thackaberry and Weldon).

The original motion to adopt the CIP document passed by roll call with 3 yeas (Elliott, Fox and Grizzle) and 2 nays (Thackaberry and Weldon)

Miller called for a 7 minute recess.

10) Interfund Transfers

Cole stated that the transfer resolution for the current FY 05/06 budget would make some adjustments to the current year's general fund budget. Cole noted that it does not increase the general fund budget for this year; it merely transfers appropriation funds from the Administration Economic Development Department to the Human Resources Department. The expense has already been accounted for in calculating the year end expenses so it does not adversely affect our cash carry forward for next year's beginning balances.

Weldon asked what the \$10,000 was for. Cole explained that the estimates for contract services for the City's labor attorney costs [Kathy Peck's legal firm] out of the HR Dept. shows that it would have gone over budget. Grizzle asked if it was because of the hostile work environment case, Hitt stated that Peck's office did some other work besides that case.

McHill read the title of the Resolution.

Councilor Elliott moved, Councilor Grizzle seconded, A RESOLUTION AUTHORIZING CERTAIN INTRAFUND TRANSFERS IN THE 2005 – 2006 BUDGET. The motion passed by roll call with 3 yeas (Elliott, Fox and Grizzle) and 2 nays (Thackaberry and Weldon).

12) City Administrator's Report

Hitt provided a brief report on the following items:

Potential General Obligation Bond Package – A potential package is being prepared and we anticipate bringing it to Council's for review in July.

City Council Meeting Date – Fox will be gone July 17 through August 18 and Thackaberry will not be available for the suggested meeting date of Tuesday, July 18. Hitt will follow up with a memo.

Goal Update – Railroad Relocate Status, staff submitted a connect Oregon Grant to relocate our switching yard, as well as the reload facility next to the Santiam Travel Station. It looks as though it has a good prospect of being funded.

OECD Loan/Grant Application – A loan/grant application of approximately \$1.4 million does not commit the City or the City Council to do anything, it is just a request for consideration that would come back before Council before any documents are approved or signed. At this point, the total consists of \$850,000 in the form of a loan and a request for \$450,000 in the form of a grant.

Police Department Staffing – Referred to the last Council Read File.

Last City Council Meeting – Thackaberry had recently voted no on the budget stating that it was due to administration costs. Hitt distributed a comparison of administration costs as a percent of the general fund. In comparison to prior years, those costs have been below 1.32% of what was approved. He also provided results of a survey he had completed from a list of cities who responded with their range of administrative cost. Hitt felt that we are doing a good job in comparison.

COUNCIL COMMENTS

Elliott asked if the City is moving ahead with the motorcycle traffic enforcement. Healy stated that due to some staffing issues, they are not able to have a separate motorcycle traffic team at this time. Their top priority is to keep the patrol schedule covered. They fully intend to have a motorcycle traffic team as soon as possible.

CITIZEN COMMENTS

Hearing none, Miller called for a recess and noted the possibility of Council returning to regular session after the Executive Session.

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

LEGISLATIVE SESSION

13) Potential Parks Property Acquisition

Thackaberry moved, Fox seconded, to approve the purchase of the property located at the corner of Maple and Park Street (Tax Map 12S-02W-11CC, Tax Lot 1400) for the sale price of \$95,000 payable upon terms that staff suggests and authorizes staff to make that negotiation. The motion passed unanimously by roll call vote.

ADJOURNMENT

Hearing no further comments, Miller adjourned the meeting at 10:10 p.m.

COUNCIL COMMENTS

Weldon addressed the tall, dry, grass on the railroad property next to the Santiam Travel Station. Hitt will contact the railroad.

Meeting recorded & transcribed by: Linda Kaser

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

ATTESTED:

Linda G. Kaser, City Clerk/Recorder

Consent Calendar

- ❖ City Council Agenda for July 26, 2006
- ❖ Lebanon Planning Commission Meeting Minutes – May 17 & June 7, 2006
- ❖ Library Advisory Board Meeting Minutes – June 14, 2006
- ❖ Library-Senior Center Trust Meeting Minutes – May 9, 2006
- ❖ Senior Advisory Board Meeting Minutes – May 10, 2006
- ❖ Parks Committee Tree Board Meeting Minutes – May 16, 2006



City of Lebanon Planning Commission

Meeting Minutes May 17, 2006

MEMBERS PRESENT: Chairman Barry Scott, Vice Chairman Don Robertson, Commissioners Tom Owen, Duston Denver, Peggy Snyder, Mike Reineccius, Israel Garcia, Lita Dyson, Shelley Garrett and Walt Rebmann

STAFF PRESENT: Community Development Manager/City Planner Doug Parker, Assistant Planner Terry Lewis, City Manager John Hitt, Mayor Ken Toombs, City Attorney Tom McHill, City Engineer Malcolm Bowie and CD Administrative Assistant Jamie Bilyeu-Libra

1. FLAG SALUTE / CALL TO ORDER / ROLL CALL

Chairman Scott called the meeting of the City of Lebanon Planning Commission to order at 7:01 p.m. on May 17, 2006, in the Santiam Travel Station Board Room at 750 3rd Street. Roll call was taken; Commissioner Davis was absent.

3. APPROVAL OF MINUTES – April 19, 2006

There were no corrections or additions to the minutes, and were approved as presented.

Commissioner Rebmann moved, Commissioner Snyder seconded, that the April 19, 2006 minutes be approved as presented. The motion passed unanimously.

4. CITIZEN COMMENTS – There were none.

5. PUBLIC HEARINGS

Chairman Scott announced that the revised agenda included a change in the order of public hearings:

- A. Annexation A-06-07 (John Hughes - Reeves Parkway and Highway 20)
- B. Subdivision S-06-02 (5th Street Trust - Kingdom Estates)
- C. Subdivision S-06-01 (Brown Construction - 1745 12th Street)

Chairman Scott stated that the criteria relevant to these public hearings were posted on the wall. He asked City Attorney McHill to review public hearing procedures.

McHill explained that the agenda contained three public hearings – an annexation and two subdivisions. The Commission's decision on the annexation hearing will be in the form of a recommendation to City Council to either approve or deny the annexation. Regarding the subdivisions, the Commission will make a decision on both applications in one of three forms: approval, approval with certain conditions, or denial.

He reviewed the public hearing procedures that were shown overhead and posted on the wall. He explained that ORS 197.763 required that at the commencement of a public hearing, the applicable substantive criteria pertinent to the public hearings are identified in the staff reports and are posted on the wall. He went on to say that all testimony, arguments and evidence presented must be directed according to the criteria listed or other criteria specifically identified by the individual presenting the testimony. The identified criteria must be listed in the Comprehensive Plan or Land Use Regulations documents. A failure to raise an issue with statements and evidence sufficient to allow the Commission and the parties to respond to the issue precluded any appeal on that issue. He asked if there was anyone present who had any questions or wished him to review the criteria in greater detail. There were no questions.

McHill also explained that only those who testify will have the opportunity to appeal the Commission's decision to City Council or to the Land Use Board of Appeals; those who do not testify will not have that opportunity. He asked if there were any questions about the procedure. There were none.

A. Annexation A-06-07 (John Hughes – Reeves Parkway and Highway 20)

Chairman Scott opened the public hearing at 7:10 p.m. and asked the Commissioners to disclose any conflicts of interest or ex parte contacts. Commissioner Owen disclosed that he has had several business dealings with the applicants, but was not involved in this annexation. He added that he did not feel this would have any bearing on his decision. There were no other disclosures.

Planner Parker briefed the Commission on the applicant's request to annex an approximately 12.53 acre territory comprised of two tax lots located at the northwest corner of the intersection of Highway 20 and Reeves Parkway (Assessor's Map T12S - R2W – Section 3D, Tax Lots 100 and 116). The subject property is within the Urban Growth Boundary and is contiguous with City limits to the south. A Mixed Use (Z-MU) zoning designation is being requested upon annexation; this zoning designation is consistent with the City's Comprehensive Plan and is not a zoning map amendment. The subject property is within the Grand Prairie Water District.

Parker showed slides of the property and the surrounding area. Tax lot 116 is approximately 1.50 acres and contains a single-family dwelling. Tax lot 100 is approximately 11 acres and contains two single-family dwellings, with the balance of the property in grass seed production. He noted that there was no development proposal at this juncture; however, city services could readily be made available to the site. Water services could be extended from an existing 12-inch line that runs along the south boundary line of the property (Reeves Parkway). Sanitary sewer could be extended northward from 5th Street from a 54-inch trunk line near Pioneer School. In addition to the drainage way that serves the property to the south and runs under Reeves Parkway northward following the historic surface drainage pattern, there is the Reeves Parkway drainage way. All three dwellings currently have access from Highway 20, which is slated for improvement next year with likely concurrent storm drainage improvements. He added that the applicants were cooperating with the City and ODOT in the acquisition of additional rights-of-way to help facilitate those improvements. Currently, there is no direct access to Reeves Parkway from the agricultural field, but future development of this property will include access.

Parker stated that the Planning and Zoning Considerations were included in the staff report, posted on the wall and were discussed by McHill. He noted that *Consideration #3* should read "*Mixed Use*" instead of "*Residential Mixed Density*." Parker indicated that the criteria include the Annexation Ordinance, relevant Zoning Ordinance, and Comprehensive Plan. He asked if there was anyone who wished him to review any of these criteria. There was no comment.

Parker reviewed the Planning staff comments and stated that there would be no impact to city services or utilities as a result of this annexation because the existing homes were served by onsite services. City Engineer Bowie did not have anything to add to the Engineering staff comments.

Parker stated that unless this public hearing identifies unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the City, staff recommends that the Commission recommend to City Council that the proposed annexation be approved. He reminded the Commission that their decision will be in the form of a recommendation to City Council to either approve or deny the annexation. He offered the staff report and proposed findings for the record. Chairman Scott accepted them.

Chairman Scott asked if there were any questions of staff.

Hearing none, Chairman Scott opened the public testimony portion of the hearing at 7:23 p.m. and invited the applicant or the applicant's representative to come forward.

Brian Vandetta, 63 E. Ash Street, Lebanon, Oregon, the applicant's representative, stated that all annexation criteria have been satisfied and had nothing to add to their application. He made himself available to answer any questions. There were none.

Chairman Scott invited anyone who wished to speak in favor of or in opposition to the application to come forward. Seeing no one, Chairman Scott closed the Public Hearing at 7:25 p.m. and announced that all further discussion would be between the Commissioners and staff.

The Commissioners agreed that the necessary annexation criteria have been satisfied.

Chairman Scott asked if there were any other questions. There were none.

Commissioner Snyder moved, Commissioner Denver seconded, that the Commission recommend approval of A-06-07 to the City Council based on staff comments, the proposed findings, recommendations and other testimony.

The motion passed unanimously. 7:26 p.m.

B. Subdivision S-06-02 (5th Street Trust – Kingdom Estates)

McHill pointed out that the next two subdivision hearings were different from the previous annexation hearing in that the Commission would be making decisions, not recommendations, on these applications. He briefly listed the relevant criteria and added that those criteria were included in the staff report and were posted on the wall. He emphasized that these criteria were different from those used in the annexation hearing.

Chairman Scott opened the public hearing at 7:26 p.m. and asked the Commissioners to disclose any conflicts of interest or ex parte contacts. Vice Chairman Robertson stated that he had been on the subject property a number of times because his firm had this property listed at one time. He added that this would not have any affect on his decision. There were no other disclosures.

Parker briefed the Commission on the applicant's request to subdivide 6.82 acres into thirty-two residential lots and a public street. This recently annexed property is comprised of one tax lot located at 31707 SW 5th Street, on the east side of South 5th Street, 412 feet south of Vaughan Lane, and is in the Residential Mixed Density (RM) zone. Assessor's Map 12-2W-22D, Tax Lot 1001.

Parker reviewed maps of the subject property and pointed out that this was another example of development opening the door to adjacent development. The Heather Estates infrastructure improvements, particularly the sewer line extension, made development of this site possible. South Main Road, south of Vaughan Lane to Crowfoot Road, is currently at a county standard and will be improved to a city standard this summer. Joy Street will provide some of the primary access to this site and will be completed as a 28-foot wide street with this subdivision proposal. The section of 5th Street which will provide the other access will be required to be improved to an urban standard. The irregular ponding patterns, caused by construction impeding flows of the historic drainage way through the south property line, have been rectified. This drainage way will be enhanced by the improvements that accompany this development proposal. A curbside 8-foot wide multi-purpose trail will be a continuation of an existing trail that currently follows the drainage way. Parker stated that the applicants were diligent in pursuing the identification of possible environmental constraints on site, including jurisdictional wetlands.

Regarding the subdivision proposal, Parker noted that all thirty-two proposed lots exceeded the minimum lot size even when excluding the drainage easements or flag portions of the property. Twenty-eight of the proposed lots will have access from the new street, which will be improved as a 28-foot wide half-street to allow for parking on one side with an ultimate future build-out of 34 feet. A hammerhead turn-around will be used as an emergency vehicle turn-around until the cul-de-sac is built to its full radius. The multi-use path constructed along the drainage way will be of adequate weight-bearing capacity to allow City vehicles and equipment direct access for maintenance; the City will be granted an easement to maintain the drainage way. All public infrastructure will be funded by the developer and is planned for the summer of 2006; home construction is scheduled for the fall of 2006.

There was discussion about the detention basin in the corner lot associated with Lot 5. Bowie stated that it was not determined who would be responsible for maintaining the detention basin, but he felt that it could be worked out with the applicant. There was also discussion on how the maintenance requirement would be enforced; McHill stated that it would depend on the conditions placed on that property.

Commissioner Garrett asked if the standing water problems in a neighboring area would be affected. Parker stated that construction caused unusual surface drainage patterns during the last storm. Public improvements to the subject properties, street, and to the drainage way should attend to any standing water problems, but he did not believe that these improvements would have any impact on the neighboring area. Bowie stated that, as part of the Heather Estates improvements, they were adding fill to that area and constructing a culvert across 5th Street, which should help resolve any further problems.

Parker showed slides of the property and surrounding area. He then reviewed the evaluation criteria and Planning staff comments. He noted that *Comment W* should be struck and made the following change:

Comment N: Provide maintenance access (including an easement if necessary) for City crews and vehicles to access and maintain the ~~detention-pond~~ drainage way.

After reading the Building department comments, he directed the Commission to City Engineer Bowie who reviewed the Engineering staff comments. Bowie noted that *Drainage System Comment P* did not specifically say who would maintain the detention pond, but it implied that the City would be ready if necessary.

Parker stated that, through a collaborative relationship with the applicant, an efficient urbanization pattern was produced which would lead to subsequent orderly urbanization of adjacent properties, as it pertained to access, connectivity issues, and utility access. He added that the applicants were able to maximize density of development, yet retain some amenities and public facilities.

Parker stated that the proposed subdivision complied with the standards of the Zoning and Subdivision Ordinances as well as the Comprehensive Plan Policies. The subdivision plat was professionally designed so as to be compatible with the adjacent properties and the neighborhood. Staff did not foresee any likely adverse impacts associated with the residential development of the subject property and it was noted that some of the proposed improvements would be to the benefit of the subject and adjacent properties. Staff recommended that the Planning Commission approve the proposed subdivision along with the Department Comments and requirements. All of the proposed lots conformed to the Residential Mixed Density zone minimum lot area standards and can be developed in conformance with relevant Zoning Ordinance development standards.

In approving the proposed subdivision, staff recommended that the Planning Commission direct the applicant to prepare the Final Plat in accordance with Lebanon Subdivision Ordinance Articles 4, 6 and 7 and with the Department Comments contained in this staff report. He offered the staff report and proposed findings for the record. Chairman Scott accepted them.

Chairman Scott asked the Commission if they had any questions.

There was a short discussion on the proposed sidewalk improvements across the recently replaced bridge.

Chairman Scott asked if there were any other questions of staff. Hearing none, he opened the public testimony portion of the hearing at 8:20 p.m. and invited the applicant or the applicant's representative to come forward.

Eric Kirby, 63 E. Ash Street, Lebanon, Oregon, the applicant's representative, clarified that the multi-use path along the drainage way would be 8 feet wide. He briefly discussed a problem area where Oak Creek crossed S. 5th Street, and stated that they will submit an engineering report pertaining to the previous winter's high water event. He described the detention pond area on Lot 5 and stated that this pond will be inside a public utility easement; therefore it will be the City's responsibility to maintain it. He stated that the major benefits of this subdivision approval were to enhance the storm drainage, relieve high water problems, and provide pedestrian access. He made himself available to answer any questions.

Commissioner Owen asked for clarification on who would be responsible for maintaining the detention pond. Mr. Kirby stated that it would be the City's responsibility because the pond will be located in a public utility easement. He added that they will try to incorporate it as a backyard with a shallow slope from the back of the house to S. 5th Street.

In response to Vice-Chairman Robertson's question about the use of the path to maintain the drainage way, Mr. Kirby stated that the street, in conjunction with the path, will be used.

McHill stated that being granted a maintenance easement did not obligate the City to maintain the detention pond. He felt that unless there was an agreement otherwise, it was the property owner's responsibility to maintain it. Mr. Kirby stated that this public storm drainage pond will be designed so that the property owner will maintain it, but the City will have access if necessary. Parker stated that staff agreed with Mr. Kirby's comment.

Chairman Scott invited anyone who wished to speak in favor of the application to come forward. Seeing no one, Chairman Scott invited anyone who wished to speak in opposition to the proposal to come forward.

Bill Harbeck, questioned whether emergency and sanitation vehicles would be able to turn around at the hammerhead. Parker answered that the hammerhead was designed to the Fire District specifications. In response to Mr. Harbeck's question as to whether the flag lot easement on the northeastern corner of the proposed subdivision could be traded for the turn-around, Parker stated that this was not relevant to these proceedings. There was a short discussion on the hammerhead and distance needed for emergency vehicle back-up.

Chairman Scott invited anyone else who wished to speak in opposition to the proposal to come forward. Seeing no one, Chairman Scott asked Mr. Kirby to respond to those who spoke.

Mr. Kirby confirmed that the emergency vehicle back-up distance was 150 feet.

Chairman Scott closed the public hearing at 8:34 p.m. and announced that all further discussion would be between the Commission and staff.

There was a brief discussion on maintenance of detention ponds. Vice-Chairman Robertson received clarification from Parker that the City and the applicant would determine who will maintain the detention pond.

Chairman Scott asked if there were any other questions. There were none.

Commissioner Owen moved, Commissioner Denver seconded, that the Planning Commission approve subdivision S-06-02 along with the department comments, requirements and findings, and also direct that the applicant prepare the final plat in accordance with Lebanon Subdivision Ordinance Articles 4, 6 and 7 with modifications to department comment N and striking comment W as noted.

The motion passed unanimously. 8:37 p.m.

The Commission took a 5-minute recess.

C. Subdivision S-06-01 (Brown Construction – at 1745 12th Street)

McHill stated that the relevant criteria were listed in the staff report and were posted on the wall. He added that the criteria used in the previous subdivision hearing would also be considered in this hearing.

Chairman Scott opened the public hearing at 8:47 p.m. and asked the Commissioners to disclose any conflicts of interest or ex parte contacts. Commissioner Reineccius stated that because Brown Construction built his house, he has had contact with them, but has not had any further business dealings with them. He added that this would have no bearing on his decision. Vice-Chairman Robertson stated that he represented the applicant in the purchase of the subject property five or six years ago, but this would not have any affect on his decision. There were no other disclosures.

Parker briefed the Commission on the applicant's request to subdivide an approximately 27,000 square foot parcel into five residential lots and a private lane. The property is located at 1745 12th Street, south of F Street, and is in a Residential Mixed Density (RM) zone. Assessor's Map 12-2W-15BC, Tax Lot 2201.

Parker briefly reviewed prior land use decisions submitted by the applicant for abutting properties. This five-lot subdivision proposal will complete the urban density development of the remaining middle (subject) property. Four lots are proposed to have access via reciprocating access easements and shared, private drives; one lot is proposed to abut 12th Street. The shared drives and surface drainage system are private; public water and sewer lines are already in place along the shared drives serving properties to the north and south. Parker pointed out that this proposed development will not allow for the extension of city infrastructure to the east. A previous subdivision request showed substantial standing water on the subject property and adjacent properties. Additionally, properties on the west side of 12th Street likely contained jurisdictional wetlands; therefore the applicant will need to demonstrate to the State and the City that the site is entirely free and clear of wetland regulatory issues or that such compliance issues have been officially satisfied.

Parker stated that an unscaled, sub-standard tentative plat was submitted. He noted that the areas of Lots #2-5 included the existing road, which constituted approximately 825 square feet; therefore these lots were substantially less than 5000 square feet. Considering the setback requirements, all four of these lots have a buildable footprint area of less than 2400 square feet.

Parker presented slides of the subject property and went on to explain the evaluation criteria and other Planning considerations. He wanted the record to show that policies which pertained to population and economy have been identified because the properties on the west side of 12th Street were an important part of the City's inventory of vacant employment lands for commercial, light industrial, and mixed use development. He added that the City needed to protect those lands when considering nearby development proposals; this also applied to the protection of residential lands. He stated that because the proposed driveway is shared, the Commission may find it prudent to ensure that the structures, especially garages, are set back an adequate distance from the common access easement. Parker stated that the Commission would need to grant an access easement in order to approve this subdivision as presented. To avoid possible future problems, property owners on the shared private drive will be required to sign and record a City acknowledgement form stating that this drive will not be patrolled by City police or maintained by the City. All properties providing access will be required to have reciprocating access easements to ensure that these properties have legal and physical access. Lot 1 will be required to have access from the shared access easement and will be required to construct a minimum six-foot tall wood fence and a ten-foot landscape buffer to make this lot less sensitive to activities on the west side of 12th Street. He added that it may also be prudent to require that each lot sign a recorded document acknowledging that the mixed use properties to the west have the potential to develop as mixed use, commercial, or light manufacturing employment sites, as is similarly required for development in the AC sub-zone.

Parker reviewed the Planning staff comments and noted that *Comment D* should be struck.

Regarding *Comment H*, rock-filled buckets were currently being used to hold postal boxes, which was unacceptable. Regarding *Comment L*, maps for the reciprocating access easements were required to be included. Regarding *Comment O*, this comment pertained to Lots 2-5.

After reading the Building department comments, he directed the Commission to City Engineer Bowie who reviewed the Engineering staff comments. Regarding *General Comment 1*, Bowie clarified that a city standard sidewalk along 12th Street will be required to connect the north and south legs of the private drive loop. He added *General Comment 3: Engineered (stamped and submitted by a licensed Oregon engineer) drainage calculations for any potential lots will be required prior to issuance of building permits.*

Parker stated that the proposed subdivision can be made to comply with most of the standards of the Zoning and Subdivision Ordinances as well as the identified relevant Comprehensive Plan Policies. The subdivision plat needed to be professionally prepared and designed to be compatible with the adjacent properties and the neighborhood. There are possible adverse impacts to the development potential of job-creating properties to the west across 12th Street unless special screening and buffering treatments to Lot 1 (and possibly all lots) are required.

Staff recommended that the Planning Commission consider approval of the proposed subdivision along with a complete and thorough response to the department comments and requirements. Proposed Lots 2-5 do not conform to conventional Residential Mixed Density zone minimum lot area and street access standards, yet nevertheless could likely be developed in conformance with relevant Zoning Ordinance development standards. If approved, the Planning Commission should require adequate protection for the job-creating development potential of mixed use and industrial employment land to the west across 12th Street before allowing the densification of this site. He added that the applicant's approach to implement this subdivision was not standard and was laborious and time-consuming for staff.

If the Planning Commission voted to approve the proposed subdivision, staff recommended the Planning Commission direct the applicant to prepare the Final Plat in accordance with Lebanon Subdivision Ordinance Articles 4, 6 and 7 and with the Department Comments contained in this staff report as well as address the issue of compatibility between the proposed increased residential density of this development proposal for this property versus the development potential and job-creating opportunities of the mixed use employment lands to the west.

Parker offered the staff report for the record and brought to attention that the proposed findings had been structured to support the conditions that would protect the employment lands to the west. Chairman Scott accepted them.

Chairman Scott asked the Commission if they had any questions.

There was discussion pertaining to a similar problem with Cascade Meadows Park where residents complained that their private drive was not patrolled by City police or maintained by the City. Regarding the requirement of notification of mixed use lands to the west, McHill stated that this should be further researched before a decision was made. Parker stated that this acknowledgement would not preclude the property owners' rights to protest against this in the future, but would be to establish for the record that they were fully informed.

There was considerable discussion regarding the sizes of Lots 2-5, which were proposed to be less than 5000 square feet. Parker stated that the Planning Commission had gone on record indicating that they wanted to see acreage totals which did not include non-buildable areas. He added that this was not codified, but had been honored by most developers. Commissioner Snyder stated that she would like to hear testimony from the applicant before making any more judgments.

Chairman Scott asked if there were any other questions of staff. Hearing none, he opened the public testimony portion of the hearing at 9:50 p.m. and invited the applicant or the applicant's representative to come forward.

Mark Hoyt, 475 Cottage Street NE, Salem, Oregon, attorney on behalf of Kirk Brown and Brown Construction, gave a brief background of the property and adjacent subdivisions developed by Brown Construction.

There was extensive discussion regarding the proposed lot sizes. Mr. Hoyt stated that the access road will be owned by the lot owners; therefore the deed would convey 5000 square feet, which is what the ordinance requires. He added that requiring 5000 square feet of buildable lot area was not codified, so it cannot be imposed.

There was also extensive discussion on the staff department comments. Mr. Hoyt addressed the following comments and added that unless a comment was addressed, it can be assumed that the applicant has no issues with them.

Other Planning Considerations:

2. Mr. Hoyt had no objection and submitted a copy of a Reciprocal Private Access Easement, Covenants and Maintenance Agreement (dated 10/27/05 recorded in Volume 1780 Page 233) for the record and described the maintenance agreement portion.
4. He requested a modification: they will provide calculations and confirmation that appropriate grading had directed storm water to the appropriate channels prior to issuance of the final occupancy permit. He felt that creating a drainage plan for lots of this size was overkill.
5. He stated that the Subdivision Ordinance provides for a tentative plat and a final plat. There is no provision in the Ordinance that requires that an applicant come back with a second tentative plat. Planning staff had the ability to state that the tentative plat was inadequate or incomplete, but they did not do so within the required 30 days of submittal date. He stated that if a new requirement not set forth in the code was imposed, this could create an arbitrary and capricious standard, which given the personal animosity between the applicant and the Planning staff, could result in litigation. A professionally designed final plat will be prepared to the appropriate subdivision standards and will satisfy all of the requirements of subdivision approval criteria.
7. Mr. Hoyt stated that the code encourages and promotes direct access to streets and discourages flag lots and easement accesses. Driveways are required to be removed if they present conflicts with intersections and other driveways. Removing the existing access to mitigate a conflict would be difficult to justify under existing law; industrial uses are not going to be negatively impacted by this driveway. He felt this was more of a reaction to his client's objection to the development across the street than a significant planning concern.

8. Mr. Hoyt stated that this property is zoned as Residential Mixed Density; there is no reference to a "transitional zone" in the zone or subdivision codes. There is also nothing in the code that states that surrounding zoning uses shall be disclosed through a declaratory statement. He again stated that he felt this was an overreaction to his client's objection to an unauthorized use in the zone across the street. He added that requiring a declaratory statement would look like retribution because previous western-facing development proposals were approved prior to his client's objection. If provisions unsupported by the code were imposed on his client, he stated that there was a strong likelihood that his client would have claims resulting from personal animus resulting in arbitrary and capricious actions, which could expose the City to liability and could involve all those involved in the decision to personal liability.

Planning Comments:

- E. Mr. Hoyt stated that all public improvements have been accepted.
- F. He agreed that the required 12th Street sidewalk still needed to be completed, but felt that it would be more efficient and equally effective to say "*sidewalk shall be constructed prior to final occupancy of Lot 1.*"
- H. He felt that "*if required by the Postmaster*" should be added because they were asked by the Postmaster to temporarily prop the mailboxes up until postal employees were able to install them.
- I, J. He stated that they would be happy to require any on-site wells or septic systems to be abandoned in accordance with state and local law. They would also provide confirmation of this, but he did feel that it should not be shown on the plat. (see *Other Planning Consideration 5*).
- K, L. He felt that "*Lots 1-5*" should be modified to "*Lots 2-5.*" (see *Other Planning Consideration 7*).
- P. He felt that this comment should be deleted. (see *Other Planning Consideration 5*).
- Q. He felt that this comment should also be deleted. Calculations and confirmation that the water was channeled appropriately would be provided before issuance of occupancy permits, but he felt that drainage plans for each house was unnecessary. (see *Other Planning Consideration 4*).
- R. (see *Other Planning Consideration 7*).
- T. (see *Other Planning Consideration 8*).

Engineering Comments:

Transportation System:

4. Mr. Hoyt felt that the requirement for street lights should be deleted. A decision from a prior approval stated that street lights are not required on a private street.
5. He felt that this comment should be deleted. There were no intersections created in this subdivision.

Mr. Hoyt asked that the requested changes be carefully considered and stated that they hoped to receive an approval tonight. He made himself available to answer any questions.

There was further discussion regarding the 12th Street access for Lot 1 and the sizes of Lots 2-5. In response to the Commissioners' suggestion of a compromise, Mr. Hoyt stated that those items he asked to be deleted have either been taken care of or he believed were not warranted. He discussed the strained relationship between the Planning staff and his client and added that he felt personal animosity had inappropriately entered into this process, as evidenced in the

staff report. He added that if there was no legitimate basis for denying approval, this would open the door to an appeal along with potential litigation. Several Commissioners stated that they had no personal animosity toward the applicant and were only trying to be consistent in their decisions.

McHill stated that the raised issues needed to be addressed by looking at the identified criteria and evidence in the record. He added that the Commission's decision must be authorized by that evidence. He suggested that this hearing may not be the appropriate place for negotiations and recommended that a decision be made in one of the three forms discussed.

Chairman Scott invited anyone who wished to speak in favor of or in opposition to the application to come forward. Seeing no one, Chairman Scott stated that the Commission would take a 5-minute recess.

The Commission took a 5-minute recess.

Chairman Scott reconvened the public hearing at 11:40 p.m.

Mr. Hoyt submitted a modified proposal which showed an increase in buildable square footage of Lots 2 and 5 by adding to them 11.5 feet from each side of Lot 1 (at its full depth). He added that Lot 1 would have to access off of 12th Street with this modification. The Commissioners and staff decided against the proposed modification.

There was discussion regarding the proposed no parking zone. Mr. Hoyt stated that the previously approved subdivision to the north required no parking on the south side of the street, which would be consistent with the west side of the street in this subdivision, so it would be logical to continue that. He felt it would be appropriate to word it so that the no parking side would be consistent. Mr. Hoyt stated that the neighborhood association would be responsible for enforcement of the private street. He believed that, under fire code, the Fire Marshal had the ability to enforce this whether the road was public or private.

Chairman Scott asked if there were any further questions for Mr. Hoyt. Seeing none, he asked if there was anyone else who wished to address the Commission. Seeing none, he closed the public hearing at 11:50 p.m. and announced that all further discussion would be between the Commission and staff.

McHill reminded the Commissioners that they had the authority to include conditions of the development if the evidence and identified criteria permitted it.

The Commission and staff decided on the following amendments:

Planning Comments:

- D. Strike.
- E, F. The applicant is still required to complete the 12th Street sidewalk public improvement.
- H. Strike.
- I. Strike the first sentence.
- J. Strike the first sentence.
- K. Amend "Lots 1-5" to "Lots 2-5." Parker suggested that the Commission and staff initially work on the premise that Lot 1 would have access from and face towards the west.
- L. Amend "Lots 1-5" to "Lots 2-5."
- P. Strike.

- Q. Strike.
- R. Strike.
- T. Strike.

Engineering Comments:

General:

Add Comment 3: Engineered (stamped and submitted by a licensed Oregon engineer) drainage calculations for any potential lots will be required prior to issuance of building permits.

Transportation System:

- 4. Strike.
- 5. Strike.

Parker stated that the most expeditious way to conclude this would be to arrive at a preliminary decision and direct staff to review the findings to assure that they support the Commission's decision. Staff would bring it back to the next meeting for final approval.

Parker wanted the Commission to understand, and the record to indicate, that all of the conditions were discussed by the entire development review team before the staff report was compiled; no one individual solely made these decisions.

Chairman Scott asked if there were any other questions. There were none.

Commissioner Reineccius moved, Commissioner Snyder seconded, that the Commission approve S-06-01 and direct staff to review the discussed changes, prepare findings that support those changes, and bring this back to the Commission for final approval.

Chairman Scott asked if there was any discussion on the motion. There was none.

The motion passed with 8 yeas (Commissioners Scott, Robertson, Denver, Snyder, Reineccius, Dyson, Garrett and Rebmann) and 2 nays (Commissioners Owen and Garcia). 12:12 a.m.

6. NEW BUSINESS:

- a. **Planning Commissioner of the Year Award.** Don Robertson, Barry Scott and Tom Owen were presented with Planning Commissioner Leadership Recognition Awards for demonstrating outstanding leadership and valuable contributions in the public hearing process.

7. OLD BUSINESS:

- a. **LZOU-TAC Update.** Parker stated that there will be a one-month hiatus due to the busy schedule, so the next meeting will not take place until June 20th.

8. **OTHER BUSINESS:**

- a. **PC Meeting Date.** The next Planning Commission hearing dates were scheduled for June 7 and 27. The June 7th meeting will involve four public hearings (two annexations, an industrial subdivision, and a preliminary development plan) and a meeting to update the Northwest Urban Renewal Plan. There will be a dinner served at 6:00.

The June 27th meeting will involve a comprehensive map amendment, a zoning map amendment, an annexation/comprehensive plan amendment, and a general development plan.

9. **COMMISSIONER COMMENTS:** Commissioner Garcia stated that in the future, we should focus on the present application and not past issues.

11. **ADJOURNMENT:**

There being no further business, the meeting was adjourned at 12:25 a.m.

Meeting recorded by Jamie Bilyeu-Libra and transcribed by Donna Trippett.



City of Lebanon Planning Commission

Meeting Minutes June 7, 2006

MEMBERS PRESENT: Chairman Barry Scott, Vice-Chairman Don Robertson, Commissioners Tom Owen, Duston Denver, Peggy Snyder, Israel Garcia, Lita Dyson, Shelley Garrett and Walt Rebmann

STAFF PRESENT: Community Development Manager/City Planner Doug Parker, Assistant Planner Terry Lewis, City Manager John Hitt, Mayor Ken Toombs, City Attorney Tom McHill, City Engineer Malcolm Bowie and CD Administrative Assistant Jamie Bilyeu-Libra

1. FLAG SALUTE / CALL TO ORDER / ROLL CALL

Chairman Scott called the meeting of the City of Lebanon Planning Commission to order at 7:00 p.m. on June 7, 2006, in the Santiam Travel Station Board Room at 750 3rd Street. Roll call was taken; Commissioners Jon Davis and Mike Reineccius were absent.

3. APPROVAL OF MINUTES – May 17, 2006

Vice-Chairman Robertson stated that the motion on page 12 should be amended: *Commissioner Reineccius moved, Commissioner Snyder seconded, to recommend that the Commission approve S-06-01 and direct staff to review the discussed changes, prepare findings that support those changes, and bring this back to the Commission for final approval.*

Commissioner Snyder moved, Commissioner Dyson seconded, that the minutes be approved as amended.

The motion passed unanimously.

4. CITIZEN COMMENTS – There were none.

5. ADOPTION OF FINDINGS - Subdivision S-06-01 (Brown Construction – 1745 12th St.) - continuation of May 17, 2006 hearing

Chairman Scott announced that the criteria relevant to the public hearings were posted on the wall. City Attorney McHill reviewed the public hearing procedures that were shown overhead and posted on the wall. He explained that ORS 197.763 requires that at the commencement of a public hearing, the applicable substantive criteria pertinent to the public hearings are identified in the staff reports and are posted. He went on to say that all testimony, arguments and evidence presented must be directed according to the criteria listed or other criteria specifically identified by the individual presenting the testimony. The identified criteria must be listed in the Comprehensive Plan or Land Use Regulations documents. Failure to raise an issue with statements and evidence sufficient to allow the Commission and the parties to respond to the issue precluded any appeal on that issue. He also announced that only those who testify will have the opportunity to appeal the Commission's decision to City Council or to the Land Use Board of Appeals; those who do not testify will not have that opportunity.

McHill explained that the agenda included four public hearings – two annexations, a subdivision and a planned development. The Commission's decision on the annexation hearings will be in the form of a recommendation to City Council to either approve or deny the annexation. Regarding the subdivision, the Commission will make a decision in one of three forms: approval,

approval with certain conditions, or denial. He explained that the applicable criteria for the planned development are different than the criteria used in the annexation and subdivision public hearings.

McHill also explained that the hearing to adopt findings is a continuation of subdivision application S-06-01, which was heard on May 17, 2006. He reminded the Commissioners that the public testimony portion of this subdivision request was closed. Staff was directed to come back with proposed findings in support of the Commission's tentative decision, along with revisions to the staff comments. He stated that the Commission will determine if the findings and staff comments reflect that tentative decision.

Chairman Scott opened the continuation of subdivision hearing S-06-01 at 7:09 p.m.

Planner Parker stated that the findings and department comments were modified to support the Commission's preliminary decision.

Vice-Chairman Robertson moved, Commissioner Owen seconded, that the Commission reconsider the motion that was approved two weeks ago.

Vice-Chairman Robertson stated that his vote on the approval was based on inaccurate testimony regarding the code. Zoning Ordinance Section 4.020(5)(a) states that lot areas in the Residential Mixed Density zone shall be a minimum of 5,000 square feet for interior single-family dwelling lots and 6,000 square feet for corner lots. Section 1.040(31) defines *lot area* as the total horizontal area within the lot lines of a lot exclusive of public and private streets and easements of access to other property. Vice-Chairman Robertson stated therefore, that these lots would be inadequate for this zone.

Parker informed the Commissioners that the City has 120 days from the date the application was received, March 3, 2006, to make a final decision.

The motion passed unanimously.

Chairman Scott called for a vote on the motion made at the last meeting: that the Commission approve S-06-01 and direct staff to review the discussed changes, prepare findings that support those changes, and bring this back to the Commission for final approval.

The motion failed unanimously.

There was discussion about the minimum lot area requirement and whether this proposal could fulfill that requirement.

Commissioner Denver moved, Commissioner Garcia seconded, to deny the application for subdivision S-06-01 based on the minimum lot size not being what it needs to be.

There was discussion about possible ways to approve this application, while still satisfying the Zoning Ordinance criteria.

Commissioner Snyder called the question.

The motion failed with 7 nays (Commissioners Scott, Robertson, Owen, Snyder, Dyson, Garrett and Rebmann) and 2 yeas (Commissioners Denver and Garcia).

Alternative lot layouts were discussed; the Commissioners concluded that the applicant could redesign the lots as he wished as long as the minimum lot area requirement is met.

Parker stated that *Finding 3* should read: *The Planning Commission finds that the proposed subdivision is not in substantial compliance as submitted, but will be in compliance when modified according to the approval with the below cited LZO criteria.*

Commissioner Snyder moved, Commissioner Garrett seconded, that S-06-01 be approved with conditions that the contractor meets the minimum lot size under Section 1.040 Subsection 31 with the modified proposed findings and revised staff comments.

The motion passed unanimously.

6. PUBLIC DISCUSSIONS

A. Northwest Urban Renewal District (URD) Update

Parker described the projects included in the second amendment to the Northwest Urban Renewal Plan. Public infrastructure improvement projects will serve Lowe's and will also open up the surrounding properties for development. He also briefly described the other updates, including reimbursement to third parties for regulatory fees relating to private development. He added that this will be funded by tax revenues generated by the Lowe's development.

Parker asked that the Commission acknowledge and find that the amendment project elements are supported by and are consistent with the cited Comprehensive Plan Policies. He asked if there was anyone who would like him to review those policies. There was no one.

Parker stated that unless the public discussion identifies unknown reasons why the updated or amended Urban Renewal Plan would be to the detriment of the District, the City, the neighborhood, or the projects, or unless there is an identified conflict or inconsistency with identified relevant Comprehensive Plan policies, staff recommends that the Planning Commission recommend approval of the second amendment of the Northwest Lebanon Urban Renewal District to the City Council based upon the cited compliance and consistency with such plan policies.

Chairman Scott asked if there were any questions of staff.

Hearing none, Chairman Scott opened the public discussion at 7:51 p.m. and invited anyone who wished to address the Commission to come forward.

Seeing no one, Chairman Scott closed the public discussion at 7:51 p.m.

Hearing no discussion from the Commissioners, Chairman Scott invited a motion.

Commissioner Snyder moved, Commissioner Robertson seconded, that we recommend to City Council passing URD-06-01, which is the second amendment to the Northwest Urban Renewal District, with findings, staff report and we find this to be consistent with the Comprehensive Plan policies.

The motion passed unanimously.

7. PUBLIC HEARINGS

A. Annexation A-06-04 (Lebanon Hardboard LLC - east of the Albany & Eastern Railroad tracks)

Chairman Scott opened the public hearing at 7:53 p.m. and asked the Commissioners to disclose any conflicts of interest or ex parte contacts. There were no disclosures.

Assistant Planner Lewis briefed the Commission on the applicant's request to annex an approximately 8.23 acre territory comprised of one tax lot located east of the Albany & Eastern Railroad tracks, northwest of the Lebanite complex and southwest of the residential neighborhood along May & Fuller Lanes (Assessor's Map T12S - R2W - 14CD, Tax Lot 6400). A General Industrial (MG) zoning designation is being requested upon annexation; this zoning designation is consistent with the City's Comprehensive Plan and is not a zoning map amendment. The subject property is not within the Grand Prairie Water Control District.

He stated that the subject property has no apparent access to any public road or street. Without access this property cannot be developed, and therefore, does not completely satisfy all of the requirements for annexation. Parker added that the applicant also owns the adjacent property, which abuts a street.

Lewis showed photos of the subject property and surrounding area. He informed the Commissioners that this property is located in the northern portion of what the Comprehensive Plan calls "identified special development, redevelopment and infill opportunity areas."

Lewis noted that the criteria include the Annexation Ordinance, relevant Zoning Ordinance, and Comprehensive Plan. He stated that he would review any of these criteria further if asked to. Lewis then reviewed the Planning staff comments and highlighted *Comment E*, which addressed possible remedies to transportation access.

City Engineer Bowie addressed the Engineering staff comments and noted that the closest potential infrastructure is located near the intersection of River Drive and Mountain River Drive. He added that this will be looked into further at the time of development. Regarding Engineering *Comment D*, he stated that the transportation facility plan shows Market Street being extended through the southern tip of this land.

Lewis briefly reviewed the proposed findings and highlighted the areas regarding direct legal access. He stated that *Finding 13* indicates that this annexation does not satisfy the criteria, but reflects the community's desire to see this area move away from heavy industry. He added that the City would welcome Comprehensive Plan Map and Zoning Map amendments to reflect this at a later date.

Lewis stated that unless this public hearing identifies unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the City, staff recommends that the Planning Commission recommend to the City Council that, after the applicant demonstrates and documents that subject property has legal access for both transportation and utilities to any public road or street, the proposed annexation be approved. He offered the staff report and proposed findings for the record. Chairman Scott accepted them.

Chairman Scott asked if there were any questions of staff.

There was a brief discussion regarding the Comprehensive Plan designation and the identified zone change opportunity.

Regarding the Market Street extension, Vice-Chairman Robertson asked if, during development, the City would require that to be dedicated. Bowie answered that the City would likely require that to be dedicated. Parker added that the connecting piece of property from Market Street is not owned by the applicant; he does not believe that the City can force the applicant to make that connection if they could demonstrate that they have suitable access.

Chairman Scott asked if there were any other questions of staff.

Hearing none, Chairman Scott opened the public testimony portion of the hearing at 8:18 p.m. and invited the applicant or the applicant's representative to come forward.

Kelly Hossani, 3500 US Bancorp Tower, 111 SW 5th Avenue, Portland, Oregon, attorney for the applicant, submitted maps of the subject property and adjoining properties also owned by the applicant. She stated that they are in general agreement with the staff report, but wanted to clear up the misconception that this property does not have access. She stated that because Lebanon Hardboard owns tax lots 6400, 201 and 200, the subject property (tax lot 6400) has the same access to public streets as tax lots 201 and 200. She explained that, according to Oregon State Law, if the subject property was sold, tax lot 6400 would retain the implied easement across tax lot 201 and the existing easement across tax lots 100 and 102.

She stated that there are a few options for formalizing an access and utility easement. The first, preferred, option would provide a recorded 50-foot wide access and utility easement across tax lot 201. This would hook into the existing easement across tax lots 100 and 102. She added that the owner of tax lot 100 is extending Weldwood Drive across Highway 20 east through his property to tax lot 201. She stated that because this will be dedicated to the public, there will be public access from tax lot 201. She also stated that the City could add a condition of approval requiring that the easement across tax lot 201 be hooked into the extended Weldwood Drive public street as soon as it was constructed and dedicated to the City. In response to Parker's question as to whether ODOT rail will accept a new property crossing it, Ms. Hossani answered that tax lot 6400 has historically used that rail access from tax lot 201. Rece Bly, Lebanon Hardboard, 18791 SW Martinazzi Suite 150, Tualatin, Oregon, explained that the three tax lots have been a unified complex for a very long time.

Ms. Hossani stated that option two would provide an access and utility easement east across tax lot 201 to River Road. Option three would involve a lot line adjustment between tax lots 6400 and 201 so that tax lot 6400 has River Road frontage. She again stated that because of the nature of implied easements, an option need not be chosen. She added that these options are available if the City wants to go a step further, but the applicant is not ready to decide which option, although it will be figured out before going to Council.

In response to Vice-Chairman Robertson's question about whether the implied easement application could be contested by the serving property owner, Mr. Bly answered that it could. He added that the applicant is not reluctant to record the easement. He stated that staff may not feel entirely comfortable about the Weldwood Drive extension. He also stated that the simplest route is to create an easement of record across the north end of tax lot 201 to River Road, but added that the City does not want additional traffic on River Road. He felt that there should be more interaction with staff before the precise easement is chosen.

Chairman Scott invited anyone who wished to speak in favor of or in opposition to the application to come forward. Seeing no one, Chairman Scott closed the Public Hearing at 8:35 p.m. and announced that all further discussion would be between the Commissioners and staff.

Vice-Chairman Robertson asked what staff's position was regarding the easement location. Parker stated that Jim Ruef is working with Mr. Bly on an alignment for a connecting road between River Road and Market Street. Parker felt that an easement would only be an interim measure to demonstrate compliance with this criteria, but it might not be exercised with the development of the property. He added that with the easement, the City would definitively know that both access and utilities could be made available to this property. Parker stated that staff will be happy to pursue this further with Mr. Bly and Ms. Hossani.

Chairman Scott asked if there were any other questions or comments. There were none.

Commissioner Snyder moved, Commissioner Robertson seconded, that we recommend to the City Council approval of A-06-04 based on staff comments, provided findings, recommendations and public testimony and applicant demonstrate and document provisions of access for both transportation and utilities to any road or street.

The motion passed unanimously. 8:38 p.m.

The Commission took a 5-minute recess.

B. Annexation A-06-05 (Bjarnson Living Trust - Airport Road)

Chairman Scott opened the public hearing at 8:47 p.m. and asked the Commissioners to disclose any conflicts of interest or ex parte contacts. There were no disclosures.

Parker briefed the Commission on the applicant's request to annex an approximately 84.51 acre territory comprised of one tax lot located on the south side of Airport Road immediately west of Willamette Speedway and southwest of the Lebanon State Airport (Assessor's Map T12S - R2W - 16, Tax Lot 2201). The subject property is located at the southwest corner of the City's Urban Growth Boundary. The property is designated as Industrial on the City of Lebanon's Comprehensive Plan Map. A Limited Industrial (ML) zoning designation is being requested upon annexation; this zoning designation is consistent with the City's Comprehensive Plan and is not a zoning map amendment. The subject property is not within the Grand Prairie Water Control District.

Parker reviewed maps and photos of the subject property. Because Oak Creek is identified as a riparian protection zone, annexing this property would avail those protective measures and would help to implement the trails plan along Oak Creek. The riparian area is in a designated floodplain and is likely identified in the National Wetland Inventory map as a jurisdictional wetland linear feature of Oak Creek. Part of the future Reeves Parkway alignment runs through this site. For these reasons, this site has a lot of merit and value to be included within City limits. He also noted that there is a BPA power line easement that crosses in a northwest/southeast direction through this property. He briefly summarized the surrounding uses: city designations to the north and east, and county-resource land designations to the northwest, west, southwest and south. He also noted that the Aircraft Control subzone is currently along the eastern boundary of the subject property.

Parker explained that the criteria include the Annexation Ordinance, relevant Zoning Ordinance, and Comprehensive Plan. He asked if there were any specific questions or policies that the Commissioners would like reviewed. There were none. Parker then reviewed the Planning staff comments and added to *Comment H: Other than the flood zones and floodway along Oak Creek, the subject property has no known environmental constraints that could not be mitigated thereby preventing future urban development except with the BPA easement.* Bowie reviewed the Engineering staff comments and stated that the transportation facility plan shows the Reeves Parkway arterial being constructed through the property.

Parker stated that unless this public hearing identifies unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the City, staff recommends that the Planning Commission recommend to the City Council that the proposed annexation be approved. He offered the staff report and proposed findings for the record. Chairman Scott accepted them.

Chairman Scott asked the Commission if they had any questions.

Hearing none, he opened the public testimony portion of the hearing at 9:02 p.m. and invited the applicant or the applicant's representative to come forward.

Jim Udell, 63 E. Ash Street, Lebanon, Oregon, the applicant's representative, stated that the applicants are requesting annexation to develop an industrial site. He added that they planned to adhere to all of the environmental, wetlands and floodplain issues when their development plan is presented.

Chairman Scott invited anyone who wished to speak in favor of or in opposition to the application to come forward. Seeing no one, Chairman Scott closed the public hearing at 9:05 p.m. and announced that all further discussion would be between the Commission and staff.

Chairman Scott asked if there were any questions. There were none.

Commissioner Owen moved, Commissioner Denver seconded, that the Planning Commission recommend approval of annexation A-06-05 to City Council along with staff comments and proposed findings.

The motion passed unanimously. 9:06 p.m.

C. Subdivision S-06-03 (Gilbert LLC - Airport Industrial Subdivision)

Chairman Scott opened the public hearing at 9:06 p.m. and asked the Commissioners to disclose any conflicts of interest or ex parte contacts. Vice-Chairman Robertson and Commissioners Owen and Snyder stated that the applicant served on the Planning Commission, but they did not feel that this would affect their decision. There were no other disclosures.

Parker briefed the Commission on the applicant's request to subdivide an approximately 71 acre industrially zoned parcel into six lots, four of which are accessed and served by a private access and utility easement. The property is located south of Oak Street, Consumers Power and the Armory, and west of the Lebanon State Airport (Assessor's Map T12S - R2W - 16, Tax Lot 300). The subject property is within City limits and constitutes the west boundary of the Urban Growth Boundary. He also noted that the western part of the property is within the Aircraft Control subzone.

Parker showed the tentative subdivision plat and described how the parcel will be divided. He informed the Commissioners that this property is proposed to relocate three businesses and a prospective industrial recruitment in an effort to retain a substantial number of jobs in this community. He presented slides of the subject property and explained the evaluation criteria.

Parker reviewed the Planning staff comments and amended *Comment H: Provide Lots 1-4 with access and utility easements from Lot 6.* Bowie reviewed the Engineering staff comments and added that the transportation master plan shows Reeves Parkway going through the parent parcel; this will have to be addressed when the development proposal is presented.

Parker stated that staff feels that the proposed subdivision complies with the standards of the Zoning and Subdivision Ordinances as well as the Comprehensive Plan Policies. The subdivision plat was professionally prepared and designed to be compatible with the adjacent properties and the neighborhood.

He added that staff recommends that the Planning Commission approve the proposed subdivision along with the responses to the department comments and requirements. All of the lots conform to conventional Limited Industrial zone standards and can be developed in conformance with relevant Zoning Ordinance development standards. If the Planning Commission votes to approve the proposed subdivision, staff recommends that the Planning

Commission direct the applicant to prepare the Final Plat in accordance with Lebanon Subdivision Ordinance Articles 4, 6 and 7 and responding to the department comments contained in this staff report. He offered the staff report and proposed findings for the record. Chairman Scott accepted them.

Chairman Scott asked if there were any questions of staff.

Hearing none, he opened the public testimony portion of the hearing at 9:25 p.m. and invited the applicant to come forward.

John Brown, 33435 Tennessee Road, Lebanon, Oregon, stated that he had nothing to add to the staff report and made himself available to answer any questions. There were none.

Chairman Scott invited anyone who wished to speak in favor of or in opposition to the application to come forward.

Seeing no one, he closed the public hearing at 9:26 p.m. and announced that all further discussion would be between the Commission and staff.

Chairman Scott asked if there were any questions or comments. There were none.

Commissioner Snyder moved, Commissioner Garcia seconded, to approve S-06-03 based on staff comments, findings, recommendations and public testimony, and direct the applicant, with this approval, to process the final plat in accordance with Lebanon Subdivision Ordinance Articles 4, 6 and 7.

The motion passed unanimously. 9:27 p.m.

D. Planned Development PD-06-01 (David Hunter Company - Preliminary Development Plan)

Chairman Scott opened the public hearing at 9:27 p.m. and asked the Commissioners to disclose any conflicts of interest or ex parte contacts. There were no disclosures.

Parker briefed the Commission on the applicant's proposal to develop a metal fabrication facility for sales and repair of logging and timber processing equipment. This business focuses primarily on lumber and paper mill operations located throughout the Northwest. The proposal includes plans to develop a metal fabrication, machining shop and chrome plating facility and involves constructing a 67,000 sq. ft. building on a 6.18 acre site. Phase 1 is intended to be developed within a one-year period; it is anticipated that Phase 2 will be started within five years of the approval date of this application.

Parker reviewed the site plan and stated that this facility is proposed for lot 3 of the Airport Industrial Subdivision S-06-03, with possible future expansion to lot 4. This property is zoned Limited Industrial and is located in the Aircraft Control subzone. He noted that the area is a completely surrounded industrial setting, which would buffer it from any other potentially sensitive land use. Access will be exclusively from Oak Street, a designated truck route. One of the most favorable attributes of this property is that it is located at the western periphery of the Urban Growth Boundary, which means that industrial truck traffic will not interfere with traffic in town. He asked if there was anyone who would like him to describe the site further. There was no one. He also described the proposed building components and operations.

Parker noted that the criteria include the relevant Zoning Ordinance and Comprehensive Plan. He stated that this use is permitted in the Limited Industrial zone through Administrative Review and added that this property is also subject to Aircraft Control subzone criteria. He asked if there was anyone who would like him to review any of these criteria further. There was no one. He also reviewed the applicant's response to the relevant Zoning Ordinance criteria. Parker reminded the Commissioners that this proposal had planned development approval at a prior site and added that the applicant is seeking approval for both Phases 1 and 2.

Parker noted that there have been numerous meetings between the applicant and Planning, Building and Fire District staff to resolve relevant development-related issues that were brought up with the prior proposal. Consequently, a majority of staff concerns and comments were resolved prior to this submittal. He reviewed the Planning staff comments and struck *Comment B*. He stated that the emergency exit in *Comment F* is only a suggestion and not a condition of approval. Regarding the Fire Department comments, he stated that the applicant should be aware that six fire hydrants are required for Phase 1.

Bowie reviewed the Engineering staff comments and stated that the applicant will need to participate in the city sewage pretreatment program, which consists of a fee and effluent testing by the City. He stated that he did not have anything to add to his comments. He asked if there were any questions. There were none.

Parker stated that staff recommends that the Planning Commission grant approval to the Preliminary Development Plan and Program based upon demonstrated compliance with Comprehensive Plan and Zoning Ordinance policies, standards and requirements. Staff recommends that the Planning Commission direct the applicant to prepare the General Development Plan and Program according to Zoning Ordinance Section 4.414. Staff also recommends that the approval of this Planned Development include approval for two phases. Phase 1 and the related infrastructure should be substantially completed within one year of approval. The second phase is to be started within five years of the approval date of this application. Parker added that the applicant will be submitting the General Development Plan, which is scheduled for the hearing in three weeks. He offered the staff report and proposed findings for the record. Chairman Scott accepted them.

Chairman Scott asked the Commission if they had any questions of staff.

Commissioner Owen stated that he would prefer that Planning *Comment B* be included for the record. Parker noted that it is always the ongoing responsibility of all developments to comply with the City's noise standards as well as the State Ambient Noise Degradation.

In response to Vice-Chairman Robertson's question, Parker and Bowie answered that the private driveway will be paved according to City public standards.

Chairman Scott asked if there any other questions.

Hearing none, he opened the public testimony portion of the hearing at 9:53 p.m. and invited the applicant to come forward.

Gary Dybevik, 1460 Delrose Avenue, Springfield, Oregon, vice-president of David Hunter Company, stated that they agree with the staff report and added that they are asking for approval of the preliminary development plan.

Ted Corbin, 3485 Strathmore, Eugene, Oregon, project manager for Eric Hall Architect, also stated that they agree with the staff report and added that they are looking forward to preparing the general report for the June 27 meeting. They are moving forward with construction documents as soon as they can.

Chairman Scott asked if there were any questions for the applicant.

In response to Commissioner Snyder's question, Mr. Dybevik stated that they felt that this location is a better fit because they are further removed from residential areas.

Vice-Chairman Robertson confirmed that the applicant is requesting an extended five-year approval.

Chairman Scott asked if there were any other questions or comments.

Hearing none, he invited anyone who wished to speak in favor of or in opposition to the application to come forward.

Seeing no one, he closed the public hearing at 9:55 p.m. and announced that all further discussion would be between the Commission and staff.

Chairman Scott asked if there were any other questions or comments.

The Commissioners agreed that the necessary criteria were satisfied.

Commissioner Owen moved, Commissioner Snyder seconded, to approve Preliminary Development Plan PD-06-01 and direct the applicant to prepare the General Development Plan and Program according to the Zoning Ordinance Section 4.414 along with staff recommendations and proposed findings and that this approval include approval for two phases over a five-year period.

The motion passed unanimously. 9:59 p.m.

8. NEW BUSINESS:

- a. **John Hitt.** In response to a potential lawsuit, John Hitt stated that he does not want the Commissioners to feel intimidated by making an appropriate legal decision. The City provides high-quality representation and carries a very broad and deep general liability insurance policy that also covers the Commissioners while acting in their scope of duties.

9. OLD BUSINESS:

- a. **LZOU-TAC Update.** The next meeting will be held on June 20 to discuss the Mixed Use Chapter.

10. OTHER BUSINESS:

- a. **PC Meeting Date.** The next Planning Commission hearing dates are scheduled for June 27 and July 19. The June 27th meeting will involve two comprehensive map amendments, a zoning map amendment, an annexation and the general development plan for David Hunter Company.

There is a residential subdivision application scheduled for the July 19th meeting. Parker added that additional applications may be added to this agenda.

- 11. COMMISSIONER COMMENTS:** Commissioner Garrett found the training session to be very interesting and discovered how fortunate this Commission is to have such an efficient staff. She also suggested that each Commissioner share their thoughts before calling for the final vote. Chairman Scott said that he did not feel that it should be mandated, but felt that it would be very helpful to the discussion. McHill added that it is always better to know what the deliberations consisted of for the record in case of appeal. Parker added that City Council exercises this.

John Brown thanked staff and the Commission for speeding up their subdivision application.

Commissioner Owen felt that non-remonstrance agreements should be researched further. McHill stated that prospective anti-negligence agreements are unenforceable.

11. ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:13 a.m.

Meeting recorded by Jamie Bilyeu-Libra and transcribed by Donna Trippett.



City of Lebanon

LEBANON PUBLIC LIBRARY

Advisory Board Meeting Minutes
June 14, 2006

The Library Advisory Board meeting was called to order at 5:32 p.m. by Chair Carol Hiebert. Attending were Sharon Follingstad, Carol Hiebert, Harlan Mastenbrook, Carolyn Misa, Sue Spiker, Tom Stewart, Library Director Denice Lee and City Council Representative Ron Miller.

Minutes of the April 12th meeting were approved.

Director's Report:

Circulation:

May 2006	8,343	YTD 2006	87,931
May 2005	8,639	YTD 2005	88,355

Brochure:

A revision of the brochure to be placed at the local funeral home was presented by the director to the board. The purpose of the brochure is to provide families making memorial decisions with information about the Lebanon Public Library Trust as a possible place to designate memorial contributions. The board didn't make recommendations for additional changes to the document so the library director will finalize the master, purchase the paper, print the document and get it placed in the local funeral home.

Summer Reading Program:

The Summer Reading Program preparations are firmly in hand. The theme this year is "Paws, Claws, Scales and Tales". The program for pre-schoolers will begin Thursday, June 22nd and continue through July 27th. The program for grades K-4th will begin Tuesday, June 20th and continue through August 1st. There is a self-directed reading program for 5th through high school aged students. The Summer Reading Program is funded by the city budget for staff time, the Friends of the Library, the Ready to Read Grant and the Linn Library League. There are various programs for reading incentives with prizes. The board previewed the various reading incentive/prize programs.

Advisory Board Position:

Carol Hiebert and Glenda Claborn both complete their current terms on the library board as of June 30, 2006. This creates two board openings: one can be a non-resident, but the other must be a resident of the city of Lebanon. The director requested recommendations for potential board members from the current advisory board.

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
853 Street
Builc
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

FEMA:

Because of the requirement for all city employees to receive Federal Emergency Management training, the library was closed on Friday, June 2 for the staff to work through the training for certification. All library staff has completed the training and testing required for certification.

Trust Management Grant:

The director reported that the bulk of purchasing made possible from the Trust Management Grant has been done. The book/audiovisual materials for the parenting shelf are arriving at the library; the books to upgrade the reference materials are arriving; and the chairs, and carpeting for the toddler area are at the library. The redo of the toddler area will take place this fall in order to have a maximum amount of space for the Summer Reading Program during June and July.

Survey Results:

The city hired a professional survey company to poll the community. The goal was to determine support for one of three possible bond measures for November: 1) a combined bond request for police and library facilities with a refinancing piece; 2) police facility only; 3) library facility only. The clear result from the survey was support for the combined measure which would refinance existing debt at a lower interest rate; build a police facility that would include police, courts, a 12- bed jail and IS offices; and a new library building. The results of the survey will be presented at the City Council meeting this evening at 7 p.m.

Staff Position:

In the 2006-2007 city budget, the library was given another part-time position to improve library services in the children's area. The director has placed recruitment notices in the Lebanon Express and Albany Democrat Herald to begin the process of bringing this person onto the library staff. Hopefully the position will be filled by the end of July.

Friends Report:

Harlan gave the Friends report. The income from the May book sale was \$173.30, with an additional \$53.25 from the daily sale at the Senior Center.

Unfinished Business:

The library director presented a gift of appreciation to Carol Hiebert for her service to the advisory board. Carol served as a board member and chair of the board during her years of service. Glenda Claborn was not present at the meeting so the director will deliver her gift.

Adjournment:

The meeting was adjourned at 6:28 p.m.

Next meeting July 12, 2006

5:30 p.m.

750 3rd Street

Santiam Travel Station

LEBANON PUBLIC LIBRARY-SENIOR CENTER TRUST

Senior Center Conference Room

May 9th, 2006

MINUTES

BOARD MEMBERS PRESENT: Remona Simpson, Bob Elliott, Lori McNulty, Ray Garboden, Joyce Weatherly, Phyllis Wimer **Staff:** Denice Lee, Kindra Oliver

ABSENT: Linda Darling, Thelma Toombs, Sheri Miller

1. Call to Order

Vice-Chair Remona Simpson called the meeting to order.

2. Minutes -April 11th, 2006

Joyce moved, Bob seconded for approval of the April 11th, 2006 meeting minutes. All in favor. Motion passed unanimously.

3. Treasurer's Report

Phyllis explained that she listed the \$187.78 AARP donation as undesignated last month and it should have been designated to the Senior Center.

The ending balance through April 30, 2006 is \$11,743.40.

4. Business List

Kindra distributed the list of local businesses and organizations to the group with the idea that we can identify those we might want to approach as we get closer to a proposal for a new Library.

5. Donor Wall - Credit Card Payments

The group revisited the discussion regarding credit card payments for donations. There was a significant expense involved with accepting credit card payments and the group decided to hold off setting it up until receiving a credit card donation. We have been accepting donations for a year or so and haven't run into a credit card donation yet. Consensus was to leave the credit card payment option available because we still have numerous brochures printed and we can probably accept a credit card payment through the bank if someone prefers to use that option.

6. Updates

Library:

Denice said that she made some changes to the presentation packet based on feedback from the last meeting. The city has secured a company to conduct the phone survey to determine support or opposition for a possible new Library and/or Police Department. Once we get the survey results we can bring a proposed funding package to Council to get direction and approval. At that time, we'll need to plug in the numbers (tax rate, cost of Library, cost of P.D., etc.) and the presentation packet will be ready to go.

Senior Center:

Kindra said she was going to work with Sheri Miller to determine the layout of the donor wall and get the names of donors on the wall.

7. Continuing Business

None

8. New Business

The question was raised if this group would be considered a PAC if/when the Library proposal goes to the voters. Consensus was this group felt like a PAC and we would be working toward the goal of a new Library anyway.

9. Items from Floor

Ray asked if the minutes from this group were required to go to Council. Kindra said that the group wasn't "required" to send the minutes to Council because this group is a 501(c)3 but we continue to send them to keep the communication lines open and because we would like continued support from our City Council.

It was suggested that we contact individuals who have been involved with the Library and Senior Center efforts in the past and inform them of the current efforts for the proposed new Library. Some of these individuals might be interested in joining our group.

Joyce moved, Lori seconded, to make contact with community members who have been involved with the Library and Senior Center efforts over the past years. All in favor. Motion passed unanimously.

Kindra and Remona both have information from various community groups over the past years and will compile a list. Once we get the survey results, we can draft a letter to send to these individuals.

Bob announced that the FY 06/07 budget was unanimously approved by the Budget Committee, without any cuts.

Phyllis commented that this group's fiscal year is May 1st through April 30th and we need to develop a new budget. Kindra will put that on the June agenda.

10. Adjournment

Ray moved, Joyce seconded for adjournment. All in favor. Motion passed unanimously.

Next Board meeting: Tuesday, June 13th, 2006 at the Senior Center.



City of Lebanon

Senior Center

65 B Academy
Lebanon OR 97355
(541) 258-4919 fax (541) 258-4956

ADVISORY BOARD MEETING

May 10th, 2006

MINUTES

Members present: Bob Elliott, Bonnie Prince, Remona Simpson, Cleora Wymore, Lori McNulty, Mac McNulty, Frances West, Kindra Oliver

Absent: Alice Unger, Fran Bonnarens, Mary Lail, Tori Hartman

1) WELCOME:

Remona Simpson welcomed members and opened the meeting.

2) MINUTES:

Lori moved, Bonnie seconded to accept the minutes from the April 19th meeting. All in favor. Motion passed unanimously.

3) CHAIRPERSON'S REPORT:

- Nothing to report at this time.

4) REPORTS:

Meal Site:

- Tori has been having problems getting enough drivers for all of her routes. Kindra will add a blurb in the newsletter asking for volunteer drivers for the MOW program.
- Lebanon Rehab recently donated \$250 to the Senior Center.
- The Vision Support Group has started meeting at the Senior Center the second Tuesday of every month at 10:00 a.m. Their group consists of approximately 15 people.
- The Volunteer Recognition on April 28th had a good turnout and went very well. The 4th grade choir from Cascades Elementary performed for the group.
- Kindra relayed some information regarding a program she heard about at the last Linn Benton Senior Resource Network called the Forget-Me-Not Program, which is designed to help fulfill the wishes of Oregon's older and disabled adults, especially those living in residential and long term care settings. Kindra has more detailed information should anyone want copies.
- Kindra said that she hasn't received any responses from care facilities regarding the Fire Med Program. We have six subscriptions to give away.

- Kindra has talked to the City's Maintenance Department regarding the Senior Center grounds to help out with some improvements on the site. Mac said he would be happy to spray the weeds on the bark in front of the gyms. Maintenance did a fabulous job with the bark around the Senior Center but there isn't enough money in their budget to purchase new bark for the large area to the south of the Senior Center. Kindra may contact a local bark company to see if they would be willing to donate some bark for that area.

CONTINUING BUSINESS:

- The quote for replacing the existing building lights to increase wattage was approximately \$250 for each fixture because they are only wired for up to 35 watts. We also need lights installed at the front of the building for the parking lot, which will cost even more per fixture because there aren't any existing lights on the front of the building. It was suggested that Kindra call Pacific Power to determine if they can install a couple of smaller scale light poles for the parking areas. Pacific Power used to install lights where needed for a flat monthly fee, especially in public areas.
- It was suggested contacting LBCC or the High School to see if they could get a class together to look at the stage to fix the lighting system and the curtains so they are in working order again. Kindra will contact the schools to see if that would be a project that would fit into any of their classes.

NEW BUSINESS:

- Bob announced that the Budget Committee unanimously voted to approve the city budget without any cuts. Kindra added that the budget included the addition of another part-time Dial-a-Bus driver, which was made possible with the increase in federal grant dollars for FY 06-07.

ITEMS FROM THE FLOOR:

- Lori reminded the group that she is planning a Young at Heart function on Friday, June 16th, at 12:30. She will have games lined up and prizes to give away.

ADJOURNMENT:

There being no further business, Mac moved for adjournment and Cleora seconded the motion. All approved and the meeting was adjourned.

Next Meeting: **Wednesday, June 21st, 2005.**



City of Lebanon
Parks Committee Tree Board

Meeting Minutes

May 16, 2006

MEMBERS PRESENT: John Dinges, Joan Williams, Bob Elliott, and Sally Skaggs
STAFF PRESENT: Rod Sell, Cecil Bridge, and Shannon Muskopf
GUESTS PRESENT: Kris Richardson

CALL TO ORDER: John Dinges called the meeting of the City of Lebanon Parks Committee Tree Board to order at 5:22 p.m. on May 16, 2006 in the Santiam Travel Station Board Room at 750 3rd Street.

APPROVAL OF MINUTES the April 18, 2006 minutes were approved as written.

COMMENTS It was questioned if there was any update on the Tourism Group and Bob Elliott and Rod Sell both stated they had heard nothing.

ADOPT A PARK Kris Richardson representing Pioneer School requested a recommendation of the Parks Committee to have students from Pioneer School lead two efforts associated with Had Irvine Park. Pioneer School proposed to 1) Adopt the Park and 2) Organize an effort to plan, research, and hopefully bring to completion a trail connecting Had Irvine Park with Pioneer School and/or the Marks Slough Trail.

Kris and Pioneer School students have been working at the park for over 4 years in association with the Santiam Water Shed Council. The students have installed riparian plantings along the slough, conducted invasive plant species removal and assisted in the development of the conceptual master plan for the park. They are currently installing a bench along the slough, completing more plantings of native vegetation while removing non-native species.

Adopt a Park signs naming Pioneer School will be prepared and posted to recognize the efforts of Kris and her students.

The Park Committee recommends Pioneer School led by Kris Richardson be approved for the adoption of Had Irvine Park and that the group work under the guidance of the Build Lebanon Trails sub-committee to work towards the completion of one of the connecting trails leading from Had Irvine Park towards Pioneer School.

The committee discussed how the Safe Routes to Schools program may be a source of funding for the development of the trail.

TERM EXPIRATIONS John Dinges term expires in June of 2006 and he would like to serve a second term. In addition, Shannon will contact the Mayor about Joan Williams who stated at a previous meeting that she would also like to serve a second term. Joan's term expired in February 2006. [Shannon sent an email to Mayor Toombs on May 17, 2006 asking for both John and Joan to be reappointed] The ADA vacant position is still on hold waiting for the correct verbiage in the advertising before being posted to the public. Sally knows someone that may be interested in this position and will invite them to the next meeting.

SUB COMMITTEE MEETINGS TRAILS COMMITTEE Mark Slough map were included with agenda packets. Over 20 people were in attendance for the Bob Smith/Santiam Wagon Road hike. The next hike is scheduled for June 13 at 5:30 p.m and will be a 2.5-mile hike at Waldon Ponds. BLT, Samaritan Health Services, CHIPS and HAL are looking at a grant opportunity for planning that will change policies that will improve health

in the community. Tentative ideas are working toward a park and recreation department, a bond or expanding the current parks district aquatic district. The application is due June 27 to the NW health foundation.
PIONEER CEMETERY COMMITTEE A clean up is scheduled for June 17, 2006 from 9 am to 1 pm.

JAYCEE PARK No update on the grant it will probably be a month or so before we hear anything.

PARKS MASTER PLAN UPDATE The plan was approved at the last council meeting. Members were given a notebook containing a copy of the plan.

2006/2007 PARKS BUDGET A handout with some of the parks budget line items was included with the agenda packet. An overview of the items was discussed.

PARK SIGNAGE SPECIFICATIONS The City Park Signs are excluded in the City sign ordinance. The committee needs to provide direction on which way to take signage. Discussion included types of material for the signs and base, making one thing on the sign reflect the park and if we need to make all signs the same for all parks. Cecil will get pricing on the Linn County, the Gills Landing and a wooden sign. This will be added to the July agenda.

PARK FACILITIES UPDATE The Senior Maintenance Parks worker has not yet been hired but a recommendation has been made. The tentative start date for the position is June 1, 2006. Vandals were caught doing vandalism at Century Park. The parents want to work with the city on a clean up and are doing that through the police department.

The work crew at River Park is getting rid of the brush piles and most of them have been cleared out. The area by the old campground will be leveled to make mowing easier. The Kiwanis will be working to degirth the trees at River Park this weekend. AT Gills landing the CSC group has the foundations in for the picnic shelters. There has been an increase in camping and free advertising is still being worked on. At Jaycee Park the playground area needs to be sprayed. The irrigation well is in and ready to be tied into the irrigation system at Bob Smith Memorial Park. The Boys and Girls Club has been working on all the playing fields. At Santiam a cyclone fence was put up. Century Park has been edged and bark dust placed.

NEXT MEETING The next Parks Committee Tree Board meeting date is May16, 2006, a field trip will take place from 5:15 p.m. to 7:15 meeting at the Santiam Travel Station, 750 S. 3rd Street in Lebanon. The field trip will include new development for parks.

ADJOURN There being no further business, John Dinges adjourned the Parks Committee Tree Board meeting at 7:03 p.m.

Presentation

No written material provided for the following items:

- ❖ Award Presentation to the City of Lebanon from the Oregon Army National Guard
- ❖ SDC's for the Lebanon Aquatics District – Presented by: Gus Azner

Agenda Item 1



June 26, 2006

City of Lebanon
925 Main Street
Lebanon, OR 97355

Dear Mr. Mayor and Members of Council:

Enclosed is a request for an increase in garbage and collection rates in the City of Lebanon. Pending approval, we are requesting an effective date of August 1, 2006.

The new rates represent an overall increase of 3.5%. Specifically, residential rates would increase 4%, commercial rates an average of 4% and industrial rates would not change.

This request is the result of two primary factors:

- Fuel expense. In our 2005 rate proposal, we had projected fuel rates of \$2.25/gallon for 2006. Through April of this year, we have averaged \$2.35/gallon, with our most recent purchase in May at \$2.97/gallon. Thus, we are revising our estimated fuel cost for 2006 and 2007 to \$2.75/gallon, and \$3.20/gallon, respectively.
- Disposal expense. In 2005 we had projected disposal cost to change to \$28.00 on July 1, 2006. We have been informed this cost will be \$28.50/ton on July 1 of this year, and increase on January 1, 2007 to \$30.50/ton.

Included in the attached information is the following:

- Financial statements showing actual 2005 results, and proforma results for 2006 and 2007, assuming the rate increase is approved and effective on August 1, 2006.
- Tables showing current and proposed rates for the services offered in Lebanon.
- A table comparing a sample of AW of Albany-Lebanon's current and proposed rates with those in other Cities in Oregon.

I recognize this is unusual for us to request a rate change again in 2006. I have calculated the percentage change in the rates to solely support the additional fuel expenses we are projecting for the next 15 months and the disposal fee increases.

I appreciate the opportunity to propose this rate change, and look forward to your comments and questions.

Best Regards,

A handwritten signature in black ink, appearing to read 'Carol Dion', written over a horizontal line.

Carol Dion
General Manager
Allied Waste of Albany-Lebanon

1214 Montgomery St. SE
Albany, Oregon 97322
(541) 928-2551



Allied Waste of Albany-Lebanon
City of Lebanon
Proforma Statement of Income
For the twelve months ended December 31, 2005, 2006, and 2007

	2005	2006 Projected	2007 Projected	Annualized % Increase
Revenue	1,536,868	1,559,153	1,590,351	1.7%
Cost of Operations	1,102,246	1,174,278	1,240,482	6.3%
Gross Profit	434,622	384,875	349,870	-9.8%
Salaries, General and Administrative	213,627	217,853	222,542	2.1%
Operating Income	220,995	167,022	127,328	-21.2%
Provision for Income Taxes	88,398	66,809	50,931	-21.2%
Net Income	132,597	100,213	76,397	-21.2%
Net Income as a Percent of Sales	8.63%	6.43%	4.80%	

Rate Increase Summary:

Commercial = 4%
Industrial = 0%
Residential = 4%
Overall = 3.5%

Allied Waste of Albany-Lebanon
City of Lebanon
Proforma Schedule of Direct Expenses
For the twelve months ended December 31, 2005, 2006, and 2007

	2005	2006 Projected	2007 Projected	Annualized % Increase
COST OF OPERATIONS				
Labor	329,890	342,579	355,746	3.9%
Repairs and Maintenance	116,029	120,329	124,727	3.7%
Vehicle Operating Costs *	80,767	101,427	115,497	21.5%
Equipment Rent	186	186	186	0.0%
Facility Operating	31,341	32,409	33,571	3.6%
Safety, Insurance and Claims	30,465	32,155	33,927	5.7%
Disposal *	372,966	400,888	428,819	7.5%
Recycling Purchases	7,176	7,231	7,286	0.8%
Franchise Fees	61,920	62,366	63,614	1.4%
Other Operating Costs	3,762	3,762	3,762	0.0%
Depreciation and Interest	67,744	70,946	73,347	4.1%
TOTAL COST OF OPERATIONS	1,102,246	1,174,278	1,240,482	6.3%
SALARIES, GENERAL & ADMINISTRATIVE				
Salaries	53,406	55,240	57,136	3.5%
Rent and Office Expense	23,716	24,309	24,917	2.5%
Travel and Entertainment	5,131	5,268	5,408	2.7%
Professional Fees	1,309	1,348	1,388	3.0%
Bad Debt Expense	3,116	3,161	3,224	1.7%
Management Services	97,178	98,150	99,131	1.0%
Other Expenses	28,986	29,592	30,551	2.7%
Depreciation	786	786	786	0.0%
TOTAL SALARIES, GENERAL & ADMINISTRATIVE	213,627	217,853	222,542	2.1%

Explanation of Significant Inflationary Costs:

* **Fuel rates** averaged \$2.08 per gallon in 2005. The 2005 rate was favorably impacted by a hedging contract that allowed us to purchase fuel at a fixed rate in January and February. This contract expired on February 28th of 2005. Given the volatility of fuel and the current high rates, no hedging contracts have been purchased since and we do not anticipate entering into any such contracts. Fuel for the last four months of 2006 averaged \$2.37 per gallon, reaching a high of \$2.97 in May. We are projecting fuel rates to average \$2.75 and \$3.20 in 2006 and 2007 respectively.

* Effective July 1, 2005, **disposal rates** at Coffin Butte are \$26.50. The rates are expected to increase to \$28.50 and \$30.50 on July 1, 2006 and 2007 respectively. In addition, the Environment Recovery Fee is increasing from \$3.00 to \$5.00 per load on July 1, 2006. No change in this fee is expected in 2007.

Rate Comparisons	Current City of Lebanon	Proposed City of Lebanon	Current City of Albany	Current City of Corvallis	City of Bend	City of Medford	City of Sweet Home	City of Springfield	City of Salem	City of Tualatin	City of Beaverton	Canby	City of Gresham
Hauler Name	AW of Albany Lebanon	AW of Albany Lebanon	AW of Albany Lebanon	AW of Corvallis	Cascade Disposal	Rogue Waste Systems Inc	Sweet Home	Sanipac	Capital	Rossmann/Keller DB	Valley Garbage	Canby Disposal	Gresham Sanitary
Service Type													
32 gallon can service	14.75	15.75	14.75	18.00	n/a	12.81	17.97	n/a	13.10	n/a	n/a	18.45	20.55
32 gallon cart	12.60	13.20	12.60	12.75	13.60	12.81	20.00	11.80	18.84	20.30	18.00	18.45	21.90
65 gallon cart	n/a	n/a	n/a	17.60	20.35	21.47	n/a	16.75	25.19	27.30	29.5*	29.55	28.75
90 gallon cart	20.00	20.80	20.00	22.50	24.70	30.13	24.70	20.15	28.40	n/a	37.00	32.75	32.55
2 yd front load container 1x/week	122.45	127.35	122.45	130.35	121.40	111.78	n/a	116.25	110.85	125.45	n/a	158.75	127.05
2 yd rear load container 1x/week	n/a	n/a	n/a	130.35	n/a	n/a	156.05	116.25	n/a	125.45	126.11	n/a	n/a
30 yd drop box (haul only)	188.00	188.00	158.00	148.00	110.00	350.52*	190.00	153.00	449.50	79.40	n/a	119.95	137.50

Allied Waste of Albany-Lebanon

Proposed Monthly Residential Service Rates for Lebanon

	Current	Proposed
1 Can	\$15.75	\$ 15.75
Each add can	\$12.50	\$ 12.50
32 gal cart	\$13.20	\$ 13.20
90 gal cart	\$20.80	\$ 20.80
2 can special	\$9.00	\$ 9.00
Up-drive fee	\$15.00	\$ 15.00
Enclosure fee	\$20.00	\$ 20.00

Additional 32 gallon carts are 13.2 per month
 Additional 90 gallon carts are 20.80 per month

Yard Carts/Composters

One 90 gallon cart with every other week collection or a home composter available at no extra charge when on weekly garbage service
 \$6.00 per month for additional carts or composters; or if not on weekly service

Curbside Recycling

Bins with weekly collection available upon request at no extra charge

Temporary Containers

3 cubic yards
 Cost = \$56.00 per dump (includes delivery, pickup, and three days use)
 Rent = \$3.00/day beyond original three days or \$25.00 maximum per month
 Excessive Weight = Containers loaded with heavy debris (dirt, concrete, asphalt, shingles) weighing more than 500lbs/yard may be subject to an additional \$15.00/yard fee per dump.

Yard Debris Tubs

300 gallon tub
 Cost = \$21.50 per dump (includes delivery, pickup and seven day's use)
 Rent = \$21.00 per month

Allied Waste of Albany-Lebanon

Proposed Commercial Manual Container Rates for Lebanon

Size	1/week	1/week	2/week	2/week	3/week	3/week	4/week	4/week	5/week	5/week
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
1.5 yd	\$ 100.00	\$ 104.00	\$ 189.75	\$ 197.35	\$ 274.50	\$ 209.75	\$ 293.00	\$ 384.10	\$ 469.05	\$ 477.40
2 yd	\$ 122.45	\$ 127.35	\$ 232.20	\$ 242.55	\$ 344.70	\$ 357.70	\$ 457.70	\$ 472.90	\$ 572.95	\$ 588.00
3 yd	\$ 156.20	\$ 162.50	\$ 297.70	\$ 309.60	\$ 447.25	\$ 462.50	\$ 562.50	\$ 605.00	\$ 705.05	\$ 755.20
4 yd	\$ 186.75	\$ 194.15	\$ 356.20	\$ 370.45	\$ 525.50	\$ 545.50	\$ 645.50	\$ 721.30	\$ 821.35	\$ 896.30
6 yd	\$ 229.85	\$ 269.85	\$ 498.25	\$ 518.20	\$ 747.00	\$ 764.00	\$ 864.00	\$ 1,009.90	\$ 1,109.95	\$ 1,255.55
8 yd	\$ 314.00	\$ 327.05	\$ 600.80	\$ 624.85	\$ 881.70	\$ 917.00	\$ 1,062.00	\$ 1,209.10	\$ 1,309.15	\$ 1,495.60

Locking Containers

One time setup fee of \$40 applies to all locking containers

Excessive Weight

Material weighing more than 500lbs/yard may be subject to an additional \$15.00/yard fee per dump

Proposed & Current Commercial Container Stab Rates For inside City Limits (Lebanon)

Size	1/week	1/week	2/week	2/week	3/week	3/week	4/week	4/week	5/week	5/week
	current	proposed	current	Proposed	current	Proposed	current	Proposed	current	Proposed
1.5 yd	\$ 89.95	\$ 89.40	\$ 160.10	\$ 166.50	\$ 224.00	\$ 243.60	\$ 320.00	\$ 320.75	\$ 397.50	\$ 397.85
2 yd	\$ 104.50	\$ 108.70	\$ 195.55	\$ 203.70	\$ 274.00	\$ 298.70	\$ 393.00	\$ 393.70	\$ 488.50	\$ 488.70
3 yd	\$ 130.20	\$ 135.40	\$ 244.85	\$ 254.65	\$ 352.00	\$ 373.80	\$ 493.00	\$ 493.10	\$ 612.25	\$ 612.25
4 yd	\$ 155.75	\$ 161.35	\$ 293.00	\$ 304.70	\$ 404.00	\$ 448.10	\$ 562.00	\$ 591.45	\$ 734.80	\$ 734.80
6 yd	\$ 215.75	\$ 222.30	\$ 407.25	\$ 423.75	\$ 574.00	\$ 625.25	\$ 794.00	\$ 826.75	\$ 1,028.20	\$ 1,028.20
8 yd	\$ 260.95	\$ 271.40	\$ 497.10	\$ 517.05	\$ 684.00	\$ 762.70	\$ 962.00	\$ 1,008.35	\$ 1,254.00	\$ 1,254.00

On Call Containers

Size	Current	Proposed	Current	Proposed
	Dump Fee	Dump Fee	Rent	Rent
1.5 yd	\$ 27.40	\$ 28.50	\$ 22.00	\$ 22.00
2 yd	\$ 33.00	\$ 34.30	\$ 24.00	\$ 24.00
3 yd	\$ 41.20	\$ 42.85	\$ 26.00	\$ 26.00
4 yd	\$ 52.10	\$ 54.20	\$ 28.00	\$ 28.00
6 yd	\$ 75.15	\$ 78.15	\$ 30.00	\$ 30.00
8 yd	\$ 96.90	\$ 100.75	\$ 32.00	\$ 32.00

Off route service fee

\$20.00 service fee will be applied to all requests not on scheduled route

Allied Waste of Albany-Lebanon

Proposed Industrial Drop Box Rates for Lebanon

Size	Current Haul Fee	Proposed Haul Fee	Current Delivery Fee	Proposed Delivery Fee	Current Daily Rental	Proposed Daily Rental	Current Monthly Rental	Proposed Monthly Rental
10 yd	\$ 178.00	\$ 178.00	\$ 37.00	\$ 37.00	\$ 13.00	\$ 13.00	\$ 89.00	\$ 89.00
20 yd	\$ 178.00	\$ 178.00	\$ 37.00	\$ 37.00	\$ 13.00	\$ 13.00	\$ 89.00	\$ 89.00
30 yd	\$ 188.00	\$ 188.00	\$ 37.00	\$ 37.00	\$ 13.00	\$ 13.00	\$ 89.00	\$ 89.00
40 yd	\$ 198.00	\$ 198.00	\$ 37.00	\$ 37.00	\$ 13.00	\$ 13.00	\$ 94.00	\$ 94.00

Compactor size	Current Haul Fee	Proposed Haul Fee
15	\$ 200.00	\$ 200.00
20	\$ 200.00	\$ 200.00
30	\$ 215.00	\$ 215.00
40	\$ 215.00	\$ 215.00

Crank Lidded Boxes	Current Rent	Proposed Rent
10	107.5	109.5
20	107.5	109.5
30	107.5	109.5
40	114.5	114.5

Compactor pullout rate is the same as an open top haul fee

Roll Lidded Boxes	Current Rent	Proposed Rent
10	132	132
20	132	132
30	132	132
40	137	137

	Current Hourly	Proposed Hourly
Loader charges	85	85
Labor charges	57	57

Notes

All drop box rates pay current disposal fees at Coffin Butte Landfill.

All industrial rates are maximum allowable rates charged

All drop box rates pay current Environment Fee per load at Coffin Butte

Miscellaneous Charges

	Current	Proposed
T-special/not on regular route day	\$20.00	\$20.00
Extra 32 gal can/garbage	\$6.00	\$6.00
Extra can larger than 32 gal can	\$9.00	\$9.00
55 gal drum dump & leave \$28	\$15.00 dump & take	\$17.00/\$30.00
Heavy can/dirt/rock/cement	\$7.00	\$7.00
Extra box/garbage (no larger than a 32 gal can)	\$6.00	\$6.00
Extra bag/garbage (no larger than a 32 gal can)	\$6.00	\$6.00
Extra loose garbage per yard	\$17.00	\$17.00
Time per minute to pick up loose garbage	\$.95/per minute	\$.95/per minute
Wash Cart	\$14.00	\$16.00
Wash Container	\$33.50	\$33.50
Cart exchange	\$15.00	\$16.00
Lock & Key Deposit for container	\$19.00	\$19.00
Late Fee will be 1.5% or a minimum charge of \$5.00, whichever is greater		
Service interrupt Fee (fee assessed for non-payment)		\$30.00

Single Items

Bathtub	\$27.00	\$28.00
Chair – recliner or large chair	\$17.00	\$18.00
Couch	\$23.00	\$24.00
Couch (Hide-a-bed)	\$26.00	\$27.00
Dishwasher	\$17.00	\$18.00
Dryer	\$17.00	\$18.00
Freezer	\$29.00	\$29.00
Mattress or boxspring – queen or king	\$20.00	\$21.00
Mattress or boxspring – twin or double	\$17.00	\$18.00
Refrigerator	\$19.00	\$29.00
Stove or Range (electric or gas)	\$23.00	\$25.00
Car Tires	\$6.00	\$7.00
with rim	\$9.00	\$11.00
Truck Tires	\$15.00	\$20.00
with rim	\$27.00	\$30.00
TV – console	\$20.00	\$22.00
Washing Machine	\$23.00	\$24.00
Water Heater	\$17.00	\$18.00

Agenda Item 2



CITY OF LEBANON

PUBLIC WORKS DEPARTMENT – ENGINEERING

MEMORANDUM

TO: Jim Ruef Public Works Director

DATE: July 11, 2006

FROM: Malcolm Bowie City Engineer *MJB*

SUBJECT: Irrevocable Petitions

- 1.) Irrevocable Petition 1185 Airport Road for 12th street
- 2.) Irrevocable Petition Santiam Place 2 Subdivision for River Dr.

This memo requests City Council approval for the City to accept by signing the Irrevocable petitions submitted by the owners of the properties listed above. The documents are included for review.

BACKGROUND

These petitions are submitted in lieu of attempting to patchwork half street improvements. The petitions ensure participation by the property owner at the time that a larger scale street improvement occurs enhancing the street to city standards.

RECOMMENDATION

We recommend that City Council pass a motion approving the city to sign the irrevocable petitions.

IRREVOCABLE PETITION FOR PUBLIC IMPROVEMENTS

Date 3-14, 2006

PETITIONER(S): Jaime Duncan

Petitioner is the owner of the following described real property:

That property described in deed reference number MF1116-583 Linn County Records, Linn County, Oregon.

Said property is currently Tax Lot 1600 of Linn County Assessor's map 12 S - 2 W - 15BC.
Said property is currently assigned the mail address as: 1185 Airport Road.

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

City standard sanitary sewer, public street, curb, gutter, sidewalk, driveway, and associated public storm drainage improvements.

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

It is understood by Petitioner that:

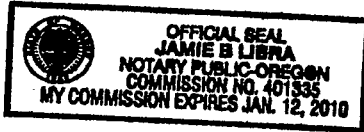
1. The cost of the improvements shall be borne by the benefited property in accordance with state law, the Charter of the City of Lebanon and its ordinances and policies.
2. The City in its sole discretion may initiate the construction of all or part of the local improvements requested or may join all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

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

PETITIONER(S): [Signature]

STATE OF OREGON)
)
COUNTY OF LINN) ss.

On the 14 day of MARCH, 2006, personally appeared the above
named Jaime Duncan who acknowledged the foregoing instrument to be his/her
voluntary act and deed.



BEFORE ME: [Signature]
Notary Public for Oregon
My Commission Expires: 01-12-10

On the _____ day of _____, 20____, personally appeared the above
named _____ who acknowledged the foregoing instrument to be his/her
voluntary act and deed.

BEFORE ME: _____
Notary Public for Oregon
My Commission Expires: _____

CITY OF LEBANON

By: _____
Ken Toombs, Mayor []
Scott Simpson, Council President []

John E. Hitt, Recorder

STATE OF OREGON)
)
COUNTY OF LINN) ss.

On the _____ day of _____, 20____, personally appeared
_____ and JOHN E. HITT, who each being duly sworn, did

say that the former is the _____ and the latter is the Recorder
for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument
was signed and sealed in behalf of said Corporation by authority of its City Council; and each of them
acknowledged said instrument to be its voluntary act and deed.

BEFORE ME: _____
Notary Public for Oregon
My Commission Expires: _____

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

IRREVOCABLE PETITION FOR PUBLIC IMPROVEMENTS

Date May 4, 2006

PETITIONER(S): MOUNTAIN RIVER V, LLC

Petitioner is the owner of the following described real property:

LOTS 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, AND 89 OF SANTIAM RIVER PLACE 2 SUBDIVISION, CITY OF LEBANON, LINN COUNTY, OREGON EXCLUDING ANY PORTIONS OF LAND CONVEYED TO THE PUBLIC.

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

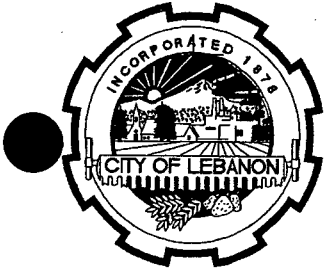
City standard public street, curb, gutter, sidewalk, driveway, storm drainage, water, and sanitary sewer improvements along River Road adjacent to said SANTIAM RIVER PLACE 2 SUBDIVISION.

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

It is understood by Petitioner that:

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

Agenda Item 3



CITY OF LEBANON

MEMORANDUM

TO: Malcolm Bowie,
City Engineer

DATE: July 18, 2006

FROM: Ed Patton,
Senior Engineer *EP*

CC: Jeff Kent,
Engineering Technician III

SUBJECT: Right of Way Vacation – Jadon Drive.

We have received a request to vacate public right of way that is east of South Main Road and just north of Crowfoot Road (see map attached). The petition/application was submitted by George Suniga, the developer for the Eagle View Subdivision.

The map, petition/application for vacation, and consents from area property owners are attached. Written consent has been provided by a majority of area property owners as defined by ORS 271.

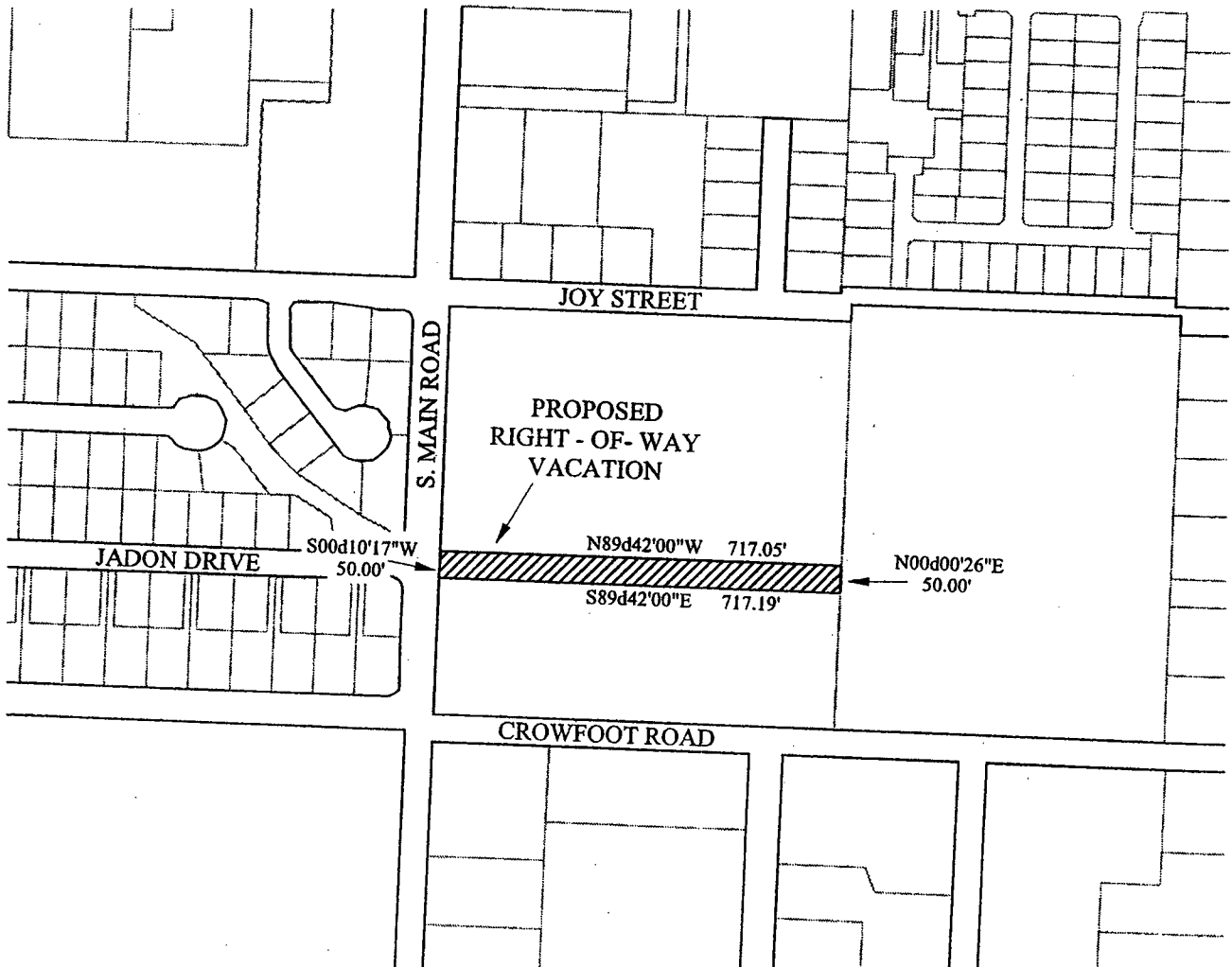
The vacation will facilitate the platting of the new subdivision which will provide an eastward extension of Jadon Drive as approved by the Lebanon Planning Case #S 05-01. The relocated street will be constructed with the Eagle View subdivision. Because ORS 92.185 does not allow the new subdivision plat to automatically vacate the existing right of way, this vacation must precede the filing of the plat.

Per ORS 271 we must ask City Council to allow us to proceed with the vacation process and set a public hearing date. We would like the public hearing to be scheduled for City Council in late August.

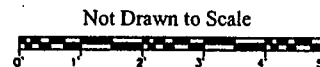


City of Lebanon

Proposed Right - of - Way Vacation



Community
Development
Center
May 23, 2006
Drawn by: jk



Not Drawn to Scale

File:
w:\eng\devp-irrow-vac.

1. Vacation of public right-of-way

A strip of land 50.00 feet in width being 717.93 feet on each side of, when measured at right angles to, the center line thereof, and described as follows:

A 50 foot wide right-of-way in Township 12south range 2 west of the Willamette meridian in Joyland Tracks, Linn County Oregon. More particularly described as follows:

Beginning at the southwest corner of Lot 8 of said Joyland Tracks; thence South $89^{\circ} 42'$ East 717.01 feet to the southeast corner said of lot 5 of Joyland Tracks; thence, South $0^{\circ} 3'$ West along east boundary of said Joyland Tracks 50 feet to the northeast; Thence, North $89^{\circ} 42'$ West 717.15 feet to the northwest corner of lot 9 of said Joyland Tracks; Thence, North $0^{\circ} 12'$ East 50 feet to the point of beginning.

Save and except any right-of-way in south Main Road.



CITY OF LEBANON PUBLIC WORKS DEPARTMENT

853 Main Street
Lebanon, OR 97355-3200
Telephone: (541) 258-4923
Fax: (541) 258-4955

APPLICATION FOR VACATION OF PUBLIC LAND

Name: George Suniga Phone: 503-581-2485

Address: 1100 Liberty St. SE, Suite 3
(mailing)

City: Salem State: OR Zip: 97302

Public Land Proposed for Vacation: Joyland Tract right-of-way
(name of street or location)

Submittals Required for Application:

- RECEIVED 1. Petition for adjoining property owners.
- RECEIVED 2. Legal description of area to be vacated.
- PAID 3. Vacation Fee of \$750 (Easement)
\$1200 (Street/Alley)

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

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

[Signature]
Signature of Applicant

11/1/05
Date

Signature of Engineering/Planning Department

Date

For Office Use Only			
Date Received: _____	Received By: _____		
Fee Amount: _____	Receipt No: _____	Check No.: _____	

PLEASE SIGN HERE:

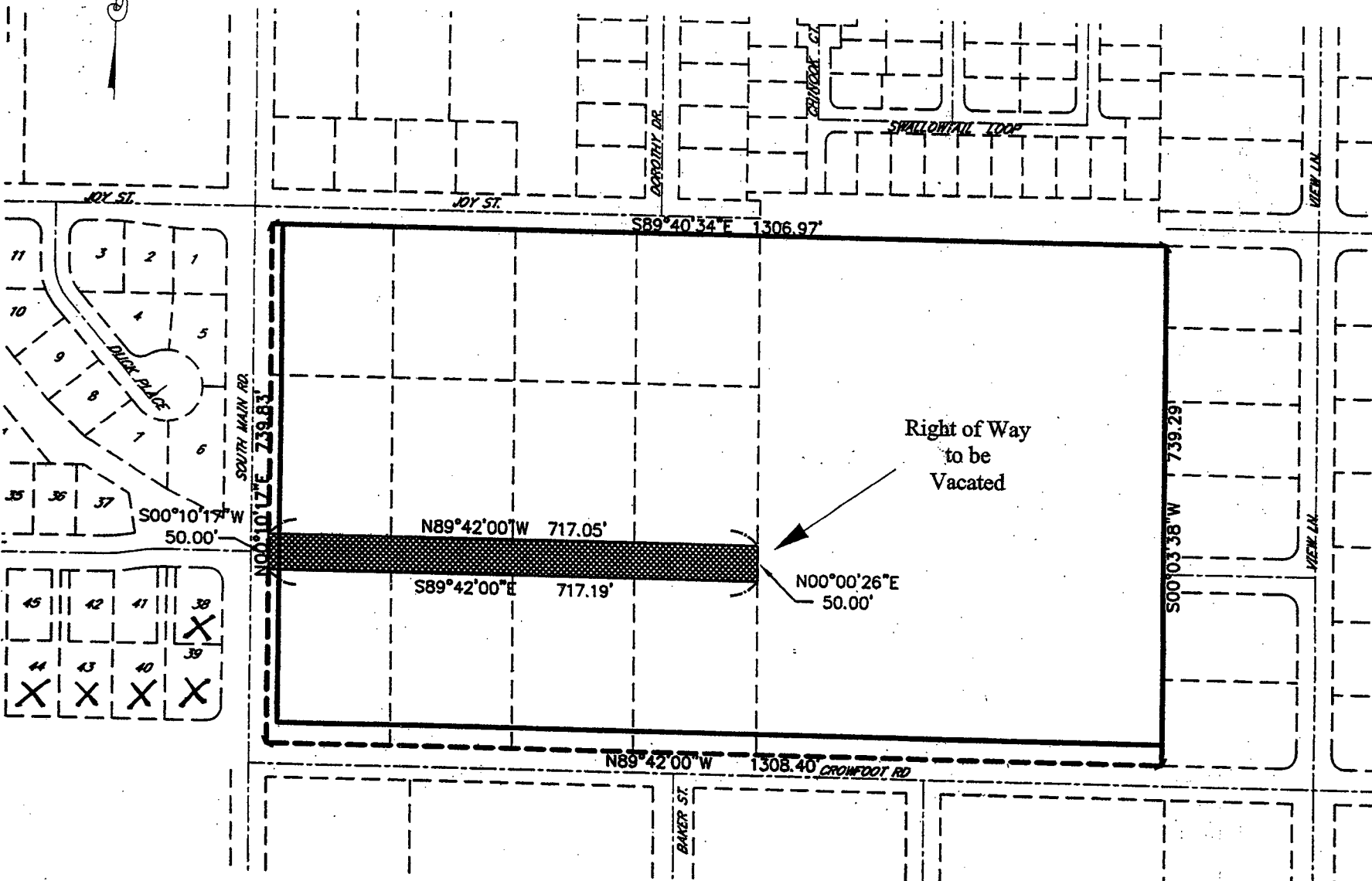
HEATHER ESTATES LLC

[Signature]
(Property owner's signature)

do not oppose the proposed

vacation as illustrated on this drawing.

Date _____



Jeff Kent

From: Casey Cole
Sent: Wednesday, May 24, 2006 8:12 AM
To: Jeff Kent
Subject: RE: Re: City Liens - Eagle View Estates

Jeff,

As of 5/24/2006, I do not find any liens outstanding on these three tax lots.

Casey

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

From: Jeff Kent
Sent: Monday, May 22, 2006 11:40 AM
To: Casey Cole
Cc: Ed Patton
Subject: Re: City Liens - Eagle View Estates

Casey,

I need to ask from you again Casey if you can determine if there are any City liens on the property listed below. I have asked this of you a while ago and I did not place a hard copy of your response in the project file. Here are the three tax lots:

12s 2w 23c
Tax Lots: 2300, 2500 & 2600
Property Owner: Eagle View Estates

Thank you,

Jeff A. Kent
Engineering Technician III
City of Lebanon
Community Development Center

Big
Brother
Lane

ROTH'S
ADD

SEE MAP
12 2W 23CB

VIEW

215

SEE MAP 12 2W 22D

JOYLAND

TRACTS

9-47

1800 AGRES

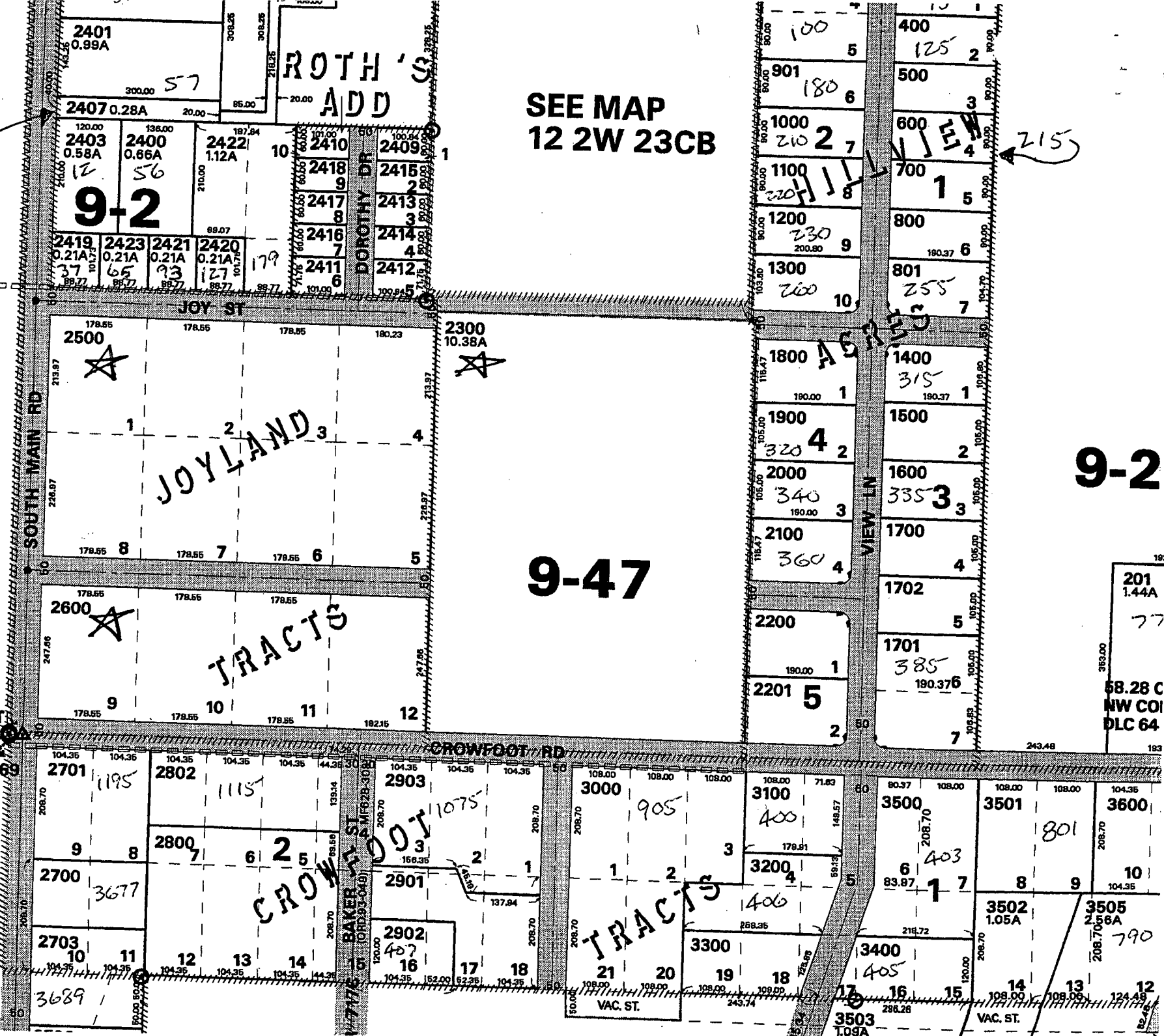
9-2

1621.32' EAST
FROM NW
COR. DLC 64 &
SW COR. DLC 69

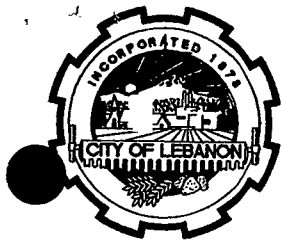
CROWFOOT RD

CROWFOOT

TRACTS



Agenda Item 4



CITY OF LEBANON

PUBLIC WORKS DEPARTMENT – ENGINEERING MEMORANDUM

TO: Jim Ruef Public Works Director
FROM: Malcolm Bowie City Engineer *MJB*
SUBJECT: Industrial subdivision public improvements alternative bid

DATE: July 11, 2006

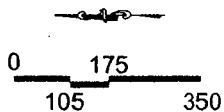
This memo recommends City Council to pass a resolution adopting the findings exempting the public improvements to serve Lebanon industrial subdivision from the competitive bid process.

BACKGROUND

In accordance with ORS 279C.335 city staff is requesting city council to pass a resolution exempting public improvements to serve the Airport Industrial subdivision on Oak street from the traditional competitive bid process. The plan is for staff to solicit proposals to procure design build services. This method will provide substantial savings compressing time frames and keeping out of wet weather construction for public improvements. This approach should empower public works contractors to meet a very aggressive timetable to provide public services on 3 approved industrial development proposals. Development proposals AR-06-12 (Lane Manufacturing) AR-06-13(Jason Cadwell) and PD-06-01 (David Hunter)

RECOMMENDATION

I recommend that City Council adopt the resolution as provided.



City of Lebanon
 Airport Industrial Subdivision



**A RESOLUTION CONSIDERING PROPOSED) Resolution No. _____
 FINDINGS, APPROVING FINDINGS, APPROVING)
 "DESIGN BUILD" PROJECT DELIVERY AS) for 2006
 EXEMPTION FROM PUBLIC BIDDING PER ORS)
 CHAPTER 279C)**

Whereas, the City of Lebanon has conducted a public hearing, pursuant to the provisions of ORS 279C.335, as a contracting agency, conducted by and through its City Manager on the 18th day of July, 2006; and

Whereas, the City determines that said hearing provided an opportunity for the taking of oral and written testimony; and

Whereas, the City finds that notice was given for said public hearing, at least 14 days prior to such hearing, and that said notice was published in a trade newspaper of general statewide circulation; and

Whereas, the City has considered the proposed findings drafted by the contracting agency, acting by the City Manager of the City of Lebanon; and

Whereas, the City hereby considers and approves the alterative contracting methods to be used in this project, the Lebanon Industrial Subdivision Public Improvements, making the further findings as set forth below;

NOW, THEREFORE, THE CITY OF LEBANON RESOLVES AS FOLLOWS:

Section 1. The City Council, having reviewed the records and files herein, and considering the proposed findings of the Contracting Agency by the City Manager, makes the following findings:

- A. The Lebanon Industrial subdivision public improvements are necessary to serve City of Lebanon approved industrial developments AR-06-12 (Lane Manufacturing) AR-06-13(Jason Cadwell) PD-06-01 (D. Hunter) and one other immediate State of Oregon supported industrial development project.
- B. The criteria used in the evaluation of the proposed findings are found in the provisions of ORS 279C.330, "Findings" defined. As used in ORS 279C.335, 279C.345 and 279C.350, "findings" means the justification for a contracting agency conclusion that includes, but is not limited to, information regarding:
 - (1) Operational, budget and financial data;
 - (2) Public benefits;
 - (3) Value engineering;
 - (4) Specialized expertise required;
 - (5) Public safety;
 - (6) Market conditions;
 - (7) Technical complexity; and
 - (8) Funding sources.

- C. The public improvements projects will consist of the design and construction of public infrastructure in Lebanon Oregon Assessors Map 12-2W-16, Tax Lot 300. Following are estimated types and quantities of public improvements to be designed and constructed: 2,500 linear feet of PVC sanitary sewer pipe, 1 sewage lift station, 2500 feet of storm line, 1300 feet of sewage force main, 3600 feet of ductile iron water main and 1500 feet of roadway construction.
- D. The public improvements for this project are estimated to cost over 1 million dollars. Funding is being supplied through multiple sources, including the State of Oregon developer dollars and system development charges.
- E. Time is of the essence for the construction of this project. Infrastructure must be in place in 2006 to serve the needs of the industrial subdivision.
- F. To meet the 2006 schedule, it is necessary for the agency to request for proposals to procure professional services, to design and or construct the identified public improvements.
- G. Design-build is a project delivery system whereby a single entity (known as the design-builder) is contractually responsible for both the design and construction of a project. Design-build is considered a viable system for project delivery. Design-build has been used in the U.S., and is in more frequent use in other parts of the world, in both the public and private sectors. It is the City of Lebanon's intent to select engineering services by combining the design and construction under a single agreement with a professional team qualified in both respects. The engineering services should be performed under the direction of a professional engineer registered in the State of Oregon and competent in the specific areas of practice required for the successful completion of the project. Design-build may save time and dollars for the public entity and should help the City comply with the schedule and budget.
- H. It is the responsibility of the professional engineer, legally and ethically, to protect the public health, safety, and welfare on projects in which they are involved. This responsibility cannot be overlooked, lessened, or delegated in the design of a project using design-build project delivery system.
- I. The use of the design-build project delivery system for this project is unlikely to encourage favoritism or to substantially diminish competition for the construction of the project. The city expects to attract competitive proposals for this project.
- J. For the factors identified in the findings adopted by this resolution, the exemption of this design-build project delivery system should result in substantial cost savings to the public considering the type, cost, amount of the contract, number of persons available to bid and the other factors considered herein.

Section 2. Therefore, based upon the factors considered herein, the City Council approves and adopts the findings of the contracting agency, by the City Manager, as a result of the hearing conducted by the contracting agency on July 18, 2006 and declares that the project identified therein, the *Lebanon Industrial Subdivision Public Improvements Project* is and shall be exempt from the public bidding process for the construction of public improvements. The City Council further directs the contracting agency, the City of Lebanon and its staff to employ the "Design-Build" Project Delivery System, pursuant to the provisions of Oregon Revised Statute, Chapter 279C, for the design and construction of the Lebanon Industrial Subdivision Public Improvements.

Section 3. This resolution shall be effective immediately upon its passage.

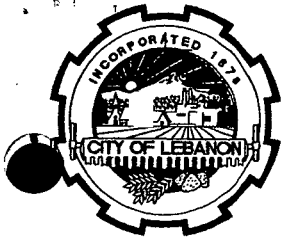
Passed by a vote of _____ in favor and _____ against by the Lebanon City Council on this 26th day of July, 2006.

Kenneth I. Toomb, Mayor []
Ron Miller, Council President []

ATTEST:

Linda G. Kaser, City Clerk/Recorder

Agenda Item 5



CITY OF LEBANON

PUBLIC WORKS DEPARTMENT - ENGINEERING

MEMORANDUM

TO: Jim Ruef Public Works Director **DATE:** July 11 2006
FROM: Malcolm Bowie City Engineer
Change Orders #3 and 4
SUBJECT: Northwest Industrial Area Improvements, Project No. 05707

This memo requests City Council approval of change order #3 and 4 for the Northwest Industrial Area Improvements Project. Attached to this memo is the change order paper work.

BACKGROUND

In compliance with Lebanon Municipal code 3.04.030 B city staff is requesting approval to execute the attached change order. This project is being initiated per the agreement that the City of Lebanon has with Lowe's to provide infrastructure to their proposed distribution center that will be located in the northwest Industrial area.

The Northwest Industrial Area Improvements project brings infrastructure to serve the Lowe's Regional Distribution Center. The bid on the project came in well under the engineers estimate and project authorization. Project completion to date is approximately 45%. Total change orders to date are at 5.4% of the total.

The project is being funded by a combination of grants and loans from the State of Oregon and Lebanons Northwest URD in cooperation with Lowe's locating in Lebanon.

RECOMMENDATION

I recommend that City Council pass a motion approving the change orders #3 and #4 for the Northwest Industrial Area Improvements project.



CITY OF LEBANON
PROJECT CHANGE ORDER
Northwest Industrial Area Improvements
PROJECT NUMBER 05707

CHANGE ORDER NO.: 04

DATE: June 26, 2006

Contractor Approval

Please indicate your agreement by signing, dating and returning this original to the Project Manager. Work shall not begin until you are notified that the agreement has either been approved or that work may commence under advance approval. Your signature further indicates agreement that payments in accordance with this agreement constitute full and complete compensation for all costs, both direct and indirect, arising out of the described work covered by this agreement, and releases and discharges the City from other costs except as provided herein.

City Approval

_____ (Recommended/Approved) by Senior Engineer	_____ Date
_____ (Noted/Recommended/Approved) by Division Manager	_____ Date
_____ (Noted/Recommended/Approved) by Public Works Director	_____ Date

Prime Contractor

Date



CITY OF LEBANON

PROJECT CHANGE ORDER

Northwest Industrial Area Improvements

PROJECT NUMBER 05707

CHANGE ORDER NO.: 04

DATE: June 26, 2006

PROJECT NAME (SECTION): Northwest Industrial Area Improvements			CONTRACT NO. 05707	
CONTRACTOR: Morse Brothers, Inc. (M.B.I.)			FA PROJECT NO.:	
NET EFFECT OF ORDER ON PROJECT:		PROJECT AUTHORIZATION:	EST. PROJECT COST WITH ORDER:	OVERRUN:
<input checked="" type="checkbox"/> INCREASE	<input type="checkbox"/> DECREASE	\$4,750,000.00	\$3,856,969.91	0%
EST. START DATE* OR DATE WORK STARTED: June 13, 2006		WORK OR CHANGE IS MAJOR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	TO ACCOMPANY (ORDER TYPE & NUMBER): Change Order 04	
PREPARED BY: Ron Whittatch	DATE: June 26, 2006	REVIEWED BY: Malcolm Bowie	DATE: July 12, 2006	
WORK OR CHANGE HAS BEEN DISCUSSED WITH: Malcolm Bowie		BY: Ron Whittatch	DATE: June 13, 2006	
		BY:	DATE:	
PRIOR APPROVAL TO PROCEED OBTAINED FROM* Malcolm Bowie		BY: Ron Whittatch	DATE: June 13, 2006	
		BY:	DATE:	

FOR CONTRACT CHANGE ORDERS THAT CHANGE A CONTRACT PRICE OR DETERMINE A NEW PRICE:

COST ESTIMATE IS ATTACHED: YES NOT APPROPRIATE

ADDITIONAL INFORMATION THAT IS NOT INCLUDED ON ORDER (Additional Description, Who requisitioned, Why necessary, Why cost is not a contractor responsibility, Other parties that have agreed to share the costs, Emergency work prior to approval, Estimated effect on project time, Significant discussions, References to supporting and/or attached documents, including estimates of costs for "Extra Work Orders" and "Force Orders."

No. 030: At STA. H15+00 there was a large tree that City Staff hoped to leave in place. After looking at the root structure and the close proximity of the new sidewalk, staff directed M.B.I. to remove and dispose of the tree and roots.

No. 031: On Thursday June 8, 2006 Pacific Excavation (Pipe Sub-Contractor for MBI) excavated and exposed the invert elevation at the manhole located at STA. 20+89 so they could begin laying 42" sewer pipe to the west. The Contractor indicated to City Staff that the invert elevation was approximately 0.8 feet higher than design (this manhole was installed during another project). City staff discussed the elevation issue and determined that the crossing of several creeks (future phases) could still be made, and directed the Contractor to proceed installing pipe. Staff was also concerned that by trying to lower the invert, the integrity of the manhole could be compromised and have to be replaced (this manhole is where the existing 27" WSI is connected, making it even more difficult with sewer flows). On June 13, 2006, City Staff had further discussions regarding the invert elevation and determined that there could be a substantial loss in service area as well as the need for a pump station for properties to the south. Staff and the Contractor devised a plan to use the existing manhole without damaging it. Once it was determined that the manhole could be used without interruption of flow (in the 27" line), staff directed M.B.I. (and Pacific Excavation) to remove the 324 feet of pipe that was installed and replace it at the lower invert elevation. It was determined that the quickest way to complete the work would be a Time and Materials change order. MBI was agreeable to this, and had Pacific Excavation start immediately. The supporting documents indicate the time it took to complete as well as the materials that were used.

No. 032: This Lump Sum change order is for providing temporary fencing in front of Entek where the permanent fencing was removed and will be relocated

Agenda Item 6



City of Lebanon

Memorandum

To: Mayor Toombs and City Council **Date:** July 21, 2006
From: John Hitt, City Administrator *JHitt*
Subject: GO Bond Resolution, Ballot Title and Levy Rate Analysis

Attached is a package of information, and a proposed Resolution for City Council action. This is in response to the City Council's direction to prepare a proposal for a funding package and authority to place on the November ballot, a General Obligation (GO) bond that would construct both a new Police/Courts/IS facility and a new Library.

The proposed Resolution, including the attached "Notice of City Measure Election", provide the authority to place before the voters of Lebanon the question of whether they want to approve the issuance of a \$19,970,000 General Obligation Bond¹.

The other portion of this package is the "Levy Rate Analysis" of July 18, 2006, prepared by Seattle Northwest Securities Corporation. This rate analysis, among other things, defines the uses of the bond proceeds, which *in broad terms* is as follows:

1. \$8,300,000² for the construction of a new Police/Courts/IS facility
2. \$6,700,000³ for the construction of a new Library
3. \$356,000 Issuance Costs
4. \$875,000 to retire the remaining debt from the Lebanon City Bond (GO Bond) that was used to purchase the city water system.
5. \$3,356,000 to retire the outstanding debt of the Lebanon Urban Renewal District (Retirement of this debt will lead to the dissolution of the Lebanon Urban Renewal Agency). A portion of this \$3.4 million debt retirement will come from existing bond escrow accounts, so the total "Use of Proceeds" exceeds the amount of the GO Bonds being issued.
6. \$739,000 Capitalized interest Fund for the purpose of reducing levy rate impacts in the early years and to help pay redemption related costs and fees.

Please see Page 7, "Sources and Uses of Funds" for a more detailed analysis.

¹ Revised from \$20,000,000

² Based on most recent estimate from consultant (a revision upward)

³ Based on most recent estimate from consultant (a revision upward)

Page 5 of the Levy Rate Analysis shows that to service this bond issue (principle and interest) it will require an estimated tax levy of \$1.79 per thousand of assessed property value. Keep in mind, this \$1.79 increase will be offset by the elimination of the Lebanon Urban Renewal Agency assessment of approximately \$.70 per thousand and the City's water bond assessment, approximately \$.75 per thousand. Hence, if assessed values stay the same, the average property taxpayer should see a net property tax increase of *approximately* \$.34 per thousand. This is within the range indicated on the public opinion survey. However, as noted below, the actual levy rate and their timing are subject to a wide variety of factors that may result in different results for individual tax payers (or even the City as a whole) that are substantially more or less than projected in the levy rate analysis.

Also, please keep in mind several factors:

1. Interest rates may change, perhaps significantly before these bonds can be issued, making the costs of debt service and hence property tax impacts greater.
2. If this bond measure is approved, the City would be exchanging debt that would be paid off between 2008 and 2019 for new debt that would not be paid off until between 2007 and 2027.
3. While we have built-in substantial contingencies in the construction estimates, building costs may escalate more than we anticipate making it difficult to construct the facilities that we now envision.
4. The exact timing of issuing (selling) the new bonds while retiring the old debt and terminating the Lebanon URD may prove a challenge, if we are to keep overall city property taxes from rising less than .40 per thousand.
5. Voter approval of a GO Bond levy in November of this year would not be subject to the double majority requirement since it is a General Election.
6. The Fire District may have a bond/levy proposal on the same ballot.
7. The termination of the Lebanon URD should enhance General Fund Revenues by about \$70,000 per year.

Clearly, this is a complex bond package and project. It is difficult to anticipate all questions. But please feel free to call me or Casey Cole (258-4212) if you have financing or tax questions. If you have specific questions about either a new police station or library, call Chief Healy (258-4301), Captain Schulte (258-4302) or Denice Lee (258-4926).

JEH/lgk

A RESOLUTION OF THE CITY OF LEBANON,) RESOLUTION NO. ____
 LINN COUNTY, OREGON CALLING A MEASURE)
 ELECTION TO SUBMIT TO THE ELECTORS OF THE) for 2006
 CITY THE QUESTION OF CONTRACTING A GENERAL)
 OBLIGATION BONDED INDEBTEDNESS IN AN)
 AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED)
 \$19,970,000 TO FINANCE THE COSTS OF CAPITAL)
 CONSTRUCTION AND CAPITAL IMPROVEMENTS;)
 DECLARING INTENT TO REIMBURSE EXPENDITURES;)
 AND RELATED MATTERS)

WHEREAS, the City Council of the City of Lebanon, Linn County, Oregon (the "City"), through its City Facility Needs Committee and City Facilities Master Plan has determined that current police/court/jail facilities and the city library no longer meet the needs of the citizens of Lebanon; and

WHEREAS, the police facility analysis conducted by Breedlove, McConnell, Granning, Pease, Engineers, Inc. found the building that currently houses the Police Department, courts and jail does not meet basic code requirements, is non-ADA compliant and is vulnerable to fire, earthquake and wind damage.

WHEREAS, Breedlove, McConnell, Granning, Pease, Engineers, Inc. found similar problems with the library building and concluded there is no cost effective way to remodel the current building to provide additional space for library operations; and

WHEREAS, a scientific survey of city voters indicated Lebanon residents clearly understand the need for a new police/court/jail facility and expanded library; and

WHEREAS, the City Council has looked carefully at all of the costs for construction to assure the proposed facilities will provide the best possible service for all Lebanon residents at the most reasonable and responsible cost to taxpayers; and

WHEREAS, the City Council has determined it can help reduce the cost impact of a bond levy for these facilities to taxpayers by refinancing certain current bonded debt of the City at a lower interest rate and certain debt of the Urban Renewal Agency of the City; and

WHEREAS, the City Council has determined there is a need for the City to finance the costs of capital construction and capital improvements, including, but not limited to, providing funds to:

- Construct, furnish and equip a new police station with court and secure jail facilities on city-own land at Tangent and 2nd Streets, formerly the old Santiam school site.
- Construct furnish and equip a new expanded library on City-owned land at Academy Square.
- Refinance existing bonded debt to reduce the cost impact of this bond levy to taxpayers.

- Pay associated bond issuance costs.

The above listed purposes shall be referred to herein as the "Project" and

WHEREAS, the costs of the Project are estimated to be not more than \$18,500,000; and

WHEREAS, ORS 287.003 through 287.012, as amended (the "Act"), subject to voter approval, authorizes the City to contract bonded indebtedness to provide funds to finance the costs of the Project and to pay bond issuance costs; and

WHEREAS, the City anticipates incurring expenditures (the "Expenditures") to finance the costs of the Project and wishes to declare its official intent to reimburse itself for any Expenditures it may make from its general funds on the Project from the proceeds of voter-approved general obligation bonds (the "Bonds"), the interest on which shall be excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code");

NOW, THEREFORE, the Council of the City of Lebanon, in Linn County, Oregon, resolves as follows:

1. A measure election is hereby called for the purpose of submitting to the electors of the City the question of contracting general obligation bonded indebtedness in the name of the City in an amount not to exceed \$18,500,000. Bond proceeds will be used to finance the Project and pay all Bond issuance costs. The Bonds shall mature over a period of not more than twenty-one (21) years from the date of issue and may be issued in one or more series.
2. The measure election hereby called shall be held in the City on the 7th day of November, 2006. As authorized by the County Clerk of Linn County, Oregon, and the Oregon Secretary of State, the election shall be conducted by mail pursuant to ORS 254.465 and 254.470.
3. The City authorizes the City Administrator as authorized representative and city election authority under ORS 255.005(4) ("Authorized Representative") to act on behalf of the City, to submit the final ballot title and explanatory statement and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.
4. The City election authority shall cause to be delivered to the Election Officer of Linn County, Oregon (the "Election Officer"), a Notice of Bond Election (the "Notice") in substantially the form as attached hereto as Exhibit "A", which shall be approved and filed by the Authorized Representative of the City, not later than September 7, 2006, (61 days prior to the election date).
5. The City hereby declares its official intent to reimburse itself with the proceeds of the Bonds for any of the Expenditures incurred by it prior to the issuance of the Bonds.
6. The law firm of Mersereau & Shannon LLP is hereby appointed to serve as bond counsel with respect to the Bonds. The City will pay the fees and expenses of bond counsel from Bond proceeds.

Notice of City Measure Election

SEL 802

rw 1/06: ORS 250.035,250.041,
250.275,250.285,254.085,254.485

Name of City Lebanon

Notice is hereby given on *date of election* November 7, 2006. A measure election will be held in
name of county or counties Linn County, Oregon.

The following shall be the ballot title of the measure to be submitted to the city's voters on this date: November 7, 2006

CAPTION *10words*

CITY OF LEBANON BOND FOR POLICE.COURT/JAIL, LIBRARY FACILITIES

QUESTION

20words

Is City authorized to issue general obligation bonds not exceeding \$19,970,000 to finance police/court/jail and expanded library facilities? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

SUMMARY

175words

If approved, this measure provides funds to finance capital construction and improvements, refinance existing bonded debt and pay bond costs. Specifically, this measure would:

- Construct, furnish and equip a new police station with court and jail facilities on city-owned land at Tangent and 2nd Streets (the old Santiam school site). The new approximately 25,000 square foot building would include space for the police department with a jail facility, emergency communications center, courts, information services and Lebanon's Emergency Operations Center.
- Construct furnish and equip a new expanded library on City-owned land at Academy Square. The approximately 20,000 square foot library would provide space for better organized and larger library collections, group meetings, tables and seating for patron use, and computer access.
- Refinance existing bonded debt of the City and Urban Renewal Agency to reduce the cost impact of this bond levy to taxpayers.
- Pay associated bond issuance costs.

The Bonds would mature in twenty-one (21) years or less from issuance date and may be issued in one or more series.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete.

signature of authorized city official *not required to be notarized*

date signed

printed name of authorized city official

title



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Suite 1800
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(503) 275-8300



**CITY OF LEBANON, OREGON
GENERAL OBLIGATION BONDS,
SERIES 2007**

LEVY RATE ANALYSIS

JULY 18, 2006



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HISTORIC ASSESSED VALUE & SUMMARY OF FINANCING RESULTS

**CITY OF LEBANON, OREGON
HISTORIC ASSESSED VALUE**

Fiscal Year	Measure-5 Real Market Value	Assessed Value to Compute Permanent Rate (a)	Urban Renewal Excess(1) (b)	Assessed Value to compute bond rate (a + b)	Annual growth (%)
2006	\$742,624,234	\$539,052,297	\$63,440,553	\$606,401,496	8.31%
2005	686,460,213	512,238,920	44,014,819	559,895,304	6.05%
2004	627,875,523	483,803,531	41,323,441	527,960,272	3.07%
2003	617,992,945	467,667,186	42,106,173	512,252,860	1.70%
2002	622,661,834	455,928,458	45,609,008	503,705,744	4.40%
2001	608,875,535	435,747,810	46,721,573	482,469,383	5.42%

(1) Certain General Obligation Bonds approved after 10/6/2001 can be levied against Assessed Value including a portion of the Urban Renewal Excess Value. This is the amount of Urban Renewal Excess Value within the taxing jurisdiction of the City of Lebanon that is subject to this provision. Bonds approved before 10/6/2001 are levied against Assessed Value less all Urban Renewal Excess Value.

**URBAN RENEWAL EXCESS
(WITHIN THE CITY OF LEBANON'S BOUNDARIES)**

Fiscal Year	UR excess in Plan area 1: Lebanon City URA, Type 1 (c)	UR excess in Plan area 2: NW Lebanon URA, Type 1 (d)	UR excess in Plan area 3: Cheadle Lake URA, window plan (e)	Total UR excess (c + d + e)	Total UR excess to be included in AV to compute bond rate (c + d)
2006	\$12,492,126	\$50,948,427	\$3,908,646	\$67,349,199	\$63,440,553
2005	12,129,512	31,885,307	3,641,565	47,656,384	44,014,819
2004	11,646,159	29,677,282	2,833,300	44,156,741	41,323,441
2003	11,435,558	30,670,615	2,479,501	44,585,674	42,106,173
2002	11,340,759	34,268,249	2,168,278	47,777,286	45,609,008
2001	11,009,705	35,711,868	N.A.	46,721,573	46,721,573

Source: Linn County Department of Assessment and Taxation



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**CITY OF LEBANON
GENERAL OBLIGATION BONDS, SERIES 2007
SUMMARY OF FINANCING RESULTS**

General Assumptions

Dated: June 5, 2007
 First Interest Payment: December 1, 2007
 Final Maturity: June 1, 2027
 Amortization Period: 20.17 Years
 Structure: Combined Level Levy Rate

Calculation Factors

Current Interest Rates: + 1.00%
 2005-06 Assessed Value: \$ 539,052,297
 2005-06 UR Excess: \$ 63,440,553

AV Increase:	
2007	6.50%
2008	5.50%
2009-2014	4.50%
Thereafter	3.00%
UR Excess	2.00%

Tax Collections:	
2008	93.00%
2009	95.00%
2010	97.00%
2011	99.00%
Thereafter	99.00%

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Structure				
Par Amount	\$20,000,000	\$19,490,000	\$19,238,954	\$18,731,977
Available for New Money Project	\$15,000,000	\$14,500,000	\$15,000,000	\$14,500,000
Capitalized Interest	\$739,263	\$736,905	\$0	\$0
New Money Portion:				
Current Interest Bonds	100%	100%	49%	45%
Deferred Interest Bonds	0%	0%	51%	55%
Average Levy Rates				
2008-2027...	\$1.79	\$1.74	\$1.84	\$1.80
Interest Cost				
Total Interest Cost	\$14,943,050	\$14,515,022	\$15,899,816	\$15,561,726

SCENARIO 1:
\$20,000,000 G.O. BONDS, SERIES 2007
NEW MONEY: \$16.015MM
1994 G.O. REF.: \$0.530MM
1995 G.O. REF.: \$0.890MM
1999 U.R. REF.: \$2.565MM

STRUCTURE: COMBINED LEVEL LEVY RATE

City of Lebanon
Projected Bond Tax Levy Rates
\$20,000,000
Level Levy Rate - New Bonds
20.17 Year Issue

Bond Issue Data		Debt Capacity	
Issue Amount:	\$20,000,000	Max Debt Capacity (3.00% of AV)(000s):	\$22,279
Dated Date:	06/05/2007	Outstanding Debt as of Dated Date:	400
Closing Date:	06/05/2007	New Bonds subject to Max. Cap	16,905
First Coupon:	12/01/2007	Remaining Capacity:	\$ 4,974
Final Maturity:	06/01/2027	Tax Collection	
Current Market Rates Plus:	1.00%	AV	Taxes
Term (years):	20.17	Year	Increase
Property Tax Data		Year	Collected
2005-2006 Net Assessed Value (000s):	\$ 539,052	2007	8.00%
2005-2006 Total Market Value (000s):	\$ 742,624	2008	5.50%
2005-2006 Urban Renewal Excess (000s):	\$ 63,441	2009-2014	4.50%
		Thereafter	3.00%
		Excess	2.00%
		Thereafter	99.00%

Fiscal Year Ending 6/30	Assessed Value (000s)		Estimated Debt Service Requirements				Estimated Levy Rates \$/\$1,000 AV		
	Net AV	UR Excess	Prior Debt ⁽¹⁾	New Bonds	Capitalized Interest	FY Total	Prior Debt ⁽²⁾	New Bonds ⁽³⁾	Combined Levy Rate
2006	\$ 539,052	\$ 63,441	\$ 467,125	\$ -	\$ -	\$ 467,125	\$ 0.89	\$ -	\$ 0.89
2007	582,176	64,709	466,125	-	-	466,125	0.80	-	0.80
2008	614,196	66,004	-	1,303,232	(173,486)	1,163,902	-	1.79	1.79
2009	641,835	67,324	-	1,723,838	(517,533)	1,157,630	-	1.79	1.79
2010	670,718	68,670	-	1,326,743	(48,245)	1,230,030	-	1.78	1.78
2011	700,900	70,043	-	1,367,388	-	1,308,630	-	1.79	1.79
2012	732,440	71,444	-	1,425,310	-	1,367,790	-	1.79	1.79
2013	765,400	72,873	-	1,489,310	-	1,428,148	-	1.79	1.79
2014	799,843	74,331	-	1,543,808	-	1,489,140	-	1.78	1.78
2015	823,838	75,817	-	1,583,973	-	1,530,355	-	1.78	1.78
2016	848,554	77,334	-	1,630,240	-	1,572,395	-	1.78	1.78
2017	874,010	78,880	-	1,686,653	-	1,620,215	-	1.79	1.79
2018	900,231	80,458	-	1,717,663	-	1,668,215	-	1.77	1.77
2019	927,237	82,067	-	1,784,245	-	1,716,045	-	1.79	1.79
2020	955,055	83,708	-	1,844,165	-	1,768,348	-	1.79	1.79
2021	983,706	85,383	-	1,897,875	-	1,819,488	-	1.79	1.79
2022	1,013,217	87,090	-	1,954,750	-	1,869,088	-	1.79	1.79
2023	1,043,614	88,832	-	2,014,125	-	1,926,763	-	1.80	1.80
2024	1,074,922	90,609	-	2,071,075	-	1,982,288	-	1.79	1.79
2025	1,107,170	92,421	-	2,129,500	-	2,039,598	-	1.79	1.79
2026	1,140,385	94,269	-	2,194,600	-	2,098,860	-	1.80	1.80
2027	1,174,597	96,155	-	2,254,560	-	2,159,520	-	1.79	1.79
2028	1,209,835	98,078	-	-	-	-	-	-	-
2029	1,246,130	100,039	-	-	-	-	-	-	-
2030	1,283,514	102,040	-	-	-	-	-	-	-
			\$ 933,250	\$ 34,943,050		\$ 33,849,694			
Average Annual Debt Service:						\$ 1,747,152			
Average Annual Levy Rate (\$/\$1,000):						1.79			

- (1) Prior debt includes only a portion of the City's G.O. Bonding Bonds, Series 1995. It assumes that the City will defease the bonds maturing on November 1, 2008 and 2009 with proceeds of the G.O. Bonds, Series 2007. G.O. Bonds 1994 have historically been paid from Special Levy and therefore are not included in the G.O. Bond Levy rate.
- (2) Represents actual levy rate for fiscal year 2006 as reported by the Linn County Department of Assessment and Taxation.
- (3) Includes estimated delinquencies.

City of Lebanon
Projected Debt Service Schedule
\$18,500,000
Level Levy Rate - New Bonds
20.17 Year Issue

Dated Date: Apr. 01, 2007 First Coupon: Dec. 01, 2007
Closing Date: Apr. 01, 2007 Final Maturity: Jun. 01, 2027

Payment Date	Principal	Coupon	Interest	Total Debt service	FY Total	Estimated (1) Delinquencies	Estimated (2) Amount to Levy
12/01/2007			\$ 528,115	\$ 528,115	\$ -	\$ -	\$ -
06/01/2008	235,000	4.85%	540,118	775,118	1,303,232	98,093	1,401,325
12/01/2008			534,419	534,419			
06/01/2009	655,000	4.90%	534,419	1,189,419	1,723,838	90,728	1,814,566
12/01/2009			518,371	518,371			
06/01/2010	290,000	4.95%	518,371	808,371	1,326,743	41,033	1,367,776
12/01/2010			511,194	511,194			
06/01/2011	345,000	4.95%	511,194	856,194	1,367,388	13,812	1,381,199
12/01/2011			502,655	502,655			
06/01/2012	420,000	5.00%	502,655	922,655	1,425,310	14,397	1,439,707
12/01/2012			492,155	492,155			
06/01/2013	505,000	5.05%	492,155	997,155	1,489,310	15,044	1,504,354
12/01/2013			479,404	479,404			
06/01/2014	585,000	5.10%	479,404	1,064,404	1,543,808	15,594	1,559,402
12/01/2014			464,486	464,486			
06/01/2015	655,000	5.15%	464,486	1,119,486	1,583,973	16,000	1,599,972
12/01/2015			447,620	447,620			
06/01/2016	735,000	5.25%	447,620	1,182,620	1,630,240	16,467	1,646,707
12/01/2016			428,326	428,326			
06/01/2017	830,000	5.30%	428,326	1,258,326	1,686,653	17,037	1,703,689
12/01/2017			406,331	406,331			
06/01/2018	905,000	5.35%	406,331	1,311,331	1,717,663	17,350	1,735,013
12/01/2018			382,123	382,123			
06/01/2019	1,020,000	5.40%	382,123	1,402,123	1,784,245	18,023	1,802,268
12/01/2019			354,583	354,583			
06/01/2020	1,135,000	5.40%	354,583	1,489,583	1,844,165	18,628	1,862,793
12/01/2020			323,938	323,938			
06/01/2021	1,250,000	5.45%	323,938	1,573,938	1,897,875	19,170	1,917,045
12/01/2021			289,875	289,875			
06/01/2022	1,375,000	5.50%	289,875	1,664,875	1,954,750	19,745	1,974,495
12/01/2022			252,063	252,063			
06/01/2023	1,510,000	5.50%	252,063	1,762,063	2,014,125	20,345	2,034,470
12/01/2023			210,538	210,538			
06/01/2024	1,650,000	5.55%	210,538	1,860,538	2,071,075	20,920	2,091,995
12/01/2024			164,750	164,750			
06/01/2025	1,800,000	5.55%	164,750	1,964,750	2,129,500	21,510	2,151,010
12/01/2025			114,800	114,800			
06/01/2026	1,965,000	5.60%	114,800	2,079,800	2,194,600	22,168	2,216,768
12/01/2026			59,780	59,780			
06/01/2027	2,135,000	5.60%	59,780	2,194,780	2,254,560	22,773	2,277,333
Total	\$ 20,000,000		\$ 14,943,050	\$ 34,943,050	\$ 34,943,050	\$ 538,837	\$ 35,481,886

(1) Beginning in FY 2009 assumes collection year delinquencies will be offset by back tax collections.

(2) Actual levy amount should be calculated annually by the District based on County's current delinquency rates, actual debt service requirements and District's debt service fund balance, if any.

SOURCES AND USES OF FUNDS

City of Lebanon, Oregon
 General Obligation Bonds, Series 2007 (CAPI)
 Current Market Conditions - July 18, 2006

Dated Date 06/05/2007
 Delivery Date 06/05/2007

Sources:	G.O. Bonds 2007 (New Money)	2007 Refunding of 1994 G.O. Bonds	2007 Refunding of 1995 G.O. Bonds	2007 Refunding of 1999 U.R. Bonds	Total
Bond Proceeds:					
Par Amount	16,015,000.00	530,000.00	890,000.00	2,565,000.00	20,000,000.00
Other Sources of Funds:					
Prior Debt Svc Reserve Fund	-	-	-	326,500.00	326,500.00
	16,015,000.00	530,000.00	890,000.00	2,891,500.00	20,326,500.00
<hr/>					
Uses:	G.O. Bonds 2007 (New Money)	2007 Refunding of 1994 G.O. Bonds	2007 Refunding of 1995 G.O. Bonds	2007 Refunding of 1999 U.R. Bonds	Total
Project Fund Deposits:					
Project	15,000,000.00	-	-	-	15,000,000.00
Refunding Escrow Deposits:					
Cash Deposit	-	1.49	1.60	1.55	4.64
SLG Purchases	-	518,181.00	874,215.00	2,837,416.00	4,229,812.00
	-	518,182.49	874,216.60	2,837,417.55	4,229,816.64
Other Fund Deposits:					
Capitalized Interest Fund	739,263.60	-	-	-	739,263.60
Delivery Date Expenses:					
Cost of Issuance	36,634.31	2,209.88	3,710.91	15,894.90	58,450.00
Underwriter's Discount	140,131.25	4,637.50	7,787.50	22,443.75	175,000.00
Bond Insurance @ 35bps	97,932.26	3,240.97	5,442.38	15,685.06	122,300.67
	274,697.82	10,088.35	16,940.79	54,023.71	355,750.67
Other Uses of Funds:					
Additional Proceeds	1,038.58	1,729.16	-1,157.39	58.74	1,669.09
	16,015,000.00	530,000.00	890,000.00	2,891,500.00	20,326,500.00

SUMMARY OF BONDS REFUNDED

City of Lebanon, Oregon
 General Obligation Bonds, Series 2007 (CAPI)
 Current Market Conditions - July 18, 2006

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
General Obligation Bonds, Series 1994, 94GO:					
TERM01	03/01/2014	5.875%	510,000.00	09/01/2007	100.000
Series 1995 General Obligation Refunding Bonds, 95REF:					
SERIALS	11/01/2008	5.250%	420,000.00	07/05/2007	100.000
	11/01/2009	5.350%	450,000.00	07/05/2007	100.000
			<u>870,000.00</u>		
Urban Renewal Bonds, Series 1999, 99URBAN:					
SERIALS	06/01/2008	5.100%	130,000.00	-	-
	06/01/2009	5.200%	145,000.00	-	-
14TERM	06/01/2014	5.500%	985,000.00	06/01/2009	100.000
19TERM	06/01/2019	5.625%	1,575,000.00	06/01/2009	100.000
			<u>2,835,000.00</u>		
			4,215,000.00		

ESCROW REQUIREMENTS

City of Lebanon, Oregon
General Obligation Bonds, Series 2007 (CAPI)
Current Market Conditions - July 18, 2006

Period Ending	Principal	Interest	Principal Redeemed	Total
07/05/2007	-	8,200.00	870,000.00	878,200.00
09/01/2007	-	14,981.25	510,000.00	524,981.25
12/01/2007	-	78,469.38	-	78,469.38
06/01/2008	130,000.00	78,469.38	-	208,469.38
12/01/2008	-	75,154.38	-	75,154.38
06/01/2009	145,000.00	75,154.38	2,560,000.00	2,780,154.38
	275,000.00	330,428.77	3,940,000.00	4,545,428.77

BOND DEBT SERVICE

City of Lebanon, Oregon
 General Obligation Bonds, Series 2007 (CAPI)
 Current Market Conditions - July 18, 2006

Dated Date 06/05/2007
 Delivery Date 06/05/2007

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/05/2007	-	-	-	-	-
12/01/2007	-	-	528,114.88	528,114.88	-
06/01/2008	235,000	4.850%	540,117.50	775,117.50	1,303,232.38
12/01/2008	-	-	534,418.75	534,418.75	-
06/01/2009	655,000	4.900%	534,418.75	1,189,418.75	1,723,837.50
12/01/2009	-	-	518,371.25	518,371.25	-
06/01/2010	290,000	4.950%	518,371.25	808,371.25	1,326,742.50
12/01/2010	-	-	511,193.75	511,193.75	-
06/01/2011	345,000	4.950%	511,193.75	856,193.75	1,367,387.50
12/01/2011	-	-	502,655.00	502,655.00	-
06/01/2012	420,000	5.000%	502,655.00	922,655.00	1,425,310.00
12/01/2012	-	-	492,155.00	492,155.00	-
06/01/2013	505,000	5.050%	492,155.00	997,155.00	1,489,310.00
12/01/2013	-	-	479,403.75	479,403.75	-
06/01/2014	585,000	5.100%	479,403.75	1,064,403.75	1,543,807.50
12/01/2014	-	-	464,486.25	464,486.25	-
06/01/2015	655,000	5.150%	464,486.25	1,119,486.25	1,583,972.50
12/01/2015	-	-	447,620.00	447,620.00	-
06/01/2016	735,000	5.250%	447,620.00	1,182,620.00	1,630,240.00
12/01/2016	-	-	428,326.25	428,326.25	-
06/01/2017	830,000	5.300%	428,326.25	1,258,326.25	1,686,652.50
12/01/2017	-	-	406,331.25	406,331.25	-
06/01/2018	905,000	5.350%	406,331.25	1,311,331.25	1,717,662.50
12/01/2018	-	-	382,122.50	382,122.50	-
06/01/2019	1,020,000	5.400%	382,122.50	1,402,122.50	1,784,245.00
12/01/2019	-	-	354,582.50	354,582.50	-
06/01/2020	1,135,000	5.400%	354,582.50	1,489,582.50	1,844,165.00
12/01/2020	-	-	323,937.50	323,937.50	-
06/01/2021	1,250,000	5.450%	323,937.50	1,573,937.50	1,897,875.00
12/01/2021	-	-	289,875.00	289,875.00	-
06/01/2022	1,375,000	5.500%	289,875.00	1,664,875.00	1,954,750.00
12/01/2022	-	-	252,062.50	252,062.50	-
06/01/2023	1,510,000	5.500%	252,062.50	1,762,062.50	2,014,125.00
12/01/2023	-	-	210,537.50	210,537.50	-
06/01/2024	1,650,000	5.550%	210,537.50	1,860,537.50	2,071,075.00
12/01/2024	-	-	164,750.00	164,750.00	-
06/01/2025	1,800,000	5.550%	164,750.00	1,964,750.00	2,129,500.00
12/01/2025	-	-	114,800.00	114,800.00	-
06/01/2026	1,965,000	5.600%	114,800.00	2,079,800.00	2,194,600.00
12/01/2026	-	-	59,780.00	59,780.00	-
06/01/2027	2,135,000	5.600%	59,780.00	2,194,780.00	2,254,560.00
	20,000,000		14,943,049.88	34,943,049.88	34,943,049.88

NET DEBT SERVICE

City of Lebanon, Oregon
General Obligation Bonds, Series 2007 (CAPI)
Current Market Conditions - July 18, 2006

Period Ending	Total Debt Service	Capitalized Interest Fund	Net Debt Service
06/30/2008	1,303,232.38	173,485.72	1,129,746.66
06/30/2009	1,723,837.50	517,533.26	1,206,304.24
06/30/2010	1,326,742.50	48,244.62	1,278,497.88
06/30/2011	1,367,387.50	-	1,367,387.50
06/30/2012	1,425,310.00	-	1,425,310.00
06/30/2013	1,489,310.00	-	1,489,310.00
06/30/2014	1,543,807.50	-	1,543,807.50
06/30/2015	1,583,972.50	-	1,583,972.50
06/30/2016	1,630,240.00	-	1,630,240.00
06/30/2017	1,686,652.50	-	1,686,652.50
06/30/2018	1,717,662.50	-	1,717,662.50
06/30/2019	1,784,245.00	-	1,784,245.00
06/30/2020	1,844,165.00	-	1,844,165.00
06/30/2021	1,897,875.00	-	1,897,875.00
06/30/2022	1,954,750.00	-	1,954,750.00
06/30/2023	2,014,125.00	-	2,014,125.00
06/30/2024	2,071,075.00	-	2,071,075.00
06/30/2025	2,129,500.00	-	2,129,500.00
06/30/2026	2,194,600.00	-	2,194,600.00
06/30/2027	2,254,560.00	-	2,254,560.00
	34,943,049.88	739,263.60	34,203,786.28

Agenda Item 7



CITY OF LEBANON

ADMINISTRATION MEMORANDUM

TO: Mayor Toombs and City Councilors
FROM: John Hitt, City Manager
SUBJECT: City Manager – Grant Signing Authority

DATE: 07-18-2006

Attached is a formal request for signing authority related to grant and/or loan applications for the City of Lebanon. The request describes the need and authority associated to the request.



City of Lebanon Administration

July 26, 2006

We the City Council, for the City of Lebanon, do hereby grant permission to the City Manager to execute grant and/or loan applications on behalf of the City of Lebanon through signature of such documents.

By granting such permission the Lebanon City Council does not give up it's authority to approve/disapprove any such grant or loan applications or other agreements that may be entered into by the City of Lebanon with other government agencies or private parties.

Mayor Ken Toombs

Council President, Ron Miller

Agenda Item 8

CITY OF LEBANON

925 Main Street ▪ Lebanon, OR 97355-3200 ▪ FAX: (541) 451-1260

MEMORANDUM

July 5, 2006

TO: Mayor and Council
FROM: Thomas McHill, City Attorney
RE: Proposed amendments to the City's towing ordinance

As you know, the City has since 1995 had an ordinance that provides for the towing and impoundment of cars which are involved in criminal activity or traffic violations. A person who is charged with Driving Under the Influence of Intoxicants, Driving While Suspended, Driving Without a valid license, or Driving While Uninsured, or whom the police officer has probably cause to believe has committed these offenses, will have the vehicle towed and impounded. This ordinance was enacted, primarily, to discourage the committing of these offenses, and to make sure that one who is arrested or cited for these offenses, will not be able to use at least the same vehicle, in future offenses. The impounded car is released to a responsible person after the issues of licenser or insurance have been proven.

Recently, in late 2005, the United States Circuit Court of Appeals, in the Ninth Circuit, considered a case which involved an ordinance which seems to be similar to Lebanon's. The Ninth Circuit Court of Appeals declared at least certain applications of the ordinance to be unconstitutional, under the United States Constitution.

In *Miranda, v. City of Cornelius*, decided November 17, 2005, Mrs. Miranda was cited for not having an valid Oregon drivers' license. When stopped by the City of Cornelius' police officer, she was parked in her driveway. Her husband, who had a valid license, was at home. Pursuant to the city's policy, the police department cited Mrs. Miranda for not having a valid license and impounded the car.

The Court of Appeals held that the impoundment violated the Mirandas' rights against unreasonable seizure of the vehicle because the government couldn't show a legitimate reason to impound the vehicle. The Court said that since the car was in the private driveway, it didn't constitute a hazard to vehicles driving on the public roads. And, since Mr. Miranda was home and had a valid license, the car would probably not be again involved in an illegal operation.¹

¹It appears that the result would have been different if the officer had stopped Mrs.

This case, coming out of the Ninth Circuit Court of Appeals which sits in San Francisco, California, would be binding precedent on cases arising in Oregon. I believe that, notwithstanding the limitations pointed out in the case, an officer's ability to impound a vehicle involved in illegal uses is important to the public safety of the community. However, in an effort to address the concerns raised by the *Miranda* case, I am proposing some amendments in the City's ordinance concerning the impoundment and towing of vehicles. Those proposed amendments are in bold in the proposed ordinance. The amendments require the officer to consider the factors mentioned by the Court in the *Miranda* case which allow the police officer to order impoundment. In essence, the amendments would not authorize impoundment and towing just because the vehicle is involved in illegal activity. The new ordinance would limit impoundment to cases where the location of the vehicle would jeopardize public safety, or the possibility that the vehicle might be used in furtherance of the illegal usage. Hopefully, these amendments would pass muster per the Ninth Circuit's standards. I am not aware as to whether or not any parties to the *Miranda* case sought review by the United States Supreme Court. Should the Supreme Court reach a different conclusion, we could amend our ordinance. In the meantime, to fully protect the city's ordinance in its compliance with binding Federal law, I support the passage of this amendment.

Miranda on the public thoroughfare. However, in reading the case, one might argue in the future that there would be limits on impounding if the car were stopped and "validly" parked when the citation and stop occurred. The Court's opinion doesn't really answer this point since it wasn't argued in the case.

**A BILL FOR AN ORDINANCE AMENDING)
SECTION 10.22.010 OF THE LEBANON)
MUNICIPAL CODE, VEHICLE TOWING)
AND IMPOUNDMENT, AND DECLARING)
AN EMERGENCY)**

**ORDINANCE BILL NO. _____
FOR 2006**

ORDINANCE NO. _____

WHEREAS, the Ninth Circuit Court of the United States Court of Appeals has decided the case of *Miranda, v. City of Cornelius*, decided November 17, 2005, which concerns the ability of cities to impound vehicles pending a due process hearing; and

WHEREAS, the City Council desires to ensure that the ordinances of the city comply with applicable constitutional principles; and

WHEREAS, the City finds that a procedure for impounding vehicles is important in maintaining the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Section 10.22.010 of the Lebanon Municipal Code, concerning the towing and impoundment of vehicles, is amended to read as follows:

10.22.010 When vehicle towed and impounded.

1. A. Whenever a traffic citation is issued, or an arrest is made for violation of Oregon Vehicle Code or local traffic ordinances and probable cause exists that the driver's license of the operator of the motor vehicle is suspended or revoked, or probable cause exists that the vehicle or its operator are without liability insurance as required by the financial responsibility laws of the state of Oregon, or probable cause exists that the operator of the motor vehicle was under the influence of intoxicants at the time of operation, **and the vehicle jeopardizes public safety, the efficient movement of vehicular traffic or is a hazard to other drivers, or is a target for vandalism or theft, or if the driver is unable to remove the vehicle from a public location without continuing the illegal operation of the vehicle**, the vehicle shall be impounded, without prior notice, and towed at the owner's expense, and stored at the owner's expense. **In making the decision to order the vehicle towed, the police officer shall consider the location of the vehicle and whether the vehicle is impeding traffic or threatening public safety and convenience of the streets, or the likelihood that the vehicle can be used in an illegal fashion.**

B. Whenever a traffic citation has been issued by the city of Lebanon and the individual cited has not contested the citation, or was determined by the municipal court to be guilty of the infraction for which the individual was cited, and the penalty assessed has not been discharged as required by law, ordinance or the municipal court, then any vehicle owned by such individual, either individually or jointly with others, may be incapacitated with a "booting"

device or be towed and stored at the owner's expense in the manner allowed by the provisions of this code.

C. Vehicles booted or towed under authority of Section 10.22.010(B) shall be released only upon full payment of the original fine amount still owing, towing fee if any, and any additional fee as established by city council resolution. Said payment shall only be by cash, cashier's check, or credit card.

Section 2. Insofar as the towing and impoundment of vehicles within the city under certain conditions are necessary to preserve and protect the public safety, health and welfare for the citizens of the city, an emergency is hereby declared and the provisions of this ordinance shall be effective upon their passage by the City Council

Passed by the Lebanon City Council on the _____ day of _____, 2006 by a vote of ____ for and ____ against.

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

ATTEST:

Linda G. Kaser, City Clerk/Recorder

Agenda Item 9



City of Lebanon

Memorandum

To: Mayor Toombs and City Council

Date: July 21, 2006

From: John Hitt, City Manager

Subject: **City Contracts Report**

In accordance with LMC 3.04, as recently amended, I will present an overview of City Contracts coming due in the next six months.

JEH/lgk

Agenda Item 10



City of Lebanon

Memorandum

To: Mayor Toombs and City Council

Date: July 21, 2006

From: John Hitt, City Administrator

Subject: **City Administrator's Report**

At the July 26 City Council meeting, I will give a report on the following:

1. CIP/Storm Drain Utility
2. City Sign Ordinance
3. City Secondhand Dealer License
4. Miscellaneous Matters

JEH/igk



vision

Project Mustang Herd

City of Lebanon

July 26, 2006



Four New Manufacturing Businesses

- Dave Hunter Company
- RC Ventures
- Lane Manufacturing
- Pace American



Project Benefits


- 100 – 225 Jobs
- Annual payroll of \$3 million - \$9 million
- Indirect creation of 250 – 500 jobs
- Approximately \$11 million in new tax base
- Additional 40 – 45 acres of “shovel ready” land.



Project Costs

Streets, water & sewer	\$2,400,000
Private sector role	(\$750,000)
Net cost	\$1,650,000
Annual debt service (general fund)	\$120,000
New project tax revenues	(\$60,000)
New Lebanon URD general fund revenues	(\$70,000)
Net cost	- 0 -

City Contracts

Dept.	Contract Type	Contract Purpose	Amount	Contract Start Date	Contract Termination or Renewal
Admin.	Personal Services	City Attorney 	\$60,000/year \$100/hour	12/1988	Open; 90 ⁶⁰ day notice
Planning	Consultant	DLCD Planning Grant	\$.00 (1.)	6/2007	7/2007 or 30 day notice
Building	Personal Services	Building Inspection	\$55/hour	1/2005	Open; 30 day notice
Building	IGA	Fire Code Review	Varies	2/2006	12/2006
Building	IGA	Building Inspection	\$65/hour	3/2001	Open; 90 day notice
Library	Computer Software Support	Software License	\$3,500	9/2005	Open; at will
Library	Personal Services	Subscription Service	\$1,800	8/2005	Open; at will
Library	IGA	State Database	\$250	5/2006	6/2007
Police	Equipment Maintenance	Copy Equipment	\$1,100	12/2005	12/2006
Police	Equipment Maintenance	Communications	\$1,000	10/2005	10/2006
Police	IGA	School Resource Officer	\$56,000	4/2003	Open; 90 day notice
Police	Lease	Police Vehicles	\$45,000	10/2003	10/2006
Police	Lease	Police Vehicles	\$17,000/year	7/2003	7/2006

1. Paid for DLCD Grant

Archive Copy

Proposed 2007 General Obligation (G.O.) Bond Levy



City of Lebanon
July 26, 2006



What: A \$20,000,000 Loan To...

1. Construct a new 25,000 sq. ft. Police Department, Jail, Courts and IS building.
2. Construct a new 20,000 sq. ft. Library with public meeting/use space.
3. Retire remaining 1995 G.O. water bonds.



4. Retire the remaining debt of the Lebanon URA.

5. Terminate the Lebanon URA.

6. Provide a "Capitalized Interest Fund" to reduce levy impacts – keep levy rate level.



When: How Will This Happen?

- City Council approves Resolution and Notice of Election.
- Voters vote (50% of those voting).



If Passed, Will...

- Begin RFP process for design.
- Wait for opportune time to issue bonds – spring of 2007.
- Complete design – summer 2007
- Bid Project – late summer/early fall 2007
- Award bid and start construction – early fall 2007.



Financial Impact

\$8.3 Million

Police/Courts

\$6.7 Million

Library

\$.9 Million

1995 Water Bonds

\$3.4 Million

Lebanon URD Debt

\$.4 Million

Issuance Costs = 2%

\$.7 Million

Capitalized Interest



Levy Rate Impact

- Projected New Rate: \$1.77 – \$1.80 per \$1,000 of Assessed Value
- Current: Lebanon city bond (\$.84 per \$1,000 of AV)
- Current: Lebanon special levy UR-I (\$.70 per \$1,000 of AV)
- Net cost = \$.25 - \$.30 per \$1,000 of AV

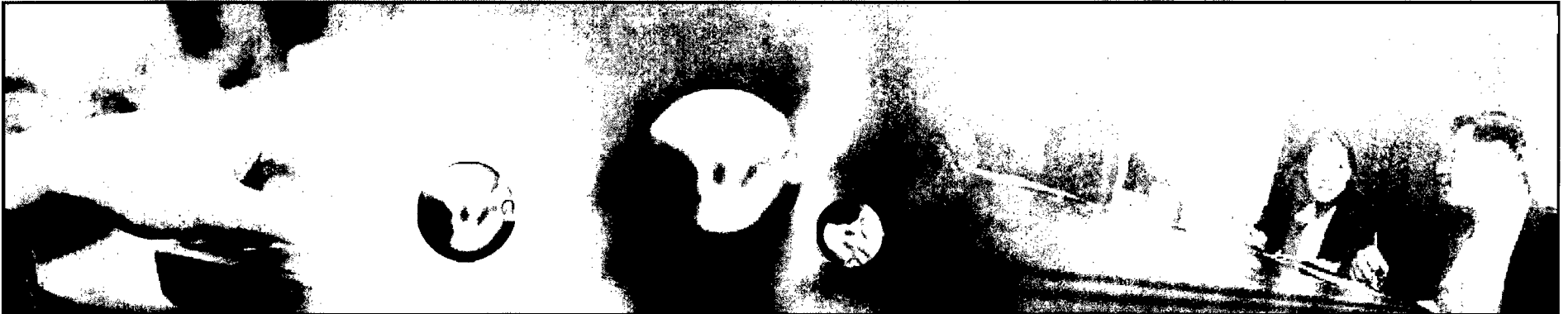


Proposed Scenario

2003-04 PROPERTY TAX STATEMENT Assessed Value = \$90,980		VS.	PROPOSED SCENARIO OF 2007-08 PROPERTY TAX STATEMENT	
GENERAL GOVERNMENT:			GENERAL GOVERNMENT:	
Linn County	104.38		Linn County	104.38
Linn County LOC OP	117.09		Linn County LOC OP	117.09
Lebanon City	428.23		Lebanon City	428.23
Lebanon RFD	187.61		Lebanon RFD	187.61
Lebanon Aquatic	19.92		Lebanon Aquatic	19.92
LEB SPEC LEVY UR I (\$.75)	68.18		LEB SPEC LEVY UR I	N/A
LEB SPEC LEVY UR II	140.97		LEB SPEC LEVY UR II	140.97
LEB SPEC LEVY UR III	11.22		LEB SPEC LEVY UR III	11.22
TOTAL:	\$1,077.60		TOTAL:	\$1,009.42
EDUCATION:			EDUCATION:	
ESD LINN-BTN-LINC	25.32		ESD LINN-BTN-LINC	25.32
LBCC	41.68		LBCC	41.68
LEB COMM SD #9	414.43		LEB COMM SD #9	414.43
TOTAL	\$481.43		TOTAL	\$481.43
EXCLUDED FROM LIMITATION:			EXCLUDED FROM LIMITATION:	
LINN COUNTY BND	7.38		LINN COUNTY BND	7.38
LBCC BND	14.61		LBCC BND	14.61
LEB COMM SD #9 BND	212.72		LEB COMM SD #9 BND	212.72
LEBANON CITY BND (\$.84)	76.61		LEBANON CITY BND (\$.84)	N/A
			LEBANON CITY 2007 GO BOND	\$162.85
TOTAL:	\$311.32		TOTAL:	\$397.56
2003-04 ACCOUNT TAX			2007-08 ACCOUNT TAX	
TOTAL:	\$1,870.35		TOTAL:	\$1,888.41

❖ Difference = \$18.06 or \$.199/per \$1,000 assessed value

Thank You



City of Lebanon

CAPITAL IMPROVEMENT PROGRAM FOR THE STORM DRAINAGE SYSTEM

INTRODUCTION

The Public Works Maintenance Collection crew is responsible for the maintenance of the storm drainage system throughout the city. Maintenance activities include cleaning catch basins, storm lines, and open drainage ditches throughout the city. Due to budget constraints, this program provides minimal routine cleaning and responds primarily to emergencies and known problem areas. A new set of rules which will impact the Storm Drainage System is the Storm Water Phase II rules soon to be implemented by the Environmental Protection Agency. The Storm Water Phase II rules are intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the sources of storm water discharges that have the greatest likelihood of causing continued environmental degradation. Currently the only source of funding available to both maintain the drainage system and to implement changes need to meet the Storm Water Phase II rules is a transfer from the Street Maintenance budget.

Unlike the Water and Wastewater Systems within the City of Lebanon, the Storm Drainage System does not have a utility charge to fund maintenance and improvements to the system. Other cities have setup drainage utilities to maintain and improve their storm drainage systems and still others are supported by general fund dollars from property tax revenue. Because transfers from the Street budget are not adequate to meet both the current and proposed needs of the Storm Drainage System, additional revenues need to be developed.

A Storm Drainage Utility was proposed to City Council by the Capital Improvement Program Committee. The new storm drainage utility received initial approval for a "startup" budget during 1999-00 budget year. The City Council has not made a final decision on whether to initiate a Storm Drainage Utility. If the Utility is formed, then it is expected that transfers from the Street Maintenance Fund would cease and the Utility would bear the cost of all maintenance and capital improvements required to effectively maintain the current drainage system and comply with the Storm Water Phase II rules. If the utility is not formed, then transfers will have to be made from other City funds to comply with the required maintenance and Storm Water Phase II rules.

MINUTES
LEBANON CITY COUNCIL WORK SESSION
MARCH 14, 2001

A special work session was held by the Lebanon City Council at 6:00 P.M., March 14, 2001 in the School District Room, 485 S. 5th Street.

Boys and Girls Club

City Administrator John Hitt gave a brief summary regarding the sale of the land adjoining the Boys and Girls Club which belonged to the City of Lebanon and the Lebanon School District. The City has retained 1.22 acres of this land located immediately north of the Boys and Girls Club. Approximately a month ago the Council discussed the possibility of the Boys and Girls Club having use of this land, appropriate compensation, if any, for the use of the land, and possible purchase or whatever might be "on the horizon." Mr. Hitt stated he had written a letter to Dave Albion, President of the Club and suggested that a workshop could be conducted to discuss the ideas and possibilities.

Dave Albion stated that after receiving the letter from City Administrator Hitt, a Boys & Girls Club Board meeting was held. The consensus of the Board was to attend a workshop as recommended by Mr. Hitt and see what ideas would come out of this type of meeting. He stated that a number of people came to him "crying" that the City does not have enough acreage in city parks versus people, etc. One thing discussed by the Board was the proximity of Century Park to the Boys and Girls Club. Could the acreage be turned into a park with a soccer field, etc. Could the Club maintain it? The idea of holding a fundraiser was discussed to raise funds to purchase it.

City Administrator Hitt stated that one of the Councilors had asked at a previous meeting if the Boys & Girls Club could now or some time in the future spend the money to grade the property, install irrigation, etc. to prepare it for the use as a field. Chuck Nugent, a member of the Boys & Girls Club Board, stated there is a plan to landscape the east side of the club. They have a team of contractors to help keep up the Boys and Girls Club grounds.

Councilor Toombs asked City Attorney McHill why the City cannot give the Boys & Girls Club the 1.22 acres because the original property was given to them. City Attorney McHill stated this has not been discussed. Councilor Toombs stated he felt it was time that the City Council did something for the Club, that they are doing nothing for them at this time. That either a long term lease could be done or it could be a gift. City Attorney McHill stated that if the Council was inclined to do that, he wanted to make sure the Council allow plenty of opportunity for public input.

City Administrator Hitt stated that one of the things that could be assigned a value is if the Boys & Girls Club operated a program that was available to the public. It could be for a single purpose like the Parks & Recreation program. At the present time 1800 children are using the Club.

Mr. Albion stated that one of the rooms of the Club is being used by a day care facility. He had hoped that an additional small building could be built to house this facility.

Councilor Harrington stated he felt as Councilor Toombs, that the land should be given to the Boys & Girls Club.

Mayor Simpson stated any action taken needs to go through a process. He stated he does not feel the

Council has a right to give the property away because it belongs to the community. Councilor Miller stated he agrees that any action taken needs to go through a public hearing.

Dave Nugent stated he would like to see the City, the School District and the Club working more together as was being done at one time. He stated that currently the Club is using the High School soccer field for the 7th and 8th grade children, Santiam School field for 5th and 6th grade children, and Century Park for 1st and 2nd grades and Century Park for 3rd and 4th grades. Other fields are used only for practice because they do not have goals.

City Administrator Hitt stated he and City Attorney McHill will do some research and set a date later in April for a formal public hearing.

Capital Improvement Projects Committee

City Engineer Jim Clark thanked the Capital Improvement Projects (CIP) Committee for all of their work this past year. Mr. Clark reviewed the CIP Committee's update concerning the Westside Interceptor Funding and Street Reconstruction Funding. The biggest concern is for the future when the Westside Interceptor reaches outside the Urban Growth Boundary (UGB). The Committee is recommending that point be deferred until next year because of the timing. There are still a couple of years that it is still in the UGB. Councilor Miller asked if the City is at the end of its UGB abilities. Mr. Clark responded, "No." The City is nearing the end but substantial growth could occur as a result of the infrastructure that is put in. Councilor Miller asked if the City is unable to form any new Urban Renewal Districts (URD)'s in the future. Director of Public Works Ruef responded that the City can still do some more.

The second major issue is street reconstruction. Mr. Clark reviewed the paper titled *Street Reconstruction Funding Recovery Options* (See Attachment A). Mr. Clark stated Staff is working on trying to get some funding from the County. Councilor Toombs asked if the State would help with funding. Mr. Clark responded that when the State was asked to assist in the reconstruction of Milton Street, they declined but he felt this should still be pursued. Mr. Clark suggested that with the City / County dinner coming up, this would be a good topic to discuss.

Councilor Toombs suggested that if the State declines helping the City with the reconstruction of Williams Street, perhaps the truck route should be changed to run down Main Street (Highway 20), then the State would be responsible for maintaining the street.

CIP member Bob Elliott stated that when the Councilors look through the book *City of Lebanon CIP Program* they will note a lot of things that need repair and to be taken care of. Where the City gets the money is a big question and the Committee could use some help to come up with the answers. CIP member Bill Shockley stated there seems to be money for new things but not for repairs.

Mayor Simpson asked Finance Director Hill if there is anything that can be done such as refinancing old bonds that might bring monies. Finance Director Hill replied that the City has refinanced everything it can and it was done when interest rates were really low so she believed there are no commitments of more than 6%. CIP member Ella Garboden asked Finance Director Hill if when the City refinances, does it refinance for the remainder of the time, for example, for twenty years, and if five has been done, do we refinance for fifteen or refinance for twenty. Mrs. Hill replied that it varies depending on the rates and how the market is. Federal law requires that there be a calculable savings.

7. **PROPOSED AMENDMENTS TO INCENTIVES FOR ENTERPRISE ZONE BUSINESSES**

City Administrator Hitt stated that in some previous meetings there was a desire expressed to get more information on the issue of amending the Enterprise Zone incentives —specifically, some “what if” scenarios. Mr. Hitt reviewed papers he handed out to the Councilors, showing a table of Proposed Small Industrial Water User, Enterprise zone Incentives, Cost vs. Benefits and a similar table for Proposed Large Industrial Water User. It was the consensus of the Councilors to bring this subject back to the Council in the form of an ordinance.

8. **CITY ADMINISTRATOR REPORT**

City / County Dinner

Mr. Hitt announced this dinner is slated for May 2, 2001, 6:30 P.M. at Mama Linda’s Restaurant.

Report on Salmon Workshop

Mr. Hitt stated that City Planner Parker, Councilor Harrington, himself and several Planning Commission members attended this Salmon Workshop. The local National Marine Fisheries Service Director gave some positive comments on the direction Lebanon is taking at this time.

Update on LBCC and School District Projects

Director of Public Works Ruef stated that the Planning Commission has approved moving forward on the East side school. The North school has also gone to the Planning Commission and been approved to move forward. Mr. Ruef stated that there has been quite a bit of pressure put on Staff by the School District representatives to limit road and other improvements. It has been decided by Staff to treat this like any other development in town and hold them to the same standards. Because LBCC submitted their application on the last day allowed, and Staff has been so busy it has not progressed as fast as they had hoped. Several issues have to be resolved.

Miscellaneous Items

There will be a City Council Meeting on March 21, 2001 at 11:30 A.M.. Councilor Miller and Councilor Toombs will be absent.

EXECUTIVE SESSION

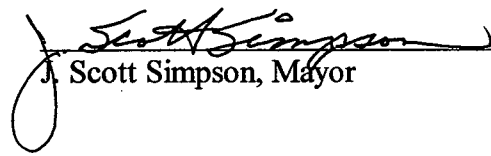
Mayor Simpson announced that the Lebanon City Council was moving into Executive Session as authorized under ORS 192.660.(1)(e) *To conduct deliberations with persons designated by the Council to negotiate real property transactions.*

Mayor Simpson stated that Council does not expect to take official action after the Executive Session. so the meeting would not resume after the Executive Session.

ADJOURNMENT

There being no further business or discussion for the regular Council Meeting, Mayor Simpson adjourned the meeting of the Lebanon City Council at 8:21 P.M.

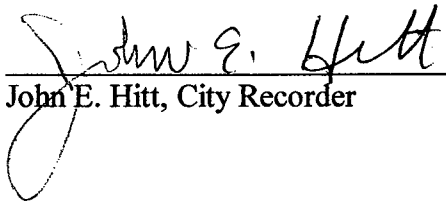
Recorded and transcribed by Dorothy Nicholson



J. Scott Simpson, Mayor

Ken Toombs, President

ATTEST:



John E. Hitt, City Recorder

**MINUTES
LEBANON CITY COUNCIL
MARCH 14, 2001**

MEMBERS PRESENT

Mayor Scott Simpson; Councilors Mel Harrington, Ron Miller, Roger Munk, Dan Thackaberry, Ken Toombs, Stan Usinger

STAFF PRESENT

City Administrator, John Hitt; City Attorney Tom McHill; Finance Director, Judy Hill; Director of Public Works, Jim Ruef; Police Lt. Mike Schulte, (standing in for Chief of Police Mike Healy)

CITIZEN COMMENTS

There were none.

APPROVAL OF MINUTES

1. MINUTES OF FEBRUARY 28, 2001 CITY COUNCIL MEETING

A motion was made by Councilor Munk, seconded by Councilor Thackaberry and passed unanimously that:

The Minutes of the Lebanon City Council Meeting of February 28, 2001 be approved as written.

Agenda Changes

Mayor Simpson announced that #5 *Senior Center Bench Proposal* be removed from the Agenda. City Administrator Hitt stated that Items #2 and #3 are on the same subject.

PRESENTATION

2.&3. INTER-CITIES SHUTTLE BUS GRANT MATCH

Jean McKinney, Director of the Sweet Home Senior Center, stated that under contract to Linn County the Sweet Home Senior Center runs the Linn County Shuttle. This bus system runs five round-trips between Sweet Home and Albany, stopping in Lebanon at Wal-Mart and the Senior Center, going to and from Albany. There are five vehicles, four of which are operative but one of them is old with mileage of 238,000 miles. They have received a grant from ODOT and FTA to purchase three new buses. A 29-passenger bus to replace the 20 passenger, general public shuttle and wheelchair equipped buses to replace their non-ADA accessible vans is needed. This grant requires a 10.27% local funds match. If Lebanon, Sweet Home and Albany would contribute \$1,000 each, along with the \$5,000 already contributed by LBCC it would make the match for the new general public shuttle bus. The purchase price is \$78,390 making the match \$8,050. Halsey has contributed \$1,000, and with Special Transportation Funds that are available will make up the rest of the match.

A motion was made by Councilor Toombs, seconded by Councilor Harrington and passed unanimously that:

The City of Lebanon donate \$1,000 to the Sweet Home Senior Center, along with Sweet Home, Albany and Halsey to help match the grant of \$8,000 needed for the purchase of a new shuttle bus.

LEGISLATIVE SESSION

4. DECLARING CITY-OWNED SURPLUS PROPERTY

Susan Tipton, Senior and Disabled Services Manager stated there are two hospital beds with asset tags #21125 and #21097 that the Senior Center would like to donate to the VA. They are heavy, cumbersome and take up too much room at the Center. They would like these beds declared surplus so they can be donated.

City Attorney McHill read the following Resolution by title:

A RESOLUTION AUTHORIZING THE SALE OR DISPOSAL OF CITY OWNED PERSONAL PROPERTY

A motion was made by Councilor Miller, seconded by Councilor Usinger and passed unanimously that:

The Resolution authorizing the sale or disposal of city owned personal property be adopted.

6. BUDGET COMMITTEE APPOINTMENT(S)

Mayor Simpson stated there is a need for someone to serve from Ward I on the Budget Committee. Councilor Munk stated he would talk to a couple of people. He had two questions regarding one person he is considering. How long do they have to live in the City and is nepotism frowned upon? City Administrator Hitt replied that in the State of Oregon nepotism on budget committees is not infrequent. If a person is a resident, there are no limitations. For Ward III, Ken Toombs and Ron Miller recommended Mike Lee who seems to be willing to serve.

Finance Director Hill stated the dates set for the Budget Hearing are: May 10, 11, 14, 15, 17, 18.

The Budget Training Session is set for April 25, 2001.

Mayor Simpson appointed Mike Lee to the Budget Committee representing Ward III.

Appointment to Ward I will be placed on the next Agenda, March 21, 2001.

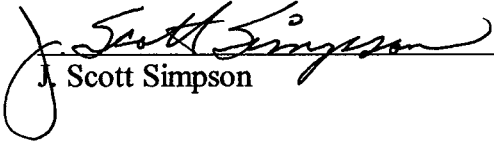
Mayor Simpson thanked the CIP for all the work they have been doing.

Award

Director of Public Works Ruef stated the City received a first place award this year sponsored by the Asphalt Pavement Association of Oregon. Morse Bros. was the contractor.

Adjournment

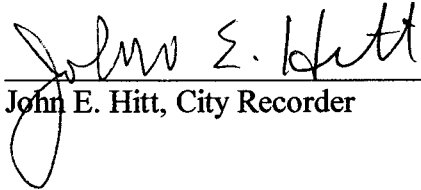
There being no further discussion the work session adjourned at 7:20 P.M.



J. Scott Simpson

Ken Toombs, President

ATTEST:



John E. Hitt, City Recorder

**MINUTES
LEBANON CITY COUNCIL
MARCH 21, 2001**

MEMBERS PRESENT

Mayor Scott Simpson, Councilors: Mel Harrington, Roger Munk, Dan Thackaberry, Stan Usinger

STAFF PRESENT

City Administrator John Hitt, City Attorney Tom McHill, Finance Director Judy Hill, Chief of Police Mike Healy, Director of Public Works Jim Ruef, City Engineer Jim Clark, Senior Engineer Allen Dannen

CALL TO ORDER/ ROLL CALL / FLAG SALUTE

The meeting of the Lebanon City Council was called to order March 21, 2001 at 11:45 A.M. in the School District Board Room, 485 S. 5th Street. There were four members present. Councilors Miller and Toombs were absent.

Mayor Simpson announced #1 of the Agenda would be removed.

CITIZENS COMMENTS

There were none.

PUBLIC HEARING

2. LIQUOR LICENSE CHANGE OF OWNERSHIP - 1225 E. Grant St.

Mayor Simpson opened the Public Hearing at 11:49 P.M.

Chief of Police Healy stated this is basically a Change of Name only from Center Market #4, 1225 E. Grant St., Lebanon to Loveleen, Inc. Chief Healy stated that the Police Department does not possess any documented evidence to support the denial of this request.

There being no testimony from the audience, Mayor Simpson closed the Public Hearing at 11:50 P.M.

A motion was made by Councilor Harrington, seconded by Councilor Munk and passed unanimously that:

The Council recommends approval of a Change of Name request from Center Market #4 to Loveleen, Inc.

LEGISLATIVE SESSION

2. 2001 CIP PLAN

City Engineer Clark referred the Councilors to a copy of the CIP Draft Plan which had been given to them. Because there was a previous workshop on this Plan, he did not review the Plan. He stated that what is needed now is an approval from the Councilors by way of a motion. Councilor Munk asked if the Crowfoot section of the Parkway was included in this Plan. Mr. Clark stated it

was not included because of the specific alignment that has not been identified at this time. Councilor Munk also asked about the Immediate Opportunity Program, in one place it says \$600,000 and under the budget it shows \$200,000. Mr. Clark stated there are some minor changes that need do be done to the Plan.

A motion was made by Councilor Munk, seconded by Councilor Thackaberry and passed unanimously that:

The CIP Draft Plan be approved as submitted.

4. APPROVAL TO AWARD FOR RESTROOM /SHOWER AT GILL'S LANDING

Rod Sell, Maintenance Services, Division Manager AIC, the City received a total of 11 bids. The low bidder was Centrex Construction of Tigard. Their bid was \$95,350. The engineers final cost estimate was \$115,242.

A motion was made by Councilor Thackaberry, seconded by Councilor Harrington and passed unanimously that:

The bid in the amount of \$95,350 for the construction of the restroom / shower at Gill's Landing as submitted by Centrex Construction be approved.

5. APPROVAL TO AWARD WWTP GENERATOR PURCHASE AGREEMENT

Senior Engineer Dannen asked for approval for the purchase of a Waste Water Treatment Plant generator and associated equipment in the amount of \$227,000 from Pape Bros.. It will be Caterpillar equipment.

Councilor Harrington asked where the money for this project is coming from. Mr. Dannen stated it is coming from two places: Waste Water CIP and from Northwest District as part of the pump station project.

A motion was made by Councilor Harrington, seconded by Councilor Thackaberry and passed unanimously that:

That the bid from Pape Bros. in the amount of \$227,000 for the WWTP Generator and associated equipment be approved.

6. APPROVAL TO ADVERTISE FOR OAK STREET IMPROVEMENT PROJECT

Senior Engineer Dannen stated this concerns the intersection of Oak Street and Fifth Street, which has the highest accident rate of any intersection in Lebanon. The Street Systems Development Charge Fund (SDC) has the funding to add a signal and left turn lanes to the intersection. Mr. Dannen asked for approval for the plans and specifications and to authorize Staff to go to bid. Staff would also like to work with Linn County for improvement to the railroad crossing on Oak St. The engineer's estimated construction cost is \$591,700 to \$723,200.

Councilor Harrington asked what will be done with the traffic on Oak St. Mr. Dannen replied that they will divert it off of Oak. There will be signs out on Hwy 34 to send everyone onto Williams St.

Mayor Simpson asked Mr. Dannen if thought has been given to the escalating costs of asphalt. Mr. Dannen stated they have seen a substantial rise in asphalt prices. Last year when the City did overlays they did well because they went in with the county.

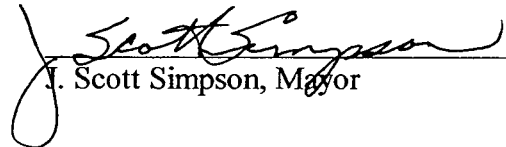
A motion was made by Councilor Munk, seconded by Councilor Harrington and passed unanimously that:

The City Council approves the contract documents and authorizes Staff to advertise for bids for the improvement of the intersection of Oak and Fifth Streets.

ADJOURNMENT

There being no further business or discussion, Mayor Simpson adjourned the meeting of the Lebanon City Council at 12:06 P.M.

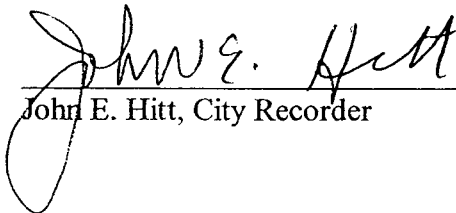
Recorded and transcribed by Dorothy Nicholson



J. Scott Simpson, Mayor

Ken Toombs, President

ATTEST:



John E. Hitt, City Recorder

Ken

CITY OF LEBANON
CAPITAL IMPROVEMENT PROGRAM

TRANSPORTATION

UTILITIES

FACILITIES

UPDATED MARCH 2001

Sewer Systems Development Charges, paid by all new development in the city, go into the Sewer SDC fund. The City may use these funds "for no other purpose than extra capacity facilities." Examples of possible uses are planning, design, and construction of new collection facilities, pumping stations, and treatment plants.

On July 1, 1991, new laws governing collection and use of SDC funds went into effect. Therefore, a new department SDC "Restricted" (871) was established to account and budget for fees collected after July 1, 1991. On November 2, 1994, a new SDC ordinance and resolution were adopted which significantly changed SDC methodology and rates. Another new department named "SDC Improvements" (872) was established to account and budget for fees collected under the new SDC ordinance.

SYSTEMS DEVELOPMENT CHARGES WASTEWATER (RESTRICTED) - FUND 871:

On July 1, 1991, new laws governing collection and use of SDC funds went into effect. This department accounts and budgets for fees incurred by property owners between July 1, 1991 and November 4, 1994, when the new SDC ordinance was adopted.

SYSTEMS DEVELOPMENT CHARGES WASTEWATER IMPROVEMENTS - FUND 872:

On November 2, 1994, a new SDC ordinance and resolution were adopted which significantly changed SDC methodology and rates. This new department has been established to account and budget for fees collected under the new SDC ordinance.

This budget program also includes contract services to pursue the maximum amount of grant funding possible for mandated treatment plant and collection system projects.

SYSTEMS DEVELOPMENT CHARGES WASTEWATER REIMBURSEMENT:

On November 2, 1994, a new SDC ordinance and resolution were adopted which significantly changed SDC methodology and rates. Part of the new wastewater SDC fee reimburses the city for specific completed qualified extra-capacity wastewater projects that were funded without SDC. This new department has been established to account and budget for the wastewater reimbursement fee portion collected under the new SDC ordinance.

As required by the new law, projects eligible for funding are limited to those reimbursement projects specifically included in the Wastewater SDC System plan.

STORM DRAINAGE:

The Public Works Collection Section is responsible for storm drainage throughout the city. The crew is accountable for all functions mentioned under the Wastewater Program as well as cleaning of catch basins, storm lines, and open drainage ditches throughout the city. Currently this program provides for minimal routine cleaning and responds primarily to emergencies and known problem areas.

Because street sweeping not only improves the look of the city but it also prevents large amounts of debris from entering the storm drainage system, this fund supports approximately 20% of the street

sweeping expense. As Federal requirements become stricter for storm water discharge, this street cleaning function will become more important.

The Engineering Division investigates minor drainage problems and develops solutions to the problems. The only source of funding for this program is in the form of a transfer from the Street Maintenance budget. The result is that the work included in this budget will be complaint driven. Very little preventative maintenance or capital improvements will be accomplished within this budgeting constraint. Unlike the other utilities, Lebanon does not have a user fee to fund maintenance and improvement of the storm drainage system. Other cities have used drainage fees to set up drainage utilities to support storm drainage systems. Still others are supported by general fund dollars from property tax revenue. Because revenues in the Street budget are tight and we need to increase regular maintenance, alternative methods for funding this program must be investigated.

New funding for storm drainage is proposed for FY 2001-02. A "startup" budget for a new storm drainage utility is included in the new budget Department 450 - Storm Drainage Utility. If approved, the new utility will replace the current storm drainage maintenance budget and street fund transfers will be discontinued.

STORM DRAINAGE UTILITY:

A Storm Drainage Utility was proposed to City Council by the Capital Improvement Program Committee. New storm drainage utility received initial approval for a "startup" budget during 1999-00. The first work effort, which was to take place during the first half of the budget year, will be to develop the new utility rates. This portion of the "startup" budget is funded by transfers from the Equipment Replacement and Engineering Development Review funds. In turn, these funds will be reimbursed from a future general fund transfer. If the utility then receives final approval, additional maintenance and cleaning will be phased in. We have set a goal to complete cleaning of all the City's storm lines in the first five years of the new program with emphasis placed on heavy deposit areas first.

In the past, Storm Drainage has been funded at a level which allowed only emergency response. Typically, only clogged drain pipes and completely overgrown ditches would receive attention due to the lack of funding. This funding averaged \$60,000 per year for the past three years. The funds for this effort were transferred from the Street Fund into the Storm Drainage Fund (50-559).

City Council has not made a final decision on whether to initiate a Storm Drainage Utility and, for that reason, this Fund includes revenues transferred from other sources to fund the initial investigation. If the Utility is formed then it is expected that those transfers will not be made and Utility Funds would finance the initial start-up costs. If the utility is not formed, then the transfers will be made to cover the costs incurred to that date.

The Goals for this Fund would be:

.....to inspect and clean all publicly owned storm drainage pipes and open channels within seven years. These facilities would be cleaned on a regular basis in future years;

.....to prepare for the Environmental Protection Agencies Phase II Storm Water Regulations. We are required to obtain a Storm Water Discharge Permit and to implement a Storm Water Quality Program after that; and

.....to set aside approximately \$150,000 each year in Capital Improvement Funds to resolve some of the long standing drainage and flooding problems in Lebanon.

SYSTEMS DEVELOPMENT CHARGES STORM DRAINAGE - FUND 850:

New development typically results in the paving or roofing-over of ground that was permeable to water. The result is increased runoff.

Drainage Systems Development Charges, paid by all new development in the city, go into the Drainage SDC Fund. The City may use the funds for right-of-way and easement acquisition; purchase, maintenance and installation of mainline conduit, curb inlets, catch basins, manholes, junction boxes, culverts and bridges; the rebuilding and replacement of dry wells; the construction of drainage ditches and swales; and for drainage studies, aerial mapping and like work related to drainage.

SYSTEMS DEVELOPMENT CHARGES STORM DRAINAGE (RESTRICTED - FUND 851:

On July 1, 1991, new laws governing collection and use of SDC funds went into effect. This department accounts and budgets for fees incurred by property owners between July 1, 1991 and November 4, 1994, when the new SDC ordinance was adopted.

SYSTEMS DEVELOPMENT CHARGES STORM DRAINAGE IMPROVEMENTS FUND:

On November 2, 1994, a new SDC ordinance and resolution were adopted which significantly changed SDC methodology and rates. This department was established to account and budget for fees collected under the new SDC ordinance.

STORMWATER UTILITY CAPITAL IMPROVEMENT PROGRAM - 450

Based on a recommendation from the Capital Improvement Program (CIP) Committee, a new Storm Drainage Utility was proposed for fiscal year 1998-99 and is now in the 99-00 budget. While most of the proposed new funding will be allocated to maintenance of the existing system, approximately \$150,000 per year will be available for system capital improvements. The formation of the utility is still in process.

FACILITY FUNDS

PARKS:

The City of Lebanon has within its jurisdiction eight developed and two undeveloped parks for a total area of approximately 48 acres. Also included in our parks maintenance program are several planting areas: where North Main Street and Santiam Highway meet, at the intersection of Park and Oak Streets, and planting areas next to the two downtown city parking lots, to name just a few.

Primary responsibilities within the Parks Section encompass maintenance of trees, shrubs and turf, as well as buildings and park facilities. Maintenance of facilities entails many different aspects. The section

maintains four restroom buildings, five picnic shelters, 130 picnic tables, six playgrounds, three tennis and three basketball courts, and 14 horseshoe pits. The section also has primary responsibility for eight backstops and ball diamonds. The section is accountable for maintenance of irrigation equipment and systems that are now in place, and roads and parking lots within the park system. Parks also include improved camping facilities at River Park and maintenance of the boat ramp, dock and parking lot at Gill's Landing.

Routine work during the park season involves mowing of parks, emptying all trash containers, cleaning restrooms, repairing vandalism and picking up litter from all open areas in the parks. Routine work during the winter includes repair of picnic tables, tree and shrub trimming.

SYSTEMS DEVELOPMENT CHARGES PARKS - FUND 860:

Growth in population and development of properties beyond the currently urbanized portion of the city result in the need for additional park lands and enhancement of recreational opportunities.

Parks Systems Development Charges, paid by all new development in the city, go into the Parks SDC Fund. The City may use the funds for land acquisition and purchase, installation and maintenance of park recreation equipment, landscaping, restroom facilities, improvements, lighting and irrigation.

SYSTEMS DEVELOPMENT CHARGES PARK (RESTRICTED) - FUND 861:

On July 1, 1991, new laws governing collection and use of SDC funds went into effect. This department accounts and budgets for fees incurred by property owners between July 1, 1991 and November 4, 1994, when the new SDC ordinance was adopted.

SYSTEMS DEVELOPMENT CHARGES PARK IMPROVEMENTS - FUND 862:

On November 2, 1994, a new SDC ordinance and resolution were adopted which significantly changed SDC methodology and rates. This new department has been established to account and budget for fees collected under the new SDC ordinance.

As required by law, projects eligible for funding are limited to those specifically included in the Park SDC System plan.

GILL'S LANDING BOAT RAMP:

The annual Oregon State Marine Board Grant is used for ongoing maintenance of, and minor improvements to the boating facilities at Gill's Landing. The grant amount is variable and is renewable annually as long as we satisfy certain Marine Board criteria in applying for and using the funds.

SANTIAM TRAVEL STATION - FUND 515:

In 1993, the City of Lebanon received the first funding from the Oregon Department of Transportation to rejuvenate the Lebanon historic train depot into an intermodal transit station. Proposed activities include a