

**LEBANON CITY COUNCIL MEETING**

**Wednesday, January 9, 2008**

**7:00 p.m.**

*(Santiam Travel Station - 750 3rd Street)*

**A G E N D A**

**CALL TO ORDER / FLAG SALUTE**

**ROLL CALL**

**APPROVAL OF CITY COUNCIL MINUTES:** December 12, 2007

**CONSENT CALENDAR** *(Approve/Amend by Motion)*

*LEBANON CITY COUNCIL AGENDA:* January 9, 2008

*APPOINTMENT:* Senior Center Advisory Board – Darlene Johnson

*CITY OF LEBANON MINUTES:*

1. Lebanon Advisory Board Meeting – October 10, 2007
2. Library-Senior Center Trust Meeting – November 19, 2007

*IRREVOCABLE PETITION FOR PUBLIC IMPROVEMENTS:* Robert and Linda Armstrong

*PUBLIC UTILITY EASEMENT:* West Oak Water Line

**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.*

**ITEMS FROM COUNCIL**

**PRESENTATION**

- ❖ **Proposed Countywide Library District Concept** – May Garland & Linda Ziedrich,  
Linn Library League

**REGULAR SESSION**

**1) Guidelines for Accepting Donations (Skate Park)**

Presented by: Casey Cole, Finance Director

*Approval/Denial by Resolution*

**2) Sewer Lateral Replacement Program**

Presented by: Jim Ruef, Director of Public Works

*Discussion*

**3) Land and Water Conservation Fund Grant Submittal**

Presented by: Jim Ruef, Director of Public Works

*Approval/Denial by Resolution*

**4) City Manager's Report**

John Hitt, City Manager

*Discussion*

**ADJOURNMENT**

# *Approval of Minutes*

LEBANON CITY COUNCIL MEETING  
MINUTES  
December 12, 2007

**Council Present:** Mayor Ken Toombs and Councilors Bob Elliott, Floyd Fisher, Tim Fox, Rebecca Grizzle, Don Thoma 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, Community Development Manager Walt Wendolowski, Maintenance Division Manager Rod Sell and City Clerk/Recorder Linda Kaser.

**CALL TO ORDER/FLAG SALUTE/ROLL CALL**

Mayor Toombs 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; all Councilors were present.

**APPROVAL OF COUNCIL MINUTES – November 28, 2007**

*Councilor Fox moved, Councilor Thoma seconded, to approve the November 28, 2007 City Council Minutes as presented. The motion passed unanimously by roll call vote.*

**CONSENT CALENDAR**

- ❖ City Council Agenda – December 12, 2007
- ❖ Appointment : SDC Citizens Advisory Committee – Floyd Fisher
- ❖ Accept Library-Senior Center Trust Meeting Minutes – October 8, 2007
- ❖ Accept Senior Advisory Board Meeting Minutes – October 17, 2007

Councilor Weldon requested that an item be added to the agenda: discussion on Oregon Open Records Law as it relates to an incident which took place a couple of weeks ago where City Manager Hitt recorded a phone conversation with Councilor Weldon. He stated that Hitt subsequently deleted what is considered “a record.”

City Attorney McHill indicated that this should be discussed in an executive session. He does not represent the City in its current litigation and is not prepared to advise Council on this.

Mayor Toombs denied Councilor Weldon’s request to add this item to the agenda.

*Councilor Grizzle moved, Councilor Elliott seconded, to approve the Consent Calendar as presented. The motion passed with five yeas (Councilors Elliott, Fisher, Fox, Grizzle and Thoma) and one nay (Councilor Weldon).*

**CITIZEN COMMENTS**

Scott Penter, 388 S. 12th Street, voiced his concern about loud noises coming from a band playing in the garage at 395 S. 12th Street. He stated that neighbors have complained to the police numerous times. He submitted a petition from surrounding residences expressing their noise concern. He feels that the City’s current 70 decibel noise limit is too high and asked Council to consider lowering it to 50 decibels, which is what the City of Salem imposes.

Mayor Toombs assured Mr. Penter that the City will look into this and get right back to him. Councilor Fox stated that this area is within his ward; he will make sure that this is taken care of.

*There were no further citizen comments.*

**ITEMS FROM COUNCIL** - *There were no items from Council.*

## **PUBLIC HEARING**

### **1) Liquor License Request for Limited On-Premises Sales – Bobo’s Eats & Grog, 1765 S. Main Street**

*Mayor Toombs declared the Public Hearing open at 7:05 p.m. to consider a recommendation for a new liquor license for Bobo’s Eats & Grog, 1765 S. Main Street, Lebanon.*

Police Chief Healy presented a request to consider a recommendation to the OLCC for a new liquor license for Bobo’s Eats & Grog/James Edward Fox/1765 S. Main Street/Limited On-Premises Sales. He stated that the Police Department does not possess any documented evidence to support the denial of this request. He added that Community Development Manager Wendolowski can provide an update on the building permit issue.

Wendolowski reported that, because the property is properly zoned, Community Development has no issue with Council’s recommendation of approval. According to Building Official Bush, the building permit issue should be resolved by Thursday or Friday. If Council does recommend approval, he asked that it be under the condition that certificate of occupancy be granted.

Healy noted that Council can approve this recommendation with conditions; OLCC is usually good about following any conditions.

*Mayor Toombs invited anyone who wished to speak in favor of or in opposition to this liquor license request to come forward. Seeing no one, he closed the Public Hearing at 7:08 p.m.*

McHill stated that LMC Section 5.10.060(13) designates criteria used to consider making either an unfavorable or a conditionally favorable recommendation to OLCC: *The applicant has not maintained the premises in accordance with the building code or fire code in the city and the state.* He recommended making a conditionally favorable recommendation based on Wendolowski’s report.

***Councilor Elliott moved, Councilor Fox seconded, to approve a recommendation to the OLCC for a new liquor license [at Bobo’s Eats & Grog] with the condition that certificate of occupancy be granted. The motion passed unanimously by roll call vote.***

## **REGULAR SESSION**

### **2) Support of Proposed Ballot Measure**

Robyn Galloway, OSU Extension Service, Albany, requested that Council approve a resolution which would allow Lebanon residents to vote on the formation of a 4-H and Extension Service District. She also noted that people who use their programs were there to answer any questions.

Councilor Grizzle questioned whether this will have any impact on the City's General Fund (GF) if approved. Finance Director Cole stated that the proposed tax base of \$0.07 per thousand dollars could cause additional compression within city limits, which will reduce GF tax revenues. He reported that compression has been steadily declining over the last three years: \$75,697 in compression loss two years ago; \$46,772 last year; and \$28,569 this year. He added that some properties within city limits are in compression.

Ms. Galloway stated that information provided by the Linn County Tax Assessor's Office showed the impact on the City to be approximately \$3,155 and impact on the Fire District to be \$1,435. These figures are based on the maximum tax base of \$0.07 per thousand dollars, but the tax base may not be that high. She explained that this is not a direct tax increase, but just a redistribution. She added that it is a really small percentage compared to the Lebanon city budget.

Councilor Grizzle commented that this is a good program.

McHill read the title of the Resolution.

***Councilor Fox moved, Councilor Grizzle seconded, TO APPROVE A RESOLUTION SUPPORTING THE FORMATION OF A 4-H AND EXTENSION SERVICE DISTRICT. The motion passed unanimously by roll call vote.***

### **3) Allied Waste Services Request for Garbage and Collection Rates Increase**

Kevin Hines, Allied Waste Services of Albany-Lebanon, approached Council with a request to raise their overall rates by an average of 8.0%. This request is based on: automated co-mingle program implementation, significant increases in land disposal fees over the last couple of years, and cost of living increases. They would also like to impose a one-time account origination fee of \$10 for new residential customers.

Mr. Hines reviewed the information included in the Council packet. He pointed out that the Safety, Insurance and Claims expenses figure (page 4) shows a significant increase because of an allocation change from their safety incentives program. Their safety record has declined over the last couple of years; out of the 1.3 million miles they drive each year, they had only two accidents in 2007. Current and proposed residential, commercial and industrial rates were reviewed. He distributed a corrected copy of page A-2 which showed a change in Commercial Compactor Rates, 8 yard container at 5/week: \$2,991.20 should read \$3,170.60. He explained the new weekly automated co-mingle recycling program. Glass and oil will be picked up every other week; they hope to have the glass co-mingled in the mix by December 2008 or early 2009.

They will be getting four new automated trucks, along with 25,000 64-gallon carts. He briefly reviewed the roll-out schedule: December 2007 – rate increase packets distributed, March 2008 – trucks delivered, and April 2008 – cart delivery. Conservatively, they may see about a 10% increase in collections, but a more realistic figure would be 15%-20%.

Councilor Fox commented that he is glad to see that we will be using recycling carts. Mr. Hines stated that this is their final step in automation; he feels it will really increase their numbers.

McHill read the title of the Resolution.

***Councilor Fox moved, Councilor Elliott seconded, TO APPROVE A RESOLUTION APPROVING AN INCREASE OF FRANCHISE FOR ALLIED WASTE SERVICES OF ALBANY – LEBANON. The motion passed unanimously by roll call vote.***

#### **4) Guidelines for City Acceptance of Donations (Skate Park)**

Cole explained that the City is able to accept donations, which are considered tax-deductible, as long as those funds are used for public purposes. He stated that Councilor Weldon felt that we could take advantage of this designation by accepting donations for a skatepark. He asked Council to discuss whether they would like him to set up general ledger accounts to record donation transactions and balances. If Council directs this, he asked that guidelines be established to determine how this will work.

Cole noted that he presented a list of questions during a meeting with Kimberly Clark and Councilor Weldon. Ms. Clark can address those questions tonight.

Cole explained that, if we accept these dollars into the City's accounting system, they will become subject to Oregon budget law and will become part of the annual budget that is first approved by the Budget Committee and then the City Council. In this budget year, we do not have appropriations for any dollars that might come in and could not spend it.

Kimberly Clark distributed "*Academy Square Skate Park,*" which includes biographies of the Academy Square Skate Plaza Managing Committee members and answers to the questions asked by Cole.

Cole confirmed for Councilor Grizzle that the City can receive funds at this time, but cannot spend it. Grizzle commented that providing a place to hold skate park donations sounds like a good idea, but she does not feel it is appropriate for Council to establish the City's involvement in the skate park until this is discussed at the goal setting session. She questioned whether there are any pitfalls to this arrangement and asked if Council should wait for that session before setting this up. Cole stated that he does not see a reason to wait for the goal setting session; this could be considered completely separate from establishing a goal for the City's involvement in creating a skate park.

Councilor Grizzle commented that tax-deductible donations would be a huge advantage when speaking to possible contributors. Ms. Clark stated that people would feel more at ease, if they were able to donate to the City knowing that those funds will be used for that purpose.

Councilor Grizzle questioned whether there would be a time-constraint on holding those funds. Cole answered that the City could hold the funds indefinitely. Ms. Clark stated that they believe a skate park can be constructed with not very much money; they intend to complete it in phases. She added that the funds would go to the Parks Department if a skate park is not constructed. Cole noted that, if this were to happen, it would still be considered a tax-deductible donation.

Councilor Elliott commented that the distributed material does not provide an answer to question five. Ms. Clark stated that they would need to develop skate park plans before they can set the budget and timeline. Councilor Weldon added that it also depends on whether the timeline refers to the different phases or to completion.

In response to Elliott's question, Clark stated that their goal is to raise \$500,000 for a complete skate park. The cost would depend on the plan, style, and the company doing the construction.

Councilor Fox asked if they are currently in any phase of the planning. Ms. Clark stated that she did not want to start anything until she has the City's backing; she also needed a place to hold the funds before starting any fundraising.

Ms. Clark reported that new committee member Judy Smith was a Keizer Council member and helped to get a skate park there.

Ms. Clark noted that she can be reached at lebanonskatepark@gmail.com, if there are any questions. She stated that she will email this information to Allen.

Councilor Grizzle stated that it would be nice to have time to review this information and ask Ms. Clark any questions. Councilor Weldon commented that this topic was for discussion only. Hitt noted that a proposed resolution would have to be brought back to Council. Mayor Toombs indicated that this could be addressed at the next Council meeting on January 12, 2008; the goal setting session is planned for January 23, 2008 at 3:00 p.m. Ms. Clark indicated that, as soon as she receives an answer, she will be able to get a site plan developed within a few weeks.

#### **5) South Santiam Enterprise Zone Extended Abatement Agreement – Pacific Cast Technologies**

Hitt presented a proposed resolution which grants an extended property tax abatement agreement between the City of Lebanon, a co-sponsor of the South Santiam Enterprise Zone, and Pacific Cast Technologies of Albany. State law requires separate approval of all South Santiam Enterprise Zone sponsors in order to grant a tax abatement in excess of three years. Granting this extended property tax abatement would not impact city, school, or fire district property taxes, but it would have somewhat of an impact on Linn County and City of Albany taxes.

McHill read the title of the Resolution.

*Councilor Elliott moved, Councilor Thoma seconded, TO APPROVE A RESOLUTION APPROVING AN EXTENDED PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF LEBANON, A COSPONSOR OF THE SOUTH SANTIAM ENTERPRISE ZONE, AND PACIFIC CAST TECHNOLOGIES, INC. The motion passed unanimously by roll call vote.*

#### **6) South Santiam Enterprise Zone Extended Abatement Agreement – Peak Sun of Millersburg**

Hitt indicated that comments from the previous discussion also apply here. This proposed extended property tax abatement agreement is between the City of Lebanon and Peak Sun of Millersburg. This would have somewhat of an impact on Linn County and City of Millersburg taxes.

McHill read the title of the Resolution.

*Councilor Grizzle moved, Councilor Fisher seconded, TO APPROVE A RESOLUTION APPROVING AN EXTENDED PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF LEBANON, A COSPONSOR OF THE SOUTH SANTIAM ENTERPRISE ZONE, AND PEAK SUN SILICON CORPORATION. The motion passed unanimously by roll call vote.*



## 7) Declaring City-Owned Property as Surplus

Healy stated that *Exhibit A* lists surplus property ready for disposal.

McHill read the title of the Resolution.

*Councilor Fox moved, Councilor Elliott seconded, TO APPROVE A RESOLUTION AUTHORIZING THE SALE OR DISPOSAL OF CITY-OWNED PERSONAL PROPERTY. The motion passed unanimously by roll call vote.*

## 8) City Manager's Report

Hitt provided a brief report on the following:

*City Hall Holiday Schedule* – Most City offices will be closed tomorrow afternoon for the employee holiday party. All City offices, with the exception of the Police Department, will be closed on December 24, 25, 31 and January 1.

*Library/Justice Center Project Update* – We received favorable comments at the well-attended open house. Preliminary cost estimates show that we are within budget; this assumes a relatively modest amount of grant funds. We may also now be in a position of acquiring more grant funds than was anticipated. Hitt thanked Healy, Oliver and Lee for their leadership and active role.

*City Manager's Schedule* – Hitt will be taking a few days vacation over the next month; Mayor Toombs, Allen and Kaser will have his schedule. He added that he can always be reached by cell phone.

*Economic Development* – There was a meeting last week with a local property owner who is looking at two potential economic development projects. Hitt is not sure of the status, but the property owner is optimistic that at least one of them (perhaps both of them) will go forward. Although not as large as Lowe's, both businesses would be a positive addition to our local economy.

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Councilor Elliott asked for an update on the asbestos removal of the gyms. Hitt stated that the removal for the Santiam gym is complete. Public Works Director Ruef reported that asbestos removal for the Middle School gym will be complete in about two weeks.

## 9) Recreational Trails Grant Application

Maintenance Division Manager Sell presented a resolution for authorization to apply for the 2008 Recreational Trails Grant Program. He discussed last Saturday's successful Mark's Slough Trail grand opening. Bicycle riders from Santiam Spokes, who are big supporters of Build Lebanon Trails (BLT), were the first to officially ride down the trail.

Councilor Grizzle commented that the BLT Committee did a fabulous job that day. Councilor Thoma agreed.

Councilor Weldon asked who owns the property and if they have agreed to sell it for that amount.

Sell indicated that we are currently going through that process; this resolution will allow the City to apply for grant funds to purchase trail corridor property. Ruef stated that the property owner agreed to sell land to the City, but the amount has not been negotiated.

Mayor Toombs noted that Council is just discussing the resolution to apply for the grant, not to purchase the land. Councilor Fox added that the City intends to use these grant funds for the property purchase, but right now the ducks are being lined up. If the grant is received, we can then approach the property owner.

McHill read the title of the Resolution.

***Councilor Grizzle moved, Councilor Fox seconded, TO APPROVE A RESOLUTION AUTHORIZING THE CITY OF LEBANON TO APPLY FOR A RECREATIONAL TRAILS GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR ACQUISITION OF TRAIL CORRIDOR AT CHEADLE LAKE. The motion passed unanimously by roll call vote.***

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*Mayor Toombs temporarily adjourned the Regular Session at 7:55 p.m. and stated that Council will convene into Executive Session after a five-minute recess. Council will then reconvene into Regular Session after the Executive Session.*

*The following Executive Session is closed to the public and the press due to the highly confidential nature of the subject. Per ORS 192.660(4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d).*

In response to Councilor Weldon's inquiry, Mayor Toombs stated that citizens/press can wait in another part of the building during the Executive Session.

**EXECUTIVE SESSION** *Per ORS 192.660(2)(d) To conduct deliberations with persons designated by the Council to carry on labor negotiations.*

*Mayor Toombs reconvened the Regular Session of the Lebanon City Council at 8:15 p.m.*

#### **10) Proposed Ratification of Collective Bargaining Agreement, City of Lebanon and Lebanon Police Association**

As outlined in the proposed labor agreement provided earlier to Council, Chief Healy recommended ratifying the Collective Bargaining Agreement with the Lebanon Police Association.

***Councilor Elliott moved, Councilor Grizzle seconded, to APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LEBANON AND THE LEBANON POLICE ASSOCIATION (TEAMSTERS). The motion passed unanimously by roll call vote.***

*Mayor Toombs adjourned the Regular Session and reconvened into Executive Session at 8:20 p.m. [Weldon left the meeting]*

**EXECUTIVE SESSION** *Per ORS 192.660(2)(h) To consult with legal counsel concerning legal rights and duties of the Council regarding current litigation or litigation likely to be filed.*

**ADJOURNMENT**

Mayor Toombs adjourned the meeting at 8:22 p.m.

*[Meeting recorded and transcribed by Donna Trippett]*

ATTESTED:

\_\_\_\_\_  
Linda Kaser, City Clerk/Recorder

\_\_\_\_\_  
Kenneth I. Toombs, Mayor   
Bob Elliott, Council President

# *Consent Calendar*

*LEBANON CITY COUNCIL AGENDA:* January 9, 2008

APPOINTMENT: Senior Center Advisory Board

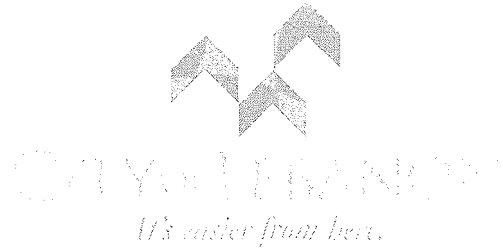
*CITY OF LEBANON MINUTES:*

1. Lebanon Advisory Board Meeting – October 10, 2007
2. Library-Senior Center Trust Meeting – November 19, 2007

*IRREVOCABLE PETITION FOR PUBLIC IMPROVEMENTS:*

Robert and Linda Armstrong

*PUBLIC UTILITY EASEMENT:* West Oak Water Line



November 28, 2007

To: Mayor Ken Toombs

From: Kindra Oliver  
Senior Services Director

Re: Senior Center Advisory Board Appointment

The Senior Center Advisory Board currently has one vacant, regular board member position to fill. This position vacancy is a result of the recent passing of board member Bob Johnson.

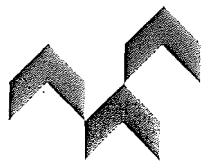
Attached is Darlene Johnson's application (Bob Johnson's wife) to serve the remaining three years as a board member. Darlene seems to be excited about being a part of the advisory board and to continue to get more people in to participate in the classes and activities offered at the Senior Center.

The board met on November 28<sup>th</sup> and unanimously recommended the appointment of Darlene Johnson to the Senior Center Advisory Board to fill the remainder of a four-year term, which runs through December 31<sup>st</sup>, 2010.

Please contact me at 258-4222 if you would like additional information.

Attachments

C: John Hitt, City Administrator



# CITY OF LEBANON

*It's easier from here.*

## LEBANON PUBLIC LIBRARY

Advisory Board Meeting Minutes

October 10, 2007

The Library Advisory Board meeting was called to order at 5:34 p.m. by Co-chairperson Carolyn Misa. Attending were Cathy Benneth, Garry Browning, Harlan Mastenbrook, Carolyn Misa, Sue Spiker, Tom Stewart and Library Director, Denice Lee.

Minutes of the September 12th meeting were approved.

### **Director's Report:**

#### **Circulation:**

September	2007	8,203	YTD 2007	26,338
September	2006	7,790	YTD 2006	25,117

#### **Head Start:**

The director has scheduled a story time session for Head Start on the second Friday of each month for both the morning and afternoon sessions. The library's on-staff story time person, Kathy Dannen, will lead the sessions until our volunteer, Mary Rife, can participate again. For the past two years, this outreach program has been successful getting high-risk children into the library, listening to stories and checking out library books.

#### **Emailing Notices:**

The library has been sending notices via email to library patrons with email addresses in the database. In addition to sending holds and first, second and third overdue notices, the library has been sending a courtesy notice that notifies patrons one day before the due date of their library materials. Patrons without email service would continue to receive the 3-part mailers for overdues and holds. The advantages to the patron are more timely notification of holds and overdues, and advance notice of library materials due the next day. Advantages to the city are reduced costs for 3-part mailers, reduced staff time, and postage costs.

#### **Clicker Brigade:**

The week of October 22 – 27 the library will do its annual patron count. Volunteers will sit at the door and manually count patron visits every open hour for the week. This statistic is required by the Oregon State Library in the Annual Statistical Report the library submits.

#### **Christmas Parties:**

The Library and Senior Center are taking the lead for the annual City Employee Christmas Party to be held Thursday, December 13<sup>th</sup> at the Senior Center. Each year a different city department plans and hosts the event.

On December 7, the Library will host the annual Volunteer Christmas Potluck at the Mennonite Church on Second Street. Elected officials, Advisory Board members, members of the Friends of the Library, and Library volunteers will be receiving a "Save the Date" postcard soon.

#### LIBRARY SERVICES

### **Women's Auxiliary Gift:**

The American Legion Auxiliary has given a \$300 donation to the Lebanon Public Library for Children's Programming. The Auxiliary has generously selected the Library for this gift in past years. The gift makes it possible for the library to improve the quality of the Summer Reading Program and other children's programs offer by the library.

### **New Patron Registrations:**

The library began implementing the new process of mailing library cards to first time patrons after the board gave their approval at the September meeting. The response has been

### **Recruitment:**

Anne Sigmund, who worked for the library for over 20 years before retiring a couple of years ago, will fill the second on call position opened when Jaime Serbanich moved into a regular part time position in August.

### **Building Project Update:**

The building project's schematic design phase is very near completion. The director showed the board members the schematic drawings for both the interiors and exteriors of Library and the Justice Center. The board also discussed the floor plan for the library. Cathy Benneth remarked on the excitement at the Design Advisory Committee meeting October 9<sup>th</sup>. After the completion of schematic design, there will be two cost estimates, one by FFA, the architect, and one by Howard S. Wright, the contractor. Design development will start after the cost estimate and continue through the end of the year.

### **Friends Report:**

Harlan reported \$309.73 in sales from the Friends monthly book sale in September. This includes the proceeds from the monthly book sale and the ongoing daily book sale facilitated by the Senior Center.

### **Unfinished Business:**

#### **Policy Manual:**

All board members in attendance received their new copy of the policy manual.

### **New Business:**

#### **Indiana Sand Stone:**

Harlan mentioned he had 20 to 25 tons of Indiana Sand Stone from the demolition of a courthouse in Portland. The director will tell the architects about this.

#### **Fundraising:**

Sue Spiker gave each member of the board a pledge card from the Library/Senior Center Trust. The goal of the Trust is to have 100% participation from all board members. The grant writer said that kind of participation shows community involvement in the project, which is important in securing grants.

Sue reported that the Library/Senior Center Trust is in the process of developing several community fundraising events for the purpose of securing funding for the library project and demonstrating community involvement for the grant applications.

### **Adjournment:**

The meeting was adjourned at 6:32 p.m.

Next meeting December 12, 2007

5:30 p.m.

750 3<sup>rd</sup> Street

Santiam Travel Station

# LEBANON PUBLIC LIBRARY-SENIOR CENTER TRUST

Senior Center Conference Room

November 19<sup>th</sup>, 4:00 p.m., 2007

## MINUTES

**BOARD MEMBERS PRESENT:** Linda Darling, Joyce Weatherly, Bob Elliott, Lori McNulty, Remona Simpson, Phyllis Wimer; **Staff:** , Kindra Oliver

**ABSENT:** Thelma Toombs, Sheri Miller and Denice Lee

### 1. Call to Order

Linda Darling called the meeting to order at 4:00 p.m.

Denice and John were both at a meeting with the building architects and unable to attend the LPLSCT meeting.

### 2. Minutes - October 8<sup>th</sup>, 2007

*Lori moved, Bob seconded to approve the October 8<sup>th</sup>, 2007 meeting minutes. Motion passed unanimously.*

### 3. Donor Acknowledgement

None

### 4. Treasurer's Report

There was no activity for the last month. Phyllis reported an ending balance of \$15,392.26.

### 5. Grant Writing Report

Linda received an email from Linda Bebernes with a tentative timeline. Now we need to get the budget figures for the different projects and plug them in, which Denice should have after her meeting with the architects this afternoon.

Linda noted that part of the budget piece is to determine how much members will be donating for the project. Phyllis said that she has collected some of the LPLSCT member pledge cards.

*Joyce moved, Sue seconded to include names of LPLSCT board members that give pledges/donations for the project, to the donor wall. Motion passed unanimously.*

### 6. Fundraisers

Following are the fund raisers that we've talked about moving forward with:

- Project for Schools: Sue and Linda are working on a project to involve the schools. The group decided that \$1,000 was a reasonable goal for this fund raiser project.



- Quilt Raffle: Consensus was to sell tickets 1 for \$3 or 2 for \$5. The Senior Center has three quilts that were donated years ago that might be available for the raffle. Kindra will look into the availability of the quilts. Phyllis will check with Department of Justice regarding gambling laws to make sure we don't need some sort of permit. Goal is to raise at least \$500 through this fund raiser.
- Garage Sale: The community garage sale will be held in conjunction with the Friends of the Library book sale on Friday, April 25<sup>th</sup> and Saturday, April 26<sup>th</sup>, at the Senior Center. Joyce will coordinate this project. The group felt that \$2,000 was a reasonable goal for this fund raiser.

Linda commented that Denice has talked to John Hitt about these three fund raiser ideas and he is supportive of moving forward with them.

**7. Continuing Business**

**8. New Business**

**9. Items from Floor**

**10. Adjournment**

*Joyce moved, Lori seconded for adjournment. Motion passed unanimously.*

**Next Board meeting: Monday, December 10<sup>th</sup>, 4:00 – 5:30 p.m., at the Senior Center.**



**MEMORANDUM**

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*Engineering Division*

**TO:** Jim Ruef, PE  
City Engineer

**DATE:** December 14, 2007

**FROM:** Jeff Kent, *JK*  
Engineering Tech III

**CC:** Project file

**SUBJECT:** Irrevocable Petition For Public Improvements

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Attached is an irrevocable petition for use during the next available City Council meeting.

The irrevocable petition is for future public street, curb, gutter, sidewalk, driveway and storm drain system improvements along the east side of Airway Road in front of 1055 Airway Road (Tax Lot 2700 of assessor map 12S-2W-10CC).

The irrevocable petition is required as a condition of Planning Commission approval for planning case CU-07-03.

**IRREVOCABLE PETITION FOR PUBLIC IMPROVEMENTS  
and  
ACKNOWLEDGEMENT OF PAYMENT**

Date 10/18, 2007

PETITIONER(S):  Robert J. Armstrong, TR \_\_\_\_\_

Linda P. Armstrong, TR \_\_\_\_\_

Petitioner is the owner of the following described real property:

Parcel 1 of Partition Plat No. 1995-26, Linn County, Oregon.

Said property is currently Tax Lot 2700 of Linn County Assessor's map 12 S - 2 W - 10CC.

Said property is currently assigned the mail address as: 1055 Airway Road.

Petitioner hereby irrevocably petitions the City of Lebanon to initiate the following local improvements in accordance with the standard specifications of the City for which payment was received from the petitioner:

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

This petition is presented to the City of Lebanon in order that that Petitioner's property may be immediately developed without the construction of the above-referenced local public improvements. It is recognized between the parties that the subject property shall receive municipal services from the City, which will be constructed at some time in the future and which directly benefit Petitioner's property.

The City hereby acknowledges payment for said public improvements, including interest that may be accrued until the construction of said public improvements. The City further warrants that the funds paid by the Petitioner to the City for such purpose shall be dedicated for public improvements, according to law, until the completion of said City Standard improvements.

Petitioner acknowledges that the funds paid by the Petitioner to the City of Lebanon for said public improvements shall remain under the property and ownership of the City of Lebanon, and used according to law. The City acknowledges the sufficiency of the payment of such funds for the future improvements petitioned for herein.

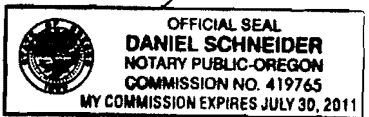
It is understood by Petitioner that:

1. Oregon law provides that local improvements are normally paid by the owners of benefited property at the time of the construction of such improvements. However, in consideration of the City's approval of the immediate development of the Petitioner's property, the Petitioner has paid the costs of such future local improvements, in accordance with the standard specifications of the City, in full at the present time. The payment of such costs, receipt of which is hereby acknowledged, includes any interest which would have accrued as of the time of the development of the local public improvements.
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 if 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.

PETITIONER(S) *[Signature]*  
*Linda P. Armstrong*

STATE OF OREGON )  
 )  
 COUNTY OF LINN ) ss.



On the 18<sup>th</sup> day of OCTOBER, 2007, personally appeared the above named ROBERT J. ARMSTRONG who acknowledged the foregoing instrument to be his/her voluntary act and deed.

BEFORE ME: *Daniel Schneider*  
 Notary Public for Oregon  
 My Commission Expires: JULY 30, 2011

On the 18<sup>th</sup> day of OCTOBER, 2007, personally appeared the above named LINDA P. ARMSTRONG who acknowledged the foregoing instrument to be his/her voluntary act and deed.

BEFORE ME: *Daniel Schneider*  
 Notary Public for Oregon  
 My Commission Expires: JULY 30, 2011

CITY OF LEBANON

By: \_\_\_\_\_  
 Ken Toombs, Mayor

\_\_\_\_\_  
 Linda Kaser, City Clerk/Co-City Recorder

STATE OF OREGON )  
 )  
 COUNTY OF LINN ) ss.


On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared \_\_\_\_\_ and LINDA KASER, 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: \_\_\_\_\_



**MEMORANDUM**

*Engineering Division*

<b>To:</b>	Jim Ruef Director of Public Works	<b>Date:</b> 12/12/07
<b>From:</b>	Shana Marquez Engineer Technician III 	
<b>CC:</b>	Ed Patton Senior Engineer	
<b>Subject:</b>	Public Utility Easement – West Oak water line	

Attached is an easement needed over the public water main that was constructed on the south side of the West Oak Street. The water line construction is associated with the Airport Industrial Improvements project and Pace American.

The easement forms are presented for use during the next available City Council meeting.

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between Pace American, Inc., herein called Grantors, and the CITY OF LEBANON, a Municipal corporation, herein called "City."

WITNESSETH:

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

This agreement is subject to the following terms and conditions:

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

IN WITNESS WHEREOF, we have set our hands hereto this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, we have set our hands hereto this day of \_\_\_\_\_, 20\_\_.

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

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

[Signature]
GRANTOR(S)

Ken Toombs, Mayor

Linda Kaser, City Clerk/Co-City Recorder

On the 11th day of DECEMBER, 2007, personally appeared the within named who acknowledged the foregoing instrument to be a voluntary act and deed.

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

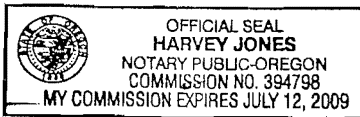
BEFORE ME: HARVEY JONES
NOTARY PUBLIC FOR OREGON

[Signature]

My commission expires: July 12, 2009

BEFORE ME:
NOTARY PUBLIC FOR OREGON

My commission expires:



## EXHIBIT A

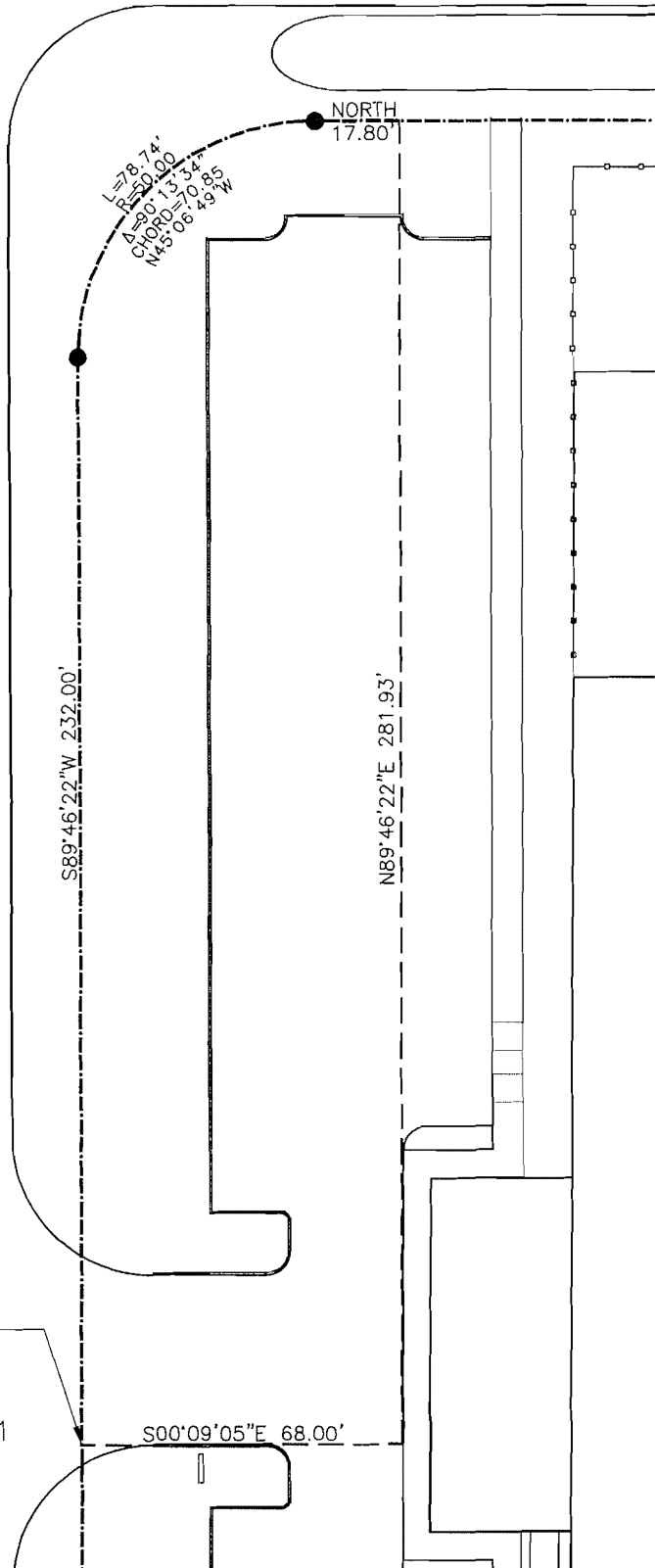
An area of land in the John W. Bell DLC No. 51 and in the southwest  $\frac{1}{4}$  of Section 9 in Township 12 South of Range 2 West of the Willamette Meridian, City of Lebanon, Linn County, Oregon described as follows:

Beginning at a point on the north line of Parcel 1 of Linn County Partition Plat no. 2006-66 and on the south right-of-way of Oak Street which bears North  $89^{\circ}46'22''$  East 217.80 feet from the northwest corner of said Parcel 1; thence South  $00^{\circ}09'05''$  East 68.00 feet; thence North  $89^{\circ}46'22''$  East 281.93 feet to a point on the west right-of-way of Reeves Parkway; thence North, along the west right-of-way of Reeves Parkway, 17.80 feet to a  $\frac{5}{8}$ " iron rod; thence following the arc of a 50.00 foot radius curve to the left 78.74 feet (chord bears North  $45^{\circ}06'49''$  West 70.85 feet) to a  $\frac{5}{8}$ " iron rod on the south right-of-way of Oak Street; thence South  $89^{\circ}46'22''$  West, along the south right-of-way of Oak Street, 232.00 feet to the point of beginning.

Based on C.S. 24368

REEVES PARKWAY

OAK STREET



L=78.74'  
R=20.00'  
CHORD=13.34'  
Δ=90°10.54'  
45°06'49.85" W

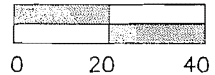
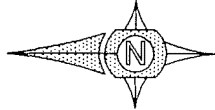
NORTH  
17.80'

S89°46'22"W 232.00'

N89°46'22"E 281.93'

S00°09'05"E 68.00'

POINT OF BEGINNING  
BEARS N 89°46'22" E  
217.80' FROM THE  
NW CORNER OF PARCEL 1  
OF PARTITION PLAT NO.  
2006-66



date 12-8-07  
project AIRPORT INDUSTRIAL  
drawn by MLM  
checked by BSY

PUE EASEMENT EXHIBIT  
PACE AMERICAN, INC.  
LEBANON, OREGON  
PHASE I

**UELLE ENGINEERING  
AND  
LAND SURVEYING, LLC**  
89 EAST ASH ST.  
LEBANON, OREGON, 97356  
541-451-5126

SHEET 1  
of 1  
SCALE: SEE BARSCALE



# *PRESENTATIONS*

Proposed Countywide Library District Concept – May Garland & Linda  
Ziedrich, Linn Library  
League



To: City Council, City Of Lebanon, OR  
From: Ruth Metz, for the Linn Library League  
Date: January 4, 2008  
Subject: Request for Resolution to Include Lebanon in the Proposed  
Linn Library District Boundary

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For several years, the Linn Library League (League) under the leadership of Scio residents May Garland and Linda Ziedrich has studied the potential for a county-wide library district. Their efforts have culminated in a proposal to form a library district that, if approved by voters, would encompass much of Linn County and would be called the Linn Library District.

The informal steps leading up to a formal process of getting a district on the ballot have been essentially completed. The next step for the Linn Library League is to establish for filing purposes the boundaries of the proposed district. The inclusion of cities in a proposed district boundary must be by city council resolution.

#### Purpose

Our purpose today is to provide information to the Lebanon City Council in preparation for their consideration, at the Council meeting on January 23, a resolution to include the City of Lebanon in the proposed Linn Library District boundaries. A resolution template is included as Attachment A. We have summarized below the key elements of the proposal and the district feasibility conclusion.

#### District Service Area

The district boundaries will follow those of Linn County, with the addition of North Albany, in Benton County, and the omission of the parts of the Santiam Canyon, North Santiam, and Jefferson school districts in Linn County (these school districts are part of the proposed North Santiam Library District). In the proposed Linn Library District are approximately 107,000 residents and 10 incorporated cities. Five of these cities (Albany, Lebanon, Sweet Home, Harrisburg, and Scio) now have public libraries; the other five (Tangent, Halsey, Millersburg, Sodaville, and Waterloo) do not. The City of Brownsville has decided not to participate in the district at this time.

Lacking library service are approximately 3,000 residents of cities without libraries and approximately 23,500 residents of unincorporated areas of Linn County. (An additional 5,300 residents of unincorporated areas of Linn County will be served by the proposed North Santiam Library District.) Approximately 6,000 residents of the proposed Linn Library District live in North Albany, in Benton County; as Albany residents, they now have access to the Albany Public Library.

### Services

Only the elected governing board of the library district can establish the district's service plan. However, the Oregon Revised Statutes require a proposed service plan as the basis for determining the district's economic feasibility.

The League's proposal emphasizes the basics: hours open, collections, services to youth, outreach to rural areas, and convenient information services to the general public. Focus groups, a telephone survey, and study of library jurisdictions with comparable service populations guided the development of the proposed plan.

The League's proposed plan will bring library services in the district to an "adequate" level, according to Oregon Library Association standards (threshold-adequate-excellent). The budget includes a combined total of 295 hours of open hours per week, an average of 50 hours per week per facility. This 53% increase over current hours will provide more convenient weekday hours for the public and open hours every day of the week in the district.

Residents of the district will have equal access to the circulating collections of all six library outlets; online search capability from home, schools, work, and libraries; and convenient delivery of borrowed items to and from their preferred location. Services to children and teens will be significantly broadened so that every youth in the district has access to age-appropriate services: story hours, reading clubs and incentives, and K-12 learning support. A bookmobile will serve residents of rural areas throughout the district.

### Cost/Tax Rate

A 3-year budget for the proposed district is included as Attachment B. To sustain the proposed Linn Library District service plan requires a minimum tax rate of \$0.68 per thousand dollars of assessed valuation.

This tax rate would generate an estimated \$4.805<sup>1</sup> million in 2009, the first year the taxes would be collected for the district. With additional revenues of about 5% from fees, fines, and miscellaneous revenue sources, the district revenue in 2009/2010 would be an estimated \$5.058 million. The per capita tax-generated revenue (about \$45) compares very favorably with comparable library jurisdictions in Oregon.

### Governance and Structure

*An elected library board of five members*, as required by Oregon law, will govern the library district. The board members will be elected by zone to ensure geographic representation. Each zone will include approximately 20 percent of the district's population.

*A district library director*, appointed by the elected board, will administer the library system. Services such as library information technology, acquisitions and cataloging, collection management, building maintenance, finance, human resource management, and staff training and development will be centrally coordinated to ensure efficient operations.

*Local cities and their library advisory boards* will still play a key role in the district. Local library boards will advise the district board in establishing goals and policies and the district plan of service.

*Local Friends of the Library groups and library foundations* will continue to support local libraries with volunteer help and fundraising. These groups will retain control of their funds and expenditures. Volunteer organizations that own collections housed in local libraries can retain ownership of these collections if the members wish.

### Library Building Ownership, Maintenance, and Capital Improvement

As proposed, the cities will continue to own the library buildings while the library district pays for the associated facility operating costs. The district will lease the facility from each city for a nominal fee and in return provide library services from those library facilities.

The district will pay for power and light, heating and fuel, alarm line fees, and water and sewer services. The district will also pay for custodial and

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<sup>1</sup> This revenue estimate is based on a July 2007 tax run prepared by the County Assessor's Office for the Linn Library League. The Linn Library League is considering requesting an updated tax revenue estimate to reflect the latest boundaries of the district and to verify the adequacy of the proposed tax rate.

grounds upkeep, if these are performed by the city rather than by the district.

An intergovernmental agreement (IGA) will specify the lease costs. The IGA will be adjusted annually to reflect current costs.

The IGA between the city and the district should include provision for building a capital improvement reserve fund. The budget for the proposed district does not include a capital improvement reserve fund. To do so would require a higher tax rate.

The district administration would assist the cities with fundraising for design and construction of new or expanded library facilities, if they are needed.

### Staffing

The District pay scale and benefits will apply to library employees. An intergovernmental agreement between the district and cities will specify that all City employees at the time of transition to the District will retain their current salary and comparable benefit structure for a specified period of time, if higher than the District scale.

### Feasibility Conclusions

*Economic Feasibility:* a Linn Library District is economically feasible if the voters approve a tax rate of at least \$0.68/\$1,000 of assessed valuation and the district successfully collects an additional two to five percent annually in fines, fees, and miscellaneous revenues. Local Friends and foundation fund-raising will continue to be needed to enhance collections and programs at the local level. Cities and the library district will have to work together to contain operating costs and collaborate on building development projects.

Sustaining the district service plan will require that the district board of directors and administration ramp up to full service gradually, over a two-year period. This will allow the district to create a healthy fund-balance over the ramp-up period.

For example, if a ballot measure for the district goes before the voters in November 2008, the County would collect taxes for the district in November 2009. Upon voter approval of the district, the board of directors could begin by January 2009 to organize the district. Starting

in July 2009, the district could assume the cost of local operations through December and ready a larger collection and prepare to launch its new hours of operation, to take effect in January 2010. The 3-year budget, Attachment B, assumes this scenario and illustrates its impact on the annual ending balance and reserve fund.

Understandably, cities and county officials are concerned about the fiscal impact of a permanent tax on local revenues. A League analysis of the financial impact on cities and the county found that there will be no adverse impact on the City of Lebanon; likewise for all other cities except Sweet Home. The analysis has recently been corroborated by consultant, Jeffrey Tashman in a communiqué to the City Manager. Mr. Tashman of Tashman Johnson, LLC, specializes in urban renewal, economic development, and infrastructure finance.

*Political Feasibility:* Library district advocates believe that voters will be more willing to authorize the new tax if the cities under-levy local city taxes. Their reasoning is that city voters will be averse to paying “double taxes” for library services: the tax they already pay for city services and the new library district tax. If the cities pledge to under-levy locally, the case can be made to voters that the district tax is a replacement rather than an additional tax.

### In Conclusion

The League is requesting that the City Council of Lebanon, Oregon, consider this information in preparation for deciding on a resolution that would include Lebanon in the boundaries of the proposed district. Council resolutions are the first formal step in the process of forming the library district. For more information about the proposed library district, we request that you contact May Garland (503-394-3696) or Linda Ziedrich (503-394-3643), co-coordinators of Linn Library League; Denice Lee, director of the Lebanon Public Library (541-258-4232); or Ruth Metz, consultant to the Linn Library League (503-621-1396).

The League also requests that, should the City Council adopt such a resolution, the Council also consider encouraging the Linn County Board of Commissioners to put the measure on the ballot. The Commissioners have said they will not put this or any district tax measure on the ballot. If this holds true, the League would have to acquire an estimated 15,000 signatures by petition to get the measure on the ballot. It is unlikely that the signatures could all be collected in time for the November 2008 ballot.

**ATTACHMENT A: SAMPLE CITY RESOLUTION FOR INCLUSION IN THE  
BOUNDARIES OF THE PROPOSED LINN LIBRARY DISTRICT**

RESOLUTION NO. \_\_\_\_\_

A Resolution Consenting to the Formation of the Linn Library District

The City Council of the City of ABCDE finds:

- a. Over the past five years, the Linn Library League has studied alternatives for providing improved library services for county residents. It has determined that a library district can provide the revenues necessary for improved and additional library services in the county.
- b. The Linn Library League plans to file a petition/request that the Linn County Board of Commissioners form a library district within the county to provide services to county residents.
- c. The Linn Library League believes that a library district will better meet the needs for public library and informational services of county residents.
- d. The City Council believes that a library district will be better able to meet the needs for public library and informational services of all city residents..

The City Council of the City of ABCDE resolves:

The City of ABCDE approves the formation of a library district and consents to including all territory of the City within the boundaries of the Linn Library District.

This resolution takes effect upon its adoption.

Adopted by the City Council of the City of ABCDE, Linn County, Oregon this \_\_\_\_th day of January, 2008.

Attest:

City of ABCDE

\_\_\_\_\_  
City Manager/Recorder

By \_\_\_\_\_  
Mayor

STATE OF OREGON     )  
  )     ss  
County of Linn         )

I certify that the foregoing is a true copy of the original resolution on file in the office of the City Recorder.

\_\_\_\_\_

Attachment B: Proposed Linn Library District, 3-Year Budget

Attachment B: LLL Proposed Library District Service Model Budget	Year I	Year II	Year III
	Jan- June 2010	July 2010-June 2011	July 2011-June 2012
Cash forward	\$ -	\$932,240	\$856,592
Previously levied taxes		\$153,364	\$157,965
Interest	\$16,018	\$37,290	\$42,264
Fines and fees	\$75,000	\$80,000	\$85,000
Donations	\$5,000	\$5,000	\$5,000
Miscellaneous	\$5,000	\$5,000	\$5,000
Tax income from current year's taxes	\$4,805,394	\$4,949,556	\$5,098,042
<b>Total resources</b>	<b>\$4,906,412</b>	<b>\$6,162,449</b>	<b>\$6,249,862</b>
<b>Annual expenditures</b>	Year I	Year II	Year III
Personnel	\$1,643,950	\$3,419,417	\$3,556,194
Collections	\$252,915	\$521,006	\$536,636
Other materials and services	\$505,831	\$1,042,012	\$1,073,272
Capital outlay	\$126,459	\$227,623	\$200,258
<b>Total annual expenditures</b>	<b>\$2,529,155</b>	<b>\$5,210,058</b>	<b>\$5,366,360</b>
Projected 2% under-expended line items	\$50,583	\$104,201	\$107,327
Expenditure total	\$2,478,572	\$5,105,857	\$5,259,033
July - Dec 2009 current operations estimate	\$ 1,495,601	\$0	\$0
Grand total operating expenditures	\$ 3,974,172	\$5,105,857	\$5,259,033
Transfer to reserves	\$0	\$ 200,000	\$200,000
<b>Projected ending balance</b>	<b>\$932,240</b>	<b>\$856,592</b>	<b>\$790,830</b>





MEMORANDUM

TO: Ruth Metz, Library Consultant, Ruth Metz Associates

FROM: Jeff Tashman, Consultant, Tashman Johnson

SUBJECT: Analysis of Potential Compression Impacts of a New Library District

DATE: 18 December 2007

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In March of 2007, proponents of a new library district requested an analysis of the potential property tax revenue losses that might occur as a result of increased Measure 5 compression losses. The analysis consisted of actual “runs” of the Linn County property tax system using 2006 assessed values and 2007 property tax rates, with and without a \$0.60 per \$1,000 assessed value library district permanent rate. The analysis showed that, with the assumptions used, the additional losses to Measure 5 compression were small, and only affected local option levies. Additional compression losses to the Linn County, Albany and Sweet Home local option levies were all less than 1% of the amount of the levy extended within the respective taxing districts.

We were asked to review the analysis and evaluate whether it was reasonable, and then discuss our conclusions with the cities that were included in the analysis. We have found that the analysis produced results that make sense in the context of Oregon’s property tax system. This memo provides an explanation of how we reached this conclusion.

The limits on property taxes placed in the Oregon Constitution by Ballot Measures 5 (Article XI, Section 11b), and 50 (Article XI, Section 11) are not very straightforward or intuitive. Two factors in these limits are particularly relevant to the issue of additional compression losses from a new library district:

1. Measure 5 compression is calculated on a property by property basis and is based on real market values, not assessed values.
2. Under Measure 50, local option levies are compressed first, to zero if necessary, to meet Measure 5 limits before permanent rate levies are compressed.

These are discussed below.

1. Measure 5 compression is calculated on a property by property basis and is based on real market values, not assessed values.

The Measure 5 property tax limits state, in general, that the property taxes levied on a property for educational purposes (including K-12, Community Colleges and Educational Service Districts) cannot exceed 0.5% of the property's *real market value*. Other property taxes (general government) cannot exceed 1.0 % of a property's *real market value*.

While these percentages are commonly expressed as rates per \$1,000 of \$5.00 and \$10.00, it is a bit confusing to express it this way, because property tax levies are commonly expressed as rates per \$1,000 *assessed value*. Since FY 1997/1998, the real market value and assessed value of most properties have diverged, so that it is common for a property's assessed value to be significantly less than its real market value. On the average in Linn County for FY 07/08, commercial and residential properties are assessed at about 66% of their real market value.

What this means for estimating compression losses is that a property that is assessed at less than its real market value can pay a rate per \$1,000 assessed value higher than \$5.00 for education and \$10.00 for general government without reaching its Measure 5 limits. For example, take a property that has a real market value of \$100,000 and an assessed value of \$66,000. (As noted above, the relationship of 66% between assessed value and real market value is the average for residential or commercial property in Linn County.) Its Measure 5 limits are \$500.00 (0.5% of \$100,000) for education and \$1,000 (1.0% of \$100,000) for general government. This property can pay rates per \$1,000 *assessed value* of up to \$7.5758 for education and up to \$15.1515 before its taxes start to be compressed by the Measure 5 limits. (Properties assessed at more than 66% of their real market value will reach compression at lower rates, while properties assessed at less than 66% of their real market value will not reach compression until rates are higher than those shown above.)

The consequence of this is that even though the total general government rates per \$1,000 assessed value are higher than \$10.00 per \$1,000 assessed value, compression will only occur on some properties – those properties assessed equal to or close to their real market value - and not on other properties. Therefore even if property tax rates for general government are increased as a result of a new permanent rate for a library district, the compression losses cannot be judged only by looking at the amount of the rate increase. The relationship of the assessed value of property to its real market value also has to be taken into account.

For Linn County in 2007, 80% of the assessed value in the county is assessed at an average of about 66% of its real market value (20% of the assessed value is industrial, personal and utility property that on the average is assessed at 100% of its real market value). Properties with this level of assessed value can pay general government rates of about \$15.00 per \$1,000 assessed value without reaching the Measure 5 limit. It therefore becomes important to know whether an increase in property tax rates of \$0.60 to \$0.70 per \$1,000 assessed value, which is the likely level

of a proposed library district permanent rate, is likely to increase total local government rates above the \$15.00 level.

This fiscal year, total general government rates in the cities that would be included in a library district are estimated as follows:

	Permanent Rate		Fire	Other	Local Options		Urban Renewal (Est.)	Total
	County	City			County	City		
Albany	1.2376	6.3984			2.3400	0.9500	0.1217	11.0477
Lebanon	1.2376	5.1364	2.2600	0.2400	2.3400		1.0306	12.2446
Sweet Home	1.2376	1.4157	1.8500	0.2166	2.3400	7.0200		14.0799
Scio	1.2376	4.9057	1.2745		2.3400			9.7578
Harrisburg	1.2376	3.1875	1.1299		2.3400		0.7130	8.6080
Halsey	1.2376	5.6014	0.9894		2.3400			10.1684
Millersburg	1.2376	3.5000	2.1500		2.3400			9.2276
Sodaville	1.2376	0.4552	2.2600	0.2400	2.3400			6.5328
Tangent	1.2376		2.5739	2.5739	2.3400			8.7254
Waterloo	1.2376		2.2600	0.2400	2.3400			6.0776

No properties assessed at the average 66% of real market value in these cities would reach their Measure 5 limits with an additional levy of \$0.60 - \$0.70. Only for Sweet Home would an increase of \$0.60 to \$0.70 per \$1,000 assessed value bring many of the properties (those assessed at more than the average 66% of their real market value) into compression. The analysis showing a less than 1% (of the levy extended) additional compression loss makes perfect sense in this context.

2. Under Measure 50, local option levies are compressed first, to zero if necessary to meet Measure 5 limits.

Under the terms of Measure 50, local option levies (voter-approved taxes for no more than 5 years for operating levies and 10 years for capital levies) are more vulnerable to compression losses. If a property's property taxes exceed the Measure 5 limits, the taxes are reduced to meet those limits. So take, for example, a property with a real market value of \$100,000 and an assessed value of \$66,000 (66% of real market value) on which is levied \$1,100 in general government taxes, of which \$150 of those taxes are local option taxes. The general government taxes have to be reduced to a total of \$1,000 (1% of \$100,000). Per Measure 50, the \$100 reduction to meet the limit comes entirely from the local option taxes. No permanent rate taxes are affected.

In Linn County for this fiscal year, losses to Measure 5 compression generally affected local option levies much more than permanent rate levies. For instance, County-wide the compression losses to Linn County's local option levy were 4.5% whereas the compression losses to the County's permanent rate levy were less than 1%.

Sweet Home would be most affected by the increase in general government permanent rates because of their reliance on a high local option levy. In FY 07/08 compression losses to the city's local option levies was just under 8%.

## Conclusion

We find that an analysis showing relatively minor impacts in terms of additional Measure 5 compression loss to local option levies by cities in a new library district to be reasonable in the context of Oregon property tax law.


# Agenda Item 1



## MEMORANDUM

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### *Finance Department*

**To:** John Hitt, City Manager **Date:** January 3, 2008  
**From:** Casey Cole, Finance Director   
**Subject:** Accepting Skate Park Donations

---

At the December 12, 2007 City Council meeting, there was a “discussion only” agenda item regarding guidelines for the City to accept donations for a skate park. I had prepared a list of items for discussion with certain questions posed. At this meeting, Kimberly Clarke answered many of the questions.

Subsequently City Attorney Tom McHill has sent you a Skateboard Park memo that discusses two different models (independent project vs. City project) for the Skate Park and is a separate issue for you to consider. The resolution tonight deals only with how the City will accept donations for a Skate Park.

Action Requested:

Approval or Denial of Resolution

**A RESOLUTION AUTHORIZING THE )  
ACCEPTANCE OF DONATIONS OR )  
FUNDS FOR THE LEBANON SKATE )  
PARK CREATING A SPECIAL FUND )  
FOR SUCH PURPOSE )**

**Resolution Number \_\_\_\_\_  
for 2008**

WHEREAS, the Lebanon City Council supports the construction of a skate park within the city; and

WHEREAS, citizens or philanthropic organizations may wish to donate funds for the construction or maintenance of such a facility; and

WHEREAS, the city of Lebanon is an organization which may provide for tax benefits for those wishing to contribute to the purpose of construction or maintenance of a skate park; and

WHEREAS, the City Council desires to facilitate the receipt of funds for the specific purpose of constructing or maintaining a skate park.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Manager, or his delegate, is hereby authorized to create and maintain within the City accounts a special fund to collect, and be expended, as allowed by law, for the specific purpose of such funds being used to construct or maintain a skate park. Such park shall be constructed within the city limits of the City of Lebanon and shall be for the general benefit and welfare of the citizens of Lebanon.

Section 2. The special fund referred to in Section 1 of this Resolution shall be known as: "Lebanon Skate Park." Funds collected into or spent from this fund shall be subject to Oregon public budgeting law and shall be accounted for and appropriated as required by law.

Section 3. Contributions made to the city for the specific purpose of supporting, constructing or maintaining the Lebanon Skate Park shall be deposited into the special fund created herein. No other use shall be allowed for such funds, unless by a vote of the Lebanon City Council at a regular or special meeting. In the event that the skate park is not constructed, or ceases to exist, funds donated for such purpose shall be expended as allowed by law, with a preference that such funds will be dedicated to City Parks Department.

Section 4. This resolution shall become effective immediately upon its passage.

Passed by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against this \_\_\_ day of January, 2008 by the City Council of the City of Lebanon.

\_\_\_\_\_  
Mayor

# Agenda Item 2





## MEMORANDUM

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### *Public Works Department*

**To:** John Hitt, City Manager

**Date:** January 2, 2008

**From:** Jim Ruef, Director of Public Works *JR*

**Subject:** Private Sewer Lateral Assistance Program

---

Our Municipal Code outlines the responsibility for who should maintain water and wastewater infrastructure in Lebanon. For Water, the property owner maintains the infrastructure from the meter to their home. For Wastewater, the property owner maintains the sewer lateral from the sewer main to their home. We currently have a "Financial Assistance Program" (attached) for sewer lateral replacement where the lateral extends under a City Designated Truck Route or State Highway.

Some Cities in Oregon take a different approach to how the maintenance cost of utilities is distributed and whether Financial Assistance is offered. Darrell McLaughlin, Environmental Operations Manager, has surveyed 38 Cities in Oregon. The result of his survey is attached.

**FINANCIAL ASSISTANCE PROGRAM  
FOR REPAIR OF PRIVATE SEWER LATERALS  
UNDER CITY TRUCK ROUTE OR STATE HIGHWAY**

**Applicability:**

- Lebanon Municipal Code, section 13.04.210 places on the property owner responsibility for installation and repair of sewer laterals from the premises to the sewer main. This program is not a waiver of that responsibility.
- This program only applies to sewer lateral replacement under the current city truck route ,as defined in the Lebanon Municipal Code, or state highway.
- Those seeking compensation under this program must provide evidence or demonstrate that a problem exists, and that the problem instigating repair (blockage, collapse, etc.) is located within the public right-of-way. This program does not apply outside of public rights-of-way.
- This program applies only to that portion of the sewer lateral within the public right-of-way. No compensation will be made for that portion of the lateral on private property.
- The entire lateral within the public right-of-way must be replaced. This program does not apply to spot repairs.

**Procedure:**

- A right-of-way permit must be issued.
- A minimum of three quotes must be obtained, with the work performed by the lowest bidder.
- After the work is completed, inspected and approved by the city, a statement of final actual costs must be submitted to the city. This statement must include actual cost for that portion within the public right-of-way.

**Amount of City Funding:**

- A qualified applicant will pay for a right-of-way encroachment permit only (\$40). None of the other normal associated right-of-way permit fees will be charged.
- For that portion of work within the public right-of-way, the city will reimburse the qualified applicant 50% of the final actual submitted cost, up to a maximum amount of \$2,500.



## MEMORANDUM

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### *Public Works Department* *Environmental Operations Division*

**To:** Jim Ruef **Date:** December 20, 2007  
**From:** Darrell McLaughlin  
**Subject:** Sewer lateral maintenance survey

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A survey was completed of seventy-three (73) Oregon cities utilizing their on-line code and/or Frequently Asked Questions page of their website to collect data on the question of "Who maintains the sewer lateral from the building to the main sewer line in the city right-of-way?". Thirty-eight (38) of these websites address the issue in either the city code and/or the FAQs page. The summary of this data indicates:

- 31 of 38 cities (81%) require the property owner to maintain the sewer lateral from the building to the connection to the main sewer line.
- 7 of 38 cities (19%) require the property owner to maintain the sewer lateral from the building to the city right-of-way only; with the city responsible for work in the right-of-way.
- Three cities (Albany, Prineville, and Salem) have 'replacement programs' that replace the lateral 'at no cost' or 'at shared cost' to the property owner. These programs are generally tied to I&I reduction programs and/or to sewer main replacement activities associated with the Collection System CIP. [See attachment 2 for details]

The following table summarizes these findings, Attachment 1 presents the details found in the various city codes, and Attachment 2 presents the information found on the website Frequently Asked Questions page.

Sewer Lateral Maintenance Repair Responsibility

Group 1	building to main	building to right-of-way /right-of-way to main	Notes
City	Case 1	Case 2	
Albany	Property owner		Special City funded lateral replacement program - see attachment 2
Baker City	Property owner		See attachment 1 - Municipal Code section reference
Bandon	Property owner		City responsible for damage or blockage caused by activity in right-of-way
Bay City	Property owner		See attachment 1 - Municipal Code section reference
Beaverton	Property owner		See attachment 2 - Frequently Asked Questions
Boardman	Property owner		See attachment 1 - Municipal Code section reference
Brookings	Property owner		See attachment 2 - Frequently Asked Questions
Columbia City	Property owner		See attachment 1 - Municipal Code section reference
Cottage Grove	Property owner		See attachment 1 - Municipal Code section reference
Fairview	Property owner		See attachment 2 - Frequently Asked Questions
Hood River	Property owner		See attachment 1 - Municipal Code section reference
Lafayette	Property owner		See attachment 1 - Municipal Code section reference
Milwaukie	Property owner		See attachment 1 - Municipal Code section reference
Newberg	Property owner		See attachment 1 - Municipal Code section reference
Oakridge	Property owner		See attachment 1 - Municipal Code section reference
Portland	Property owner		See attachment 1 - Municipal Code section reference
Prineville	Property owner		City will replace for excessive I&I only
Salem	Property owner		City will replace "building sewer" when a property owner voluntarily participates in a City positive protection program to prevent basement flooding from sanitary sewer backups
Sandy	Property owner		See attachment 1 - Municipal Code section reference
Scappoose	Property owner		See attachment 1 - Municipal Code section reference
Silverton	Property owner		See attachment 1 - Municipal Code section reference
Sisters	Property owner		See attachment 1 - Municipal Code section reference
St. Helens	Property owner		See attachment 1 - Municipal Code section reference
Sweet Home	Property owner		See attachment 1 - Municipal Code section reference
Troutdale	Property owner		See attachment 2 - Frequently Asked Questions
West Linn	Property owner		See attachment 1 - Municipal Code section reference
Ashland	Property owner		See attachment 2 - Frequently Asked Questions
Astoria	Property owner		See attachment 2 - Frequently Asked Questions
Fairview	Property owner		See attachment 2 - Frequently Asked Questions
Ontario	Property owner		See attachment 2 - Frequently Asked Questions
Corvallis	Property owner		See attachment 2 - Frequently Asked Questions
Canby		Property owner/City	See attachment 1 - Municipal Code section reference
Central Point		Property owner/City	See attachment 1 - Municipal Code section reference
Monmouth		Property owner/City	See attachment 1 - Municipal Code section reference
Philomath		Property owner/City	See attachment 1 - Municipal Code section reference
Rainier		Property owner/City	See attachment 1 - Municipal Code section reference
Cornelius		Property owner/City	See attachment 2 - Frequently Asked Questions
McMinnville		Property owner/City	See attachment 2 - Frequently Asked Questions

## Sewer Lateral Maintenance Repair Responcibility

### Group 2

Bend	Code not avaiable on website or sewer lateral maintenace not addressed in code
Cannon Beach	Code not avaiable on website or sewer lateral maintenace not addressed in code
Junction City	Code not avaiable on website or sewer lateral maintenace not addressed in code
Keizer	Code not avaiable on website or sewer lateral maintenace not addressed in code
Klamath Falls	Code not avaiable on website or sewer lateral maintenace not addressed in code
Lake Oswego	Code not avaiable on website or sewer lateral maintenace not addressed in code
Lincoln City	Code not avaiable on website or sewer lateral maintenace not addressed in code
Medford	Code not avaiable on website or sewer lateral maintenace not addressed in code
Milton-Freewater	Code not avaiable on website or sewer lateral maintenace not addressed in code
Molalla	Code not avaiable on website or sewer lateral maintenace not addressed in code
Newport	Code not avaiable on website or sewer lateral maintenace not addressed in code
North Plains	Code not avaiable on website or sewer lateral maintenace not addressed in code
Oregon City	Code not avaiable on website or sewer lateral maintenace not addressed in code
Pendleton	Code not avaiable on website or sewer lateral maintenace not addressed in code
Phoenix	Code not avaiable on website or sewer lateral maintenace not addressed in code
Port Orford	Code not avaiable on website or sewer lateral maintenace not addressed in code
Redmond	Code not avaiable on website or sewer lateral maintenace not addressed in code
Reedsport	Code not avaiable on website or sewer lateral maintenace not addressed in code
Roseburg	Code not avaiable on website or sewer lateral maintenace not addressed in code
Seaside	Code not avaiable on website or sewer lateral maintenace not addressed in code
Sherwood	Code not avaiable on website or sewer lateral maintenace not addressed in code
Springfield	Code not avaiable on website or sewer lateral maintenace not addressed in code
Talent	Code not avaiable on website or sewer lateral maintenace not addressed in code
Tigard (CWS)	Code not avaiable on website or sewer lateral maintenace not addressed in code
Tillamook	Code not avaiable on website or sewer lateral maintenace not addressed in code
Toledo	Code not avaiable on website or sewer lateral maintenace not addressed in code
Tualatin	Code not avaiable on website or sewer lateral maintenace not addressed in code
Vale	Code not avaiable on website or sewer lateral maintenace not addressed in code
Wilsonville	Code not avaiable on website or sewer lateral maintenace not addressed in code
Winston	Code not avaiable on website or sewer lateral maintenace not addressed in code
Wood Village	Code not avaiable on website or sewer lateral maintenace not addressed in code

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## **Albany - Title 10 Sewers**

### 10.01.030 Definitions

Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.

Service Lateral. Any pipe between the main sewer lines of the City and the user's plumbing facilities.

### 10.01.130 Service lateral maintenance

Each property owner shall be responsible for the maintenance of the building sewer(s) from the structure or facility served to the connection with the POTW. "Maintenance" shall include, but is not limited to, removal of any blockages, debris, grease, tree roots, and other material as required to ensure a free flow of wastewater through the lateral; disconnection of abandoned services from the public sewer; and prevention of unpolluted water from entering the service lateral.

### 10.01.132 Service lateral replacement

(1) Lateral Replacement within Public Rights-of-Way. The City shall repair or replace structural failures of sanitary sewer service laterals in public rights-of-way when, in the judgment of the Public Works Director, repair or replacement of the service lateral is warranted.

(2) Lateral Replacement on Private Property

(a) Public Improvement Projects. When, in the judgment of the Public Works Director, replacement of a service lateral is required concurrent with a public improvement project, the City may fund replacement of sanitary sewer service laterals on private property from the property line to the structure. The Public Works Director shall consider such factors as the cause of the failure; the age of the lateral; pipe material, length and condition; ease of repair; conflict with existing structures and improvements; budget authority; and competing priorities in determining the scope and extent of City-funded, private service lateral replacements on private property. City-funded replacements of sanitary sewer laterals on private property shall meet City construction standards and shall be contingent on full and complete consent of the property owner.

(b) Other Replacements. Structural failure of building sewers on private property may be eligible for one-time-only, City-funded replacement. When, in the judgment of the Public Works Director, replacement of a building sewer is required for properties directly fronting a public sanitary sewer, the City may replace the building sewer on private property from the property line to the structure. Properties that do not directly front a public sanitary sewer may only be eligible for City participation in replacement of a portion of the building sewer.

### Lateral replacement program

See attachment 2

## **Ashland**

Code not available on website OR reference not found in code – see attachment 2

## **Astoria**

Code not available on website OR reference not found in code – see attachment 2

## **Baker City - Ordinance No. 2827**

An ordinance regulating and controlling operation of the city's sewer system and provision of service to its customers. PASSED by the City Council and APPROVED by the Mayor of the City of Baker, Oregon this 10th day of March, 1981.

### Article 2: Service and Operation

#### 2.020 Operational Policies:

##### Service Abandonment or Deterioration:

- (a) When a service lateral is unused for any period of time resulting in any portion of the service being unsatisfactory, then the City shall charge the cost of making any necessary repairs or replacements prior to providing sewer service to the customer.
- (b) The City shall not be liable for any cleaning, maintenance, upkeep or repair to any sewer connection between the main and the premises being served, whether in public right of way or not, unless the necessity thereof is clearly attributable to an action of the City.

## **Bandon - Title 13 Public Services**

### 13.08 SEWER SERVICE SYSTEM

#### Article I. General Provisions and Definitions

##### *13.08.020 Definitions.*

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

"Public sewer" means a common sewer controlled by a governmental agency or public utility.

#### Article III. Building Sewers and Connections

##### *13.08.220 Additional requirements of sewer owner or user.*

C. The City shall be responsible for maintaining and repairing all sewer main lines. The property owner(s) shall be responsible for maintaining and repairing the sewer lateral line(s) serving their property, from their origination point to their connection with the City's sewer main line. Notwithstanding the above requirement, however, the City will be responsible for repairing sewer lateral lines in cases where damage or blockage to such lines has been caused by activity in the right-of-way, including but not necessarily limited to, vehicular traffic, street or utility construction or repair, main line breakage or obstructions, and roots from City-maintained trees.

## **Bay City - Ordinance No. 516**

An ordinance establishing regulations governing sewer connections and providing rules and regulations for operation of the sewer system. PASSED and ADOPTED by the City Council this 12th day of January, 1993 and APPROVED by the Mayor this 12th day of January, 1993.

### **Section 3. Definitions.**

3.2 Building Sewer: The conduit which connects building wastewater sources to the public or street sewer including lines serving homes, public buildings, commercial establishments and industry structures. In this specification, the building sewer is referred to in two sections: (1) the section between the building line and the property line, frequently specified and supervised by plumbing or housing officials; and (2) the section between the property line and the street sewer, including the connection thereto, frequently specified and supervised by sewer, public works or engineering officials. (Referred to also as "house sewer," "building connection," "service connection.").

### **Section 14. City Main Lines.**

The City owns all main lines. Any connection to or disconnection from the City mains, will be made by the Public Works Superintendent or a City employee under his/her direction, or by a private contractor, subject to Council approval as provided below. Installation shall be in accordance with City standards for material and installation.

### **Section 15. User Line.**

The user line is the line from the City main line to the residence or other structure. A user line, or house service line, will be laid and maintained at the expense of the user who shall protect such line from injury and be responsible for all damages resulting from leaks, breaks or other causes. The user may construct his/her own customer line or may hire a contractor. The installation shall be done in accordance with all State, County and City licensing and bonding regulations relative to the construction. The customer line shall be at least four inches in diameter, inside measurement.

## **Beaverton - Title 4 Utilities and Sanitation**

### **4.05 SEWER REPAIRS**

#### **4.05.010 Definitions.**

Sewer lateral – A sewer that connects to a sewer main and terminates on abutting or other real property and that is constructed, used or maintained for the purpose of carrying sewage from the real property to a sewer main.

Sewer main – A sewer in which all owners of abutting or other real property have rights to its use and benefit and that is controlled by the City.

#### **4.05.015 Liability of Owner.**

Except as provided in BC 4.05.020, the owner of real property on which a sewer lateral terminates shall be liable for the costs, expenses, and charges incurred in the repair of the sewer lateral.

#### **4.05.020 Liability of City.**

The City shall be liable for the costs, expenses and charges for the repair of a sewer lateral that has been constructed by or on behalf of the City, if the repair is made necessary because of faulty materials, improper construction or because of work done by or on behalf of the City in the repair, alteration or improvement of the street, alley or right-of-way in which the sewer lateral is located.

#### 4.05.025 Repair of Sewer Laterals.

A. If repair of a sewer lateral becomes necessary and requires work in a street, alley or public right-of-way, the repair may be made by the owner of the real property or the owner's agent where the sewer lateral terminates. However, the owner or the owner's agent shall first:

1. give written notice to the director of the operations department (hereafter operations director) of the necessity of the repair and of the owner's intention to make the repair;
2. execute a bond in favor of the City in an amount to be determined by the City engineer, with a surety licensed to do business in the State, to guarantee the completion of the work contemplated and the repair of any streets, curbs, sidewalks or sewer mains that may be damaged during the repair of the sewer lateral; and
3. obtain a permit to repair the sewer lateral from the City engineer.

B. If the operations director determines that the repair of a sewer lateral is necessary for the proper functioning of the sewer lateral, the City may repair it or employ a private contractor after first giving notice of its intention to do so to the owner of the real property where the sewer lateral terminates, unless the owner, within 30 days after receiving the City's notice, gives written notice to the operations director of the owner's intention to have the repair made and thereafter diligently performs the work after complying with the provisions of subsection A.

C. If the operations director or other official of the City, the County health department or State Board of Health determines that a sewer lateral constitutes a health hazard or creates a danger to persons or property, the City, may immediately perform or employ a private contractor to immediately perform the required work without giving notice.

#### 4.05.030 Repair of Sewer Mains.

If a sewer main requires repair because of the roots of trees, shrubs or other plants that are growing into or near the sewer main, the owner of the real property on which the trees, shrubs or other plants are located, or if the trees, shrubs or other plants are located on a street, the owner of the abutting real property, shall be liable for the costs, expenses and charges incurred by the City in the repair of the sewer main.

## **Bend**

Code not available on website OR reference not found in code – see attachment 2

### **Boardman - Title 13 Public Services**

#### **13.08 SEWER SERVICE SYSTEM**

##### 13.08.010 Definitions of general terms.

“Building sewer” means the extension from the building drain to the property line or right-of-way line and connection with the public sewer service connection.

“Public sewer” means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority and the public sewer lies within the limits of the public authority.

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwater is not intentionally admitted.

“Service connection” means a public sewer which has been constructed to the property line or right-of-way line from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

##### 13.08.040 Description of service.

C. Ownership of System. Upon acceptance by the city, sewer mains, laterals and connections shall be turned over to the city free and clear of any and all expenses. The city shall maintain the sewer mains. All laterals to the main shall be the maintenance responsibility of the property served. Connections of the laterals to the sewer mains shall be the responsibility of the city. The city may refuse connection to any main by laterals which have not been physically inspected for complete and satisfactory installation, unless the city has provided written authorization for such connection. Such inspection shall be borne by the property owner placing the sewer collection laterals. However, should the owner of individual property which was not documented as inspected at the time of installation require immediate service, such service may be extended following posting of bond sufficient to defray any costs of repairing subsequent leakages or stoppages, when the provisions of Section 13.08.070(N), contractor’s bond, has not been complied with.

## **Brookings - 13.10 Sewer Use Regulations**

### Article I. 13.10.010 Definitions.

“Building sewer” shall mean the extension from a building of the building drain to the public sewer or other place of disposal.

“Public sewer” shall mean a sanitary sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

“Sanitary sewer” shall mean a conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

### Article IV. Public Building Sewers and Connections 13.10.260 Responsibilities of owner.

The property owner or his agent shall be responsible for the operation, maintenance and condition of the entire building sewer, starting at the sewer main in the street or sewer easement right-of-way. The property owner shall install a clean-out at the street or sewer easement right-of-way line.

## **Canby - Title 13: Public Services**

### 13.08.010 Definitions

Branch Sewer shall mean a conduit extending from the plumbing or drainage system of a building or buildings to and connecting with a public or private sanitary or storm sewer, within a street right-of-way.

Building Sewer shall mean the extension from the building drain to the property line or right-of-way line and connection with the public sewer service lateral.

Lateral shall mean a sanitary sewer which will receive the flow from service connections and discharge into a main, trunk or interceptor.

### 13.08.160 Building sewers and laterals.

G. The city shall be responsible for the general maintenance of service connection laterals but shall bear no responsibility for the repair or maintenance of private building sewers. In any case where city crews are called upon to make repairs to a lateral and the repairs also include work done on the building sewer, the property owner shall be billed for any and all work undertaken as a result of a blockage which was located on private property.

## **Cannon Beach**

Code not available on website OR reference not found in code



## **Central Point - Title 15 Buildings And Construction**

### 15.12.010 Definitions.

- A. The term "branch vents" is applied to the branches from the fixture trap to the main vent.
- B. The term "drainage work" is applied to the house sewer and house drain and its horizontal branches collectively or separately.
- C. The term "house drain" is applied to that part of the main horizontal drain and its branches inside of the walls of the buildings, vault or area extending to and connecting with the house sewer.
- D. The term "house sewer" is applied to that part of the main drain or sewer extending from a point five feet from the outer wall of the building, vault or area to its connection with public sewer, private sewer or septic tank.

### 15.12.080 Sewer maintenance.

- B. Private Property. No maintenance of any service line within private property shall be performed by the city.

## **Columbia City - Ordinance No. 470**

### Section 1. Definitions.

Building Sewer. The exterior extension from the "building drain" which starts five feet from a building and extends to the public sewer or other place of disposal.

Main Sewer. The principal sewer to which branch sewers and submains sewers are tributary, also called trunk sewers.

### Section 2. Use Of Public Sewers Required

#### 2.5 Responsibility for Public & Private Sewers.

Except as stated in this ordinance, the City shall control, maintain and be responsible for all public sewers within the streets, alley right-of-ways, and on easements, and such control, maintenance and responsibility shall be exercised pursuant to the general rules and regulations of the City.

- b. Direct flow building sewers: All portions of the sewers on private property from the structure's building drain up to the City's main sewer line shall be maintained by the owners of the property.

## **Cornelius**

Code not available on website OR reference not found in code – see attachment 2

## **Corvallis**

Code not available on website OR reference not found in code – see attachment 2

## **Cottage Grove - Title 13 Public Services**

### **Chapter 13.08 SEWER REGULATIONS**

#### 13.08.010 Definitions.

“Collection system” means the system of public sewers, to be operated by the city, designed for the collection of sanitary sewage. This definition excludes facilities which convey wastewater from individual structures from private property to the public service lateral sewer.

“Customer lateral” means any sewer pipe between the public service lateral and the premises being served.

“Public sewer” means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

“Service lateral” means any sewer pipe between the main sewer line of the city and the property line of the customer. Service lines exist only on public property or public rights-of-way.

#### 13.08.120 Cleanouts.

It is the customer's responsibility to install a means for the city to clean and inspect his public service lateral located between the property line and the main sewer line. The city shall not attempt to clean, inspect or repair a public service lateral until a sewer cleanout is in place adjacent to the property or right-of-way line where the customer's lateral enters the public service lateral. Such cleanouts shall be installed to city specifications by the customer at his expense. It is the customer's responsibility to maintain such cleanout so that its use is readily available by the city.

## **Hood River – Title 12 Public Utilities**

### **12.03 Wastewater Services**

#### 12.03.060 System Under Exclusive Control of City Engineer - Damage Responsibility.

B. The owner will maintain all service connections in good order, and will make all necessary repairs and replacements of the service lateral and other parts thereof. Each user is required to take all due precautions to protect the connection through which he/she is served from damage by freezing, hot water, traffic or tampering, and any damage arising through lack of such precaution shall be charged to the user.

## **Junction City**

Code not available on website OR reference not found in code

## **Fairview**

Code not available on website OR reference not found in code – see attachment 2

## **Keizer**

Code not available on website OR reference not found in code

## **Klamath Falls**

Code not available on website OR reference not found in code

## **Lafayette - Chapter 4 Utilities**

### 4.000 Definitions.

Building sewer. The extension from the building drain to the public sewer or other place of disposal.

### 4.005 Use of Public Sewers Required

(8) Any existing private sewer line or house service line connecting to any city sanitary sewer and which is deemed to be a hazard to public health due improper construction, deterioration, lack of repair and maintenance, or from any other cause shall, upon determination of the existence of such hazard by the city administrator, be repaired as directed by the city administrator. Such repairs shall be completed within 30 days of the date of delivery to the owner or occupant of the property of written notice to make the repairs.

### 4.045 Maintenance and Damage Responsibility for Private Sewer Lines

The customer shall be responsible for the maintenance of the private sewer line from the public sewer connection to the premises served. The city shall not be liable for any damage accruing from the failure of a private sewer or of fixtures or appurtenances attached thereto.

## **Lake Oswego**

Code not available on website OR reference not found in code

## **Lincoln City**

Code not available on website OR reference not found in code

## **McMinnville**

Code not available on website OR reference not found in code

## **Medford**

Code not available on website OR reference not found in code

## **Milton-Freewater**

Code not available on website OR reference not found in code

## **Milwaukie - Title 13 Public Services**

### 13.12 Sewer System

#### 13.12.010 Definitions

“Building sewer” means the system which receives sewage inside the walls of the building and conveys it to the service lateral.

“Collection sewer” means a sewer to which one or more service laterals are tributary and which serves a local neighborhood.

“Sanitary sewer” means a pipe or conduit which carries sewage and to which stormwaters, surfacewaters and groundwaters are not intentionally admitted.

“Service lateral” means the extension from a building drain to the trunk or collection sewer.

#### 13.12.030 Permit and construction requirements

I. The sewer system user at all times shall at their expense, operate and maintain the service lateral and building sewer in a sanitary manner to the collection trunk or interceptor sewer at no expense to the city.

## Molalla

Code not available on website OR reference not found in code

## Monmouth – Title 7 Utilities

### 72.100 Definitions

(3) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

### 72.200 Repair and Replacement

72.200 Repair and Replacement. (1) Any building sewer, whether upon private property or within the street or other public right-of-way, found to be damaged, obstructed or permitting infiltration of ground or surface waters shall be repaired or replaced when so ordered by the Director. All repair work must be inspected by the City. The cost of such repair or replacement for that portion of the building sewer which is on private property shall be borne by the owner of the property served by the building sewer. Costs of repair within public rights-of-way shall be borne by the City.

(2) Property owners notified to repair or replace building sewer shall do so within the time specified in the notice. If property owners fail to make repairs the City may make or cause to be made the repairs, in which case the costs of such repair work shall become a lien against the property which may be satisfied as set forth in section 72.210 below. Such lien would accrue interest.

(3) The City shall have the power to repair or replace building sewers found to be defective in any case where the property owner has failed to make the order repairs in a timely manner. Such repairs or replacement shall be made at property owner's expense.

(4) For violations of this ordinance due to failure to obey an order of the Director to repair or replace, and in addition to the remedies provided in section 72.220, the City may impose a penalty in an amount not to exceed \$100 for each monthly billing period during which such violation continues.

## **Newberg - Title V: Public Utilities**

### 51: Sewers

#### 51.04 Definitions.

**BUILDING SANITARY SEWER.** That part of the horizontal piping of a wastewater drainage system beginning five feet or more from any building or structure, and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage-disposal system or other point of disposal.

**LATERAL SEWER.** Any side lateral off a sewer main line which is in the public right-of-way or easement, operated and maintained by the city and to which a building sewer connects or may connect.

**PUBLIC SEWER.** Any sewer in public right-of-way or easement operated and maintained by the city.

**SIDE SEWERS.** The city sewer between the property line and main or trunk sewer of the city sewer system, also called a lateral sewer.

#### 51.17 Sewer Connection Procedures.

(O) *Owner responsibility.* It shall be the responsibility of the owner, lessee or occupant of a building to maintain the building sanitary sewer or private collection system in a free flowing and watertight condition, from the structure served to the public sewer or the property line.

## **Newport**

Code not available on website OR reference not found in code

## **North Plains**

Code not available on website OR reference not found in code

## **Oakridge - Title V: Public Works**

### 51. Sewers

#### 51.01 Definitions.

**BUILDING DRAIN.** The part of the lowest horizontal piping of a sewer system which receives the discharge from sewer drainage pipes inside the walls of the building and conveys it to the building sewer, ending five feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER or SEWER SERVICE LATERAL.** The extension from the building drain to the public sewer or other place of disposal.

#### 51.21 Use Of Public Sewers Required.

(2) The owner shall be responsible for the cost of the connection, including the installation and maintenance of any necessary pumps, pipelines or equipment.

## **Ontario**

Code not available on website OR reference not found in code – see attachment 2

## **Oregon City**

Code not available on website OR reference not found in code

## **Pendleton**

Code not available on website OR reference not found in code

## **Philomath - Title 13 Public Service And Utilities**

### **13.20 Sewer System**

13.20.020 Definition of terms.

“Building sanitary sewer” means that part of the horizontal piping of a wastewater drainage system beginning five feet or more from any building or structure and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

“Lateral sewer” means any side lateral off a sewer main line which is in the public right-of-way or easement, operated and maintained by the city, and to which a building sewer connects or may connect.

“Side sewers” means the city sewer between the property line and main or trunk sewer of the sewer system; also called a lateral sewer.

13.20.120 Sewer renovation.

Any customer’s building sanitary sewer connected to the sewer system outside of the city’s right-of-way and within the bounds of the customer’s property which may be determined by the city to be causing infiltration of surface, storm or groundwater into the sewer system shall be repaired within 60 days after the date of official notice to the legal property owner to do so. All costs for said repair shall be borne by the customer.

## **Phoenix**

Code not available on website OR reference not found in code

## **Port Orford**

Code not available on website OR reference not found in code

## **Portland - Title 17 Public Improvements**

### 17.32 Sewer Regulations

#### 17.32.055 Maintenance of Sewer Systems.

##### *A. Definitions.*

1. "Building Sewer" means a private conduit extending from the plumbing system of a building to a sewer service lateral or public sewer.
2. "Common Private Sewer System" means that portion of a building sewer that:
  - a. is not owned by the City of Portland
  - b. is used for draining more than one building under different ownership; and
  - c. conveys the discharge to a sewer service lateral, public sewer, private sewage disposal system, or other point of disposal.
3. "Private Sewer Service Lateral" means a sewer service lateral that:
  - a. is designated by the City Engineer as "private" when it is permitted by the City, constructed by the property owner, and approved by the City,
  - b. is not accepted by the City as a public facility, and
  - c. remains the responsibility of the property owner it serves.
4. "Projected Future Curbline" means:
  - a. the designated location of the curbline on city plans for street construction; or
  - b. the location of the future curbline based on an assumed future street width of 28 feet centered in the public right-of-way; or
  - c. the edge of the right-of-way if it is less than 28 feet wide.
5. "Public Right-of Way" means the area within the confines of a dedicated public street, an easement owned by the City, or other area dedicated for public use for streets or public utility facilities.
6. "Public Sewer" means all pipes, manholes, and other appurtenances constructed by the City's Bureau of Environmental Services, or permitted under a public works permit and accepted by the City's Bureau of Environmental Services, for collecting and transporting sewage received from sewer service laterals and common private sewer systems.
7. "Public Sewer Easement" means a grant of the right by a property owner to the City to use a strip of land for placement and maintenance of public sewer facilities.
8. "Sewer Service Lateral" means the portion of a conduit that:
  - a. is located in a public right-of-way;
  - b. extends from a public sewer to the curbline, or projected future curbline if no curb exists;
  - c. receives the discharge from a building sewer or common private sewer system; and
  - d. is not a common private sewer system.
9. "Wye-Head" means the connection between a public sewer and a sewer service lateral, a building sewer, or a common private sewer system.

## *B. Maintenance of Sewer Systems*

1. Commencing on October 25, 2002, the City assumes responsibility for inspection, maintenance, and repair of:

- a. Sewer service laterals, unless the BES Chief Engineer finds there is evidence that the lateral:
  - (1) was not constructed legally, or
  - (2) was constructed as a private sewer service lateral.
- b. Wye-heads that are located within easements.

2. City's assumption of responsibility for inspection, maintenance, and repair of public sewers, sewer service laterals and wye-heads is subject to the City's annual budget appropriation and shall be limited to the level of service dictated by the City Council's discretionary budget decision. The City assumes no responsibility for activities requiring a level of inspection, maintenance, or repair in excess of the level for which funds have been appropriated.

3. Property owners remain responsible for inspection, maintenance, and repair of building sewers. In addition to complying with requirements imposed elsewhere in the City Code or state law, property owners shall meet the following requirements:

- a. If any portion of a building sewer extends into a public right-of-way, the property owner shall obtain a permit pursuant to PCC Section 17.24.010 before performing work within the right-of-way.
- b. Except while making minor repairs to existing non-conductive, unlocatable facilities, a property owner burying non-conductive, unlocatable facilities within a public right-of-way or utility easement shall place a tracer wire or other similar conductive marking tape or device with the facility to allow for later location and marking. Marking materials shall be installed in accordance with standards contained in the permit authorizing work within the public right-of-way.

## **Prineville - Title V: Public Works**

### 51: Sewers

#### 51.002 Definitions

**BUILDING SEWER.** The extension from the building drain to the public sewer or other points of disposal.

**SERVICE CONNECTION.** That part of the public sewer which extends from a street sewer and receives flow from a building sewer or a building drain and which may or may not include a STEP system.

#### 51.085 Notice To Correct.

All property owners identified by the city as contributors to excessive or improper infiltration or inflow into the public sewer shall be advised in writing of their infiltration and inflow problems by the city.

#### 51.086 Time Limit For Corrective Action.

The owners of all properties who need to take corrective action shall be provided a 60-day grace period in which to correct the infiltration and inflow problems as identified by the city. The 60-day grace period shall commence on the date of notification.



#### 51.087 Notice Of Corrective Action Taken.

By the end of the 60-day grace period, each property owner shall notify the city that corrective actions have been or are in progress of being taken. Details with respect to corrective actions taken or expected to be taken and the anticipated completion date shall be specified in the notification to the city.

#### 51.088 Failure To Correct.

(A) *Failure to notify.* A property owner who fails to notify the city of corrective actions prior to the end of the 60-day grace period shall be subject to termination of service, without further notice. The termination of service shall include immediate discontinuance and shut off of the property owners water service, if the service is provided by the city, until the violation shall have been corrected in accordance with federal, state and city regulations.

(B) *Continuation of excess infiltration or inflow.* In the instance that excessive or improper infiltration or inflow into the public sewer of the city shall continue beyond the 60 day grace period, it is hereby declared that the continuing infiltration or inflow is a public nuisance, that the city shall have the right to abate the public nuisance and to enter upon any private property within the city for such purpose and shall assess the cost of the abatement as a lien against the property upon which the continuing infiltration and inflow occurs and shall assess the cost of the abatement to the property upon or from which the infiltration and inflow occurs. The assessment shall be levied by the filing of a statement of the costs together with the description of the property or properties to be assessed, together with the names of the owner(s) thereof with the City Manager, whereupon the City Manager shall forthwith enter the assessment as a lien against the property. An administration fee of 15% of the cost shall also be charged and collected by the city in addition to all costs of abatement.

### **Rainier - Title 13 Public Utilities**

#### Chapter 13.05 Sewer System

##### 13.05.010 Definitions.

J. "Public sewer" means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

K. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

N. "Service connection" means a public sewer that has been constructed to the property line or right-of-way from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

O. "Building sewer" means the extension from the building drain to the property right-of-way line for the connection with the public sewer service connection.

##### 13.10.030 Sewer permit and permit fees.

E. Service Calls. The city assumes no responsibility for the adequacy, reliability or maintenance of the "building sewer." Blockage or other malfunctions of the building sewer shall be corrected by the property owner at his expense.

## **Redmond**

Code not available on website OR reference not found in code

## **Reedsport**

Code not available on website OR reference not found in code

## **Roseburg**

Code not available on website OR reference not found in code

## **Salem - Title VI Sewer And Water**

### 73 Sewers

73.015. Abbreviations And Definitions.

Building sanitary sewer. That part of the horizontal piping of a wastewater drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the POTW, private sewer, individual sewage-disposal system or other point of disposal.

Lateral sewer. Any public sewer to which a building sewer connects or may connect.

Public sewer. Any sewer in public right-of-way or easement operated and maintained by the City.

73.095. Responsibility For Building Sanitary Sewer.

(a) It shall be the responsibility of the owner, lessee, or occupant of a building to maintain said building sanitary sewer or private collection system in a free flowing and watertight condition, from the structure served to the point of connection on the public sewer main.

(b) When the City contracts for a sanitary sewer reconstruction, replacement or rehabilitation project or when a property owner voluntarily participates in a City positive protection program to prevent basement flooding from sanitary sewer backups by modifying existing house plumbing, the City will replace any building sanitary sewer from the building drain to the public sewer found defective in accordance with SRC 73.100. In the event the property owner does not permit the City to perform the above-mentioned work, the City will require the property owner to test the building sewer from the building drain to the property line within one year of the contract project completion with the method described in SRC 73.080. If the building sanitary sewer is found defective in accordance with SRC 73.100, the owner shall immediately proceed to replace the building sewer at the owner's expense.

73.100. Infiltration And Inflow Limitations; Private Sewers And Building Sanitary Sewers.

(a) New and existing private and building sewers will be monitored for leaks or discharges of extraneous water. This monitoring may take, but is not limited to, the following forms:

- (1) Direct visual observation;
- (2) Indirect measurement;
- (3) Television inspection; or
- (4) Air or water pressure tests, smoke tests, or exfiltration tests.

(b) If, in the opinion of the Director, monitoring shows a private or building sanitary sewer to be defective, the Director may require the sewer be replaced to current City standards.

Replacement shall be required if:

- (1) The sanitary sewer service fails a tightness test as described in SRC 73.080; or,
- (2) Existing pipe material, condition or installation is found unacceptable by the Director.

(c) If the responsible user disputes the Director's requirement that the sewer be replaced, the user may test the service at the user's own expense. The results of the test will be the basis of the Director's final decision.

(d) All new construction of private sewer systems including single family dwellings, shall conform to the UPC Sec. 318.

(e) All existing private sanitary sewer collection systems shall be maintained in a safe and sanitary condition. Existing private sanitary sewer systems exceeding a maximum allowable infiltration/inflow rate of more than 300 gallons per day per single detached living unit or 1,200 gallons per acre per day are deemed unsafe and unsanitary and shall be repaired.

(f) Those users of systems identified in subsection (e) of this section who do not comply with the infiltration/inflow regulations shall have a period of time as determined by the Director, but not to exceed 12 months to reach compliance with the regulations.

### **Sandy - Title 13 - Water & Sewer**

#### **13.12 - Sanitary Sewer System Rules and Regulations**

##### 13.12.140 Replacements on private property.

The building official, the city engineer, public works superintendent or any other authorized employee or person shall have the right to enter upon the premises and enter any house or building within the city sewage system during normal working hours, eight a.m. to five p.m., and except upon emergencies, the giving of twenty-four hour notice, for the purpose of inspection of sewers, drains, traps and plumbing fixtures connected therewith. If it is found from such inspection or otherwise that any provision of law or ordinance is not being complied with in any respect, or that any part of the drainage system is in need of cleaning out or repair, the building official or other city representative shall immediately serve notice upon the owner and upon the tenant or occupant, specifying the work to be done to make the installation, system or condition comply with state law, Board of Health code and city ordinances and standards.

### **Scappoose - Title 13 Public Services**

#### **13.12 Sewer Service System**

##### 13.12.010 Definitions.

"Building Sewer" means that part of the lowest horizontal piping of a plumbing system which receives the discharge from soil, waste, and other drainage pipes from inside the walls of the building and conveys it to the sewer main located in the abutting street, alley, or right of way. The City of Scappoose owns that portion of the Building Sewer which lies in the City right of way.

##### 13.12.040 Building sewers and connections.

L. Building sewers shall be connected to city-owned and installed lateral, main or trunk sewers adjacent to the property to be served. Plugs shall be carefully removed from building sewers (where present) at the property line and the building sewer connected watertight after testing and acceptance by the city's representative. Maintenance, cleaning, and repair of building sewers to the sewer lateral, sewer main, or trunk sewer, shall be the responsibility of the owner of the property served by the building sewer.

## **Seaside**

Code not available on website OR reference not found in code

## **Sherwood**

Code not available on website OR reference not found in code

## **Silverton - Title 13 Utilities**

### Division II. Sewage Disposal

#### 13.32 Sewage Definitions

“Building sewer” means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

“Public sewer” means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

“Service connection” means a public sewer which has been constructed to the property line or right-of-way line from a public main for the sole purpose of providing a connection for the building sewer.

#### 13.44 Building Sewers and Connections

##### *13.44.040 Costs of installation and connection.*

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. It shall be the responsibility of the owner, lessee or occupant of a building to maintain the building sanitary sewer or private collection system in a free-flowing and watertight condition, from the structure served to the public sewer. All existing private sewers shall be maintained in a safe and sanitary condition.

##### *13.44.080 Leaks and extraneous discharges – Monitoring procedures.*

A. New and existing private sewers, building drains and building sewers will be monitored for leaks or discharges of extraneous water. This monitoring may take the form of, but is not limited to:

1. Direct visual observation;
2. Indirect measurement;
3. Tele-inspection; or
4. Air or water pressure tests, smoke tests, or exfiltration tests.

B. If, in the opinion of the city engineer, such monitoring shows a sewer to be defective, no further proof is needed for the city engineer to require the sewer to be repaired to current standards.

C. Existing sewer exceeding a maximum allowable infiltration/inflow rate of more than 300 gallons per day per single detached living unit, or 1,200 gallons per acre per day, are deemed unsafe and unsanitary and shall be repaired.

D. Those users who do not comply with these infiltration/inflow regulations shall have a period of time, as determined by the city engineer, but not to exceed six months, to reach compliance with the regulations.

## **Sisters - Title 13 Public Services**

### 13.50 Sewer Use Provisions

#### 13.50.010 Definitions.

Building Sewer. The extension from the building drain to the public sewer or other place of disposal.

#### 13.50.050 Building Sewers and Connections.

The City will be responsible for all public sewers (mainlines) throughout the City. All property owners will be responsible for the sewer service laterals from the public sewer (mainline) to the building.

## **Springfield**

Code not available on website OR reference not found in code

## **St. Helens - Title 13 Public Services**

### 13.12 Sewer Use Regulations

#### 13.12.010 Definitions

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

#### 13.12.040 Building sewers and connection

Service Laterals. Service laterals from a structure to the main sewer line shall be maintained by the owner of said structure in such a manner as to prevent infiltration of groundwater into the collection system.

## **Sweet Home - Ordinance 13.08 Sewer Service System**

### Article II Definitions

"Building sewer" shall mean the extension from the building drain up to and including the connection fitting on the public sewer or other place of disposal.

"Service lateral" shall mean the building sewer up to and including the connection fitting on the public sewer.

### Article V Building Sewers and Connections

Section 12. Maintenance and repair of the building sewer is the responsibility of the owner of the property served. The building sewer may extend any distance of 3", 4", 6", 8" or larger pipe size to a public main as defined with segment endpoints with appurtenances or to a point on the building sewer where a second building sewer from a second property is connected.

## **Talent**

Code not available on website OR reference not found in code

## **Tigard (CWS)**

## **Tillamook**

Code not available on website OR reference not found in code

## **Toledo**

Code not available on website OR reference not found in code

## **Troutdale - Title 12 Public Works**

12.01.030 Ownership and responsibility.

The city is not required to operate, maintain or repair private property connected to public works facilities.

## **Tualatin**

Code not available on website OR reference not found in code

## **Vale**

Code not available on website OR reference not found in code

## **West Linn - 4 Utilities Sewer Regulations**

4.000 Definitions.

Building Sewer. The extension from the building drain to the public sewer or other place of disposal.

4.045 Maintenance and Damage Responsibility for Private Sewer Lines.

The customer shall be responsible for the maintenance of the private sewer line from the public sewer connection to the premises served. The city shall not be liable for any damage accruing from the failure of a private sewer or of fixtures or appurtenances attached thereto.

## **Wilsonville**

Code not available on website OR reference not found in code

## **Winston**

Code not available on website OR reference not found in code

## **Wood Village**

Code not available on website OR reference not found in code

## Attachment 2 - Sewer Laterals Survey – Background Information

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## **Albany - Sewer Lateral Replacement Program**

Leaking or broken sewer laterals are a problem for most cities. These lines which connect your home drains to the public sewer system are potential cause of groundwater pollution, and of storm water infiltration and inflow (I&I) into the sanitary sewer system. It's important to keep these laterals in proper working order.

In 1999, the Albany City Council approved an ordinance that allows a one time replacement for qualifying sewer service laterals on private property.

### **Sewer Lateral Replacement Process**

**Step 1:** Complete an application and submit it to the Public Works Department.

**Step 2:** A contractor visits the site to do a TV camera inspection of the private sewer lateral and of the public sewer main and places location marks to indicate where the private lateral joins the public sewer main.

**Step 3:** If your system qualifies for the program the project manager may schedule a site visit to discuss specific construction issues with the property owners. If your system doesn't qualify you will receive a phone call and follow up letter explaining why.

**Step 4:** Property owners must sign the sewer lateral replacement agreement form and any public utility easements needed. These require the use of a Notary Public which can be provided by the City of Albany Public Works Department at no charge.

**Step 5:** The project manager will meet on site with a group of contractors to discuss the construction requirements. Contractors will be asked to submit bids to the City within a specified time period. The City will award the project to the lowest qualified bidder.

**Step 6:** The property owner will be contacted by the City's project manager and/ or the contractor with a tentative schedule of construction. Projects average two days in length.

**Step 7:** Upon completion of the project, arrangements will be made for a contractor to return to TV the new sewer lateral before payment is made to the contractor.

**Step 8:** The new sewer lateral pipe comes with a standard one year warranty against defects in workmanship. This warranty also includes the trench line and any settling that may occur.

**Step 9:** After the standard one year warranty, the property owner is responsible for the general maintenance of the new sewer pipe on private property, including the removal of any blockages that interrupt the free flow of wastewater through the sewer lateral.

### **Sewer Lateral Replacement Program Questions**

#### **What is the property owner required to pay?**

The costs associated with the pipe installation and basic leveling of the trench area soil, sprinkled with grass seed is paid for through the Sewer Lateral Replacement Program fund. Any property restoration above the amount of \$750.00 will be the responsibility of the property owner. Common restoration items include fences, walkways and patios.

#### **Will the City of Albany reimburse my plumbing bills related to my damaged sewer lateral?**

No. The City will only pay for expenses which have been pre-authorized by the project manager after the application has been received.



### **How long does this process usually take?**

The process from application to the final TV inspection ranges up to 3 weeks. Factors that affect the schedule of City and contractor include emergency sewer lateral replacements and easement access acquisition issues.

### **My sewer lateral crosses my neighbors property. Can it be replaced?**

Yes. The Uniform Plumbing Code requires that a private utility easement be established prior to the installation of the new sewer lateral

### **What is a utility easement?**

There are two types of utility easements associated with the Sewer Lateral Replacement Program.

#### 1) Private Utility Easement

This is an agreement between two property owners covering the replacement and repair rights of the grantees sewer lateral. Generally, the grantor promises to not build any permanent structures over the area described in the easement document and to allow access to the easement for maintenance purposes. The grantee generally promises to return the grantor's property to an equal or better condition after any maintenance work is performed.

#### 2) Public Utility Easement

This is an agreement between the property owner(s) and the City of Albany. The agreement covers the repair and replacement rights of a public utility that is owned and maintained by the City of Albany and is located on or near the grantor's private property.

The grantor promises to not build any permanent structures over the area described in the easement document and to allow access to the easement for maintenance purposes. The grantee promises to return the grantors property to an equal or better condition after any maintenance work is performed.

### **Who do I contact if problems arise in the future?**

The project manager should be the first person you call. The lateral replacement comes with a standard one year warranty, which covers the pipe and any ground settlement that may occur over the new pipe. After the one year warranty, the pipe and ground is the responsibility of the property owner.

The maintenance of the new sewer lateral is the responsibility of the property owner. This maintenance includes ensuring free flow of waste through the lateral to the Public sewer main and any physical repairs required on private property. In the event that the sewer lateral fails structurally in the public right-of-way, the City of Albany will repair the sewer lateral.

## Grants Pass

### City Council Meeting Minutes August 1, 2001

#### 1. Resolution adopting a sanitary sewer lateral replacement policy.

Utilities Director Amundson presented the Staff report, stating the City has completed two major sanitary sewer replacement projects, in portions of 6th, 7th and Jackson Streets (in support of the reconstruction of 6th and 7th) and in Prospect, Savage and Hawthorne Streets (as part of a long-term strategy for replacement of undersized and badly deteriorated sewer mains). Since this type of construction is expensive and brings significant inconvenience to adjoining property owners, several financial incentives were implemented to soften the impact of the projects. The Wastewater Division participated in the cost of replacing private sewer laterals that extend from the sewer main to the edge of the street right-of-way (about 50%); lateral segment replacement was included in the overall project designs, with the replacements being bid by the linear foot and the amounts averaged; and financing options were offered to property owners. The financial incentives offered by this approach discouraged property owners from hiring their own contractor for replacing their laterals in the right-of-way. This avoided work conflicts brought about by multiple contractors trying to work in the same area, and minimized the need for street and sidewalk cuts after the City's portion of the work was completed. City staff believes these financial incentives should be incorporated into standard practice for replacing sanitary sewer laterals during City replacement/rehabilitation projects.

Reasons for proposing this new policy for sewer replacement/rehabilitation projects include:

- the work is being done at City convenience, and not at customer request, typically prior to major road reconstruction or for rehabilitation of badly deteriorated sewer mains;
- the sanitary sewer doesn't run down the center of the street, which would result in uneven costs to properties on opposite sides of the street, and without averaging, the cost would depend upon where a property line lies;
- and even though averaging all lateral costs and splitting evenly to customers isn't fair to short side customers, if the City pays half of the lateral replacement cost in the right-of-way, then all customers would be paying less than the full short side replacement cost.

Also, an AFD cannot be formed until construction is complete, so it is difficult to predict to customers what their cost will be. By pre-pricing the lateral replacement (based on engineer's estimate) and specifying these costs in the bid specifications, contractors are prevented from loading extra costs into the lateral replacement portion of their bid, giving unfair cost to all property owners. This allows advance notice to customers what their share of the lateral replacement cost will be. The policy also allows customers to get their own independent cost estimates for lateral replacement on their property, since this work does not include making street or sidewalk cuts. Customers will be notified sufficiently in advance so they could choose to hire their own contractor to replace their sewer laterals in the right-of-way before the City project is underway. And the policy provides financing options for those owners who do not pay cash. Payments would be due monthly, with the payments and financing period based on the total amount financed.

He added we are not including a couple of things in the policy right now. One is when we find existing combined sewer laterals that serve two or more tax lots, and one is where we find laterals on private property that are composed of what we believe to be substandard materials. We'll deal with that in the future, with changes recommended in the sewer ordinance as well as in the Development Code.

Councilor Patterson asked with a 20-foot front setback, what the typical length for a home-owners share - their half. Utilities Director Amundson stated it could be up to \$1000 or so. City Manager Peterson reminded Council we will not be dealing with what's on their property; we're doing up to the right-of-way line, so the setback on their property is irrelevant. Utilities Director Amundson stated it will always be different from project to project, due to variables. We just have to design the most efficient way to approach the project and then assure that the bidding process is competitive to keep the prices as low as we can.

City Manager Peterson pointed out this specifically does not provide for any new connection. Our standard there is that the property developing has the sole financial responsibility. This is purely for those situations where there is no action being taken by the adjacent property owner and they are an innocent bystander caught in a reconstruction/rehabilitation project.

Utilities Director Amundson stated on the financing options, the Bancroft is a ten-year loan with semi-annual payments; the short-term financing would actually be monthly payments.

Councilor Thompson asked approximately what they would have as a payment. Administrative Services Director Stump stated \$1000 can go over 24 months, so it would be about \$50 a month.

No one else wishing to speak to the issue, Mayor Holzinger closed the public portion of the hearing and returned the question to the Council for discussion and action.

RESOLUTION NO. 4397

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS ADOPTING A SANITARY SEWER LATERAL REPLACEMENT POLICY.

Councilor Fahey moved and Councilor Hyde seconded that the Resolution be adopted and the voting resulted as follows: YES - Fahey, Patterson, Berlant, Murphy, Thompson and Hyde.

Absent: Riddle and McKenzie.

Having received a favorable vote, Mayor Holzinger declared that Resolution No. 4397 adopted.

#### Grants Pass Collection System Master Plan

##### Regulatory And Procedural Issues 3.3.3 Sanitary Sewer Lateral Replacement Policy

Substandard or combined sewer laterals discovered during public sewer, water, or storm drain projects are required to be replaced. The City considers the sewer lateral to be the responsibility of the private property owner from the point of connection to the main to the building being served. Replacement of substandard sewer laterals may often include work within the public right-of-way, with the possibility of additional costs such as pavement patching, traffic control, and other construction items not usually associated with work within private property boundaries. To assist the property owner in the cost of lateral replacement, the City has adopted a Sanitary Sewer Lateral Replacement Policy. Under this policy, the City Manager can authorize payment of 50 percent of the cost of replacing failed or otherwise substandard laterals.

## **Ashland - Frequently Asked Questions**

### 1) My sewer service line does not drain. What should I do?

Prior to calling a plumber, you may want to call us. We will check out the sanitary sewer line in your area. This may save you a plumber's bill. We will contact you and let you know whether or not the problem is in your line or not.

### 2) My line seems to be plugged up a lot. What should I do?

Call us. We may have some suggestions on things that you may want to consider. Excavation and repairs may not always be the only answer. You may also want to look at what you put in your sewer lines, such as Fats, Oils, and grease (FOG). We have some ideas on Best Management Practices (BMPs) that will help.

### 3) I need to repair or replace my sewer line. What should I do?

There are two areas that you may need to be concerned about. First, the part of your line that runs from the house to the curb; and second, the part that runs from the curb to our sanitary sewer main in the street, easement, or right-of-way. To replace the first part you will need a plumbing permit from our Building Department. You may then replace the line yourself or hire a contractor to do it. Once you have completed it, you will need to call the Building Department back for an inspection prior to backfilling the trench. For the second part in the street, you will need to obtain a Street Cut Permit from our Engineering Department. This will allow you to excavate your portion of the line out in the street. Usually you will want a contractor to do this, since there is much more involved. Again, once the line has been replaced and before you backfill, call the Engineering Department back for an inspection. **DON'T FORGET TO CALL FOR LOCATES BEFORE YOU DIG.**

## **Astoria - Frequently Asked Questions**

### Q. Who is responsible for repair of the sewer line?

A. Property owners are responsible for their side sewer (the sewer that runs from the street or alley to the house), while the City is responsible for the main line sewer that runs down the center of the street or alley. A permit is required in order to do work on a side sewer. Property owners can perform their own work on any part of the sewer line that is on their property, but the portion located in the City right-of-way must be repaired by a contractor who is bonded to work in the right-of-way.

### Q. Who is responsible for repairing my sidewalk?

A. The sidewalk adjacent to a property is the property owner's responsibility.

## **Beaverton - Frequently Asked Questions**

### **Who maintains the lateral from my home or business?**

The responsibility of repair and maintenance for the property laterals belongs to the adjacent property owner from their connection at the main to the home or business.

## **Brookings - Frequently Asked Questions**

### ***Who is responsible for the sidewalk in front of my house?***

Under State law, the property owner is responsible for the repair and maintenance of sidewalks. Any property owner, who fails to maintain their sidewalk in a safe condition, is considered negligent in their duties as a property owner and is liable for injuries which may occur due to its lack of maintenance.

It is further required that property owners or renters of property within the City of Brookings shovel the snow from their sidewalk to allow for pedestrian passage. If ice and snow build up, the property owner must make every effort to clear it. Salt, sand, or other materials may be used to prevent the sidewalk from becoming slippery.

### ***Who is responsible for the water and sewer service lines leading to my home?***

The property owner is responsible for all piping and appurtenances, which are not part of the water or sewer main. Problems such as water leaks, broken or inoperable water shut-offs, blockages, or freezing which can occur in the service lines, are the responsibility of the property owner or tenant. Contact Brookings Municipal Utilities at 692-6325 for assistance.

## **Cornelius - Frequently Asked Questions**

### **Sewer Blockages**

Before contacting a plumber or sewer service, call Public Works at (503) 357-3011 and an employee will be sent out to determine the location of the blockage at no charge to you. If it is determined that the blockage is not in the City's mainline, the customer is responsible for removing the blockage at their own expense.

## **Corvallis**

### **Public Works Department Services Summary Report Wastewater Fund January, 2007**

*Lateral Repairs.* The lateral wastewater line is the pipe from a building or structure to the main line in the street. The City is responsible for maintaining the portion of the lateral from the back of the sidewalk to the main line. The property owner is responsible for the portion of the lateral from the sidewalk to their structure. Problems with lateral lines are identified through video reports or visual inspection (sinkhole). These problems are a high priority and are repaired immediately. The number of lateral repairs has increased over the years as the system ages.

## **Fairview - Frequently Asked Questions**

- **Who is responsible for repairs to the sidewalks in front of my house?**  
Per the City Code Chapter 12.05.020, the owner of the property adjacent to the sidewalk is responsible for the sidewalk repairs.
- **What do I do if my sewer backs up?**  
Call the Public Works Department at 503-665-9320 and we will check the City's sewer line to your residence. If it is found that the problem is with the residential portion of the sewer line, then you, as the homeowner, are responsible for having the line flushed.

## **Ontario - Frequently Asked Questions**

Q. Whom do I call when my toilet is stopped up?

A. Call a plumber, a very close friend or relative. The property owner is responsible to keep their service line or service lateral clear from their existing building to the public sewer main line, not the

property owners property line.

## **Troutdale - Frequently Asked Questions**

### **Who is responsible for a blocked sewer line?**

The property owner is responsible for the sewer line (often referred to as a "lateral") from the house or business to the sewer main, usually located near the middle of the street. The City is responsible for the sewer mains. A blockage in the lateral must be corrected by the property owner, either personally or by hiring one of the many private firms engaged in this type of work. Many such firms advertise in the "yellow pages" under "Plumbing Contractors", "Sewer Contractors", or similar terms. A blockage in a City main should be reported by calling 503-665-5175 during normal business hours or 503-251-4163 outside normal business hours.

## **McMinnville - Frequently Asked Questions**

**Q: What is a private sewer lateral?**

A: A private sewer lateral is the section of underground pipe that connects the sewage system in a house or building (the wastewater plumbing) to the City owned and maintained sanitary sewer collection system (sewer system) in streets or easements. As the name implies, the private sewer lateral is a pipe that is owned and maintained by the private property owner. It is outside the City's right-of-way. The private sewer lateral is the responsibility of the homeowner to maintain and repair, just as the roof on a house is the homeowner's responsibility to maintain and repair.

**Q: Why was my private sewer lateral evaluated by the City?**

A: The City has been directed by EPA and the Oregon Department of Environmental Quality (DEQ) to control the overflow of untreated sewage into the Yamhill River, which occurs frequently during the rainy season. The City has hired experts on this subject who have monitored and analyzed our system in order to understand the cause of the problem. They have determined that the City has a sewage system that is, in some areas, severely deteriorated. Structural defects in sewer pipes and manholes, primarily old pipes and manholes, allow unwanted storm water Infiltration and Inflow (I&I) to overload the sewage system. When the underground sewer pipes are overloaded with unwanted I&I, some of the sewage, diluted by I&I, overflows into the river without treatment. To control the overflows, the defective pipes must be repaired or replaced to eliminate the source of the Infiltration and Inflow.

Our experts estimate that approximately 60% of McMinnville's I&I comes from private sewer laterals. Private sewer lateral I&I can come from broken pipes which allow groundwater to infiltrate or it comes from rainwater inflow from things like roof downspouts, basement drains, or area drains that are connected to the private sewer lateral. The City cannot ignore such a significant part of McMinnville's overflow problem. Defective private sewer laterals need to be replaced or we will never meet our overflow control objective.

The City is primarily enforcing the private sewer lateral replacement program in the areas of town where the City's pipes are repaired and/or replaced first. Properties will not be randomly selected for evaluation. The properties evaluated will usually be part of a comprehensive pipeline repair project in a specific area of McMinnville but there will be some exceptions such as when a significant defect outside of a project area is brought to our attention. The City will continue this program, moving from one area to another, for the next 10 to 20 years. The parts of McMinnville that have the most significant overflow problems are the areas that will be addressed first.

**Q: How do I replace my lateral? Who do I hire to do this work? Who pays for the repairs?**

A: The McMinnville City Council has adopted a policy whereby property owners in McMinnville are responsible for replacing their private sewer lateral if it is defective and it is contributing to the sewage overflow problem. The cost to replace a defective private sewer lateral is borne by the property owner.

Those property owners who choose to replace their private sewer lateral, and avoid the monthly penalty assessment, will need to obtain a permit for this work from the City. Installation of a new or replacement of an existing private sewer lateral has always required a permit from the City. With the permit comes a number of requirements as follows:

- A minimum fee of \$30 is charged for the permit. The permit fee can increase depending on the scope of the work. The exact fee will be determined when the application for permit is made based on the number of feet of pipe to be replaced. The applicant should determine how many feet of pipe need to be replaced prior to making the permit application.
- The work must comply with the requirements of the current plumbing code.
- The work must be done by either the property owner or a licensed contractor.
- The new pipeline must be inspected by the City before it is covered with soil.

The City strongly recommends that property owners use a licensed contractor to do this work. There are a number of qualified contractors in the local area, and many more are located in the Portland and Salem areas. One place to locate a contractor is the yellow pages. Refer to listings under "Contractors - General" or "Excavating Contractors". The City also keeps a list of local contractors. Another way to find a good contractor is by asking friends or family for recommendations. The City will not recommend specific contractors.

If you use a contractor, the City recommends that you consider the following points:

1. Get at least three estimates. It is OK to shop around. Price quotes from contractors may vary. If possible, give each contractor a copy of the City's letter describing your defective lateral condition so they each have the same information about your property. The lowest price is not always the best contractor. Select the contractor who you think will give you the best product at the best price. Usually contractors provide estimates at no charge.
2. Get written estimates. Make sure you have a firm price in hand, with a detailed description of the work, before you sign an agreement for construction. Make sure restoration of your property to its original condition is part of their work. Make sure the contractor commits to a time frame in the written agreement. Remember that the City's 10% reimbursement is tied to a fixed time. Make sure your contractor meets that time frame.
3. Ask for references. As with any purchase you make, especially one this significant, do everything you can up front to make sure you are making the best choice.
4. Be satisfied with the results, or don't pay. The property owner has some control over the performance of the contractor. For example, if you are not satisfied with his or her work (in particular, restoration of your property) don't pay until the work meets the conditions of your agreement. We strongly recommend that you do not pay until the City's inspector accepts the permitted work by signing off on the permit.

Q: How much will it cost to comply with this program?

A: A typical private sewer lateral replacement will cost somewhere in the range of \$1,500 to \$2,500. The costs can increase significantly if there are obstructions to the contractor such as extensive landscaping, driveways, or structures built over the lateral. Some contractors have "no-dig" equipment available to them that would allow them to do the work without digging up your property. The "no-dig" techniques usually cost more.



Property owners who choose to not replace their defective private sewer lateral are faced with paying a \$50 per month penalty until the lateral is replaced. For example, it would take 40 months (3 years and 4 months) for the accumulation of penalties to equal the replacement cost of a \$2,000 lateral.

Property owners who choose to not replace their defective lateral and also not pay the \$50 per month assessments will be subject to further civil penalties and possible legal action, as allowed by City Ordinance. The cost of not complying can become significant for both the property owner and the City.

Q: Can the collection of penalty assessments be suspended?

A: The McMinnville City Council has adopted a penalty program of \$50 per month to be assessed against those property owners who choose not to replace their defective private sewer laterals at all, or who choose not to replace their defective private sewer laterals within a 90 calendar day grace period. The penalty is in addition to the normal monthly sewer bill. The penalty assessments do not begin until after the grace period. It is important to note that property owners who replace their private sewer laterals during the grace period not only avoid the penalty assessment, they also are eligible for a 10% rebate of their cost from the City up to a maximum of \$250.

At the property owner's request, the City may suspend collection of penalties for up to 10 months to allow the property owners time to complete the work. The suspension period begins after the grace period. Repairs made during or after the suspension period are not eligible for the grace period rebate program. Penalties continue to accrue during the suspension period and the penalty is due in full at the end of the period if the repairs are not made. If the lateral is replaced and accepted by the City before the end of the suspension period, the penalty is waived.

Q: If I replace my lateral within the 90-day grace period, how do I get the 10% incentive payment from the city?

A: The McMinnville City Council has made available a monetary incentive that is part of the private sewer lateral replacement program. Those property owners who take advantage of the City's incentive offer will be reimbursed 10% of their construction cost up to a maximum of \$250. To be eligible, property owners must construct an acceptable lateral replacement within the 90-day grace period (refer to section above for information on how to construct). Property owners must submit a written request as application for reimbursement. The request must include:

1. The name and mailing address of property owner.
2. The address and/or tax lot number of the property.
3. Certification that the repairs were not paid for by a renter, lessor, or any other person (If a renter, or lessor, is responsible by separate agreement for this type of repair, submit a copy of that agreement for the City's review).
4. A copy of the contractor's invoice that itemizes project costs. This itemization should list separately the cost for excavation and burying pipe in the soil between the building and the connection to the lateral. This should include a breakdown of labor time, materials cost, and equipment.

This application should be made within 60 days of the City Building Division's acceptance of the new private sewer lateral. The City will issue you a check for the eligible amount after the request has been reviewed and processed. Typically this will be about three or four weeks from the receipt of the application.

Q: Will the City provide financial assistance for the repair cost?

A: The McMinnville City Council has made a program available to property owners who may have trouble finding financial assistance through banks or other lending agencies. This program is only available to homeowners who accept responsibility for the repair of their private sewer lateral and requires the property owner to sign a contract with the City for installment payments on the following basis:

1. The property owner shall select a licensed contractor to complete the required work and provide the City with a cost estimate of the work to be completed (refer to the information above about who to hire).
2. Prior to authorizing the contractor to proceed with the work, the property owner shall meet with the City Recorder or designee and sign an application and agreement to pay the repair costs based on the estimate plus 25%. The application for installment payments shall be on the prescribed form and shall constitute a lien upon the property.
3. The application shall provide for a monthly payment for a period not to exceed 24 months. Interest shall accrue on the balance due at the prime interest rate plus 3.5%.
4. At the time of completion and inspection of the repair work the property owner will submit to the City Recorder or designee a detailed invoice breaking down the cost of the work and the total repair cost for review and approval before payment is made.
5. Once accepted, the City will issue a check jointly to both the property owner and contractor based on the actual billing submitted to the owner by the contractor. The monthly installment payment will be adjusted to reflect the actual repair cost. If repairs are made within the 90-day grace period, the monthly payment amount will be reduced to reflect any monetary incentive that applies to the property. A copy of the final loan amortization schedule will be provided to the property owner at the time the joint check is issued.

It is important to note that this is not a "low interest" loan. The City's private sewer lateral financial assistance program is provided primarily for individuals who may have trouble securing a loan from other sources. Most property owners will be able to find better interest rates and repayment periods from banks or lending agencies. The City strongly recommends that property owners evaluate other financing options before selecting the City's private sewer lateral financial assistance program.

Q: If I have a basement, should I be concerned about this work?

A: Yes. In older homes with basements it is not uncommon for the foundation drainage system to be connected to the private sewer lateral. Foundation drainage is a source of I&I and needs to be disconnected from the private sewer lateral. Our inspectors will be looking for foundation drain connections during inspections to make sure they are disconnected from the private sewer lateral when the lateral is replaced.

Property owners with basements will need to address their basement drainage systems when the private sewer lateral is replaced. This may require a second pipeline (a storm drainage lateral) out to the street to connect to the City's storm drainage system or it may require the installation of a basement pumping system with a discharge into the street at the curb. Unfortunately, the construction costs for homeowners with basements will generally be higher because the private sewer laterals are often deeper than a normal lateral and because of the possible need to address basement foundation drainage.

It is possible that some homes with basements that do not have water seepage problems now will discover water in their basements after the City completes the pipeline repairs in the street and/or after property owners repair their private sewer laterals. Other cities who have completed comprehensive sewer repair programs like McMinnville's program found that some of the old defective pipes kept groundwater levels low because the old pipe was porous and allowed ground water to drain in. Once defective leaking pipes are replaced with new tight pipe there is a risk that groundwater levels will rise and seep into basements. Correction of a basement leaking problem, should it occur, will be the responsibility of property owners.

Q: Do I need to disconnect my roof downspouts?

A: One of the private sewer lateral defects the City will be looking for during the evaluation is the connection of roof downspouts (also known as rainleaders). Similar to the need to disconnect basement foundation drains, roof downspouts also introduce unwanted I&I and must be disconnected. If downspout connections were identified during the City's inspection it will be noted in the defect notice to the property owner.

The disconnection of roof downspouts is a very simple process; basically the downspout needs to be separated from the buried pipe it feeds into. The old pipe needs to be sealed or removed, and a splash block should be placed under the end of the pipe to allow the rainwater to flow onto the ground without eroding the soil under the downspout. Those property owners who do not want to deal with the additional water on their lawn or property should install a pipe that will carry the rainwater from the downspout to the street curb or to any area on their own property that will not be impacted by the additional rainwater runoff. Be very careful that rainwater runoff does not impact an adjoining property. Most of the contractors who do private sewer lateral replacement work will also be able to help with downspout disconnections and/or rerouting of rainwater runoff.

Q: Who do I contact for more information?

A: The City of McMinnville's engineering staff is prepared to answer any questions you have about this program. Their phone number is **503-434-7312**.

# Agenda Item 3



## MEMORANDUM

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### *Maintenance Department*

**To:** Jim Ruef, Director of Public Works      **Date:** January 3, 2008  
**From:** Rod Sell, Maintenance Services Division Manager  
**Subject:** Land and Water Conservation Fund grant submittal

In January, 2008 the Parks Section of the Maintenance Services Division of Public Works will be presenting a resolution to City Council. The resolution is a request for authorization to apply to the Land and Water Conservation Fund grant program (LWCF) through the Oregon Parks and Recreation Department.

The 2008 grant application is currently under development and will be used to acquire land for the development of the Cheadle Lake Recreation Area. The deadline for grant application submittal is January 11, 2008.

The grant application will request \$100,000 to help purchase land that includes the spillway area on the north side of the lake. Proposed future improvements for this property were developed during the 2007 Cheadle Lake Refinement Plan process. The proposed improvements include a trail corridor, the major trail connection to the islands and festival site and a vital trail connection that leads north to Gill's Landing. In addition this property holds the crucial spillway and associated improvements, a future small boat launch, fishing doc, boat moorings and bathroom.

Leveraging grant funding is always a top priority. If the LWCF grant request is approved the grant funds will be reused as a partial grant match for the Local Government Grant Program application scheduled for April of 2008. Because the LWCF grant funds are from a federal program they can be used as match against the State funded LGGP grant.

A RESOLUTION AUTHORIZING THE CITY OF LEBANON ) RESOLUTION NO. \_\_\_\_  
TO APPLY TO THE LAND AND WATER CONSERVATION )  
FUND PROGRAM OF THE OREGON PARKS AND ) For 2008  
RECREATION DEPARTMENT FOR ACQUISITION AND/OR )  
DEVELOPMENT OF PROPERTY FOR THE CHEADLE LAKE )  
RECREATION AREA )

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Land and Water Conservation Fund; and

WHEREAS, the City of Lebanon desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements and enhancements; and

WHEREAS, the City Council, the Parks Advisory Committee, and the Parks Master Plan has identified the need to develop the Cheadle Lake Recreation Area; and

WHEREAS, the applicant hereby certifies that the matching share for this application is readily available at this time.

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

**Section 1.** The City of Lebanon is authorized to apply for Land and Water Conservation Fund Program Grant from the Oregon Parks and Recreation Department for the acquisition and/or development of the Cheadle Lake Recreation Area as specified above.

**Section 2.** This Resolution is effective immediately upon passage.

Passed by the Lebanon City Council by a vote of \_\_\_\_ for and \_\_\_\_ against on January 9, 2008.

\_\_\_\_\_  
Kenneth I. Toombs, Mayor   
Bob Elliott, Council President

ATTEST:

\_\_\_\_\_  
Linda Kaser, City Clerk/Recorder

# Agenda Item 4



## MEMORANDUM

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*Administration Department*

**To:** Mayor and City Council

**Date:** January 3, 2008

**From:** City Manager *J. E. H.*

**Subject:** City Manager's Report

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At the January 9, 2008 City Council Meeting, I will provide a brief, oral update on the following matters:

1. Projects Tahoe and Abundance
2. 2008/09 Budget Calendar
3. Traffic Patrols
4. Response to Petition
5. Calendar Year 2007 Crime Statistics
6. Miscellaneous Matters

JEH/jc