



**CITY COUNCIL MEETING**  
**February 9, 2011 – 7:00 p.m.**  
*(Santiam Travel Station - 750 3rd Street)*

**A G E N D A (revised 2/9/11)**

**CALL TO ORDER / FLAG SALUTE**

**ROLL CALL**

**APPROVAL OF CITY COUNCIL MINUTES** - Regular Session – January 12, 2011

**CONSENT CALENDAR** - *The following item(s) are considered routine and will be enacted by one motion. There will not be a separate discussion of these items unless a Councilor so requests. In this case, the item will be removed from the Consent Calendar and considered separately.*

**AGENDA:** Lebanon City Council Agenda – February 9, 2011

**APPOINTMENT(S):** ⇨ Budget Committee (reappointment) – Todd Gestrin  
⇨ Building Board of Appeals – Steve Latimer

**MINUTES:**

- ⇨ Advisory Boards Review Committee – December 15, 2010
- ⇨ Advisory Boards Review Committee – January 6, 2011
- ⇨ Advisory Boards Review Committee – January 13, 2011
- ⇨ Bicycle & Pedestrian Advisory Board – September 23, 2010
- ⇨ Bicycle & Pedestrian Advisory Board – October 28, 2010
- ⇨ Planning Commission – September 15, 2010
- ⇨ Planning Commission – November 17, 2010
- ⇨ Senior Center Advisory Board – December 15, 2010

**CITIZEN COMMENTS** - *This time is provided for citizens to address the Council on any matters that do NOT pertain to scheduled Public Hearings or other items already on the agenda. All comments concerning a Public Hearing must be addressed during that agenda item. As for other items listed on the agenda, the Mayor will ask for input in the order they appear.*

**PROCLAMATION** – Arbor Day - Thursday, April 7, 2011

**PUBLIC HEARING**

**1) Enviro-Board Annexation (10-12-69)**

Presented by: Walt Wendolowski, Community Development Manager

*Approval/Denial by BILL NO. 1, ORDINANCE NO. 2814*

**2) 2010-11 Budget Reductions**

Presented by: Dean Baugh, Finance Manager

*Approval/Denial by RESOLUTION NO. 2*

**REGULAR SESSION**

**3) Approval of Advisory Groups Manual**

Presented by: Margaret Campbell, City Councilor

*Approval/Denial by BILL NO. 2, ORDINANCE NO. 2815*

*Approval/Denial by RESOLUTION NO. 3*

**4) City Budget and Staffing Decisions**

Presented by: Kenneth Toomb, Mayor

*DISCUSSION – Possible Approval/Denial by MOTION*

**5) Approval to Advertise for Bid – Franklin Street Sanitary Sewer**

Presented by: Ron Whitlatch, Senior Engineer

*Approval/Denial by MOTION*

**6) 2010-11 Budget – Appropriating Wastewater Bond Funds**

Presented by: Dean Baugh, Finance Manager

*Approval/Denial by RESOLUTION NO. 4*

**7) 2010-11 Budget – Appropriating Library LSTA Grant Funds**

Presented by: Dean Baugh, Finance Manager

*Approval/Denial by RESOLUTION NO. 5*

**8) 2010-11 Budget Re-appropriation – Partial Payment of 2002 Local Government Pension Bond**

Presented by: Dean Baugh, Finance Manager

*Approval/Denial by RESOLUTION NO. 6*

**9) Approval to Advertise for Bid – Second Clarifier at Wastewater Treatment Plant**

Presented by: Dan Grassick, Utility and Engineering Services Manager

*Approval/Denial by MOTION*

**10) Authorization to Proceed with Alley Right-of-Way Vacation – Hiatt (between E. Oak & Maple)**

Presented by: Dan Grassick, Utility and Engineering Services Manager

*Approval/Denial by MOTION*

**11) Approving an Extended Property Tax Abatement Agreement - ENTEK**

Presented by: John Hitt, City Manager

*Approval/Denial by RESOLUTION NO. 7*

**12) Approving an Extended Enterprise Zone Abatement – Pacific Cast Technologies, Inc.**

Presented by: John Hitt, City Manager

*Approval/Denial by RESOLUTION NO. 8*

**13) City Manager's Report**

Presented by: John Hitt, City Manager

*DISCUSSION*

**ITEMS FROM COUNCIL**

**CITIZEN COMMENTS** - *This time is provided for citizens to address the Council on any matters that do NOT pertain to scheduled Public Hearings or other items already on the agenda. All comments concerning a Public Hearing must be addressed during that agenda item. As for other items listed on the agenda, the Mayor will ask for input in the order they appear.*

**ADJOURNMENT**

**CITY COUNCIL JAIL INSPECTION**



**LEBANON CITY COUNCIL  
MINUTES  
January 12, 2011**

**Council Present:** Mayor Ken Toomb, Councilors Margaret Campbell, Bob Elliott, Floyd Fisher, Wayne Rieskamp and Ray Weldon.

**Staff Present:** City Manager John Hitt, Assistant City Manager Ginger Allen, City Attorney (AIC) John Tré Kennedy, City Clerk Linda Kaser, General Manager/Utility Services Dan Grassick and Police Chief Thor Dahle

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

Mayor Toomb called the Regular Session of the Lebanon City Council to order at 7:00 p.m. in the Santiam Travel Station Board Room. Roll call was taken with Councilor Thoma absent.

**OATH OF OFFICE (newly elected officials) and SEATING OF THE CITY COUNCIL**

Re-elected Mayor Toomb and Councilors Elliott and Rieskamp were sworn in by City Clerk Kaser.

**ELECTION OF COUNCIL PRESIDENT**

*Councilor Fisher moved, Councilor Campbell seconded, to nominate Councilor Elliott as Council President. Councilor Weldon moved to close the nominations.*

*The motion to elect Councilor Elliott as Council President passed unanimously by roll call vote.*

**APPROVAL OF COUNCIL MINUTES**

*Councilor Campbell moved, Councilor Fisher seconded, to approve the December 8, 2010 Regular Session Minutes as presented. The motion passed unanimously by roll call vote.*

**CONSENT CALENDAR**

**AGENDA:** Lebanon City Council Agenda – January 12, 2011

**APPOINTMENT:** CWACT Representative – Bob Elliott / Alternate – Dan Grassick

**MINUTES:** Park Committee Tree Board – September 21, 2010

*Councilor Elliott moved, Councilor Rieskamp seconded, to approve the Consent Calendar as presented. The motion passed unanimously by roll call vote.*

**CITIZEN COMMENTS** – *There were no citizen comments.*

**REGULAR SESSION**

**1) Advisory Boards Review Committee Update**

Councilor Campbell informed Council that the Advisory Boards Review Committee had a productive meeting on January 6, 2011. A second work session will be held on the evening of January 13, 2011 to allow for more citizen input. The Committee anticipates presenting a final version for Council consideration in February, which is two months ahead of the estimated completion date for this project.

She feels that this worthwhile effort will provide guidance to all committees and ensure consistency in their operations, procedures and training. Questions or comments regarding the draft manual should be directed to Kaser so that it can be addressed on January 13.

Councilors Elliott and Fisher commented that the manual is very thorough and well-done. Mayor Toomb thanked Councilor Campbell and the Committee for their hard work.

## 2) Utility Systems Status Update

General Manager/Utility Services Grassick provided a mid-year status update on the utility systems.

In response to Councilor Fisher's question, Grassick stated that the next phase of the Westside Interceptor project will extend about 1400 feet down 12<sup>th</sup> Street to Vine or Ash. The next two phases will extend it an additional 8500 feet, for a total of 10,000 feet.

Regarding the storm water system forecast of \$35,000 below budget, Councilor Campbell stated that she thought the revised rates were going to provide sufficient funding to cover the expenses. Grassick stated that the anticipated deficit is due to the delayed rate implementation, but it will not extend into the future.

Councilor Campbell asked if other cities are looking at innovative ideas, in addition to Federal and State street grants. Grassick stated that fifteen Oregon communities have implemented a local gas tax, which ODOT manages through their gas tax receipt program. Other communities have put into action a transportation fee, which has been unpopular as well. It would also be a challenging decision to use franchise fees as a way to partially fund street projects.

Grassick confirmed for Councilor Campbell that it is a State law that prohibits drivers from filling their own gas tanks.

## 3) Approval to Support Linn County Grant

Police Chief Dahle presented a resolution supporting the 2011 grant application by the Linn County Behavioral Health Justice Task Force and continuing efforts of the task force. The grant would provide funding for training of four to five officers to be conducted in 2012.

Dahle confirmed for Councilor Weldon that the City would not have to provide any financial support (only the 40-hour training time).

In response to Councilor Weldon's question, Dahle stated that he feels this training would be a valuable tool for the County. He explained that the Crisis Intervention Team is a small part of a cooperative venture, by all local area law enforcement and Linn County Mental Health, to identify, qualify and involve these non-violent offenders in this diversionary program.

City Attorney (AIC) Kennedy read the title of Resolution No. 2011-1. ***Councilor Elliott moved, Councilor Campbell seconded, to approve RESOLUTION NO. 1, ADOPTING A RESOLUTION SUPPORTING THE LINN COUNTY BEHAVIORAL HEALTH JUSTICE TASK FORCE GRANT SUBMISSION. The motion passed unanimously by roll call vote.***

#### **4) Attorney Request for Proposal (RFP)**

Assistant City Manager Allen presented a draft City Attorney RFP to help Council make a well-informed decision.

Councilor Campbell felt that this RFP provides for a logical and business-like process. Under Section 9 on Page 10, she stated that she would like added: *Section d. What fees and how will you charge for out-of-town court appearances and meetings? How will that be billed?*

Councilor Elliott remarked that he is pleased with this thorough information.

Councilor Rieskamp felt that this vehicle will enlighten the Council, in terms of making a decision.

Allen announced that she added the highlighted language to allow Council to select more than one firm, if desired.

***Councilor Weldon moved, Councilor Campbell seconded, to move to accept the Attorney Request for Proposal (RFP) as submitted by the Assistant City Manager and provide 60-days notice to the existing firm. The motion passed unanimously by roll call vote.***

#### **5) City Manager's Report**

*City Financial Status Update* – The summary mid-year general ledger revenue/expense sheet was distributed. Property tax revenue collections are about \$100,000 short of where we would like to be. More reductions to general fund expenses are expected to ensure that budget targets are met. Questions or further information can be directed to Finance Director Baugh or Hitt.

The Budget Committee Meeting will be held on May 16, 17 and 18, if needed. Hitt read the Budget Committee vacancies and asked the respective Councilors to contact Mayor Toomb with any recommendations.

#### **ITEMS FROM COUNCIL**

Regarding an article Councilor Weldon read about higher levels of fluoride not being good for your health, he asked for confirmation that Lebanon has already decreased added fluoride amounts. Grassick reported that the City was proactive in reducing the fluoride level to 0.7 mg/l, as per EPA guidance.

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Councilor Campbell complimented the Department Managers for their good work during this very tight budget year.

**CITIZEN COMMENTS** – *There were no citizen comments.*

#### **ADJOURNMENT**

Mayor Toomb adjourned the meeting at 7:50 p.m.

*[Meeting recorded by Linda Kaser and transcribed by Donna Trippett]*

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Kenneth I. Toomb, Mayor   
Bob Elliott, Council President

ATTEST:

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Linda Kaser, City Clerk/Recorder

DRAFT

# \*Consent Calendar

**AGENDA:** Lebanon City Council Agenda – February 9, 2011

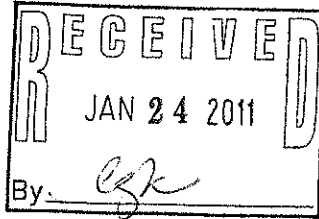
**APPOINTMENT:** ⇒ Budget Committee – Todd Gestrin  
⇒ Building Board of Appeals – Steve Latimer

**MINUTES:**

- ⇒ Advisory Boards Review Committee – December 15, 2010
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**City Clerk's Office**

925 Main Street  
 Lebanon, OR 97355  
 (541)258-4264 (541)258-4950 FAX  
 lkaser@ci.lebanon.or.us

**BOARD/COMMITTEE/COMMISSION/COUNCIL APPLICATION**

**Applicant Information (Please type/print clearly):**

Name: <b>Todd K Gestrin</b>		Date: <b>January 20, 2011</b>
Home Address: <b>12 W Cedar Dr., Lebanon, OR 97355</b>		
Mailing Address: <b>12 W Cedar Dr., Lebanon, OR 97355</b>		<b>[REDACTED]</b>
Home Phone: <b>(541) 451-4540</b>	Email Address:	Business Phone: <b>(541) 746-6121</b>
Occupation: <b>President &amp; CEO</b>	Employer: <b>McKenzie Valley Fed CU</b>	Emergency Contact Phone: <b>[REDACTED]</b>
Preferred method of contact: <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Email		
Please mark the membership in which you are interested in serving:		
<input checked="" type="checkbox"/> Budget Committee	<input type="checkbox"/> Bike & Pedestrian Advisory Board	<input type="checkbox"/> CIP Committee
<input type="checkbox"/> City Council Vacancy	<input type="checkbox"/> Library Advisory Board	<input type="checkbox"/> Parks/Tree Board
<input type="checkbox"/> Planning Commission	<input type="checkbox"/> SDC Advisory Committee	<input type="checkbox"/> Senior Center Advisory Board
Are you applying for reappointment: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, how long did you serve in this capacity: <u>4</u> Year(s) _____ Month(s)		
Are you related to any city staff member(s) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, which department do they work for: _____		
Are you related to a current member of the board you are applying for <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Explain why you are interested in serving in this capacity (attach additional sheet if needed): <i>I have had an ongoing connection with Lebanon since I was born and raised in Lebanon. Over 46 years in the same community has given me an opportunity to witness much change in diverse manners. Change has taken place from the overall size and growth of the community as well as the economic climate. Lebanon has witnessed both the best of times as well as the worst of times. I lived through the rough spell when the wood industry came to a sudden halt with the closure of Champion and the issues over the spotted owl. I remember the challenges we had with the purchase of a well used &amp; challenged water system. I plan on staying in Lebanon and want to make sure we are doing our best to serve the community &amp; meet the financial objectives within the City's Business Plan. The yrs. I have served on the committee have increased my knowledge on how the city operates.</i>		
List current involvement on city or county boards/committees/commissions/councils: <i>System Development Charges Committee - City of Lebanon</i>		
List previous involvement on boards/committees/commissions/councils: <i>Lebanon School Board Member - current        Past: Lebanon Chamber of Commerce - Pres., Sweet Home Chamber of Commerce - VP., Sweet Home Economic Development Committee, Oregon Jamboree Management Team, Linn Benton Employer Council - Treas., Oregon Employer Council - Treas., Lebanon School Site Council Member, Etc.</i>		

Applicant's Signature: Todd Gestrin Date: 01-20-11

**FOR OFFICE USE ONLY**

Date Sent To Department: <u>1/24/11</u> Council: <u>   /   /   </u>	City Council Appointment Date: <u>   /   /   </u>
Responsible Department: <u>Finance</u>	Applicant Notification Date: <u>   /   /   </u>
Background Check Completed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Applicant Appointed: <input type="checkbox"/> Yes <input type="checkbox"/> No




## MEMORANDUM

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### *Building Division*

**To:** John Hitt, City Manager

**Date:** January 12, 2011

**From:** Jason Bush CBO, Building Official 

**Subject:** Appointment to the Building Board of Appeals

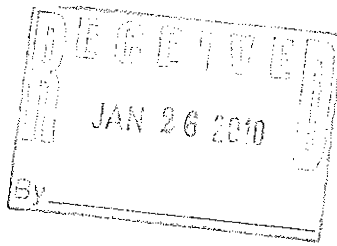
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The Community Development Department respectfully requests the Mayor to appoint Steve Latimer to the Building Board of Appeals for the term 2011 to 2015.

Title 15 of the Lebanon Municipal Code establishes a Board of Appeals consisting of five Board Members. Starting January 2011, one of those positions has expired.

The 2007 Oregon Structural Specialty Code, specifies that an Appeals Board must consist of members who are qualified by experience and training to pass on matters pertaining to building construction. Steve Latimer's experience in construction meets or exceeds those minimum qualifications.

Thank you



**City Clerk's Office**

925 Main Street  
 Lebanon, OR 97355  
 (541)258-4264 (541)258-4950 FAX  
 lkaser@ci.lebanon.or.us

**BOARD/COMMITTEE/COMMISSION/COUNCIL APPLICATION**

**Applicant Information (Please type/print clearly):**

Name: <u>Steve Latimer</u>		Date: <u>1-25-11</u>
Home Address: <u>31090 S.W. 5th Lebanon</u>		
Mailing Address: <u>P.O. Box 624</u>		[REDACTED]
Home Phone: <u>259-3931</u>	Email Address: <u>SMLAT@CenturyTel.net</u>	Business Phone: [REDACTED]
Occupation: <u>Retired</u>	Employer: [REDACTED]	Emergency Contact Phone: [REDACTED]
Preferred method of contact: <input type="checkbox"/> Mail <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Email		

Please mark the membership in which you are interested in serving:

- Budget Committee
- Bike & Pedestrian Advisory Board
- CIP Committee
- Building Board of Appeals
- City Council Vacancy
- Library Advisory Board
- Parks/Tree Board
- Planning Commission
- SDC Advisory Committee
- Senior Center Advisory Board

Are you applying for reappointment:  Yes  No If yes, how long did you serve in this capacity:  Year(s)  Month(s)

Are you related to any city staff member(s)  Yes  No If so, which department do they work for: STREETS + WATER

Are you related to a current member of the board you are applying for  Yes  No Nephew Jason Williams  
By Marriage

Explain why you are interested in serving in this capacity (attach additional sheet if needed):  
30 yrs EXP in The Building Trades - Common Sense  
APPROACH. I have an INTEREST in seeing  
Lebanon Be A Successful Community

List current involvement on city or county boards/committees/commissions/councils:

N/A

List previous involvement on boards/committees/commissions/councils:

Served before on this Bd but I don't  
think we ever met.

Applicant's Signature: Stephen T. Latimer

Date: 1-25-11

**FOR OFFICE USE ONLY**

Date Sent To Department: <u>1/26/11</u>	Council: <u>1/1</u>	City Council Appointment Date: <u>1/1</u>
Responsible Department: <u>Finance</u>		Applicant Notification Date: <u>1/1</u>
Background Check Completed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Applicant Appointed: <input type="checkbox"/> Yes <input type="checkbox"/> No

**LEBANON CITY COUNCIL**  
*Advisory Boards Review Committee Meeting Notes*  
*December 15, 2010*

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**Committee Members Present:** Councilors Margaret Campbell (Chair), Bob Elliott, and Ray Weldon

**Staff / Counsel Present:** City Manager John Hitt, City Clerk Linda Kaser, and Counsel Tre' Kennedy

**I. Chair Campbell called the meeting to order at 3:15 p.m.**

Campbell explained that the purpose of meeting today was to review the research material that city staff was requested to provide. This research was initiated due to concerns about the cost of staff time and other staff resources to support the committees, and to better clarify and organize our committees structure and there relationship to the Council.

**II. Discussion of Agenda Packet Material**

Since the resolution was passed by the Council to limit staff support for city committees and to review existing enabling ordinances/resolutions, City staff has been researching the committee structure of other cities in Oregon and which ones are required by law. The Planning Commission and, because of the way the City of Lebanon's Library has been established, the Library are required to have an Advisory Board. Other City committees have been established over time and have created their own internal structure, including operating rules, i.e., what constitutes a quorum, the amount of membership, and attendance requirements. As these vary from committee to committee, Council felt that it was reasonable to establish certain standards and hold each committee to those standards.

Councilor Weldon stated he has received complaints over time from board members, that the Mayor or individual councilors are running the boards. Weldon felt that the Mayor, Councilors, or City staff should not be attending board meetings. He cited the City Council Guide, *"If one or more elected official exercises undo influence on committees then Council isn't receiving broad citizen input but rather that of one or two members of the City Council. It is also a good idea to avoid appointing one person to multiple committee positions as this can give him/her a higher degree of influence then may be ideal."*

Weldon felt that appointments should be in a certain timeframe.

Elliott stated that he serves on two of the committees and believes he has never swayed a committee member's decision. Elliott stated that he believed Council should attend, as it has been helpful to the committee.

Elliott stated that he reviewed the material provided and felt that all of the committees should be working the same way, with the same rules.

Weldon felt that if you don't have a quorum you should not hold a meeting.

Hitt stated the Draft Guide Manual addresses some of these concerns, one of which is a quorum and if you can meet without one. The draft states that *you have 15 minutes to establish a quorum; if unable to establish one, the meeting is over.*

The Guide Manual is based on the City of Eugene's framework with quite a bit of language changed to apply to the City of Lebanon. This Manual would be a broad view of approaching the whole issue of boards and committees. Currently, they are all enabled by an ordinance, with the exception of one (Parks Committee/Tree Board) which was enabled by Resolution. This approach [manual] would apply equally to all committees with the exception of the Budget Committee and Planning Commission because they have a separate set of State rules to follow.

### **III. Advisory Groups Manual vs. Ordinance/Resolutions**

Hitt asked the committee if they preferred a manual governing all of these committees, which could be reviewed by the Council annually or every other year. If a change were needed, it would then apply equally to all boards by resolution.

Weldon felt that the Council should not establish more rules than necessary; they are the committee and they should decide their chairperson, etc. In addition, there should be time scheduled on each Council agenda to ask each board if they have something to present. Hitt, referred to page 4 ("Roles and Relationships with Elected Officials) and how that language addressed Weldon's goal of clear and frequent communication between the committees and the City Council.

Campbell confirmed that the manual also addressed possible conflicts between someone's role as either a city employee or Councilor serving on certain committees; that would be prohibited under this current Draft. Campbell felt that consistency would provide the ability to better plan and anticipate – a manual would be a valuable tool.

### **IV. Public Comment**

*Joyce Weatherly* stated that she served on several City of Lebanon boards over the years and thought that the manual would be good. She felt the committees should have some freedom in expressing themselves without having to worry about the government being on their back and telling them what and how they have to do it. Ms. Weatherly asked if the concern was money or procedures. They should have the freedom in their committees to do and say what they need to do, report back to Council, and get Council' approval. Build Lebanon Trails (BLT) is a committee, made up of volunteers' time, effort, and money. We should not be bound by the City telling us how to behave and act. The more restrictions on the committees, the less community people you will have that want to step up to the plate.

Hitt explained that the draft manual would only address City committees, which are currently: Budget Committee, Planning Commission, Parks/Tree Board, Bike and Pedestrian, Library Board, and Senior Services Advisory Board. There is no direct connection with BLT or any other outside groups. This manual does indicate that the groups can meet, discuss, and are not restricted in making recommendations. His conclusion is that this manual is not restrictive. Hitt reiterated that it is in draft form and changes can easily be made if that is Council's desire.

*Lori McNulty, Senior Center Advisory Board Chair*, explained that since this moratorium was placed on her board her term has expired, we will essentially come to a standstill now with no one stepping up to be the next chair. She asked if the bylaws have also been placed in abeyance if there was some provision that would allow her to continue to serve pro tem until they get back to their normal way of operating with a City liaison attending the meetings. Otherwise, their board has come to a standstill as of today.

McNulty wished to allay Mr. Weldon's fears of their board being unduly influenced by any City employee or Councilor. She felt that these particular board members, being comprised of individuals of a certain age, would not come forward to speak before the City Council with any of their concerns. They are likely to bring them to the Senior Center Manager who would refer them to the Council. She wanted to know that this committee could continue to function as it always has – very efficiently with the manager of the senior center acting as secretary, which is called out in their bylaws [ordinance]. She stated that by having extra tasks placed on the members, i.e., notices, minutes, etc, it would stymie senior volunteerism. She requested that consideration be given to not be pennywise and pound-foolish by keeping staff from attending and being part of the senior advisory board.

*Kate Dimon* (past board member) stated that if you only have several committees then the rules and regulations should simply be for a guideline. She felt that it should be made clear to the community, which committee is jurisdictional and which is not jurisdictional.

*Bob Bert*, a member of the Bike & Pedestrian Advisory Board, stated that they were also confused on what the purpose of this meeting was. We wondered if we were being judged on the worth of our committee or if it was a financial issue. Our committee is strictly volunteers and everyone that applied for the position had his/her own special interest. As a new committee, we are doing a lot of research and calling people in who are involved with some of the other committees, especially BLT. We are concerned about the new trails and paths necessary due to the college coming in. We realize that we are an advisory committee.

*Molly Kerins*, Chair of Parks/Tree Board, felt that as a new chair the discussions taking place were timely. She was very confused as to how their committee was to operate and really could not find any details; the manual would be powerful. Kerins stated that they have no concerns with Council participation. Councilor Elliott always attends and clearly indicates that he is not able to vote on any issue. We are very cognizant that we are an advisory board. She expressed concern for whether the committee would continue to be involved in the parks and trails master plan that her committee worked very hard on. As a member of one of the impacted committees, it would be nice to be involved in this committee [Review Committee] making some of the decisions, doing some of the research, trying to identify what works and what doesn't.

*Rod Sell*, Parks/Tree Board member, stated that, in his many years of experience being involved with the Parks Committee, these meetings are where citizens come to talk about parks issues; the committee has the pulse of the community. Sell reiterated that Councilor Elliott has been a great asset to the committee and has helped them to stay focused. Staff representation is important. Having the parks manager attend who knows the parks daily activities keeps the board connected. Not having staff available has been a real detriment. Standard guidelines would be helpful.

In response to Weldon, Hitt stated that all of the existing committees have different guidelines. It was thought to be helpful if all the committees had a standard framework, not in a sense of restricting what they can say or whom they choose as their chair. Rather so that every committee has the same number of individuals, term of office, are appointed in the same way, and if expiring appointed at the same time, i.e., July 1, as it is easier for staff to keep track of terms. By Charter, the Mayor has the right to appoint all committee members, the draft manual could allow the committees to nominate within their ranks, hold interview and establish a recommendation to the Mayor.

Hitt clarified for McNulte that if Council approves, the guide manual would then supersede all other ordinances/resolutions.

In response to McNulte, Campbell confirmed that the intent of the Resolution was not to stop the committees from meeting. There would be nothing wrong, in her way of thinking, to continue to meet and they [Advisory Committee] could agree to have you serve as the pro tem Chair until Council has resolved.

Elliott stated that he recently started voting at the Parks Committee/Tree Board meetings as City Attorney McHill told him that he could. Kaser stated that Council was not allowed to vote at those meetings. Counsel Kennedy cited the City Charter: *"The mayor may not appoint any seated councilor as a voting member of any city commission/board/or committee except for those ad hoc committees which includes thee or more city councilors.* Kennedy will check to see if there is something else written that would allow it.

Elliott stated that he would prefer not to vote on commissions. Hitt felt it was good policy to allow councilors to vote at the committee level.

In response to Weatherly, Weldon asked staff to put the draft manual on the City's website.

#### V. Schedule next Advisory Review Committee Meeting(s)

The next meetings were tentatively scheduled for January 6 (noon) and January 27 (6 p.m.). Campbell stated that she would like to have a resolution by the February 9 City Council meeting as to not hold the committees up any further.

#### VI. Chair Campbell adjourned the meeting at 4:30 p.m.

*[Notes taken by City Clerk Kaser]*

LEBANON CITY COUNCIL  
*Advisory Boards Review Committee Meeting Notes*  
*January 6, 2011*

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**Committee Members Present:** Councilors Margaret Campbell (Chair), Bob Elliott, and Ray Weldon

**City Staff Present:** City Manager John Hitt, Asst City Manager Ginger Allen, and City Clerk Linda Kaser

- I. Chair Campbell called the meeting to order at 12:05 p.m.
- II. The December 15, 2010 meeting notes were approved as submitted.
- III. Review "Draft" Advisory Groups Manual

The Review Committee suggested changes to the "draft" *Advisory Groups Member and Staff Manual* dated January 3, 2010.

The Committee discussed whether a City Councilor should attend committee meetings as a nonvoting member. The Committee will bring this topic to the next City Council meeting for Council deliberation.

Allen discussed the risks associated with city employees volunteering to assist city committees.

Per changes outlined, Kaser will revise the "draft" Manual with identifying mark-ups for Committee review.

The Review Committee gave Hitt permission to send the current "draft" manual to the City Council so that Council can begin looking and thinking about the manual. The Council is scheduled to approve/deny the manual in February 9, 2011.

The City's website will be updated after each revision of the "draft" manual.

- IV. The next meeting will be held at **6 p.m., on January 13**, at the Santiam Travel Station.
- V. Chair Campbell adjourned the meeting at 1:15 p.m.

*[Notes taken by City Clerk Kaser]*



LEBANON CITY COUNCIL  
*Advisory Boards Review Committee Meeting Notes*  
January 13, 2011

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**Committee Members Present:** Councilors Margaret Campbell (Chair), Bob Elliott, and Ray Weldon

**City Staff Present:** City Manager John Hitt, Assistant City Manager Ginger Allen, and City Clerk Linda Kaser

**Advisory Board Members:** Molly Kerins and Rod Sell from Parks Committee/Tree Board, and Jim Ruef from Bike & Pedestrian Advisory Board

- I. Chair Campbell called the meeting to order at 6:00 p.m.
- II. Approval of January 13, 2011 meeting notes. Referring to paragraph three, Weldon stated that he was talking about **non** city volunteers not city employees. The minutes were approved with the following amendment:

*Responding to Councilor Weldon, Allen discussed the risks associated with city employees volunteering to assist city committees.*

- III. Review "Draft" Advisory Groups Manual (updated January 10, 2011) – Highlights:

Elliott noted the additional language added to the "Open Meetings" session (Page 8). *"If a quorum isn't obtained within 15 minutes of the scheduled start time, the meeting cannot take place and the meeting room should be vacated."*

In regards to Eligibility of City Employees (Pg. 5), Councilor Weldon noted that he did not like having the word "advisory" in the sentence: *City of Lebanon employees or City Council members may not serve on City committees except in a nonvoting **advisory** capacity only.* Council/staff is not there to advise but to answer questions, if needed. Allen stated that staff/Council is often asked for advice (or their opinion) based on their professional/educational background on the topic of discussion.

After a brief discussion, Campbell asked if Weldon wished to replace the word or revise the sentence. Weldon stated that he didn't even think that a Councilor or staff person should be attending the committee meetings.

Campbell felt there was a benefit in having the word "advisory" because it gives the members the option of whether or not to take the councilor's advice. It gives some power to the committee.

Weldon reiterated that he has received complaints from committee members that a staff member or Councilor has been at a meeting telling the members, "Oh no, you don't want to turn that into City Council." They are talking for the City Council.

Weldon referred to the Council Guide (located in Councilor notebooks) in which it states there should not be a Councilor on the committee. Elliott asked where in the Guide it stated that Council is not allowed to be on a committee. Weldon read, *"If one or more elected officials exercise undo influence on a committee, then the Council isn't receiving broad citizen input but rather that of one or two members of the City Council."*

Campbell stated that it implies that they **will** be in attendance. Kaser reiterated that this topic would need to be addressed at the City Council level.

While discussing the revisions under the last paragraph under Committee Support Staff (Pg. 6), Campbell noted that she would like to see city staff support for committees called out as a separate budget item when staff does the next budget. Then Council knows the actual cost of supporting committees. She'll note that during the budget process.

Weldon asked about "...should not vote...." under Conflicts of Interest (pg 7). Hitt clarified that this section is meant for the committee members, not for public officials (Council). Campbell added that it is important for the chair to keep this in mind if they are aware of any committee members with a potential or actual conflict of interest.

Weldon asked for an explanation of Absenteeism (Pg. 8) *"No distinction is to be made between excused and unexcused absences, since it may be a source of misinterpretation."* Hitt explained that the language was that way because of ambiguity...in order to avoid an argument as to whether one (or a series of) absence should be excused and another not. Campbell pointed out that it states "may be removed" not shall be or upon vote of the majority of the committee, which leaves it up to their colleagues on the committee.

In response to Elliott, Molly Kerins and Rod Sell stated that they prefer to have City Council attendance at the committee meetings. Their insight and representation is important to make sure the committee is meeting Council's goals. Elliott stated that the other committee he represents definitely wants him there as well.

Campbell asked Kaser to note the following when providing the report to Council for approval:

- 1) All applicants must pass a criminal background check; and
- 2) Should Council/staff attend committee meetings in a non-voting advisory capacity or would it limit the committee's influence.

#### **Advisory Board Members Comments:**

Ruef explained the complications of having the proposed quorum language as written. The committee agreed to make it a simple majority of 51%.

Ruef recommended softening the quorum language concerning vacating the room if a quorum is not established within 15 minutes. Campbell explained that a time limit was important – it is unfair to ask the other members who arrived on time to wait.

Hitt and Campbell confirmed Ruef's interpretation that a quorum is based on the voting membership; if the membership changes, the quorum changes.

Ruef referred to the Committee Support Staff section [Pg. 6] acknowledging that the City Administration needs control of their staff and the budget. If Council wants fully independent opinions (independent from city staff), you have to be careful not to give staff too much control over the committee or all Council will get is regurgitated staff recommendations.

Ruef felt it would add a burden to the committee to require a written consent from the City Manager for staff to attend committee meetings. Formalizing the rules in this manner makes the Council committees more formal than other civic groups. He suggested keeping it the way it is.

Campbell cordially disagreed. The additional burden would not be enough to offset the financial controls that need to be in place. Some committee meetings have had multiple staff members attend (both hourly and salaried). That is why a separate budget item is needed. If the entire overtime budget is used to support committees, there is none left to support the required overtime work. Ruef understood her point but felt the controls are in place now without calling it out and making a special case for council committees.

Hitt stated that the intent was not to be a bureaucratic stumbling block and provided an example for a blanket approval. Because a chair asks permission for staff support/activity, I would not see that as having extra control or influence over that committee. Hitt agreed with Ruef in that the council committee should be independent as far as coming up with ideas/concept and recommendations on their own.

Campbell stated that because these are committees of the Council, they are not independent, it's important to have guidance and that they all operate in a similar manner.

Sell stated that it seemed reasonable that city staff know the rules; it would be easier for the volunteers if the rules on who could attend were known internally. He was concerned that making more rules may make it more difficult for the volunteers.

Campbell thanked the committee and stated that the whole purpose of the manual is to provide guidance; she felt that this manual does just that.

Hitt confirmed for Kerins that once the manual was approved, it would supersede all other committee ordinances/resolutions.

Weldon asked who would decide on how many members (5 or 7) a committee would have. Hitt explained that it would be based on the committee's needs and number of appointments made.

V. Chair Campbell adjourned the meeting at 6:50 p.m.

*[Notes taken by City Clerk Kaser]*

**CITY OF LEBANON  
BICYCLE AND PEDESTRIAN ADVISORY COUNCIL  
Lebanon Justice Center  
40 North 2<sup>nd</sup> St. Lebanon  
Thursday September 23, 2010  
6:30 p.m.**

**MINUTES**

Advisory Members Present	Jim Ruef, Chairman; Brian Hubbard, Damon Tempey, Bob Burt, Barbi Thompson, Robin Whitlock
Advisory Members Absent City Liaison	Donna Kriner Dala Johnson, Community Services Coordinator, Lebanon Police Department
Others Present	Rod Sell

**CALL TO ORDER**

Jim Ruef called the meeting to order at 6:30 p.m.

**APPROVAL OF MINUTES**

The minutes of the August 26, 2010, a Motion by Bob Burt and a second by Damon Tempey, and was approved.

**PUBLIC COMMENT**

Only comment was from Damon Tempey to say that he appreciated the meetings starting and ending on time.

**GUEST, Rod Sell**

Parks systems maps were handed out. Rod Sell discussed the City of Lebanon Parks Master Plan as a review and for future development. Good information oh how the parks plans pertains to Bike and Safety and the committee. For future reference go to the City of Lebanon website and go to departments, parks and then parks Master Plan.

**OTHER BUSINESS/NEXT MEETING AGENDA**

Due to time being short Dala will report on bicycle violations from Lebanon Police records.  
Tentative next agenda speaker will be Roseanne Hartness from the Lebanon School District on safe routes.

City ordinance 2.30.060 was amended and passed by the Lebanon City Council. Dala will check with Tom McHill to see if this can take effect immediately or if it has to start over from the date the ordinance was amended which would be October 8, 2010.

Future meeting dates will be decided at October meeting.

**NEXT MEETING DATE**

**Thursday October 28, 2010 at 6:30 pm**

City of Lebanon Bike and Pedestrian Advisory Board

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September 23, 2010

**ADJOURNMENT at 8:25 p.m.**

Respectfully submitted,

Dala Johnson

Community Services Coordinator

Lebanon Police Department

City Liaison for Lebanon Bike and Pedestrian Advisory Board

**CITY OF LEBANON  
BICYCLE AND PEDESTRIAN ADVISORY BOARD  
MEETING MINUTES  
OCTOBER 28, 2010**

Chairman Jim Ruef called the meeting to order at 6:30 p.m. Present were Jim, Barbi Thomson, Bob Burt, and Brian Hubbard. Guests Emily Mentzer of the *Lebanon Express* and Roseanne Hartness from the Lebanon School District were also in attendance.

**Minutes:** The minutes of the September 23, 2010 meeting were approved unanimously.

Jim reviewed the City Council's withdrawal of support to the various volunteer boards for the next seven months. Will this hurt us and our ability to respond to upcoming decisions that could affect Lebanon's trails future? The Board's consensus was to continue to meet during this time in the hope that Council support will be reinstated, but perhaps look for an alternate meeting space after the December meeting, one that accommodate Power Point presentations for guests. We will still be able to use the city logo on Board communications.

**New Business:** Because Dala Johnson, Community Services Coordinator and liaison between this Board and the City will not be participating anymore, Barbi agreed to assume the position of Secretary.

Also, due to Dala's absence, moved to the next meeting was her pedestrian/bicycle accident history report.

Jim passed around a sheet from Portland news station KATU, a Salem biking and walking survey, and suggested this is something that Lebanon could do in order to find out exactly what people want.

**Program:** Roseanne Hartness was our guest tonight and gave a presentation on the Safe Routes to Schools program and a review of their recently submitted grant application, with Seven Oak Middle School being the focus right now.

She said they are working on instituting a program, "Get in Gear," where kids work on bike maintenance after school, then are allowed to keep the bike after completing the course.

**Old Business:** We have had a vacancy in a position from the very beginning. Jim officially declared the position vacant and we will be looking for another Board member.

Next meeting will be December 9<sup>th</sup> at the Lebanon Senior Center.

Respectfully submitted,

Barbi Thomson  
Secretary



**City of Lebanon  
Planning Commission  
Meeting Minutes  
September 15, 2010**

**Members Present:** Commissioners John Brown, Brian Daniels, Israel Garcia, Shelly Garrett, Walt Rebmann, Mike Reineccius, Jeremy Salvage and Barry Scott

**Staff Present:** Community Development Manager Walt Wendolowski, City Attorney Tom McHill, Utility Services General Manager Dan Grassick, City Manager John Hitt and CD Office Manager Jamie Bilyeu

**1. FLAG SALUTE / CALL TO ORDER**

Vice-Chairman Reineccius called the meeting of the Lebanon Planning Commission to order at 6:33 p.m. in the Santiam Travel Station Board Room at 750 3rd Street.

**2. ROLL CALL**

Roll call was taken; Commissioners Daniels, Garrett and Robertson were absent.

[Commissioner Garrett joined the meeting at 6:34 p.m.]

**3. APPROVAL OF AUGUST 18, 2010 MEETING MINUTES**

The August 18, 2010 meeting minutes were approved as presented.

**4. CITIZEN COMMENTS** – There were none.

**5. PUBLIC HEARINGS**

City Attorney McHill briefly reviewed public hearing procedures and noted that they are shown on the overhead and are posted on the wall. He pointed out that testimony must be directed toward the criteria identified by staff or other criteria or land use regulation that the witness believes is important and relevant for the Planning Commission to consider. Issues, including Constitutional ones, related to the proposed conditions of approval must be raised with and accompanied by statements or evidence sufficient to afford the Commission and the parties an adequate opportunity to respond. Failure to raise the issue with sufficient specificity for the City and the parties to respond to that issue prohibits appeal to LUBA or some other proceeding based upon that issue. There were no questions. No one requested that the criteria be reviewed.

[Commissioner Daniels joined the meeting at 6:36 p.m.]

**A. Land Partition and Conditional Use 10-08-41 – OSU Federal Credit Union (Burdell Boulevard & S. Santiam Hwy)**

There were no objections to this hearing's notice.

*Vice-Chairman Reineccius opened the Public Hearing at 6:37 p.m. and asked if there were any conflicts of interest or ex parte contacts.* He disclosed that he banks with OSU Federal Credit Union but this has no bearing on his decision. McHill explained that this is not a legal conflict of interest that would prevent participation. There were no other disclosures.

Community Development Manager Wendolowski briefed the Commission on an application by OSU Federal Credit Union to Partition property into three parcels and a Conditional Use to establish an office with drive-up facilities. Planning File 10-08-41 was formally entered into the hearing record. He stated that there is a slight correction in the staff report (Chapter 16.06 Mixed Use zone) that will be corrected. The applicant is first requesting approval of a partition, which would consolidate the two tax lots, re-dividing the property into three parcels of 0.25 acres, 0.87 acres and 1.72 acres. A pre-existing easement, established as part of Partition 08-08 under the old Zoning Ordinance, provides access.

After the partition, the applicant intends to construct an office on the 0.82-acre parcel. This project includes the following improvements:

1. The 3555 square-foot building will house the OSU Federal Credit Union and will include drive-up facilities.
2. The plan calls for 18 vehicle parking spaces on the south side of the property. Four covered bicycle spaces are located at the building entrance.
3. Ingress (and egress) to the site will be near the southeast corner of the parcel. Two entrance lanes direct customers to the parking lot or the drive-up located on the east side of the building. Drive-up patrons exit on the northeast corner of the site.
4. A walkway connects the site to the South Santiam Highway sidewalk.

While the Code allows financial offices in the MU zone (processed as an Administrative Review), a Conditional Use is required as this credit union includes drive-up facilities.

The Department received the following comments:

1. City Development Engineering noted that certain public facility improvements are required but otherwise, there are no servicing issues.
2. ODOT did not oppose the request but noted that the layout must include a right-turn deceleration lane onto Burdell Boulevard (CPMA 06-01 and ZC 06-01; John Court).
3. Lebanon Fire District reviewed the proposal and did not oppose the project but provided information regarding fire and life safety.
4. As of the hearing date, no contacted property owner submitted comments.

Development Code Section 16.20.060.F.2 allows consolidation of applications and review by a single authority – in this case, the Commission. The Partition is necessary to establish the parcel and was reviewed first.

Development Code Chapter 16.22 contains regulations for partitions. Specific findings are contained in the staff report and are summarized as follows:

1. The proposal complies with all application requirements.
2. The parcels will use a pre-existing access easement.
3. Public facilities are in place to serve all three parcels. The partition provides an easement to establish a right-turn deceleration lane, conforming to ODOT requirements. The plat includes necessary utility easements to serve future development.
4. Within the MU zone, the minimum lot area for multi-family residential development is



9000 square feet; otherwise, there are no minimum lot size requirements. All three parcels exceed the only identified minimum standard of the zone.

5. Setbacks are not an issue as the parcel does not contain buildings or other structural improvements.
6. All three parcels exceed the minimum street-frontage requirement of 20 feet and will be served by a pre-existing easement. Since this is effectively a shared driveway, a reciprocating access easement and maintenance agreement must be recorded with the partition plat.

Chapter 16.21 establishes the review criteria for a Conditional Use application. Findings are contained in the staff report and are summarized as follows:

1. The MU zone references the Chapter 16.08 for commercial zoning requirements. There are no minimum lot or dimension requirements for commercial development. The maximum building height is 45 feet; street-side setbacks are a minimum of 10 feet (landscaped), and the maximum allowable lot coverage is 100%. Plans show the proposed structure maintains at least a 12-foot, landscaped setback from adjacent r-o-w while the 31-foot-high structure will occupy less than 10% of the site. The proposal complies with applicable zone provisions.
2. The drive-up facility is located on the east side of the building and is not orientated toward a local street. Improvements exceed the minimum 10-foot setback. The queuing area does not obstruct driveways, streets or walkways. Therefore, the drive-up complies with the design requirements.
3. The vacant property is located on a busy State highway, near other commercial activities, and fits into the area's pattern of commercial retail and office development. The office building should not generate adverse traffic, noise, dust or odors that create negative impacts on adjacent properties which require mitigation.
4. There is water line in Burdell Boulevard along with two fire hydrants on the north side of the property. Sanitary sewer line runs along South Santiam Highway and across proposed Parcel 3. Storm sewer is also located along South Santiam Highway. The existing public facilities are more than adequate to serve the proposed use.

The proposal must comply with Community Development Standards, Chapters 16.12–16.19. The applicable provisions are reviewed below:

1. Additional r-o-w dedication is not required, although the applicant must install a standard sidewalk, streetscape strip, and street trees along Burdell Boulevard. To manage traffic flow and safety, Development Engineering will require installation of a stop sign at the north end of the access to Burdell Boulevard, as well as pavement markings to the east boundary of the site (includes lane stripes and stop bars). Traffic control improvements must meet MUTCD standards.
2. Parking requirements are contained in Chapter 16.14. At a minimum, the building requires 14 parking spaces, with a maximum of 18 spaces. The site plan identifies 18 spaces, complying with this Section. Four bicycle spaces are also required and these will be located at the building entrance.
3. The landscaping plan includes lawn areas, as well as provisions for shrubs and trees near the building, the parking lot, and along South Santiam Highway and Burdell Boulevard. Given the property location and adjacent land uses, special screening is not warranted.

4. Regarding public facilities, to ensure compliance with Public Works Standards, City Development Engineering requires specific information on storm water improvements and the extension of the existing water main.
5. The Lebanon Fire District submitted comments addressing potential or required fire and life safety improvements for the structure. While compliance with these requirements rests with the Fire District, staff recommends a development condition to ensure conformance.

The partition complies with all dimensional and access requirements for the particular use in the MU zone. Regarding the Conditional Use, the office meets building height, lot coverage, setback, parking and access requirements, as well as conforms to design standards for drive-ups. In both cases, the necessary public facilities are available to serve the proposed development, as well as the remaining vacant parcels.

Based on these factors, staff recommends the Commission approve the Conditional Use application, subject to the findings and conditions noted in the Staff Report.

Commissioner Garrett expressed concern about possible confusion with the drive-thru exit. Wendolowski described the traffic pattern and pointed out that a condition of approval is to provide necessary markings and signage. Commissioner Garrett thanked the Credit Union for generously donating the property for the Lebanon sign.

*Hearing no further questions, Vice-Chairman Reineccius opened the public testimony portion of the Hearing at 6:49 p.m. and invited the applicant or the applicant's representative to come forward.*

Brian Vandetta, Civil Engineer and Land Surveyor for Udell Engineering, 63 E. Ash Street, the applicant's representative, introduced Bill McKinney and architect Gary Day, from Benchmark Architectural. Mr. Vandetta stated that the proposal suits the chosen site very well. Their application addresses all relevant criteria. They thoroughly reviewed and accept the conditions as stated. He made himself available for questions.

Commissioner Scott asked how soon this development will occur. Mr. Vandetta indicated that after the appeal period, they will move directly into construction documents with construction to start after the first of the year. The intent is to occupy the building towards the end of July 2011.

Mr. Vandetta entered a picture of a credit union with the same façade and color scheme into the record.

*Hearing no comments in favor of or in opposition to the proposal, Vice-Chairman Reineccius closed the Public Hearing at 6:52 p.m. and announced that all further discussion will be between the Commission and staff.*

The Commissioners did not have any issues with the application.

***Commissioner Salvage moved, Commissioner Brown seconded, that the Planning Commission adopt the proposed Findings and approve Conditional Use and Land Partition request 10-08-41, subject to the Conditions of Approval contained in the Staff Report.***

***The motion passed unanimously. 6:54 p.m.***

## 6. NEW BUSINESS:

### October Meeting.

To date, there are no applications for October, so we may not have a meeting next month.

### Lebanon Development Code Interpretation.

Wendolowski described a request from a group that refurbishes and redistributes – to low-income families, military, and senior citizens – old appliances. They currently have two sites, but would like to consolidate their operations under one roof. They are looking at a 10,000 square foot building within the Industrial zone and intend to use about 7000 square feet for repair and storage with the balance as a retail area.

In the Industrial zone, it specifically states that appliances cannot be sold as a retail activity. Because we do allow, under Chapter 16.03, accessory uses within the Industrial zone, it depends how the Industrial zone is categorized. Because this is not quite industrial service, but not quite industrial manufacturing, the question was whether the retail activity can be defined as an accessory use within the Industrial zone.

Normally, for these interpretations, an Administrative Review application with a \$450 fee and a formal notice process is required. In this case, it was a last-minute request. Since this is a fairly significant policy issue, Wendolowski requested that the Commission discuss whether this is an appropriate interpretation. If it is found favorable, he will suggest a formal application, which will be processed as a Code interpretation. His experience is that specialty manufacturing often has a retail component, so he does not find this an outlandish request.

Commissioner Scott asked whether the rationale behind the Code requirement is to outright avoid commercial uses in the Industrial area. Wendolowski stated that the basic rationale is to preserve industrial land for industrial uses. It is also because traffic is different with industrial and retail users. There was discussion about not wanting to discourage activity given the current economy, but when the economy is booming, there is good reason to preserve industrial lands.

In response to Commissioner Garrett's question about the rationale behind specifically prohibiting appliance sales, Wendolowski listed other prohibited retail activities. There was discussion about other businesses that also have a small retail component to them.

Referring to Table 16.09-4 (Industrial Uses with Class II Impacts), Commissioner Garcia stated that it looks like this would be allowed. Wendolowski explained that appliance sales are a commercial activity, which is prohibited according to Chapter 16.09.060.

Commissioner Scott felt that it boils down to what the primary activity is. There should also be the consideration that businesses tend to evolve over time. Wendolowski stated that an advantage of going through the Administrative Review process is that the amount of square footage per activity can be limited.

In response to Commissioner Scott's inquiry, Wendolowski stated that having the manufacturing portion of the business in a Highway Commercial zone is not a problem.

Responding to Commissioner Brown's concern about the storage aspect, Wendolowski stated that he understands that all appliances will be stored inside; any outdoor storage must be fully screened.

Wendolowski stated that with consensus, a good guideline could be that no more than one-third of the total square footage can be used for retail activities. The accessory would need to

be secondary and there could not be expanding retail or contracting of the storage/repair aspect. This guideline can be used for other Industrial-zoned properties through the Administrative Review process until a formal change is made to the Development Code. Chapter 25 allows the Commission to make that interpretation creating a de facto Code amendment.

Commissioner Garrett asked whether this should be by review, rather than limiting it to a specific percentage of square footage. Wendolowski felt that it should be delineated – saying "no more than one-third of the space" is in line with "accessory and subordinate to." McHill added that by using an interpretation, the Commission is not creating a whole new character. What Commissioner Garrett is suggesting would require more of a Code change.

Commissioner Salvage stated that he feels comfortable with Wendolowski's suggestion because it is not defeating the purpose of the Code. Commissioner Garcia agreed.

There was consensus to proceed with the group's application for the Administrative Review, in accordance with the guidelines discussed.

#### **8. COMMISSIONER COMMENTS:**

Commissioner Garrett asked whether Wendolowski checked into wind turbine systems because of probably future interest. He briefly described the restrictions and possible dangers.

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Wendolowski will present to the City Council, in October, the Ordinance amendment to allow Lebanon property owners who do not reside within the zip code to be part of the Planning Commission.

#### **9. ADJOURNMENT:**

There being no further business, the meeting was adjourned at 7:24 p.m.

*[Meeting recorded by Jamie Bilyeu and transcribed by Donna Trippett]*



**City of Lebanon  
Planning Commission**

**Meeting Minutes  
November 17, 2010**

**Members Present:** Commissioners John Brown, Brian Daniels, Shelly Garrett, Deborah Harris, Walt Rebmann, Mike Reineccius, Jeremy Salvage and Barry Scott

**Staff Present:** Community Development Manager Walt Wendolowski, City Attorney Tom McHill, Manager of Utility & Engineering Services Dan Grassick, and Office Manager Jamie Bilyeu

**1. FLAG SALUTE / CALL TO ORDER**

Vice-Chairman Reineccius called the meeting of the Lebanon Planning Commission to order at 6:30 p.m. in the Santiam Travel Station Board Room at 750 3rd Street.

**2. ROLL CALL**

Roll call was taken; all Commissioners were present.

**3. PLANNING COMMISSIONER UPDATES**

**Resignation of Israel Garcia**

Community Development Manager Wendolowski announced that the agenda incorrectly stated that Don Robertson resigned. He cannot currently serve because he lives outside of City limits, but staff is in the process of amending the Municipal Code to allow him to return.

**4. APPROVAL OF SEPTEMBER 15, 2010 MEETING MINUTES**

The September 15, 2010 meeting minutes were approved as presented.

**5. CITIZEN COMMENTS – There were none.**

**6. PUBLIC HEARINGS**

City Attorney McHill briefly reviewed public hearing procedures and noted that they are shown on the overhead and are posted on the wall. He pointed out that testimony must be directed toward the criteria identified by staff or other criteria or land use regulation that the witness believes is important and relevant for the Planning Commission to consider. Issues, including Constitutional ones, related to the proposed conditions of approval must be raised with and accompanied by statements or evidence sufficient to afford the Commission and the parties an adequate opportunity to respond. Failure to raise the issue with sufficient specificity for the City and the parties to respond to that issue prohibits appeal to LUBA or some other proceeding based upon that issue. There were no questions. No one requested that the criteria be reviewed.

**A. Modification of PD-08-03 (10-10-52) – Samaritan Health Services (Hwy. 20 across from Samaritan Hospital)**

There were no objections to this hearing's notice.

*Vice-Chairman Reineccius opened the Public Hearing at 6:40 p.m. and asked if there were any conflicts of interest or ex parte contacts.*

Commissioner Garrett disclosed that she is on the Lebanon Hospital Foundation Board but this has no bearing on her decision. McHill noted that this is not a conflict of interest because there is no financial gain or loss as a result of this decision. Commissioner Scott stated that he is on a couple of Samaritan Boards but this will not affect his decision. Wendolowski declared that he has banked with Central Willamette Credit (CWCU) for a long time. McHill stated that he is representing CWCU in a litigation case that has nothing to do with this application. There were no other disclosures.

Wendolowski briefed the Commission on an application by Samaritan Health Services (SHS) to modify Planned Development 08-03. He entered Planning File 10-10-52 formally entered into the hearing record. The site is located along Highway 20, across from the Samaritan Lebanon Community Hospital, and is zoned Mixed Use (Z-MU). The City approved PD 08-03 (under LZO rules) establishing a medical college with ancillary residential, office, medical and commercial facilities. The initial approval was limited to the 46 acres of land located on the east side of 5<sup>th</sup> Street

The City approved two subsequent partitions. File 09-09-51 created a 2.58-acre parcel for the medical college. File 10-05-29 created a 0.83-acre parcel for a new credit union site. In both cases, approval conditions required conformance to the design plan and conditions of approval in Planned Development 08-03.

The applicant now wishes to modify the original plan by revising building layouts in the northwest corner of the site (Development Area II). The changes involve both Tax Lot 1200 and Tax Lot 1207 and include the following:

1. The change replaces a 20,000 square foot building with two structures of 3,000 and 13,500 square feet. Tax Lot 1207 will contain the smaller structure, housing CWCU.
2. This structure will now include drive-up facilities. Otherwise, the building generally conforms to the architectural design of the original decision.

File 10-05-29 created a new access to 5<sup>th</sup> Street. The developer must close this access when the remainder of the interior street system is improved.

Development Engineering requested a four-foot solid landscape screen along the drive-up lane to shield public streets from glare of customers' vehicle headlights. The Lebanon Fire District reviewed the proposal and did not submit comments. No contacted property owner submitted comments.

This application essentially involves two separate actions: (1) whether the proposed revision complies with the modification requirements in the Development Code; and if so, (2) whether the modification conforms to the decision criteria establishing the Planned Development.

Chapter 16.24 establishes the standards for reviewing a modification request to an approved land use decision. The staff report contains specific findings; a brief summary follows:

1. The application meets the applicability provisions of Chapter 16.24.
2. The proposal does not change proposed land uses, significantly increase area impacts or change property boundaries. The modifications will continue to conform to the original Zoning Ordinance requirements.
3. 'Therefore, the applicant is not required to submit a new application but may modify the original request. Further, the Commission must review this request as it approved the original application.

In addition, the Commission must review the modification against the previous Zoning Ordinance criteria. The staff report contains specific findings; a brief summary follows:

1. The parcel exceeds two acres in size, which requires the PD process and Commission review.

2. The proposed uses are consistent with allowable activities in the MU zone as well as the original approval's proposed office/commercial uses.
3. The proposed two-story buildings conform to applicable development requirements of the MU zone, do not violate clear-vision provisions, nor alter landscaping plans for the project. The modification does not reduce proposed parking – both vehicular and bicycle – at the project. Staff reviews exterior lighting requirements and sign requirements when building plans are submitted.
4. Unlike the current Development Code, the Zoning Ordinance did not contain provisions for drive-up facilities. However, the Commission retains authority to approve design concepts as part of the PD process. This area of the planned development is primarily devoted to commercial retail and office space so that the drive-through facility is generally consistent with that purpose (either walk-in or drive-in, so no significant change in traffic generation). Staff suggests the facilities are acceptable provided the developer installs sufficient screening – at least four feet in height and in concert with the overall master plan design.
5. The Lebanon Zoning Ordinance required the proposed development to be in conformance with the 2004 Lebanon Comprehensive Plan. The staff report notes the Order for the General Plan is part of the record of this planning file. Findings in that Order address all the Comprehensive Plan conformance issues. Since the proposal does not alter the allowed land uses and essentially remains consistent with the intent and purpose of the project, staff concludes those prior findings apply to the modification.

In summary, the proposal complies with all requirements related to modifying the original approval. The only change of any significance is the drive-in facility, which the previous (and current) MU zone allowed. Compatibility with area properties should be maintained provided screening is placed as a condition. Based on these factors, staff recommends the Commission approve the Modification to Planned Development 08-03, subject to the findings and conditions noted in the Staff Report.

*Hearing no further questions, Vice-Chairman Reineccius opened the public testimony portion of the Hearing at 6:48 p.m. and invited the applicant or the applicant's representative to come forward.*

Lyle Hutchens, Devco Engineering, 245 NE Conifer, Corvallis, Oregon, the applicant's representative, introduced Grady Corr, CWCU IT Officer, and architect Don Johnson from DJ Architecture. Mr. Hutchens stated that SHS and CWCU are in agreement with the findings and recommended conditions of approval, specifically with respect to the screening and buffering of the drive-up facilities from the public right-of-way. The design team will propose a combination of materials that meet the requirements of the condition and which are acceptable to staff.

Regarding the building, CWCU wishes the building to have its own identity while still meeting the intent and quality of the General Development Plan. He feels this proposal accomplishes that by using approved materials and architectural shapes, but in a way that also provides a unique identity for this facility. As the design progresses to permitting, they are confident that staff's review will assure the intent of the General Development Plan as met and that the requirements of this particular request are also met.

The facility is by itself because the credit union is a destination specific to its members. This location offers easy access to the north area of Lebanon, to downtown, and to the areas beyond. It is also positioned deliberately in the designated commercial/retail multi-use area on the northeast portion of the Plan approval. It is also in a strategic position for the employees of the ODVA facility soon to come.

Vice-Chairman Reineccius asked where the temporary road will be located in relation to the school. Mr. Hutchens stated that it is north of the existing grade school and its approaches.

Hearing no comments in favor of or in opposition to the proposal, Vice-Chairman Reineccius closed the Public Hearing at 6:54 p.m. and announced that all further discussion will be between the Commission and staff.

The Commissioners did not have any issues with the application.

**Commissioner Salvage moved, Commissioner Brown seconded, that the Planning Commission adopt the proposed Findings and approve the applicant's request in Planning File 10-10-52 to modify Planned Development 08-03 as submitted.**

**The motion passed unanimously. 6:55 p.m.**

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## **7. NEW BUSINESS:**

### **Upcoming Meetings.**

There are no scheduled hearings for December 15, [2010], but staff would like to meet to discuss goals for 2011 and other general issues.

In January, the Commission will be voting for next year's officers.

## **8. COMMISSIONER COMMENTS:**

Commissioner Rebmann asked about the status of the Olive Street railroad improvements. Utility Services General Manager Grassick indicated that Albany & Eastern (A&E) completed construction with the grant through ODOT Rail. The spur track from the junction on the mainline to and across Industrial Avenue was completely rebuilt.

When A&E secured their grant, the City looked at some options, one of which was to completely rebuild the street from 5<sup>th</sup> to North Main, but a primary cost issue was that it does not have an existing storm drain network. At this time, the City can only afford to re-rock the portion of Olive Street from 5<sup>th</sup> to 2<sup>nd</sup> Streets (in addition to a strip east of 2<sup>nd</sup> Street on the north half). Several inches of the ballast rock that A&E laid will be removed and will be replaced with 3/4" Minus.

Olive Street improvements are on the list of projects in the URD. The intent has always been to build Olive Street out as a typical urban street, but the cost got into the half a million dollar range very quickly. So for the interim, the City will maintain a rock street. If things work out and we are able to obtain enough revenue through the storm drain utility, we may put some drain solutions in. We may also do some slurry sealing or other treatment to the street as an interim measure until it can be completely built, but this would be several years out.

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Regarding Commissioner Brown's question about the rail crossing near the Justice Center, Grassick stated that ODOT Rail and A&E were looking at the crossing in September because A&E requested an ODOT permit to upgrade the crossing. Since it is a State Highway crossing, there is a lengthy time involved.

---

McHill introduced Tre' Kennedy to the Commissioners.

## **9. ADJOURNMENT:**

There being no further business, the meeting was adjourned at 7:10 p.m.

*[Meeting recorded by Jamie Bilyeu and transcribed by Donna Trippett]*



Senior Center  
80 Tangent Street  
Lebanon, OR 97355

## **ADVISORY BOARD MEETING**

**December 15, 2010, 10:00 a.m.**

### ***MINUTES***

Members Present: Darlene Johnson, Lori McNulty, "Mac" McNulty, Alice Unger, Laura Wallace, Cleora Wymore

Absent: Fran Bonnarens, Lita Dyson, Angie Kutsch; Mary Sue Reynolds, non-voting members: Bob Elliott; Tori Hartman, Kindra Oliver

**Before the meeting was called to order, Lori introduced Police Chief Thor Dable and Community Services Coordinator Dala Johnson who gave a report on police matters that would be of concern and interest to senior citizens of the community. Ms. Johnson gave a handout regarding recent scams and schemes which are being perpetrated against unsuspecting individuals. A question-and-answer period followed the presentation.**

#### **1) WELCOME:**

Lori called the meeting to order at 10:25 a.m.

#### **2) MINUTES:**

Darlene moved, Mac seconded to approve minutes of November 17, 2010, meeting. All in favor; motion passed unanimously.

#### **3) CHAIRPERSON'S REPORT:**

First order of business was to ask someone to take minutes in the absence of Kindra Oliver who, as Senior and Disabled Services Program Manager, shall, by City Ordinance (2.28.050) serve as secretary to the Board. Alice agreed to do so, for this meeting. She will be unable to serve as secretary at future meetings.

Lori informed the Board of the meeting to be held today at 3:00 p.m. by the Council Advisory Review Committee. This committee is comprised of City Councilors Margaret Campbell, chairperson, Bob Elliot and Ray Weldon. She will appear on behalf of this Board, asking that participation be allowed by city employees because of the importance and necessity for information regarding the Senior Center and its operation to be made known to these members who can disseminate such information to the public. She will make clear to the review group that she is presently unable to continue serving as chairperson or even as a member of this advisory board because of the expiration of her multiple terms. The board could, therefore, cease to function unless a member is nominated and voted in for that position.

#### **4) REPORTS**

##### **\* Senior Meals Program**

Tori had relayed information that she is still "in desperate need of drivers" and again requests that Board members pass along this information in an

attempt to recruit volunteers.

Kitchen volunteer staff remains steady. As usual, numbers of meals served in the dining room and by Meals On Wheels fluctuates with weather conditions.

**\* Senior Center Program**

1. Kindra has been involved in meetings with Oregon Department of Transportation relating to matters that affect the Senior Center.

2. Activities:

\* The Lunch-and-Learn series has had a format of teaching crafts for the holiday season. Attendance has been steady but less than for the series of previous months.

\* The December potluck is expected to draw a large crowd because the entertainment will be a spoof of a USO show from the World War II era. The program will be repeated the evening of the 17<sup>th</sup> for the public, with donations of canned and packaged food to be distributed to people in need who receive Meals on Wheels.

\* Shirley and Kindra will meet to plan activities for the coming year.

**5) CONTINUING BUSINESS**

\* Need for additional member to serve on Board. Ordinance states nine members, have eight active.

\* Election of officers tabled until after meetings of above-mentioned review committee.

\* Bob Elliott gave a very positive report about the College of Osteopathy student applications, with the first class "on track" to start in August.. He also mentioned the status of the veterans' home: nothing finalized yet. Also other buildings on campus to have new businesses in them. New industries showing interest in coming to Lebanon. Downtown showing revitalization efforts; need for more in presently closed buildings.

\* Bob suggested possibility of this board meeting on alternate months. Tabled until after decision by review committee.

There being no New Business or Items from the Floor, Cleors moved, Darlene seconded that the meeting adjourn. Adjournment at 10:50 a.m. by unanimous vote.

**NEXT MEETING: January 19, unless otherwise notified.**

# *Proclamation*

# Arbor Day Proclamation

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and

Whereas, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal, and

Whereas, Lebanon, OR has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices

NOW, THEREFORE, I, Kenneth I. Toomb, Mayor of the City of Lebanon, OR, do hereby proclaim April 7, 2011 as

## Arbor Day

in the City of Lebanon, OR, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 9<sup>th</sup> day of February 2011

Mayor \_\_\_\_\_

# Agenda Item 1



## MEMORANDUM

### *Community Development Department*

**To:** Ken Toomb, Mayor  
Lebanon City Council  
John Hitt, City Manager

**Date:** February 2, 2011

**From:** Walter Wendolowski, AICP  
Community Development Manager

**Subject:** Annexation and Zoning of Property

**Applicant:** Enviro-Board

**Map & Tax Lot No.:** 12-2W-24C; 800

**Planning File:** 10-12-69

**Address:** 4500 Weirich Road

This is a request by the property owner to annex a 1.43-acre parcel. The property is designated Industrial (C-IND) on the Lebanon Comprehensive Plan Map, and pursuant to the Lebanon Development Code, would be assigned the Industrial (Z-IND) zone upon annexation. This zoning is consistent with, and the only one that corresponds to, the Comprehensive Plan Map designation.

The Planning Commission conducted a public hearing regarding this annexation on January 19, 2011, finding the application complies with the decision criteria contained in the Lebanon Development Code and voted unanimously to recommend the City Council approve the proposed annexation.

The Planning Commission Order of Recommendation (File # 10-12-69) and staff report are included in the Council packet.

The City Council will conduct a public hearing regarding the proposed annexation, with staff presenting a report on the Commission's findings and recommendation. If approved, the Council may adopt a bill for an ordinance annexing the property and establishing the Industrial zone.

**It is the recommendation of the Planning Commission that the City Council approve the annexation, establishing the Industrial (Z-IND) zone on the newly annexed property.**

A BILL FOR AN ORDINANCE ANNEXING AND  
ZONING PROPERTY FOLLOWING CONSENT  
FILED WITH THE CITY COUNCIL BY  
LANDOWNERS IN SAID AREA PURSUANT  
TO ORS 222.120 AND ORS 222.170  
File 10-12-69; ENVIRO-BOARD.

) ORDINANCE BILL NO. 1  
) For 2011  
)  
)  
) ORDINANCE NO. 2814  
)

**WHEREAS**, the City of Lebanon has received a submission by written request for annexation of real property to the City of Lebanon, herein described in Exhibit "A"; and,

**WHEREAS**, on January 19, 2011, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 10-12-69, making findings recommending annexation of the subject property and establishment of the Industrial (Z-IND) zone; and,

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

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

**Section 1. Findings.** In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

*After Recording Please Return To:*

City of Lebanon  
City Clerk  
925 Main Street  
Lebanon, OR 97355

AREA RESERVED  
FOR USE BY  
LEBANON COUNTY RECORDER

**Section 2. Annexation Area.** Based upon the findings contained above, and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth at this point is hereby proclaimed to be annexed to the City of Lebanon, and zoned in accordance with the Lebanon Development Code, and assigned the zoning of Industrial (Z-IND).

**Section 3. Record.** The City Recorder shall submit to the Oregon Secretary of State a copy of this Ordinance. The City Recorder is further ordered to send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City of Lebanon within ten (10) days of the effective date of this annexation ordinance to the Linn County Assessor, Linn County Clerk and the Oregon State Department of Revenue.

Passed by the Lebanon City Council by a vote of \_\_\_\_ for and \_\_\_\_ against and approved by the Mayor this 9<sup>th</sup> day of February 2011.

CITY OF LEBANON, OREGON

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

ATTEST:

\_\_\_\_\_  
Linda Kaser, City Clerk



EXHIBIT A

After recording return to:  
Alanna G. Weaver  
36340 Oak Drive  
Lebanon, OR 97355

00059972200700207280010013  
Steve Druckenmiller - County Clerk  
LINN COUNTY OREGON

Until a change is requested all  
tax statements shall be sent to  
The following address:

Alanna G. Weaver  
36340 Oak Drive  
Lebanon, OR 97355

Escrow No. 02-405939  
Title No. 086459L

SWD

STATUTORY WARRANTY DEED

Home Solutions Inc., an Oregon Corporation, Grantor(s) hereby convey and warrant to Alanna G. Weaver, an estate in fee simple, Grantee(s) the following described real property in the County of Linn and State of Oregon free of encumbrances except as specifically set forth herein:

Beginning at a point 120 feet East of the Northwest corner of Lot 63, Hyland Addition to the City of Lebanon, Linn County, Oregon; and running thence East 60 feet along the North line of said Lot; thence South to the South line of said Lot a distance of 155.5 feet, more or less; thence West 60 feet to a point due South of the point of beginning; thence North 155.5 feet, more or less, to the point of beginning.

178380

12-2W-10CD/4500

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

2007-2008 Real Property Taxes a lien not yet due and payable.

The true and actual consideration for this conveyance is \$70,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 27<sup>th</sup> day of August, 2007

Home Solutions Inc.  
BY: Bryan P. Kimball, Vice President

State of Oregon  
County of Linn

This instrument was acknowledged before me on August 27, 2007 by Home Solutions Inc..

Jodi F Kenagy  
(Notary Public for Oregon)

My commission expires Sept 1, 2007



236459L 12-2W-10CD 11A4500

After Recording Return to Alanna G. Weaver

## Annexation Area

An area of land within a portion Parcel 3 of Linn County Partition Plat No. 2009-54 and in the Southwest ¼ of Section 24, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon and being more particularly described as follows:

Beginning at a ½" iron rod marking the South Southeast corner of Parcel 1 of Partition Plat No. 2009-54 and being on the south line of City of Lebanon city limits per ordinance number 2200, in the Southwest ¼ of Section 24, Township 12 South, Range 2 West, Willamette Meridian, Linn County, Oregon; thence South 89°03'36" East 222.94 feet to the west right of way of Weirich Drive; thence South 26°58'21" East 123.98 feet along said right of way to a 5/8 iron rod with yellow plastic cap; thence along the arc of 287.00 foot radius curve to the left, 118.21 feet (chord bears South 38°46'18" East 117.37 feet) to a 5/8 iron rod with yellow plastic cap; thence South 00°55'29" West 50.00 feet to the south right of way of Weirich Drive (C.R. 717-A); thence North 89°04'31" West 352.58 feet; thence North 00°09'34" East 249.96 feet to place of beginning.

Based on C.S. 25149

I hereby certify the above legal description conforms to the requirements of ORS 308.225.

By: Brian Vandetta

Brian Vandetta PLS 51041



# ANNEXATION MAP



SW 1/4 SEC. 24 T. 12 S., R. 2 W., W.M.  
CITY OF LEBANON, LINN COUNTY, OREGON

SCALE: 1" = 100'

JANUARY 21, 2010

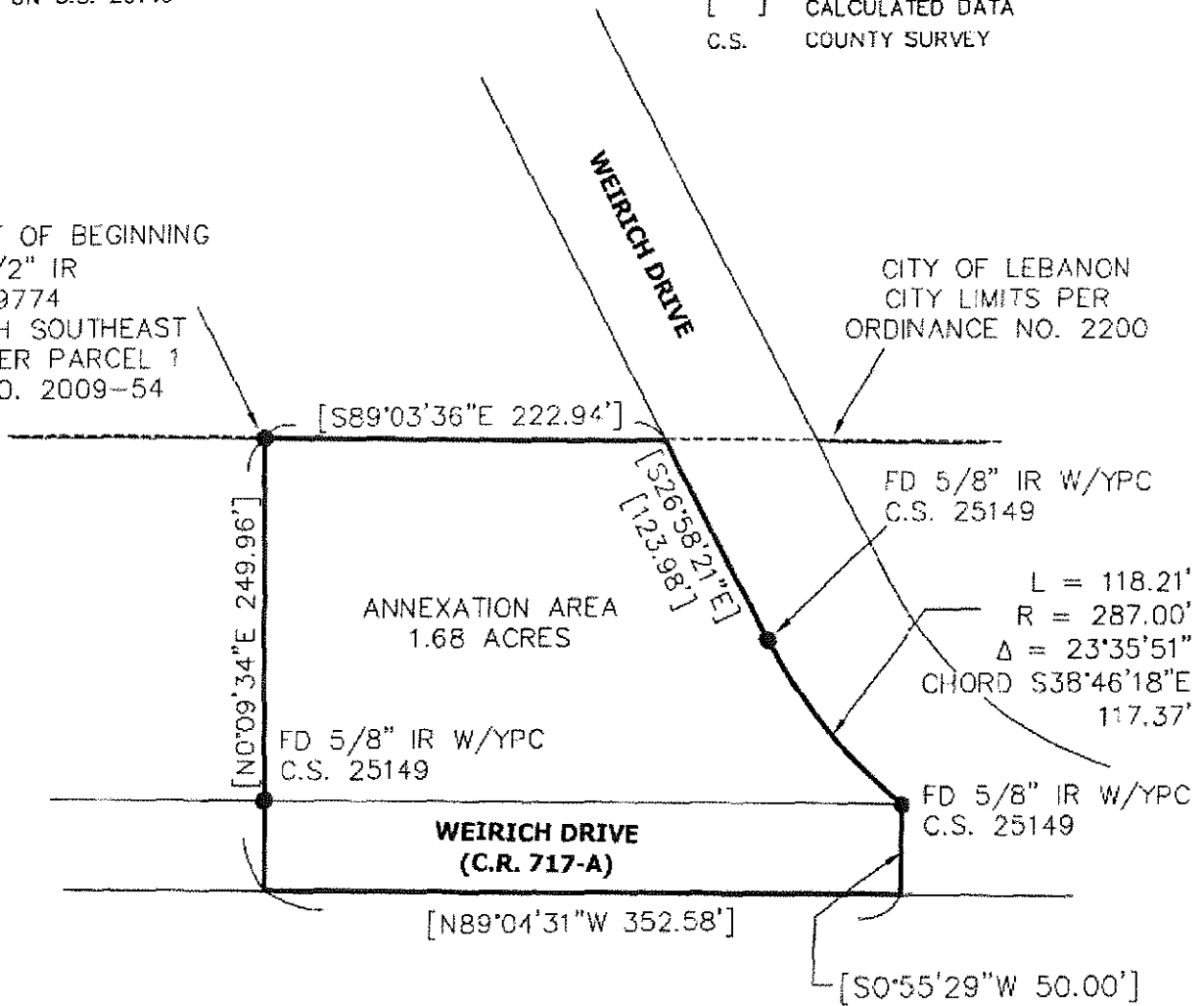
**NOTE:**

BASED ON C.S. 25149

**LEGEND**

- MONUMENT FOUND AS NOTED
- [ ] CALCULATED DATA
- C.S. COUNTY SURVEY

POINT OF BEGINNING  
FD 1/2" IR  
C.S. 9774  
SOUTH SOUTHEAST  
CORNER PARCEL 1  
PP NO. 2009-54



**Udell**  
ENGINEERING &  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON  
97355  
PH. (541) 451-5125  
11-006 ARMOUR

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Brian Vanetta*

OREGON  
JULY 13, 1999  
BRIAN VANETTA  
51041-LS  
EXPIRES 06-30-2012

**EXHIBIT B**  
**LEBANON CITY COUNCIL FINDINGS**  
**File No. 10-12-69**

In the Matter of the	)	
	)	
Application of the	)	1. Annexation
	)	2. Zone Map Amendment
Enviro-Board	)	

**I. NATURE OF THE APPLICATION**

This matter comes before the Lebanon City Council on the application of the Enviro-Board to annex property and establish the Industrial (Z-IND) zone on the newly annexed property.

**II. BACKGROUND INFORMATION**

**A. Site Location**

The subject property is located to the northwest corner of the intersection of Weirich Road and "old" Weirich Road. The property address is 4500 Weirich Road and the Linn County Assessor Map places the property within Township 12 South; Range 2 West; Section 24C; Tax Lot 800.

**B. Site Development and Zoning**

The subject 1.43-acre property contains an old industrial office building. Access to the property is off Weirich Road and it is possible to extend public sewer to the property. Public water is not available. The property is located within the City's Urban Growth Boundary, designated Industrial (C-IND) in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.

**C. Adjacent Zoning and Land Uses**

Land to the west, south and east is also located in the UGB and is designated Industrial. Uses include an abandoned industrial site and the power substation. To the north is vacant Mixed Use (Z-MU) zoned property.

**D. Proposal**

The applicant is requesting approval to annex the subject property, establishing the Industrial (Z-IND) zone on the newly annexed property.

**III. PUBLIC HEARING**

**A. Planning Commission Action**

On January 19, 2011, the Planning Commission held a public hearing on this matter. At the hearing, Planning File 10-12-69 became part of the official record. The City provided notice of the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised

as to jurisdiction, conflicts of interest, bias or to evidence or testimony presented at the hearing. Only staff and the applicant testified.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Annexation and establish the Industrial zone on the newly annexed property. The Commission found the proposal consistent with the applicable decision criteria.

B. City Council Action

On February 9, 2011 the Lebanon City Council held a public hearing on this application. At the hearing, Planning File 10-12-69 was made a part of the record. Notice of the hearing was provided pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing.

At the conclusion of the hearing, the City Council deliberated on the issue and voted to approve the proposed Annexation and establishment of the Public Use zone. The Council found the proposed requests consistent with the applicable decision criteria.

#### IV. FINDINGS OF FACT-GENERAL

The Lebanon City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is Enviro-Board, Inc.
- B. The subject property is located to the northwest corner of the intersection of Weirich Road and "old" Weirich Road. The property address is 4500 Weirich Road and the Linn County Assessor Map places the property within Township 12 South; Range 2 West; Section 24C; Tax Lot 800.
- C. The subject area contains approximately 1.43 acres.
- D. The subject property contains an old industrial office building. Access to the property is off Weirich Road and it is possible to extend public sewer to the property. Public water is not available.
- E. The property is located within the City's Urban Growth Boundary (UGB), designated "Industrial" in the Lebanon Comprehensive Plan and zoned Urban Growth Management by Linn County.
- F. Land to the west, south and east is also located in the UGB and is designated Industrial. Uses include an abandoned industrial site and the power substation. To the north is vacant Mixed Use (Z-MU) zoned property.
- G. The applicant is requesting approval to Annex the subject property, establishing the Industrial (Z-IND) zone on the newly annexed property.
- H. The decision shall be based on the following criteria contained in the Lebanon Development Code: Chapter 16.26 – Annexations.

## V. APPLICATION SUMMARY

- A. The property is located within the City's Urban Growth Boundary but outside City limits. The applicant wishes to Annex the property and establish the Industrial (Z-IND) zone. This request is limited to the Annexation and establishment of the Industrial zone; the application does not include a development proposal.
- B. The City mailed notice of the application to affected agencies and area property owners. City Development Engineering noted appropriate public improvements and site plan reviews are required at the time of development. The Lebanon Fire District reviewed the applicant and did not comment. Oregon Department of Transportation reviewed the proposal, concluding provisions of OAR 660-012-0060 do not apply and therefore does not object to the application. Otherwise, no agency or area property owner submitted comments.

## VI. CRITERIA AND FINDINGS

- A. The property is located within the City's Urban Growth Boundary and eligible for annexation. Lebanon Development Code Chapter 16.26 contains the Annexation application and review requirements. The application requires a hearing before the Planning Commission and City Council. The Commission provides a recommendation and the Council makes the final decision.
- B. Chapter 16.26 establishes the review criteria for an Annexation. Sections 16.26.010 and 16.26.020 establish the purpose of an annexation and the first assignment of zoning. The annexation transfers the jurisdiction from Linn County to the City and establishes the appropriate zoning on the property, consistent with the Plan Map designation. In this case, the only applicable zone is Industrial (Z-IND). For the record, the applicant did not request a change in the Plan designation and corresponding zone.
- C. Section 16.26.030 notes an annexation is necessary to establish the appropriate zone, consistent with the zoning matrix (Table 16.26-1). Plan map amendments are only required if there is a corresponding change in the Plan map. Further, proposed amendments to the Plan map (and corresponding zone map) must conform to provisions in Chapter 16.27. Again, the application does not include a request to change the property's Plan designation and corresponding zone.
- D. Section 16.26.040 identifies the relationship between annexation and City facility plans. It notes anticipated densities and levels of development are factored into the City's facility plans, including the Transportation System Plan. Therefore, additional inquires into the sufficiency of these services is not required. Further, ODOT concurred the request did not require additional traffic analysis.
- E. Section 16.26.050 stipulates the City must process an annexation as a legislative action, requiring hearings before both the Planning and City Council. This Section also lists the application requirements. For the record, the application and process are consistent with the provisions in this Section.

F. Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance (16.26.060.A.1) and Comprehensive Plan, Chapter 3 – Urbanization (16.26.060.A.2). In almost all cases, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. Therefore, to avoid duplication, and where applicable, the findings are combined:

1. Annexation Ordinance Section 1. – This Section identifies the document as the Annexation Ordinance for the City of Lebanon and does not contain decision criteria.

2. Annexation Ordinance Section 2. - All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement, and shall be consistent with applicable State law.

Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.

FINDINGS: For the purpose of this criterion, the proposed annexation application and process conform to the requirements of the Annexation Ordinance, and other applicable documents, complying with requirements contained in these provisions; specific findings below detail compliance.

3. Annexation Ordinance Section 3. - All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

FINDINGS: The Annexation Ordinance policies are consistent with, and often mirror, the Comprehensive Plan Annexation Policies. The State acknowledges the City Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.

4. Annexation Ordinance Section 4. - All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses. Comprehensive Plan Annexation Policy #P-21: [The City shall] recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. Those areas within the UGB with designated environmental constraints may be annexed and used as functional wetlands, parks, open space and related uses.

FINDINGS: The proposed annexation complies with this criterion as the property is within the City's UGB. Further, being within the UGB, the City identified the subject property as land needed by the City for future urban development, in this case, industrial development.

5. Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary.  
Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's Urban Growth Boundary (UGB).

FINDINGS: The property is located within the UGB, contiguous to the City along its northern boundary, and therefore eligible for annexation.

6. Annexation Ordinance Section 6. - An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include functional wetlands, parks, open space and related uses.  
Comprehensive Plan Annexation Policy #P-23: [The City shall] deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).

FINDINGS: The proposed annexation complies with the above noted criteria as follows:

- (a) Since the property is contiguous to existing City limits, the annexation, the Plan deems the request orderly.
  - (b) The property contains urban-level development with an older industrial office structure and access to an improved street.
  - (c) Based on information contained in the Comprehensive Plan, the Commission determined the site does not contain designated environmental constraints.
7. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.  
Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

FINDINGS: For the record, this application does not include a concurrent development proposal.

8. Annexation Ordinance Section 8. - As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.



Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewerage, and streets, of existing development within the annexation territory.

FINDINGS: It is possible to extend the sewer main located to the north of the site. City water does not serve the site. Water improvements depend on the extent of the development and fire suppression needs, and may require some combination of wells, ponds or reservoirs. The site also fronts a recently improved public road.

9. Annexation Ordinance Section 9. - As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility services needed to serve these properties, which are water, storm drainage, sanitary sewerage, and streets.

Comprehensive Plan Annexation Policy # P-26: [The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

FINDINGS: As previously noted, it is possible to extend sanitary sewer to the site; water improvements will depend on the site's eventual use.

10. Annexation Ordinance Section 10. - Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with the annexation, or when the property develops and/or redevelops, thus creating an increased demand for the benefits and utility provided by additional rights-of-way dedication.

FINDINGS: The property fronts an improved public street. The annexation does not require additional improvements or right-of-way dedication.

11. Annexation Ordinance Section 11. - Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

FINDINGS: The Comprehensive Plan designates the subject property "Industrial". Consistent with the adopted Matrix, only the Industrial (Z-IND) zone applies to the property.

12. Annexation Ordinance Section 12. - If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.

FINDINGS: This application is limited to the proposed annexation, and corresponding establishment of the Industrial zone, and does not include a request to change the Plan designation or zone. Therefore, this Section does not apply to the request.

13. Annexation Ordinance Section 13. - The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

FINDINGS: This Section does not apply, as the subject property does not include environmentally constrained property.

14. Annexation Ordinance Section 14. - An "urban use" is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

FINDINGS: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.

15. Annexation Ordinance Section 15. - At the applicant's discretion and with the City's concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission's hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

FINDINGS: As noted, the request is limited to the proposed annexation and does not contain a development or redevelopment proposal. Therefore, provisions in Section 15 do not apply.

16. Comprehensive Plan Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

FINDINGS: The annexation increases the amount of developable industrial land within City limits, a situation that provides employment opportunities to meet anticipated population growth.

G. Section 16.26.060.B allows the City to require the abatement of non-conforming uses and/or structures prior to hearing an annexation request. Other provisions of this Code and the Lebanon Municipal Code may require abatement of certain kinds of situations before approving an annexation. This Section does not apply as the existing building conforms to the Plan designation and applicable zoning.

H. Section 16.26.060.C, allows the City to identify additional site-specific evaluation criteria based on the Lebanon Comprehensive Plan, the provisions of the Development Code, and the Lebanon Municipal Code. Site-specific criteria could include the following: steep

slopes, natural hazards, riparian zones, wetlands water bodies, overlay zones, infrastructure development, existing conditions and failing on-site services. These criteria do not affect annexation eligibility, but serve as an advisory by identifying factors that may affect future development. As noted, the site does not include applicable site-specific criteria.

- I. Upon annexation, Section 16.26.020 requires the subject property to be placed in the appropriate zone. Upon annexation, the City automatically assigns a zone per the City's Annexation Zoning Matrix (Development Code Table 16.26-1). The only decision criterion in this process of first assignment of City Zoning is that the Zone Classification shall be consistent with the adopted Comprehensive Plan Map (Section 16.26.020.D).

FINDINGS: The subject property is designated Industrial (C-IND) by the City's Comprehensive Plan. According to Table 16.26-1, the only applicable zone is the Industrial (Z-IND) zone. Therefore, upon annexation, the property will be zoned Industrial.

## VII. CONCLUSION

The City Council concludes the proposed Annexation, including establishment of the Industrial zone, complies with the applicable decision criteria.



## Notice of Public Hearing Lebanon City Council February 9, 2011

**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Lebanon City Council on February 9, 2011 at 7:00 P.M. in the Santiam Travel Station, 750 Third Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

**Planning Case No.:** 10-12-69

**Location:** 4500 Weirich Drive

**Applicant:** Enviro-Board

**Assessor's Map No.:** 12S-02W-24C

**Request:** Annexation

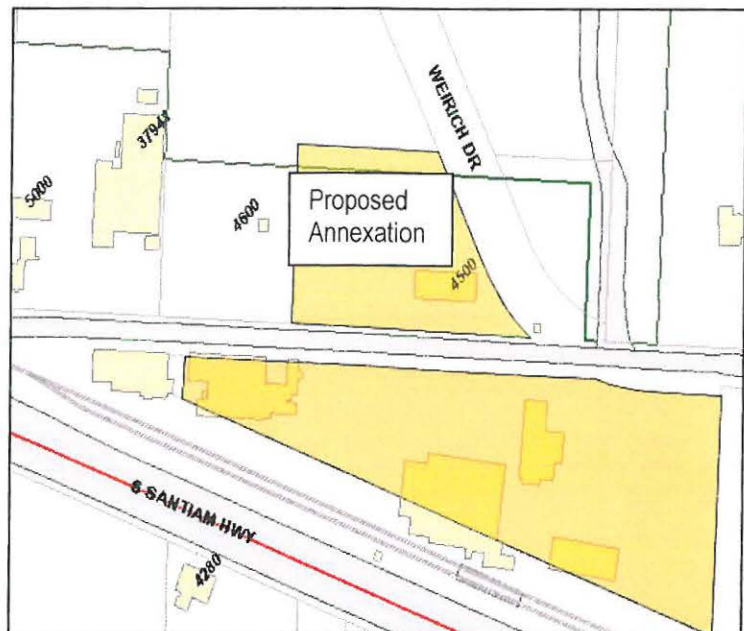
**Tax Lot(s):** 800

**Request:** The applicant is requesting Annexation of approximately a 1.43 acre territory comprised of one tax lot. The property is designated Industrial (C-IND) on the City of Lebanon Comprehensive Plan Map and will be assigned an Industrial (Z-IND) Zoning designation upon annexation.

**Decision Criteria:** Lebanon Development Code: Chapter 16.20 – Review and Decision-Making Procedures; Chapter 16.09 – Industrial Land Use Zone; Chapter 16.26 – Annexations.

**Planning Commission Recommendation:** A public hearing was held before the Planning Commission on January 19, 2011, and the Commission voted unanimously to recommend City Council approval of the Zoning Map Amendment.

**Obtain Information:** A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact the Lebanon Planning Division, 853 Main Street; telephone 541-258-4906. The staff report on the proposal will be available 7 days prior to the hearing.



**Providing Comments:** *CITIZENS ARE INVITED TO ATTEND* the public hearings and give written or oral testimony (after presentation of the staff report) that addresses applicable decision criteria during that part of the hearing process designated for testimony in favor of, or opposition to, the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least 7 days so such material may be reviewed.

**Appeals:** Failure to raise an issue in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Please contact our office should you have any questions about the appeals process.

Upon request, the City will provide an interpreter for hearing impaired persons. To request an interpreter, contact the City Manager's Office at 258-4202 no less than 48 hours prior to the public hearing.

Community Development Department

853 Main Street • Lebanon, Oregon 97355 • 541.258.4906 • 541.258.4955 Fax • [www.ci.lebanon.or.us](http://www.ci.lebanon.or.us)

# Agenda Item 2



# MEMORANDUM

## *Finance Department*

<b>To:</b> John E. Hitt, City Manager	<b>Date:</b> January 31, 2011
<b>From:</b> Dean Baugh, Finance Manager	
<b>Subject:</b> FY2010-11 Budget Amendment	

Some of the General Fund revenue projections in the 2010-11 budget approved in June 2010 are not meeting the projected amount, largely due to the turn down in the economy, which was unforeseen at the time the budget was prepared. A number of revenue account projects have been reduced to account for this, (see attachment A).

In addition to incorporating the budget revisions that were presented to the Council at the August 25, 2010 Council meeting the attached resolution reduces the budget through not filling two additional vacant positions, eliminating the transfer from the General fund to the Streets Fund, and the parks department transfer to the equipment fund.

The attached resolution also proposes transferring \$129,000 from the General Fund to the Chedle Lake URD for the purchase of land in the last fiscal year. The City had been notified of a grant to purchase land. But have been notified that there is almost no chance that the funds will actually be awarded. Despite numerous requests, we have not been told why the funds likely will not be received.

**Recommendation:** Staff recommends City Council approve Resolution # 2 to amend the 2010-11 budget.

Finance Department

**A RESOLUTION AUTHORIZING CERTAIN  
INTRA-FUND TRANSFERS AND BUDGET  
REDUCTIONS IN THE 2010-11 BUDGET**

) **RESOLUTION NO. 2**  
)  
) **FOR 2011**

**WHEREAS**, ORS 294.450 authorizes intra-fund transfers with the official action of the governing body and ORS 294.435 authorizes the governing body to adjust budgeted resources and reduce appropriations by resolution to reflect a decrease in resources;

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

**Section 1.** The Council of the City of Lebanon herein authorizes those transfers and budget reductions as specified by fund, activity, and amount attached hereto as "Exhibit A" and incorporated herein by this reference.

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

Passed by the Lebanon City Council and signed by the Mayor this 9<sup>th</sup> day of February 2011 by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

CITY COUNCIL OF LEBANON, OREGON

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

Attested by:

\_\_\_\_\_  
Linda Kaser, City Clerk

Exhibit A

Budget amendment

		General Fund		Other Funds	
		Revenue	Expense	Revenue	Expense
<b>Budget</b>		7,567,650	7,567,650		
<b>Amendments</b>					
100-000-47010	PT	(56,600)	-	-	-
100-000-47020	PT Delinq	(30,000)	-	-	-
100-000-44020	Sanitation Franchise	(18,638)	-	-	-
100-000-44035	NW Franchise	(50,000)	-	-	-
100-000-44040	PP&L Franchise	(25,000)	-	-	-
100-000-41053	LID Fees	(250,000)	-	-	-
100-000-45010	Sale of Property	(58,000)	-	-	-
100-000-43005	Court Collections	35,000	-	-	-
100-000-43010	Court Fines & Forfeit	15,000	-	-	-
100-000-49040	Revene Sharing	5,000	-	-	-
100-000-49901	Beginning Balance	10,000	-	-	-
100-195-80005	Contingency	-	(221,340)	-	-
100-180-50001	Salary-Police	-	(42,844)	-	-
100-180-50003	Fringe-Police	-	(10,296)	-	-
100-140-50001	Salary-Finance	-	(21,381)	-	-
100-140-50003	Fringe-Finance	-	(12,404)	-	-
430-430-50001	Salary-Finance	-	-	-	(13,363)
430-430-50003	Fringe-Finance	-	-	-	(7,752)
430-430-80005	Contingency	-	-	-	21,115
470-470-50001	Salary-Finance	-	-	-	(13,363)
470-470-50003	Fringe-Finance	-	-	-	(7,752)
470-470-80005	Contingency	-	-	-	21,115
925-925-50001	Salary-Finance	-	-	-	(4,276)
925-925-50003	Fringe-Finance	-	-	-	(2,481)
925-925-80005	Contingency	-	-	-	6,757
935-935-50001	Salary-Finance	-	-	-	(1,069)
935-935-50003	Fringe-Finance	-	-	-	(620)
935-935-80005	Contingency	-	-	-	1,689
100-180-61930	Police Fleet	-	(20,000)	-	-
100-195-61355	City Grants	-	(25,000)	-	-
100-165-61250	Library Mat & Ser	-	(3,000)	-	-
100-170-72500	Court-Improvements	-	(2,000)	-	-
100-170-72600	Court-Improvements	-	(2,000)	-	-
100-190-90105	SC-Transfers Eq Acq	-	(15,000)	-	-
542-542-90105	IS-Transfers Eq Acq	-	-	-	(11,000)
542-000-49010	Transfers In	-	-	(11,000)	-
100-165-90027	Transfer to IS	-	(11,000)	-	-
100-195-61294	Dues & Subscriptions	-	(14,000)	-	-
100180-61250	Dept Op Supplies	-	(16,000)	-	-
100-195-90045	Transfer to 558	-	(50,000)	-	-
558-000-49010	Transfer In	-	-	(50,000)	-
558-558-61134	Contract Srv	-	-	-	(25,000)
558-558-61242	Operating Exp	-	-	-	(25,000)
100-195-90101	Transfer to Chedle URD	-	129,000	-	-
935-000-49010	Transfers In	-	-	129,000	-
935-935-80005	Contingency	-	-	-	129,000
100-133-50001	SalaryParks	-	(17,733)	-	-
100-133-50003	Fringe-Parks	-	(12,848)	-	-
100-133-90105	Transfer To Eq Acq	-	(35,600)	-	-
533-533-50001	SalaryParks	-	-	-	(954)



Exhibit A

533-533-50003	Fringe-Parks	-	-	-	(691)
533-533-80005	Contingency	-	-	-	1,645
593-593-50001	SalaryParks	-	-	-	(381)
593-593-50003	Fringe-Parks	-	-	-	(276)
593-593-80005	Contingency	-	-	-	657
925-000-49165	Transfer In	-	-	(500,000)	-
925-925-72301	NW URD-Improvements	-	-	-	(500,000)
928-928-90164	Transfer Out	-	-	-	500,000
928-928-61240	Operating Exp	-	-	-	-
100-110-90027	Transfer to IS	-	(207)	-	-
100-116-90027	Transfer to IS	-	(83)	-	-
100-126-90027	Transfer to IS	-	(188)	-	-
100-130-90027	Transfer to IS	-	(41)	-	-
100-133-90027	Transfer to IS	-	(1,237)	-	-
100-140-90027	Transfer to IS	-	(850)	-	-
100-160-90027	Transfer to IS	-	(172)	-	-
100-165-90027	Transfer to IS	-	(6,313)	-	-
100-170-90027	Transfer to IS	-	(1,061)	-	-
100-180-90027	Transfer to IS	-	(9,281)	-	-
100-190-90027	Transfer to IS	-	(359)	-	-
430-430-90027	Transfer to IS	-	-	-	(5,892)
430-430-80005	Contingency	-	-	-	5,892
430-430-90027	Transfer to IS	-	-	-	(581)
430-430-80005	Contingency	-	-	-	581
470-470-90027	Transfer to IS	-	-	-	(4,440)
470-470-80005	Contingency	-	-	-	4,440
527-527-90027	Transfer to IS	-	-	-	(2,652)
527-527-80008	Contingency	-	-	-	2,652
533-533-90027	Transfer to IS	-	-	-	(175)
533-533-80005	Contingency	-	-	-	175
537-537-90027	Transfer to IS	-	-	-	(812)
537-537-80005	Contingency	-	-	-	812
545-545-90027	Transfer to IS	-	-	-	(576)
545-545-80005	Contingency	-	-	-	576
555-555-90027	Transfer to IS	-	-	-	(137)
555-555-80005	Contingency	-	-	-	137
558-558-90027	Transfer to IS	-	-	-	(1,571)
558-558-80005	Contingency	-	-	-	1,571
569-569-90027	Transfer to IS	-	-	-	(1,202)
569-569-80005	Contingency	-	-	-	1,202
852-852-90027	Transfer to IS	-	-	-	(112)
852-852-80005	Contingency	-	-	-	112
872-872-90027	Transfer to IS	-	-	-	(250)
872-872-80005	Contingency	-	-	-	250
925-925-90027	Transfer to IS	-	-	-	(2,785)
925-925-80005	Contingency	-	-	-	2,785
935-935-90027	Transfer to IS	-	-	-	(1,183)
935-935-80005	Contingency	-	-	-	1,183
940-940-90027	Transfer to IS	-	-	-	(585)
940-940-80005	Contingency	-	-	-	585
Various	Transfer in	-	-	(42,745)	-
542-542-50001	Salary-IS	-	-	-	(28,212)
542-542-50003	Fringe-IS	-	-	-	(14,533)
		-	-	-	-
		(423,238)	(423,238)	(474,745)	(474,745)

Adjusted General Fund Budget

7,144,412      7,144,412

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## SUMMARY OF REFUNDING RESULTS

Oregon Local Governments  
Pooled Refunding of Callable 2025 Maturity

Dated Date	12/15/2010
Delivery Date	12/15/2010
Arbitrage yield	5.200233%
Escrow yield	0.091846%
Bond Par Amount	9,005,000.00
True Interest Cost	5.300112%
Net Interest Cost	5.269151%
All-In TIC	5.390158%
Average Coupon	5.200000%
Average Life	14.461
Par amount of refunded bonds	8,745,000.00
Average coupon of refunded bonds	6.600000%
Average life of refunded bonds	14.461
PV of prior debt to 12/15/2010 @ 5.200233%	10,000,709.44
Net PV Savings	1,017,171.64
Percentage savings of refunding proceeds	11.295632%

Beth Moyer (WF ~~SATU~~)  
503-886-1367

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## SUMMARY OF BONDS REFUNDED

### Oregon Local Governments Pooled Refunding of Callable 2025 Maturity

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
City of Albany, ALBANY: SERIESBC	06/01/2025	6.600%	770,000.00	01/14/2011	100.000
Columbia County, COLUMBIA: SERIESBC	06/01/2025	6.600%	495,000.00	01/14/2011	100.000
City of Cottage Grove, COTTAGE: SERIESBC	06/01/2025	6.600%	210,000.00	01/14/2011	100.000
Deschutes County, DESCHUT: SERIESBC	06/01/2025	6.600%	610,000.00	01/14/2011	100.000
City of Lebanon, LEBANON: SERIESBC	06/01/2025	6.600%	235,000.00	01/14/2011	100.000
Port of Portland, P_PORT: SERIESBC	06/01/2025	6.600%	6,205,000.00	01/14/2011	100.000
City of Silverton, SILVER: SERIESBC	06/01/2025	6.600%	220,000.00	01/14/2011	100.000
			8,745,000.00		

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## PUBLIC HEARING NOTICE

TO: Albany Democrat Herald  
FROM: City of Lebanon, 925 Main Street, Lebanon OR 97355  
CONTACT: Becky Hood, Administrative Assistant, 541-258-4203 or [bhood@ci.lebanon.or.us](mailto:bhood@ci.lebanon.or.us)  
CC: Mayor, City Council and City Attorney Kennedy

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For Immediate Release:

### **CITY OF LEBANON PUBLIC HEARING NOTICE 2010-11 Budget Amendment**

The Lebanon City Council will hold a public hearing to consider proposed reduction to the City of Lebanon's 2010-11 Budget.

A copy of the proposed resolution is on file for public inspection in the City Clerk office at City Hall. For further information contact Dean Baugh, Finance Manager at (541)258-4212.

Members of the public will be given the opportunity to present written or oral testimony regarding the proposed fees at a public hearing scheduled for 7:00 p.m., February 9, 2010. The hearing will take place at the Santiam Travel Station, 750 3<sup>rd</sup> Street, Lebanon, Oregon.

If you are unable to attend the hearing, written comments may be submitted to Becky Hood, Administrative Assistant, City of Lebanon, 925 Main Street, Lebanon, Oregon 97355. Written comments received by 5:00 p.m. February 9, 2011 will become part of the public record.

# Agenda Item 3



## MEMORANDUM

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### *Administration Department*

**To:** Mayor and City Council

**Date:** February 2, 2011

**From:** John Hitt, City Manager

**Subject:** Approval of Advisory Group Manual

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Attached is a resolution that would repeal and/or amend the existing City ordinances, and resolution, that govern the Senior and Disabled Services Advisory Board, Library Advisory Committee, Parks Committee Tree Board and Bike and Pedestrian Advisory Board. This resolution would also adopt the attached "Advisory Group Member and Staff Manual".

The Advisory Group Manual, in turn, establishes policies and procedures for the operations and functionings of all of these committees.

It was developed by the City Council Committee, appointed last November. It specifically does not govern or apply to the Budget Committee and Planning Commission both of which are governed by state law.

Staff and the City Council Committee support approval of Resolution No. 3.

JEH:bh

A BILL FOR AN ORDINANCE REPEALING ) Ordinance Bill No. 2  
CHAPTER 2.20.030 THROUGH 2.20.080, ) For 2011  
2.30.020, 2.30.040 THROUGH 2.30.070 AND )  
2.28.030 THROUGH 2.28.060 OF THE ) Bill No. 2815  
LEBANON MUNICIPAL CODE )

**THE PEOPLE OF THE CITY OF LEBANON ORDAIN AS FOLLOWS:**

- Section 1.** Chapters 2.20.030, 2.20.040, 2.20.050, 2.20.060, 2.20.070 and 2.20.080 of the Lebanon Municipal Code are hereby repealed;
- Section 2.** Chapters 2.30.020, 2.30.040, 2.30.050, 2.30.060 and 2.30.070 of the Lebanon Municipal Code are hereby repealed;
- Section 3.** Chapters 2.28.030, 2.28.040, 2.28.050 and 2.28.060 of the Lebanon Municipal Code are hereby repealed;
- Section 4.** The provisions of this Ordinance shall become effective 30 days after its passage by the City Council.

PASSED this 9th day of February, 2011 by the Lebanon City Council by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

CITY COUNCIL OF LEBANON, OREGON

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

Attested by:

\_\_\_\_\_  
Linda Kaser, City Clerk

*Bill No. 2, Ordinance No. 2815 (2011)*

**A RESOLUTION OF THE LEBANON CITY COUNCIL ADOPTING THE ADVISORY GROUPS MEMBER & STAFF MANUAL, AMENDING RESOLUTION NO. 3 FOR 2006 AND APPOINTING THE CITY COUNCIL AS THE LIBRARY BOARD PURSUANT TO ORS 357.465** ) **RESOLUTION NO. 3**  
 )  
 )  
 ) **FOR 2011**  
 )  
 )

**WHEREAS**, the City of Lebanon enacted Ordinance 1795 for 1980, codified at LMC 2.20, establishing and regulating the Lebanon Library and the Lebanon Library Advisory Board; and

**WHEREAS**, the City of Lebanon enacted Ordinance 2790 for 2010, codified at LMC 2.30, establishing and regulating the Lebanon Bicycle and Pedestrian Advisory Board; and

**WHEREAS**, the City of Lebanon enacted Ordinance 2101 for 1991 and Ordinance 2031 for 1988, codified at LMC 2.28, establishing and regulating the Lebanon Senior and Disabled Services Program and the Lebanon Senior and Disabled Services Advisory Board; and

**WHEREAS**, the City of Lebanon enacted Resolution No. 3 for 2006 establishing and regulating the Lebanon Park Committee/Tree Board; and

**WHEREAS**, the Lebanon City Council appointed an *ad hoc* committee entitled the Advisory Boards Review Committee which, after appropriate notice, held public meetings and received public input on December 15, 2010, January 6, 2011 and January 13, 2011 regarding the creation and adoption of an Advisory Groups Member & Staff Manual; and

**WHEREAS**, The Lebanon City Council has considered public testimony, staff reports and the recommendations of the Lebanon Advisory Boards Review Committee and desires to provide guidance and consistency for the committees created and/or appointed by the City of Lebanon;

**NOW, THEREFORE, THE LEBANON CITY COUNCIL RESOLVES AS FOLLOWS:**

**Section 1.** As a result of the adoption of this Resolution, Resolution No. 3 for 2006, AN AMENDMENT TO RESOLUTION NO. 38 (dated October 9, 1996), A RESOLUTION TO CREATE THE LEBANON PARK COMMITTEE/TREE BOARD is and shall be amended as follows:

- A. Section 1 shall be deleted in its entirety except for: "There is hereby established a committee which shall be known as the *Parks Committee/Tree Board.*"
- B. Sections 2, 3, 4 and 5 are deleted in their entirety;
- C. Section 6 is deleted in its entirety and shall be replaced with:



Section 6. The functions of the Park Committee/Tree Board may include but are not limited to the following:

- A. Promote Parks and the maintenance and preservation of trees in the City of Lebanon.
- B. Review and evaluate for final implementation of the park system master plan. The committee shall continue to evaluate progress toward the plan and recommend future changes as needed to keep abreast of current needs and conditions.
- C. Prioritize and help coordinate efforts of volunteer groups wishing to develop park improvements.
- D. Promote the annual Tree City U.S.A. designation by the National Arbor Day Foundation.
- E. Review fee schedules for picnic shelter rental, camping fees or other fees pertaining to parks, and make recommended changes as needed.
- F. Promote the planting and proper maintenance of trees through special events, including an annual local celebration of Arbor Day.
- G. To carry out such other tasks as may be delegated to the committee from time to time by the City Council.

Section 2. Pursuant to ORS 357.465 and consistent with Ordinance 1795 of 1980, the Lebanon City Council is hereby appointed the Library Board, which shall govern the Lebanon Public Library.

Section 3. The Lebanon City Council hereby adopts and ratifies the City of Lebanon Advisory Groups Member & Staff Manual in the form attached hereto as Exhibit A and intends that such Manual shall govern all City of Lebanon standing or *ad hoc* committees to which it applies. It is the intent of the Lebanon City Council that the Advisory Groups Member & Staff Manual shall apply to all standing and *ad hoc* committees except those that are controlled or governed by state law and/or the Lebanon Municipal Code.

Section 4. This Resolution shall be effective 30 days after its passage.

Passed by the Lebanon City Council and signed by the Mayor this 9<sup>th</sup> day of February 2011 by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

CITY COUNCIL OF LEBANON, OREGON

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

Attested by:

\_\_\_\_\_  
Linda Kaser, City Clerk



*Lebanon City Council*

**Advisory Groups  
Member & Staff Manual**

*Approved & Adopted by the Lebanon City Council on \_\_\_\_\_, 2011.*

## Introduction To Lebanon City Council Advisory Groups

Lebanon's community members may choose to participate in city government through serving on one of the City of Lebanon's advisory or ad hoc boards, commissions, or committees. Advisory group members provide an invaluable service to our community by interacting with people of all ages, interests, and backgrounds.

Advisory group members provide elected officials and City staff greater understanding of community concerns, values, and perspectives. The detailed studies and advice of boards and commissions are often catalysts for innovative programs and improved services.

This Advisory Group Manual is intended to function as both a guideline and a governing framework for the City's standing committees, with the exception of the Planning Commission.

It will be reviewed annually by the City Council to assure consistency with the current City needs, goals and financial resources.

## Lebanon's Form of Government

**Mayor/Council/Manager System:** The City of Lebanon is governed by the Council/Manager form of government. In this form of government, the City Council develops legislation and policies to direct the City, and hires a professional manager (the City Manager) to oversee/direct the City's personnel and operations and to carry out the City Council's direction.

**Mayor:** The Mayor serves as the City's political head and chair of the Council. The Mayor is the formal representative of the City. He or she presides over City Council meetings but has no vote except in the case of a tie. The Mayor appoints all advisory group members with City Council advise and consent.

**City Council:** The City Council, Lebanon's legislative body, has six members. Councilors are elected on a nonpartisan ballot for four-year terms, with two members elected from each of the three wards. The Council sets City goals, enacts legislation, adopts a budget, policies and plans, and determines the services the City provides.

**City Manager:** The Council appoints a City Manager who manages the City's staff and departments. The City Manager is responsible for the day-to-day operations of the City and hires department managers to assist in providing City services and enforcing City ordinances.

**For the purpose of this manual all committees, commissions and boards will be referred to as "Committees".**

**The following pages provide information and guidelines in the following areas:**

Types of Committees ..... 3

Committee Membership ..... 4

Members Roles, Relationships, & Communications (with Elected Officials and with City Staff) ..... 5

Committee Member Responsibilities ..... 6

Training & Travel ..... 7

Ethics and Accountability ..... 7

Resignation Procedures for Committee Members ..... 7

Committee Meeting Requirements ..... 8

Notice of Meetings, Agendas, and Public Records..... 8

Record of Meetings (Minutes)..... 8

How to Conduct a Successful Meeting ..... 9

## Types of Committees

The City Council has created *two distinct types of committees*: **Standing** and **Ad Hoc** Committees.

**Standing Committees** are herein established by this advisory manual and implementing resolution. In general, they make recommendations to the City Council on policy issues and, upon request, advise City staff on specific operational matters, **all within the limitations of the City's financial resources**. For example, committees help locate donations, or in kind services, as a match for Council approved goals. Existing Standing Committees include:

**Budget Committee:** Develops budget recommendations for Council action and approves the City's tax rate. *(Note: The Budget Committee is governed by ORS 294.336, thus not affected/impacted by this manual.)*

**Planning Commission:** Advises the Council and serves as a quasi-judicial committee. This committee has the authority to make binding decisions regarding land use activities on public and private property. *(Note: The Planning Commission is governed by Lebanon Municipal Code Title 16 and Oregon Revised Statutes 227 and 197, thus not affected/impacted by this manual.)*

Article 6, Chapter 16.31 of the LMC establishes the Planning Commission as the City's official **Historic Landmark Commission**. As such, the Planning Commission has authority over the Lebanon historic register, provides criteria for decisions regarding the inventorying, listing of historic resources, as well as proposed alterations and demolitions of historic resources.

**Parks Committee/Tree Board:** Advises the Council in assessing needs and planning for City parks and tree maintenance. This committee advises the City Council, when requested, of updates/amendments to the Parks Master Plan. It also makes recommendations concerning repairing/improving park facilities.

**Bike and Pedestrian Advisory Board:** Advises the Council on matters which will encourage and enhance cycling and walking in Lebanon while promoting bicycle and pedestrian safety and awareness. This committee makes recommendations to the City Council concerning possible expansion of bike and pedestrian routes as well as repairs to existing facilities consistent with the City's Transportation System Plan (TSP).

**Library Advisory Committee:** This committee is not a governing board as described in ORS 357.465, but rather serves a purely advisory role to City staff and the City Council. It makes recommendations concerning Library programming materials, and overall public services. It provides input to the City Council and staff, regarding Library facilities, grants opportunities, and the appropriate uses of gifts made to the Library.

**Senior & Disabled Services Advisory Committee:** Makes recommendations to the Senior and Disabled Services Program Manager on rules and policies for governing the Senior Center and Dial-A-Bus programs. This committee makes recommendations concerning senior programs. It also gives input to staff and the City Council concerning the maintenance of/or improvements to Senior Center Facilities.

**Ad Hoc Committees** are authorized by the Mayor to address specific emerging or priority issues. In most cases, the Mayor recommends and appoints members to these groups. The duration of the committee(s) is limited and the scope of work is limited to a specific charge. This manual serves as a functioning guideline for ad hoc committees but is not always applicable to them.

## Committee Membership

*It is the policy and intent of the City Council that in all mayoral committee appointments, every applicant will be considered on an equal basis for all positions without regard to sex, age, race, color, religion, national origin, marital or veteran status, sexual orientation, genetics, disabilities or other protected status or activities in accordance with law.*

Recruitment for most department advisory groups occurs each spring, in every even numbered year, with appointments to all terms beginning July 1. Public notice of all current or anticipated vacancies shall be made from April 1-30 in every even numbered year (or as required) in the local newspapers and the City's website. Applicants shall complete a City application submitted online or paper to the City Clerk no later than May 15 of every even numbered year. The City Clerk then provides all applications to the Mayor and affected committee chair(s). The standing committee with a vacancy then reviews applications and selects candidates to recommend to the Mayor for his/her review/consideration.

The Mayor makes appointments in June with terms commencing on July 1. Committee vacancies occurring as a result of a resignation shall normally be filled within 60 days by following the same process as regular vacancies.

**Number of Members:** Each standing committee shall have not fewer than five or more than seven current (active) members based on the committee's request and the final appointments of the Mayor. It shall be the committee chairperson's responsibility in conjunction with the City Clerk, to maintain a listing of all active members including all relevant contact information for each.

**Terms:** Terms shall be for four years, or less, as may be necessary to assure proportional (staggered) expiration of terms.

**Quorum:** Shall consist of 51% of the current voting membership.

**Number of Meetings:** For most standing committees, 4 to 10 meetings per year should be adequate. Where there are no, or minimal, City Council goals related to the committee, quarterly meetings are the standard. Committees may meet more often upon request of the Chairperson, Mayor, or City Manager. However, the Mayor or City Manager must approve staff support and/or participation for any special meeting that may be called.

**Reappointment:** Members on standing committees may be reappointed for second and third terms. Incumbents must submit application material before the recruitment deadline. Individuals who have served the maximum three terms must wait one year before they can reapply for a position on the same committee.

**Member Eligibility Requirements:** Applicants must live within the Lebanon Community School District boundary to be eligible for appointment to standing committees. Budget Committee members must be qualified electors residing in the ward they represent. Preference in appointments will usually be given to those who live within City limits. *[All applicants must pass a criminal background check.]*

**Eligibility of City Employees:** City of Lebanon employees or City Council members may not serve on City committees except in a nonvoting advisory capacity only.

**Serving on Multiple Committees:** If there are no other interested applicants members of City committees may serve on one additional standing committee or two Council ad hoc committees.

In some cases, a standing committee member may represent his or her group on another standing committee. In these instances, the standing committee member is permitted to serve on the two standing committees and one additional department or ad hoc committee.

## Members Roles, Relationships, & Communication (with Elected Officials and City Staff)

**Mayor and City Council:** Groups that are advisory to the City provide status reports, meeting minutes, written findings, and recommendations in several ways:

- 1. The Monthly City Council Agenda Packet.** Committee reports/minutes must be approved by the committee before being submitted to the Council. The committee's chairperson is responsible for supplying the City Clerk's Office with recommendations and/or meeting minutes for placement in the council packet. Recommendations requiring action by the City Council must be submitted in writing to the City Clerk. The City Clerk shall then place the committee recommendation(s) on the next available scheduled Council Agenda for Council consideration. *Council will consider committee recommendations separately from committee minutes.*
- 2. Small Group Interface.** Committees may also communicate with the Mayor and Council through assigned council liaisons and by setting occasional meetings with one or more elected officials to discuss current issues.
- 3. Annual Committee Work Plan.** Any standing committee may develop a specific and scheduled work plan with specific goals, functions or projects for a one or two year period. All work plans must be submitted to the City Council for approval prior to implementation.
- 4. Committee Reports.** The committee chair, or other committee person as approved by the committee, may personally present recommendations or activity reports directly to the City Council, and/or submit a memo outlining the recommendation/report to the City Clerk. All written reports/ recommendations must be submitted by 5 pm Wednesday of the preceding week's City Council meeting. The City Clerk will place the report on the Council Agenda as a discussion item.
- 5. Joint meeting.** On rare occasions, it may be appropriate to consider a joint meeting between a standing committee and the City Council. Requests for a joint meeting should be submitted to the Mayor or City Manager via the City Clerk's office, stating the reasons and anticipated outcomes of such a meeting.

Standing and ad hoc committees make recommendations to the City Council. The City Council then accepts, rejects, or modifies those recommendations. The Council relies on various committees to increase the variety of viewpoints on City issues. By concentrating on specific areas, committee members can expand the level of expertise in which to address an issue and can conduct detailed analyses that the Council itself may not have the time to pursue.

It is expected that committees will adopt positions of advocacy within their specific spheres of interest. However, the Council's role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment of what will best serve the public. The Council must weigh the effect of any given recommendation, not only on the particular area of interest but on all other City goals, programs, and financial status.

**Committee Support Staff:** City staff, when assigned to committees, performs administrative and housekeeping functions, but do not vote. If one or more City staff regularly attend or otherwise supports a standing committee, they remain under the direction of the Department Manager and City Manager, not the Committee or Committee Chair. The Committee Chair must have the written consent from the City Manager for the City staff member(s) attendance at committee meeting(s) prior to such meeting(s).

Staff's main responsibilities are to assist the committee in its functions and to represent the City of Lebanon. Other responsibilities may include the following:

- Provide professional and technical advice;
- Provide clerical assistance for the preparation, duplication and distribution of committee letters, minutes and reports;
- Assist in preparing the committee agenda in consultation with the chair;
- Notify committee members and the City Clerk's Office of upcoming meetings or to place meeting information on the City website;
- Maintain a current copy of the Advisory Groups Manual and bring it to the committee meetings; and
- Secure meeting rooms for committee meetings.

In most cases, requests for City staff support, to perform specific work, projects, or reports should be approved by the Department Manager or City Manager to ensure that the resource allocation is in accordance with overall priorities and does not impose an undo hardship on the City's financial resources.

## Committee Member Responsibilities

**The Chair** is elected by the committee at the first committee meeting (organizational meeting) after July 1 in each even numbered calendar year and performs the following duties:

- Presides at all meetings of the committee
- Approves the agenda prior to distribution
- Signs correspondence on behalf of the committee
- Represents the committee before the City Council with the approval of the committee
- Performs other duties necessary or customary to the office

The most important duty of a chair presiding over a meeting is to ensure that the work of the committee is accomplished. To this end, the chair must exert sufficient control to eliminate irrelevant, repetitious, or otherwise unproductive discussion. At the same time, the chair must ensure that all viewpoints are heard and are considered in a fair and impartial manner.



**Vice Chair & Secretary:** These positions are also chosen by the committee at the organization meeting. The vice chair performs all the functions of the chair in his/her absence. The secretary is responsible for all minutes (see page 9), meeting notices, correspondence, and recordkeeping in conjunction with the City Clerk.

**Transfer of Chair:** In the event the chair is absent or unable to act, the vice chair presides in place of the chair. In the absence of both the chair and the vice chair, the remaining members shall elect one of their members to act as temporary chair.

**Individual Committee Members:** Unless authorized by the committee, an individual committee member may not represent the committee before any other committee, outside agency, the media, or the general public. When an individual committee member is appearing in a private capacity before other committees, outside agencies, or the general public, the committee member must clearly indicate that he or she is speaking as a private individual, not as an official representative. Official City stationery may be used only for official communications authorized by the committee. Committee members should be sure that the Committee Chair, City Clerk, and staff liaison (if applicable), have your current contact information.

Each committee member also has the obligation to work cooperatively with other committee members. Committee members should exercise self-discipline and strive always to be objective, fair and courteous with each other as well as with staff and the public. Respect for the time of other committee members, staff, and the public is of critical importance.

## Miscellaneous

**Food and Beverage:** Because of budget constraints, departments generally are unable to provide full meals at regular committee meetings. However, many advisory groups enjoy light snacks. Committee members may choose to provide snacks within their membership and at their own expense.

**Training and Travel:** The City supports member development through advisory group orientation, special forums and other sessions. Except in the most unusual circumstances, the City does not provide out-of-state and high-cost training opportunities, generally keeping training costs below \$100 per member in a 12-month period. All costs must be approved by the City Manager prior to the training registration.

## Ethics and Accountability

**Conflict of Interest:** Members of Lebanon's committees need to provide objective advice to the City Council. All members of committees should be aware of the need to avoid any instance or appearance of conflict of interest. Conflict of interest standards are generally applicable to all committees. In general, committee members should not vote whenever they have any kind of direct or indirect financial benefit in the action or recommendation proposed. State law requires that public officials may not use their position for financial gain.

**Respectful Environment (No Harassment):** Members of all City committees are agents of the organization and are subject to City policies related to maintaining a respectful work environment:

*The City of Lebanon is committed to fair and impartial treatment of all employees, applicants, contractors, volunteers, and agents of the City, and to provide a work environment free from discrimination and harassment, where people treat one another with respect. It is the responsibility of all employees to maintain a work environment free from any form of discrimination or harassment based on race, creed, sex, sexual orientation, genetic makeup, color, national origin, age, religion, disability, marital status, familial status, source of income, or any other legally protected status. The City prohibits unlawful harassment and/or discrimination. Accordingly, derogatory racial, ethnic, religious, age, gender, sexual orientation, sexual, or other inappropriate remarks, slurs, or jokes will not be tolerated.*

**Absenteeism:** All members shall take an active role in their committees, including regularly attending committee meetings. No distinction is to be made between excused and unexcused absenteeism, since it may be a source of misinterpretation.

Any member who misses more than two consecutive, regular meetings, or three or more meetings in a year, may be removed by the mayor or upon vote of a majority of the committee. If members of the committee are unable to attend a meeting, they shall notify the committee chair as soon as possible.

**Resignation Procedure for Committee Members:** A committee member wishing to resign shall submit a letter of resignation to the City Clerk. The City Clerk shall then notify the Committee Chair, Mayor, and the City Manager that a vacancy exists.

## Committee Meeting Requirements

**Open Meetings:** Meetings must be held within the city limits of Lebanon and only at the place specified on the agenda. Once convened, such meetings may be adjourned to another location within the city if unusually large crowds or other circumstances warrant.

With very limited exception, all meetings of governing bodies, which include standing and ad hoc committees of the governing body, are open to the public in the state of Oregon. ORS 192.620 establishes Oregon's policy of open decision-making by governing bodies.

A quorum, consisting of 51% of the current voting membership must be present in order to proceed with the meeting. If a quorum isn't obtained within fifteen minutes of the scheduled start time, the meeting cannot take place and the meeting room should be vacated.

**General Public:** The purpose of committee meetings is to permit open discussion on specific topics in a setting that is more informal than a council meeting, to hear public expression on issues, and to inform the public of what the committee is doing. Committee members have an obligation to consider the welfare of the entire City, to be fair, objective, and courteous, and to afford due process to all.

**Public Records:** In Lebanon, the City Clerk has been assigned the responsibility of archiving, retaining, and lawfully destroying all public records. The Chair or Secretary must provide the City Clerk with all approved meeting minutes and agendas to be added to the City Council Consent Calendar and to archive accordingly.

## **Notice of Meetings, Agendas, and Public Records**

All committee meetings are open to the public. State law requires that the City of Lebanon provide public notice of all meetings. The committee chairman and/or secretary shall be responsible for providing notice of the meeting and the agenda. He/she may be assisted in, or relieved from, this task by a designated City staff person.

In addition, discussion and materials distributed during public meetings are public record. For additional, detailed information, please see the Attorney General's Public Records and Meetings Manual.

City policy and public meetings law requires that committees provide at least 24-hour notice to the news media and interested persons before conducting a meeting. If 24-hour notice cannot be provided, the meeting should be rescheduled.

Committees may, in rare circumstances, hold an emergency meeting without providing 24-hour notice. This may only be done in a genuine emergency and with the knowledge and concurrence of the Mayor or City Manager.

**Record of Meetings (Minutes):** Oregon's Public Meetings Law requires that a public body have an accurate record (minutes) of its meetings. Minutes must be made available within a "reasonable time" after each meeting.

While written minutes need not be a verbatim transcript, the record of a meeting, whether preserved in written minutes or a sound, video or digital recording, must provide a "true reflection" of the meeting and must, at a minimum, contain the following information:

- Members present;
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- Results of all votes by name of each member;
- The substance of any discussion on any matter; and
- Any reference (or mention) to any document discussed at the meeting. The committee shall determine whether any documents on which decisions or recommendations are based, should be attached to the minutes.
- All documents distributed at the meeting shall become part of the record and turned over to the City Clerk along with the Meeting Agenda.

The committee's secretary is responsible for arranging for the meeting record, unless arrangements for staff assistance have been made. If minutes are taken, they must be presented to the committee for approval, and the committee may by motion make correction(s) to conform to fact. Corrected minutes should be included in the agenda packet at the next regular committee meeting. The official (approved) copies of minutes are retained by the City Clerk's Office.

## How to Conduct a Successful Meeting

***The chairperson should review the following steps with the membership on an annual basis after appointments are seated (usually August).***

### ***Five Steps to a Better Meeting:***

#### **I. Plan**

- ⇒ Set the agenda in advance and state the purpose of the meeting
- ⇒ The agenda should include the date, time, subject and estimated length of the meeting
- ⇒ List the participants
- ⇒ State the goal for each agenda item: Information, Discussion, or Decision
- ⇒ Distribute background material in advance

#### **II. Inform**

- ⇒ Send out the agenda with enough lead time to prepare members for the discussion

#### **III. Prepare**

- ⇒ Structure the agenda so that the most important issues get covered first and there is adequate time for full discussion
- ⇒ Check the agenda at the start of the meeting for additions or deletions and to assure a quorum is met

#### **IV. Structure and Control**

- ⇒ Define the issues and stay focused on them
- ⇒ Avoid "spinning your wheels"
- ⇒ Keep the meeting within reasonable time parameters

#### **V. Summarize and Record**

- ⇒ Assign follow-through: Who does what and by when?
- ⇒ Commitments should be stated and recorded in the minutes

### ***Tips on Chairing a Meeting:***

1. Use "Robert's Rules of Order" as a guide for the conduct of your meetings
2. Follow the agenda and state clearly which item is being considered
3. State the purpose of each agenda item and the time allotted to it
4. Recognize persons to speak in the order in which they have sought recognition
5. Keep participation balanced – discourage domination by one or two committee members
6. Keep participation respectful, stop abusive, belittling or overly negative communications
7. Solicit input from those who have not spoken on an issue
8. Halt side discussions among one or two members while another person has the floor
9. Summarize at the conclusion of each agenda item: What was agreed upon and who shall do what by what date?
10. Clearly restate what is being voted upon
11. Outside of the meeting, confront cases of persistent late arrival, early departure, absenteeism

For additional tips on running meetings: [www.robertsrules.com](http://www.robertsrules.com)

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### 3. Existing Library Advisory Board

## Chapter 2.20 LIBRARY AND ADVISORY BOARD

### Sections:

#### Article I. Public Library

2.20.010 Established.

2.20.020 Financing.

#### Article II. Advisory Board

2.20.030 Established--Membership.

2.20.040 Appointment--Term of office.

2.20.050 Compensation.

2.20.060 Meetings--Organization.

2.20.070 Meetings--Attendance.

2.20.080 Powers, duties and functions.

### Article I. Public Library

#### 2.20.010 Established.

A public library is established for the city under the provisions of ORS 357.400 to 357.621.

(Ord. 1795 § 1, 1980)

#### 2.20.020 Financing.

The Lebanon Public Library shall be financed through the use of general fund moneys, revenues obtained from operation of the library, grants, gifts, donations and bequests received and designated to be used for library purposes, tax levies authorized by the electors and/or any other sources of revenue deemed appropriate by the city council.

(Ord. 1795 § 2, 1980)

### Article II. Advisory Board

#### 2.20.030 Established--Membership.

The Lebanon Public Library advisory board is established. The library advisory board shall consist of seven members to be nominated by the mayor and appointed by the city council.

(Ord. 2131 § 1, 1993; Ord. 2038 § A (part), 1988; Ord. 1795 § 3 (part), 1980)

#### 2.20.040 Appointment--Term of office.

A. One member of the advisory board shall be president of the Friends of Lebanon Public Library. The term of office for this individual shall be two years, commencing on July 1st and ending on June 30th.

B. Six members of the advisory board shall be selected from the community at large and shall serve terms of four years each, except for the two members of the board which shall be appointed on or after June 23, 1993, for which one member shall serve an initial three-year term. Members' terms shall commence on July 1st and be staggered so that the term of office of

not more than two will expire in the same year. No at-large board member shall hold appointment as a member for more than two full consecutive terms; however, an at-large member may be appointed again to the board after an interval of one year. Service in excess of seven hundred thirty-one calendar days shall be counted as a full term in the case of persons appointed to fill unexpired terms and in the case of members resigning.

(Ord. 2131 § 2, 1993; Ord. 2097 § 1, 1991; Ord. 2038 § A (part), 1988; Ord. 1795 § 3 (part), 1980)

#### **2.20.050 Compensation.**

Members of the advisory board shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties.

(Ord. 2038 § A (part), 1988; Ord. 1795 § 3 (part), 1980)

#### **2.20.060 Meetings--Organization.**

The Lebanon Public Library advisory board shall meet at least ten times each year. The library advisory board shall, each year between July 1st and July 31st meet and organize by the election of a chairman and a chairman pro tempore. The library director shall serve as a secretary to the library advisory board and keep the record of its actions.

(Ord. 1795 § 4 (part), 1980)

#### **2.20.070 Meetings--Attendance.**

The secretary to the library advisory board shall record board members' attendance at meetings of the advisory board. Upon notification from the secretary that a library advisory board member has failed to attend three consecutive board meetings or has failed to attend five or more meetings during a July 1st through June 30th period, the chairman shall declare the nonattending board members' position to be vacant and shall direct the secretary to notify the mayor of the vacancy.

(Ord. 1795 § 4 (part), 1980)

#### **2.20.080 Powers, duties and functions.**

The library advisory board shall have no executive or administrative powers or authority except as provided in this section, and this section shall not be construed as depriving elected or appointed officials of the city of any power they may have under the laws of the state or the charter of the city. The library advisory board shall have powers, duties and functions as follows:

A. The library advisory board shall recommend to the library director rules and policies for the governance of the library. Thereafter, the library director shall submit such rules and policies for the governance of the library to the city administrator, who shall approve or disapprove the rules and policies. However, nothing in this section shall prevent the library services board, the library director or the city administrator from consulting or seeking the approval or disapproval of rules and policies for the governance of the library by the city council;

B. Advising and assisting the library director in the preparation and acceptance of the library's annual budget requests;

C. Advising and assisting the library director in the development of short-range and long-range plans for library services, programs and facilities;

D. Recommending to the city administrator and city council criteria to be considered in the selection of the library director;

E. Keeping informed about current local, state and national trends and developments in library services and administration;

F. Performing such other activities as the city administrator or city council may request.

(Ord. 2100 § 1, 1991; Ord. 1795 § 5, 1980)



## PUBLIC LIBRARIES

**357.400 Definitions for ORS 357.400 to 357.621.** As used in ORS 357.400 to 357.621:

- (1) "Governing body" means the board, commission, council or other body which governs the local government unit.
- (2) "Local government unit" means any city, county, library service district established under ORS chapter 451, school district, community college district or a library district established under ORS 357.216 to 357.286.
- (3) "Public library" or "public library system" means a public agency responsible for providing and making accessible to all residents of a local government unit library and information services suitable to persons of all ages. [1955 c.432 §2; 1975 c.476 §16; 1981 c.226 §17; 1983 c.740 §119]

**357.410 Authority of local government units for public libraries.** Any local government unit may:

- (1) Establish, equip and maintain a public library.
- (2) Contract with an established public library or with a private society or corporation owning and controlling a secular or nonsectarian library for the purpose of providing free use of the library for the residents of the local government unit, under such terms and conditions as may be agreed upon.
- (3) Contract with one or more units of local government or library boards pursuant to ORS 190.003 to 190.620 to provide jointly a public library or public library service or share in the use of facilities, under such terms and conditions as may be agreed upon.
- (4) Enter into an interstate library agreement pursuant to Article VI of the Interstate Library Compact (ORS 357.340).
- (5) Contract with the Trustees of the State Library for assistance in establishing, improving or extending public library service.
- (6) Levy annually and cause to be collected, as other general taxes are collected, a tax upon the taxable property in the local government unit to provide a library fund to be used exclusively to maintain such library.
- (7) Levy and cause to be collected, as other taxes are collected, a special tax upon the taxable property in the local government unit, or contract bonded indebtedness under the provisions of ORS chapter 287A to provide a public library building fund to be used exclusively for the purchase of real property for public library purposes and for the erection and equipping of public library buildings including branch library buildings.
- (8) Levy or impose such other taxes as may be authorized to the unit by city charter or the charter of a home-rule county. [Amended by 1955 c.432 §5; 1961 c.251 §8; 1965 c.354 §7; 1975 c.112 §1; 1975 c.476 §17]

**357.415** [1955 c.432 §3; repealed by 1975 c.476 §34]**357.417 Methods of establishing public library by local government unit.** (1) A public library may be established by a local government unit by any of the following ways:

- (a) The governing body may pass and enter upon its minutes a resolution or ordinance to the effect that a public library is established under the provisions of ORS 357.400 to 357.621.
  - (b) When a petition requesting an election on the question of establishing and supporting a public library is filed as provided in this section, the governing body shall make and enter an order for an election requesting approval by the electors of the establishment and support of a public library.
  - (c) Upon its own motion, the governing body may make and enter an order for an election requesting approval by the electors of the establishment and support of a public library.
- (2) Except as provided in subsection (3) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:
- (a) In the case of a county, in ORS 250.165 to 250.235.

(b) In the case of a city, in ORS 250.265 to 250.346.

(c) In the case of any other local government unit, in ORS 255.135 to 255.205.

(3) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(4) Elections held under this section shall be held on a date specified in ORS 255.345. [Formerly 357.451; 1981 c.909 §10; 1983 c.350 §224]

**357.420** [Amended by 1955 c.432 §6; repealed by 1975 c.476 §34]

**357.430 Methods of financing public library by local government unit.** If a governing body acts under ORS 357.417 (1)(a) or (c), its order shall state the manner in which the local government unit proposes to finance the library, including the estimated amount of any annual tax levy necessary to provide for the library. If the governing body determines that financing may be had only through a local option tax to be submitted to the electors pursuant to ORS 357.525, the order shall so state. The notice, time and manner of election shall be governed by the applicable provisions of ORS chapters 250 and 255. [Amended by 1955 c.432 §7; 1961 c.251 §9; 1975 c.476 §19; 1983 c.350 §225; 1999 c.21 §69]

**357.435 Local government required to file plan with State Library.** Any local government unit acting under ORS 357.417 shall notify in writing the State Library of its plan for establishing a public library. The State Library shall respond in writing within 30 days, commenting on the plan for establishing the library and on its relationship to the long-range plans for the statewide development and coordination of library services. The State Library's advice or comment is not binding upon the local government unit, and if no such advice or comment is received within 30 days of the request, the local government unit may act without further delay. [Formerly 357.640]

**357.440** [Repealed by 1975 c.476 §34]

**357.445** [Amended by 1955 c.432 §8; repealed by 1975 c.476 §34]

**357.450** [Repealed by 1961 c.251 §10 (357.451 enacted in lieu of 357.450)]

**357.451** [1961 c.251 §11 (enacted in lieu of 357.450); 1975 c.112 §2; 1975 c.476 §18; renumbered 357.417]

**357.455** [1961 c.251 §14; 1975 c.112 §3; 1975 c.476 §26; renumbered 357.525]

**357.460 Financial interest of public library board and appointive body; compensation.** (1) No member of any public library board or the body appointing such board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall receive a salary or any payment for material or for services rendered the board.

(2) Board members may be reimbursed for expenses incurred in the performance of their duties. [Amended by 1975 c.112 §4; 1975 c.476 §22]

**357.465 Public library board.** (1) Each public library established under ORS 357.417 shall be governed by a library board unless some other method is specified in the charter, ordinance or resolution establishing the library.

(2) Upon resolution, ordinance or election pursuant to ORS 357.417, the governing body may appoint a library board. The library board of a city, county or county service district, as determined by the governing body, shall consist of not less than five members nor more than 15 members. In the case

of a school district or community college district, such board shall consist of five, seven or more members at the discretion of the governing body.

(3) If the board will consist of five members, one member shall initially hold office for one year, one for two years, one for three years and two for four years, from July 1 in the year of their appointment. If the board will consist of seven members, one member shall initially hold office for one year, two for two years, two for three years, and two for four years, from July 1 in the year of their appointment. If the board will consist of six members or more than seven members, the members first appointed shall hold office for such terms as will achieve the staggered term base established for smaller boards by this section. Succeeding appointees shall hold office for a term of four years from July 1 in the year of their appointment. At the expiration of the term of any member of such board, the governing body shall appoint a new member or may reappoint a member for a term of four years. If a vacancy occurs, the governing body shall appoint a new member for the unexpired term. No person shall hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the board after an interval of one year. [1955 c.432 §4; 1961 c.251 §12; 1975 c.476 §21; 1983 c.208 §1; 1991 c.569 §1]

**357.470 Board organization; name of library.** After appointment, the public library board shall meet and organize by the election of a chairperson from among its members. The librarian shall serve as secretary to the board and keep the record of its actions. [Amended by 1955 c.432 §9; 1975 c.112 §5; 1975 c.476 §23]

**357.480** [Amended by 1955 c.432 §10; 1975 c.112 §6; repealed by 1975 c.476 §34]

**357.490 Library board general powers.** In the ordinance or resolution establishing the library, the governing body shall determine the library board's responsibility for:

(1) Appointment of the librarian and staff, fixing their compensation, determining their working conditions and prescribing their duties.

(2) Formulating rules and policies for the governance of the library.

(3) Preparing and submitting an annual budget request.

(4) Approving, or delegating to the librarian the responsibility for approving, all expenditures from the library fund or the public library building fund.

(5) Acceptance, use or expenditure of any real or personal property or funds donated to the library, or purchase, control or disposal of real and personal property necessary for the purposes of the library, except that each donation shall be administered in accordance with its terms, and all property or funds shall be held in the name of the governing body.

(6) Selection of sites for public library buildings or for location of library facilities.

(7) Entering into contracts.

(8) Such other activities as the governing body may assign. [Amended by 1955 c.432 §11; 1961 c.251 §15; 1965 c.354 §8; 1967 c.67 §19; 1975 c.112 §7; 1975 c.476 §24]

**357.500** [Amended by 1955 c.432 §12; repealed by 1975 c.476 §34]

**357.510** [Repealed by 1975 c.476 §34]

**357.520 Annual report.** Each public library established under ORS 357.417 shall make an annual report to the State Library and to the governing body on a form supplied by the State Library. [Amended by 1965 c.354 §9; 1975 c.476 §25]

**357.525 Election to authorize local option tax.** (1) A local option tax for any of the purposes stated in ORS 357.410, 357.417 or 357.490 shall be submitted at an election as provided in this section. The governing body of the local government unit:

- (a) May order the election on its own resolution; or
- (b) Shall order the election when a petition is filed as provided in this section.

(2) The resolution or the petition calling the election under this section shall state the purpose for which the funds are to be expended, the period during which the proposed taxes are to be levied and the amount to be levied each year, which amount shall be uniform throughout the period of levy.

(3) Except as provided in subsections (4) and (5) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:

- (a) In the case of a county, in ORS 250.165 to 250.235.
- (b) In the case of a city, in ORS 250.265 to 250.346.
- (c) In the case of any other local government unit, in ORS 255.135 to 255.205.

(4) If ORS 250.265 to 250.346 apply to a city, then notwithstanding ORS 250.325, the city governing body shall submit the local option tax question to the electors without first considering its adoption or rejection.

(5) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(6) The notice, time and manner of election shall be governed by the applicable provisions of ORS chapter 250 and:

- (a) In the case of a county or city, ORS chapters 246 to 260.
- (b) In the case of any other local government unit, ORS chapter 255.

(7) Upon approval by a majority of the electors voting at the election, the taxing unit shall levy each year during the approved period the amount so approved. The tax proceeds shall be handled as provided by ORS 357.410 or 357.430, or as otherwise provided by law. [Formerly 357.455; 1983 c.350 §226; 1995 c.79 §197; 1999 c.21 §70]

**357.530** [Amended by 1953 c.238 §1; 1955 c.432 §13; 1975 c.112 §8; repealed by 1975 c.476 §34]

**357.540** [Amended by 1961 c.251 §16; 1975 c.112 §9; repealed by 1975 c.476 §34]

**357.545** [1955 c.432 §15; repealed by 1975 c.476 §34]

**357.550** [Amended by 1955 c.432 §16; 1961 c.251 §17; repealed by 1975 c.476 §34]

**357.560** [Amended by 1955 c.432 §17; repealed by 1975 c.476 §34]

**357.570** [Amended by 1955 c.432 §18; repealed by 1967 c.67 §20 (enacted in lieu of 357.570)]

**357.571** [1967 c.67 §21; repealed by 1975 c.476 §34]

**357.580** [Amended by 1955 c.432 §19; 1965 c.354 §10; repealed by 1975 c.476 §34]

**357.590** [Repealed by 1975 c.476 §34]

**357.600** [Amended by 1965 c.354 §11; 1967 c.67 §22; repealed by 1975 c.476 §34]

**357.610 Conformity to ORS 357.400 to 357.621 by libraries organized prior to enactment of those statutes; effect on executed library contracts.** (1) Libraries organized under Oregon laws prior to September 13, 1975, are continued, and may have their organizations changed so as to conform to ORS 357.001 to 357.200, 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990 by resolution of the governing body of the local government unit which established the library. The resolution shall

outline the procedure necessary to be taken for such change.

(2) Nothing contained in ORS 357.001 to 357.200, 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990 shall affect nor change the terms of any library contract executed prior to September 13, 1975. However, by mutual consent, the parties to the contract may amend the contract so as to make it conform to all or any of the provisions of ORS 357.001 to 357.200, 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990. [Amended by 1975 c.476 §27]

**357.620** [Repealed by 1975 c.476 §28 (357.621 enacted in lieu of 357.620)]

**357.621 Public hearings required prior to abolishing or withdrawing support from public library.** No governing body which has established a public library under the laws of this state shall abolish or withdraw support for such library without first holding at least two public hearings on the matter at least 90 days apart. The governing body shall give public notice of the public hearing in a newspaper of general circulation in the area for two successive weeks at least 30 days prior to the first hearing. [1975 c.476 §29 (enacted in lieu of 357.620)]

**357.625** [1955 c.432 §23; repealed by 1975 c.476 §34]

**357.630** [Amended by 1955 c.432 §20; repealed by 1975 c.476 §34]

**357.640** [Amended by 1955 c.432 §21; 1965 c.354 §12; 1975 c.112 §10; 1975 c.476 §20; renumbered 357.435]

**357.650** [Repealed by 1953 c.136 §4]

**357.655** [1971 c.676 §1; repealed by 1975 c.476 §34]

**357.660** [Repealed by 1953 c.136 §4]

**357.665** [1971 c.676 §2; repealed by 1975 c.476 §34]

**357.670** [Repealed by 1953 c.136 §4]

**357.675** [1971 c.676 §3; repealed by 1975 c.476 §34]

**357.680** [Repealed by 1953 c.136 §4]

**357.685** [1971 c.676 §§4, 5; repealed by 1975 c.476 §34]

**357.690** [Repealed by 1953 c.136 §4]

**357.700** [Repealed by 1953 c.136 §4]

**357.705** [1957 c.358 §1; 1959 c.112 §1; 1975 c.476 §3; renumbered 357.003]

**357.710** [Repealed by 1953 c.136 §4]

**357.715** [1957 c.358 §§2, 3; 1959 c.112 §2; 1961 c.251 §18; repealed by 1975 c.476 §34]

**357.720** [Repealed by 1957 c.136 §4]

**357.721** [1959 c.265 §3; repealed by 1961 c.198 §4]

**357.725** [1957 c.358 §§4, 5; repealed by 1959 c.112 §4]

**357.730** [1957 c.358 §6; 1959 c.112 §3; 1961 c.251 §19; repealed by 1975 c.476 §34]

#### FINANCIAL ASSISTANCE FOR PUBLIC LIBRARY SERVICES TO CHILDREN

**357.740 State grants to local units of government.** The state shall provide financial assistance for public library service to public libraries established pursuant to law from funds specifically appropriated therefor by annual grants to units of local government. The grants shall be expended to develop public library services for children, with emphasis on preschool children. [1977 c.291 §1; 1993 c.20 §1]

**357.750 Applications for grants; uses of grant moneys; rules.** Units of local government and counties may apply to the Trustees of the State Library for annual establishment and development grants. The grants may be made from funds specifically appropriated therefor and are to be used to establish, develop or improve public library early literacy services for children from birth to five years of age and to provide the statewide summer reading program, as defined by rule of the Trustees of the State Library, for children from birth to 14 years of age. [1977 c.291 §2; 1993 c.20 §2; 2007 c.191 §1]

**357.760 State Library Trustees to administer ORS 357.740 to 357.780.** The Trustees of the State Library shall administer the provisions of ORS 357.740 to 357.780 and shall adopt rules governing the application for and granting of funds under ORS 357.740 to 357.780. [1977 c.291 §3]

**357.770** [1977 c.291 §5; 1985 c.257 §1; 1991 c.602 §1; repealed by 2005 c.128 §1]

**357.780 Grants for public library services to children; basis of distribution of funds.** (1) The Trustees of the State Library shall disburse moneys under this section based on the estimated total population of children, from birth to 14 years of age, in the state. For those areas of the state not served by local public libraries, the moneys available shall be reallocated to qualifying public libraries. A public library which begins providing library service to previously unserved population shall be eligible for grants from the moneys appropriated for purposes of this section. Upon satisfactory application therefor, the Trustees of the State Library shall cause the appropriate amount to be paid to the public library.

(2) The Trustees of the State Library shall distribute 80 percent of the funds specifically appropriated by the Legislative Assembly on a per child basis for public library services in the following manner to assure the same population shall not be counted more than once:

(a) There shall be paid to each consolidated county library that is the primary provider of public library services to all persons in a county, or to each library district that is the primary provider of public library services in a county, a per capita amount for each child residing in the county.

(b) Where public library services are provided by a public library for which the governing authority has jurisdiction in more than one county, there shall be paid to that library a per capita amount for each child residing therein.

(c) Where public library services are not provided as described in paragraph (a) or (b) of this subsection, but by a library of which the governing authority is the primary provider of public library services to a jurisdiction less than county wide, there shall be paid to the library a per capita amount for children residing therein. In addition, a public library having a valid contract with a unit of local government to provide library services to a population beyond its governing authority's jurisdiction shall be paid a per capita amount for the population of children served if specified in the contract. The number of children residing within a jurisdiction that is less than a county shall be estimated using the percentage of children in the total population of the county.

(d) Where public library services are not provided as described in paragraph (a), (b) or (c) of this subsection, but are provided by a county or district library that has a valid contract with one or more libraries to provide persons in their jurisdiction with library services, there shall be paid to the county or district library a per capita amount for each child residing therein, exclusive of the populations served by libraries eligible for grants under paragraph (c) of this subsection.

(3) The Trustees of the State Library shall distribute 20 percent of the funds specifically appropriated by the Legislative Assembly for public library services on an area basis.

(4) The Trustees of the State Library may not make a grant that is less than \$1,000 to a qualifying public library for public library services for children. [1979 c.835 §2; 1985 c.257 §2; 1987 c.92 §5; 1991 c.602 §2; 1993 c.20 §3; 2007 c.191 §2]

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## 6. Existing Senior Center Advisory Board



**Chapter 2.28 SENIOR AND DISABLED SERVICES PROGRAM\***

## Sections:

- 2.28.010 Established.
- 2.28.020 Financing.
- 2.28.030 Membership--Composition and selection.
- 2.28.040 Term of office--Reappointment.
- 2.28.045 Rotating community positions.
- 2.28.050 Meetings--Organization and attendance.
- 2.28.060 Powers, duties and functions.
- 2.28.070 Trust fund.

\* Prior ordinance history: Ords. 1872 and 2029.

**2.28.010 Established.**

A senior and disabled services program is established for the city.

(Ord. 2101 § 1, 1991; Ord. 2041 § 1 (part), 1988)

**2.28.020 Financing.**

The senior and disabled services program shall be financed through the use of general fund moneys; revenues obtained from operation of the program; grants, gifts, donations and bequests received and designated to be used for a specific purpose, and tax levies authorized by the electors and/or any other sources or revenue deemed appropriate by the city council.

(Ord. 2101 § 1, 1991; 2041 § 2 (part), 1988)

**2.28.030 Membership--Composition and selection.**

The senior and disabled services advisory board shall consist of nine members who shall be selected from the community at large, with due consideration and effort to maintaining representation for both senior and disabled citizens within the city. The advisory board will interview candidates as openings occur and submit a complete list of recommendations to the mayor. The mayor will appoint members to the advisory board. At the beginning of each calendar year, the senior and disabled services advisory board shall elect a chairperson and chairperson pro tempore, who shall act as chairperson when the chairperson is unavailable or incapable of acting as chairperson.

(Ord. 2101, 1991; Ord. 2041 § 3 (part), 1988)

**2.28.040 Term of office--Reappointment.**

A. The advisory board members shall serve terms of four years each. Terms shall commence on January 1st and be staggered.

B. Board members shall be appointed to staggered terms as follows: one one-year term; one two-year term; one three-year term; and one four-year term. Board members shall complete these appointments as one full term for the purpose of determining eligibility for reappointment.

C. No advisory board member shall hold appointment as a member for more than two full consecutive terms. However, a member may be appointed again to the board after an interval of two years. Service in excess of seven hundred thirty-one calendar days shall be counted as a

full term in the case of persons appointed to fill unexpired terms and in the case of members resigning.

D. Members of the advisory board shall receive no compensation for their services but may be reimbursed for expenses incurred in the performance of their duties after obtaining preauthorization from the program manager.

(Ord. 2101 § 1, 1991: Ord. 2041 § 4 (part), 1988)

#### **2.28.045 Rotating community positions.**

The senior and disabled services advisory board, in addition to the nine members appointed by the mayor, will include two rotating community positions. These positions will be comprised of local business representatives. The rotating community positions will be for a term of one year. The rotating community members will be selected and recruited by the consensus of the advisory board. An individual serving as a rotating community member may be reappointed for a second consecutive term, and may be appointed again to the board after an interval of one year. This section shall apply to those rotating members who are in office on the effective date of the ordinance codified in this section.

(Ord. 2269 § 1, 2000: Ord. 2125 § 1, 1993: Ord. 2101 § 1, 1991: Ord. 2070 § 1, 1990)

(Ord. No. 2785, § 1, 2-10-2010)

#### **2.28.050 Meetings--Organization and attendance.**

The senior and disabled services advisory board shall meet at least ten times each year between January 1st and December 31st. The senior and disabled services program manager shall serve as secretary to the board and keep record of its actions. Meetings of the senior and disabled services advisory board shall be conducted and governed by the latest edition of Roberts' Rules of Order (Revised).

The secretary to the board shall record members' attendance at meetings of the advisory board. Upon notification from the secretary that a board member has failed to attend three consecutive board meetings or has failed to attend five or more meetings during the January 1--December 31 period, the chairperson shall declare the nonattending board member's position to be vacant and shall direct the secretary to make public said vacancy along with the application and selection process to be completed.

(Ord. 2101 § 1, 1991: Ord. 2041 § 5 (part), 1988)

#### **2.28.060 Powers, duties and functions.**

The senior and disabled services advisory board shall have no executive or administrative powers or authority except as provided in this section, and this section shall not be construed as depriving elected or appointed officials of the city of any powers they may have under the laws of the state or the charter of the city. The board shall be advisory in nature and shall have powers, duties and functions as follows:

A. Recommending to the senior and disabled services program manager rules and policies for the governance of the senior and disabled services program. Thereafter, the program manager shall submit such rules and policies for the governance of the program to the city administrator, who shall approve or disapprove the rules and policies. However, nothing in this section shall prevent the board, the program manager or the city administrator from consulting or seeking the approval or disapproval of rules and policies for the governance of the program by the city council;

- B. Administering the senior service trust fund;
- C. Advising and assisting the program manager in the preparation and acceptance of the senior and disabled services program's annual budget;
- D. Developing and implementing short-range and long-range plans for senior and disabled services programs and facilities;
- E. Recommending to the program manager, city administrator and city council the criteria for the selection of the senior and disabled services advisory board, advisory board chairperson and the program manager;
- F. Advocating on behalf of senior citizens and senior issues with the city and with other government entities;
- G. Keeping informed about current local, state and national trends and developments in senior and disabled services and administration;
- H. Performing other activities and duties in accordance with the goals of the senior and disabled services advisory board.

(Ord. 2101 § 1, 1991; Ord. 2041 § 6 (part), 1988)

#### **2.28.070 Trust fund.**

There is established the senior services trust fund, which shall be maintained as a separate accounting entity within the city's financial records as required by Oregon state law and the governmental accounting board. This trust fund is created to receive and expend donated funds received by the Lebanon Senior Center for specific purposes. The trust fund shall be administered by the senior and disabled services advisory board.

(Ord. 2101 § 1, 1991; Ord. 2041 § 5 (part), 1988)

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1. Existing Bike & Pedestrian Advisory Board

## **Chapter 2.30 LEBANON BICYCLE AND PEDESTRIAN ADVISORY BOARD**

### **Sections:**

- 2.30.010 Established.
- 2.30.020 Members and composition.
- 2.30.030 Objectives and purposes.
- 2.30.040 Compensation and records.
- 2.30.050 Assets.
- 2.30.060 Meetings of members.
- 2.30.070 Duties of the chair and vice chair.

### **2.30.010 Established.**

There is hereby established an advisory board for the City of Lebanon, which shall be called the Lebanon Bicycle and Pedestrian Advisory Board.

(Ord. No. 2790, § 1, 2-10-2010)

### **2.30.020 Members and composition.**

The mayor shall appoint members to the advisory board with the appointment to be ratified by the city council. There shall be seven members appointed for terms of three years. The terms of office for the initial board members shall be staggered in order to establish an approximately equal number of expiring terms every calendar year. Members of the advisory board may serve successive terms on the advisory board. From time to time, staff from various departments of the City of Lebanon, as assigned by the city manager, may advise and assist the advisory board and to act as liaisons between the advisory board and the City of Lebanon. No more than two city councilors may be appointed as non-voting members of the board.

(Ord. No. 2790, § 1, 2-10-2010)

### **2.30.030 Objectives and purposes.**

A. The advisory board will serve in an advisory capacity to the City of Lebanon while promoting bicycle and pedestrian safety and awareness.

B. The advisory board will advocate for bicycling and walking as healthy and non-polluting methods of transportation and recreation.

C. The advisory board may assess the condition and the need for improvements for bicycle and pedestrian facilities within the city; including but not limited to:

1. Multi-use paths.
2. Pedestrian crossings.
3. On road bike lanes.
4. Bicycle and pedestrian signage.
5. Bicycle parking and storage facilities.
6. Establishment of safe and efficient bicycle and pedestrian traffic control devices.
7. Promotion of safe bicycling and walking practices and events.
8. Maintenance of existing facilities.

9. Perform other such functions as requested by the city council.

D. The advisory board may assess and advise the city on street and road changes that may affect bicycle and pedestrian use.

E. The advisory board may advise the city on the long term planning, budgeting, development and operation of bicycle and pedestrian facilities.

(Ord. No. 2790, § 1, 2-10-2010)

### **2.30.040 Compensation and records.**

The members of the advisory board shall serve without pay but shall be reimbursed for duly authorized expenses. All original meeting minutes will be kept by a city staff employee and records of proceedings shall be given to the city recorder and remain in the office of the city recorder as one of the public records of that office.

(Ord. No. 2790, § 1, 2-10-2010)

### **2.30.050 Assets.**

The advisory board will have no assets or budget but may apply for grants to fund specific city projects related to bicycle and pedestrian facilities or safety.

(Ord. No. 2790, § 1, 2-10-2010)

### **2.30.060 Meetings of members.**

A. Meetings of the advisory board will be held monthly at a time and location established by the chair, in conjunction with the city staff liaison. Notices as required by Oregon law for such meetings shall be given in the manner provided by law.

B. The advisory board membership composition will be established by the mayor with consideration given to geographic representation and member areas of expertise and/or interest.

C. A notice of meeting agenda and the minutes of the last meeting will be published and delivered to advisory board members, city council and the city manager at least one week prior to a scheduled meeting.

D. The advisory board shall annually select one of its members as chair and one as vice-chair by a majority vote. This selection will occur at the first meeting of the calendar year. No member may serve more than three consecutive terms in any one office.

E. A quorum of four voting members must be present at a scheduled meeting. The concurrence of a majority of the members of the advisory board present and voting at a meeting shall be necessary to decide any question before the advisory board.

F. Members may resign upon written notice to the chair. The chair may ask a member to resign who does not attend at least nine meetings during a calendar year.

F. Meetings will proceed based on the latest edition of Robert's Rules of Order.

(Ord. No. 2790, § 1, 2-10-2010)

**2.30.070 Duties of the chair and vice chair.**

- A. The chair presides at all meetings. The chair shall be entitled to vote on all motions or matters before the advisory board.
- B. The chair represents the advisory board and shall act as a liaison with other organizations.
- C. The vice-chair will assume the duties of the chair in the absence of the chair and will assume the duties of the chair if the position becomes vacant until a successor is chosen as provided in this chapter.

(Ord. No. 2790, § 1, 2-10-2010)

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#### 4. Existing Parks Committee/Tree Board



AN AMENDMENT TO RESOLUTION NO. 38 DATED  
OCTOBER 9, 1996, A RESOLUTION TO CREATE THE  
LEBANON PARK COMMITTEE/TREE BOARD

) RESOLUTION NO. 3  
) FOR 2006  
)

WHEREAS, the City Council for City of Lebanon recognizes the importance of Parks and Trees to the health, safety, and beauty of the City of Lebanon and its citizens; and

WHEREAS, the City Council desires to establish a committee consisting of citizens and elected officials to act in an advisory capacity to perform certain duties to assist the City Council in assessing needs and planning for parks and tree maintenance; and

WHEREAS, the City Council desires to promote the possible recognition for the City of Lebanon as a Tree City U.S.A. designated city by the National Arbor Day Foundation;

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF LEBANON DOES HEREBY RESOLVE AS FOLLOWS:

**Section 1.** There is hereby established a committee which shall be known as the "Parks Committee/Tree Board." The committee shall be appointed by the Mayor, and shall serve at the pleasure of the City Council. There shall be eight members appointed to the committee, with representation to be made by the following groups: The Lebanon Area Chamber of Commerce, the Lebanon Boys and Girls Club, a representative for citizens who are physically and/or mentally challenged and a member of the City Council. At least five representatives of the committee shall be residents of the City of Lebanon. All members shall be selected at large from citizens of the community interested in serving on the committee.

**Section 2.** The term of office for members of the committee shall be four years with the opportunity to serve a second term. The initial terms of committee members shall be staggered so that the terms of office for no more than two members shall expire in any one year.

**Section 3.** Members of the committee shall serve without pay, but may be reimbursed for expenses incurred in the performance of their job duties after obtaining preauthorization from the City Administrator or his delegate.

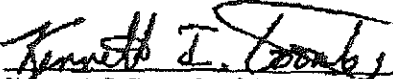
**Section 4.** The committee shall enact its own rules and procedures, but shall annually select one of its members to act as the chairperson and one member to act as secretary of the committee. The secretary shall maintain minutes of all meetings, and the minutes shall be maintained by the City pursuant to the appropriate Oregon Public Records law. All meetings of the committee shall comply with the Oregon Public Meeting laws as may be required by Oregon law.

**Section 5.** Meetings of the committee shall be held pursuant to the committee's established meeting schedule to take care of the committee's regular business. Regular meetings should not conflict with other regularly held city meetings to allow staff representatives to attend the Park Committee/Tree Board meetings. Special or extra meetings may be requested, with appropriate notice to committee members, when the City Council, the City Administrator or Public Works' staff recognizes a need for committee advice for special projects or problems.

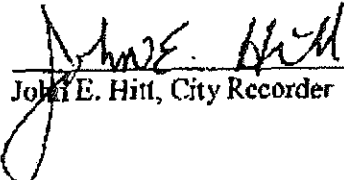
**Section 6.** The Park Committee/Tree Board shall have no executive or administrative powers or authority except as provided in this section, and this section shall not be construed as depriving elected or appointed officials of the city of any power they may have under the laws of the state or the charter of the city. The Committee shall be advisory in nature to the City Council, City Administrator, and Public Works Staff in matters pertaining to general park policy and policy regarding trees along streets and other public rights-of-way. More specific functions may include, but are not limited to, the following:

- A. Promote Parks and the maintenance and preservation of trees in the City of Lebanon.
- B. Review and evaluate for final implementation of the park system draft master plan. The committee shall continue to evaluate progress toward the plan and recommend future changes as needed to keep abreast of current needs and conditions.
- C. Prioritize and help coordinate efforts of volunteer groups wishing to develop park improvements.
- D. Study, investigate, and develop a written plan for the care, preservation, pruning, planting, replanting, and removal of trees in parks and in public areas, which include public rights-of-ways. This plan will be presented to the City Council and upon its acceptance of the plan, the plan shall constitute the "City Tree Plan for the City of Lebanon." This written plan is an important part of obtaining the designation for the city as a Tree City U.S.A.
- E. Promote the annual Tree City U.S.A. designation by the National Arbor Day Foundation.
- F. Prioritize and recommend future parks and tree improvements to be included in the capital improvements program adopted by the City Council. The Committee shall make such recommendations to the Capital Improvements Plan Committee, established by the City Council.
- G. Review fee schedules for picnic shelter rental, camping fees or other fees pertaining to parks, and make recommended changes as needed.
- H. Promote the planting and proper maintenance of trees through special events, including an annual local celebration of Arbor Day.
- I. To carry out such other tasks as may be delegated to the committee from time to time by the City Council.

Passed by the Lebanon City Council by a vote of 5 for and 0 against this 22nd day of February, 2006.

  
Kenneth L. Toombs, Mayor   
J. Scott Simpson, Council President

ATTEST:

  
John E. Hill, City Recorder

# Agenda Item 4

**Bob Elliott**

*Bob's motion*

**From:** "Bob Elliott" <brcelliott@comcast.net>  
**Date:** Wednesday, February 09, 2011 5:38 PM  
**To:** "bob" <brcelliott@comcast.net>  
**Subject:** motion

I move that the Lebanon City Council finds that the prior, difficult decisions of the City Administrator in the reduction of city staff were consistent with the City's need for prudent and responsible fiscal management and that we urge him to make further reductions, as may be appropriate, including, if absolutely necessary, reducing current staffing levels, while limiting to the extent, possibly, any decline in the amount or quality of essential and basic service to our citizens.

*Weldon's  
Motion*

**I move to direct the city administrator to provide council members with:**

- 1. All tort claim notices received within the last five years.**
- 2. All legal complaints filed in any court against the City, city officials or city employees within the last five years.**
- 3. All claim settlements entered by the City on behalf of the city, city officials or city employees within the last five years.**
- 3. All contracts with lawyers for legal representation regarding items 1 to 3 and any associated invoices or bills.**
- 4. Copies of checks issued to lawyers for services described in item 3.**

February 9, 2011



Linda Kaiser, City Recorder  
City of Lebanon  
925 Main St.  
Lebanon, OR 97355

RE: City Charter

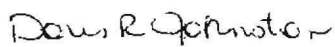
Dear Ms Kaiser:

I am writing this letter in regards to the City Charter for the City of Lebanon and the administrative process of the document.

John Hitt, City Administrator, for the City of Lebanon is the administrator of the City Charter. John has worked diligently to uphold the charter during his tenure with the City of Lebanon. I admire him for his efforts and the progressive outlook of the city under his guidance.

I encourage others to review the City Charter to assist them in understanding the role they each have or have not.

Sincerely,

  
Doris R. Johnston  
Regional Community Manager



RICK  
FRANKLIN  
CORPORATION



101 Industrial Way  
[info@rfc-nw.com](mailto:info@rfc-nw.com)

P.O. Box 365                      Lebanon, OR 97355  
Website: [www.rfc-nw.com](http://www.rfc-nw.com)

(541) 451-1275  
Fax: 258-6444

February 9, 2011

To: Lebanon City Council

This letter is in support of the City of Lebanon staff and all they do to support local businesses. We have found the staff interested in generating job growth and opening doors for new and existing businesses. They have been easy to work with on permitting and responsive to the local business community. We have to work with Metro on a daily basis in the Portland market, which is not a positive process so it is refreshing to work with the City of Lebanon who encourages growth and show interest in bringing good jobs for the local community.

Sincerely,

Rick & Bernice Franklin  
Rick Franklin Corporation  
Albany Eastern Railroad Company



Western  
University  
OF HEALTH SCIENCES

College of Osteopathic  
Medicine of the Pacific

COMP - Northwest  
(541) 451-6999 • FAX (541) 451-6998



February 1, 2011

RE: City of Lebanon

To Whom This may Concern:

As we continue the task of developing the new medical school in Lebanon, Or., the depth of the challenge becomes ever more daunting. Fortunately, the Mayor- Ken Toombs, and City Manager- John Hitt, and the entire staff at City Hall including the City Council have been exceptionally supportive throughout the process. We are very fortunate to have such quality leaders in Lebanon.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Paula M. Crone".

Paula Crone, DO

Executive Associate Dean

COMP-Northwest





February 8, 2011

**Via email and First Class Mail**

Mayor Ken Toomb  
1289 Franklin Street  
Lebanon, OR 97355

Dear Mayor Toomb:

Pursuant to your request, I have reviewed the letter recommending elimination of the Human Resource Manager position and the HR Assistant position. As an attorney providing labor and employment advice to various public sector entities for over 25 years, it is my opinion that eliminating the Human Resources staff in Lebanon would not be feasible and ultimately would be detrimental to the City and its employees. In today's world public sector employers face a myriad of employment law regulations and obligations. These obligations include statutory, constitutional, tort and contract obligations, many of which are complex, overlapping and subject to change. In my view, a Human Resources representative is essential to coordinate key areas of management including recruitment, hiring, training, personnel policy updates, compliance with non-discrimination, anti-retaliation, accommodation, medical leave and workers' compensation obligations, as well as to address ongoing labor relations and personnel matters.

I'm not aware of any city or county that delegates these functions completely to outside service providers. Whether our office is helping the City of Lebanon with day-to-day employment decisions, union grievances or litigation matters, we rely heavily on the ability to work with a person who has an ongoing knowledge of the City's operations and personnel to perform these services. The use of law firms is appropriate for certain types of assignments and advice, but is not a cost effective alternative to a human resources department.

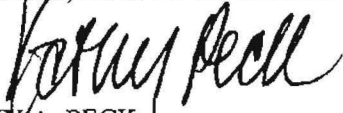
In my experience, employers that do not have a dedicated human resources staff are more likely to have outdated policies. They are also more likely to have managers who are unfamiliar with the employment laws and overwhelmed at the prospect of having to learn enough about those laws to avoid violating employee rights. In this regard, it is my understanding that the City had no Human Resources Manager for a period of time several years ago, and the department heads urged John Hitt to budget for an HR Manager for this very reason.

Mayor Ken Toomb  
February 8, 2011  
Page 2

Many public sector jurisdictions in Oregon are facing budget deficits. Unfortunately, budget deficits have become the norm, not the exception.

Sincerely,

WILLIAMS, ZOGRAFOS & PECK



KATHY A. PECK

KAP:hjz

City Of Lebanon\Letter To Mayor 2-8-11.Doc

# Agenda Item 5




## MEMORANDUM

### *Engineering Services*

**To:** Dan Grassick, Manager Utility & Engineering Services

**Date:** February 2, 2011

**From:** Ron Whitlatch, Senior Engineer 

**Subject:** **APPROVAL TO ADVERTISE PROJECT FOR BIDS**  
Franklin Street Sanitary Sewer Pipe Burst  
Project No. 10709

#### **RECOMMENDATION**

I recommend that City Council pass a motion authorizing City staff to advertise the Franklin Street Sanitary Sewer Pipe Burst Project for bids.

#### **BACKGROUND**

In 2006, City Council approved funding for a yearly sanitary sewer replacement program to replace deficient sanitary sewer mainlines and manholes. The sewer mainline chosen to be replaced in 2011 is located on Franklin Street between Milton Street and Waters Edge Court. Due to the close proximity of an eight inch high pressure gas main running parallel to the existing sanitary sewer mainline, the line will be replaced using a method called pipe bursting. Pipe bursting expands/explodes the existing line so that a new line can be pulled into place in the same location as the existing. By pipe bursting the existing line, the need for open trenches will be minimized to lateral locations and insertion pits, as well as reduce the risks associated with excavating close to the high pressure gas main.

The major components of the project include approximately 1,200 lineal feet of pipe bursting and new HDPE liner, 20 lateral replacements (from the mainline to the edge of right-of-way), and minor sidewalk, driveway, and curb & gutter replacement.

The Engineers Estimate for construction is between \$160,000.00 and \$205,000.00.

# Agenda Item 6



## MEMORANDUM

### *Engineering Division*

**To:** Dean Baugh, Finance Manager **Date:** January 31, 2011  
**From:** Daniel Grassick, PE, Utility & Engineering Services Manager  
**Subject:** Budget Authorization for Wastewater Revenue Bond

#### **RECOMMENDATION**

Staff recommends City Council approve authorization to appropriate, budget and spend proceeds received from the sale of the 2010 Wastewater Bonds.

#### **BACKGROUND**

At the direction of City Council, staff secured a \$5 Million dollar utility revenue bond in November 2010 to construct a new secondary clarifier at the Wastewater Treatment Plant. These funds were not programmed in the adopted FY 2010-2011 City budget because the total amount for the bond sale had not been set when the budget was prepared. Revenue to repay the bond will come from wastewater rates including rate adjustments from 2010 and scheduled rate adjustments in 2011.

The new secondary clarifier is necessary for the City to remain in compliance with our National Pollutant Discharge Elimination System (NPDES) permit issued and regulated by the Department of Environmental Quality. Without the new clarifier, the Wastewater Treatment Plant lacks the hydraulic capacity to effectively treat peak wet weather flows and meet water quality limits for discharge to the Santiam River.

W:\FACPL\SEWER\WWTP\WW Rev Bonds & ReFiBond Summary memo.doc

**A RESOLUTION APPROPRIATING THE  
WASTEWATER REVENUE BOND SERIES  
2010 PROCEEDS**

) **RESOLUTION NO.     4**  
)  
) **FOR 2011**

**WHEREAS**, the Council of the City of Lebanon passed Resolution No. 32 on August 11, 2010 authorizing the issuance of Wastewater system revenue bonds not to exceed \$6,500,000; and

**WHEREAS**, the bond was issued on November 2, 2010 with a net amount delivered to the City of Lebanon of \$5,012,658.55 to finance improvements to the city's wastewater system;

**WHEREAS**, Oregon Local Budget Law, under ORS 294.326 provides that unbudgeted expenditures of proceeds from the sale of revenue bonds may be lawfully expended after enactment of an appropriation resolution; and

**NOW, THEREFORE, THE LEBANON CITY COUNCIL RESOLVES AS FOLLOWS:** to hereby adopt this resolution in the full amount of \$5,012,658 for the purposes shown below, and is hereby appropriated as follows;

Bond Proceeds	\$5,012,658
Contract Services	5,012,658

Adopted and appropriated by the Lebanon City Council this 9<sup>th</sup> day of February 2011 by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

CITY COUNCIL OF LEBANON, OREGON

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

Attested by:

\_\_\_\_\_  
Linda Kaser, City Clerk



## Closing Memorandum

Re: City of Lebanon, Linn County, Oregon  
\$7,010,000 Wastewater Revenue and Refunding Bonds, Series 2010

Dated Date: October 27, 2010

From: Matt Donahue, Associate  
Seattle-Northwest Securities Corporation

Date: October 19, 2010 - Updated at 8:00am October 27<sup>th</sup> with Wire and Book Transfer #'s

### Tax Identification Number

93-6002199

### Closing

Closing will occur at 8:30 a.m. Pacific Time, October 27, 2010 via conference call. A pre-closing will be held at the offices of Mersereau Shannon LLP, at 1:30pm on October 25, 2010.

The following is a summary of the sources of funds for the Series 2010 Wastewater Revenue and Refunding Bonds and how those funds are to be applied by the City.

Total sources of funds for the transaction is \$7,335,304.80 calculated as follows:

Principal Amount	\$ 7,010,000.00
Plus: Net Original Issue Premium	325,304.80
<b>Total Sources of Funds (shown as "Production" in the Bond Pricing Report)</b>	<b>\$ 7,335,304.80</b>

Total Net Purchase Price for the transaction is \$7,277,849.80, calculated as follows:

Total Sources of Funds	\$ 7,335,304.80
Less: Underwriter's Discount	(57,455.00)
<b>Net Purchase Price</b>	<b>\$ 7,277,849.80</b>

SNW will transfer funds in the amount of \$7,277,099.80 on October 27, 2010, as follows:

Net Purchase Price	\$ 7,277,849.80
Less: Official Statement Printing & Mailing	(750.00)
<b>Net Proceeds Transferred by SNW</b>	<b>\$ 7,277,099.80</b>

### Application of Funds

The total of \$7,277,099.80 will be applied by the City as follows:

#### Wired to City:

Available for Projects	\$ 5,000,000.00
Estimated Issuance Costs to be paid by the City following Closing (see Exhibit A)	9,800.00
Additional Proceeds	2,858.55
<b>Total Funds distributed directly to the City</b>	<b>\$ 5,012,658.55</b>

#### Wired to Service Providers:

Bond Counsel (Mersereau Shannon LLP)	\$ 25,000.00
Bond Insurance Premium (Assured Guaranty)	51,371.78
Debt Service Reserve Surety Premium (Assured Guaranty)	23,821.71
MDAC Fee (Oregon State Treasury - Debt Management Division)	800.00
<b>Total Funds distributed to service providers</b>	<b>\$ 100,993.49</b>

#### Escrow:

Escrow Account deposit wired to Bank of New York Mellon	\$ 2,163,447.76
<b>Total Distribution of Funds</b>	<b>\$ 7,277,099.80</b>



# Agenda Item 7



## MEMORANDUM

### *Library Services*

**To:** City Council Members

**Date:** January 27, 2011

**From:** Denice Lee, Library Services Manager

**Subject:** Library Science and Technology Act Grant (LSTA)

On October 15, 2010 the Oregon State Library Board of Trustees approved funding an LSTA grant application submitted by the East Linn County libraries of Lebanon, Sweet Home and Scio. The grant is called "Opening the Doors Wider: Serving the Unserved in East Linn County."

The three libraries applied for the grant through Oregon State Library's Extending Library Service to the Unserved Grant Program. This is the first of what is expected to be a three year grant program.

Citizens in the areas surrounding the city limits of Lebanon, Sweet Home and Scio can purchase a non-resident household library card at their local public library at a greatly reduced rate. 90% of the cost of a non-resident household card will be funded by the grant the first year; 75% the second year; and 50% the third year. The first year of the grant program started December 15, 2010 and will end August 31, 2011.

The goal of the grant program is to create library supporters by drawing new households to their public library where they can experience the full range of services. At the end of the expected three year grant period, it is hoped that the patrons receiving the cards will have come to value the services of the local libraries and become continuing library users and supporters.

The libraries are able to offer the reduced price, non-resident household library cards through a project supported in whole or part by the Institute of Museum and Library Services through the Library Services and Technology Act, administered by the Oregon State Library.

**Recommendation:** Staff recommends City Council approve Resolution # 5 to budget and appropriate the LSTA grant funds.

Library Services

**A RESOLUTION APPROPRIATING GRANT FUNDS, FOR THE LIBRARY LSTA GRANT, IN THE AMOUNT OF \$27,493**

) **RESOLUTION NO. 5**  
)  
) **FOR 2011**

**WHEREAS**, in December 2010 the City of Lebanon Library received an unanticipated LSTA grant in the amount of \$27,493 from the Oregon State Library for the specific purpose of providing funds for the "Opening the Doors Wider: Serving the Unserved in East Linn County" program ; and

**WHEREAS**, Oregon Local Budget Law, under ORS 294.326 provides that money from an unanticipated grant which has been transferred to a municipal corporation in trust for a specific purpose may be lawfully expended after enactment of an appropriation resolution; and

**NOW, THEREFORE, THE LEBANON CITY COUNCIL RESOLVES AS FOLLOWS:** to hereby adopt this resolution in the full amount of \$27,493 for the purposes shown below, and is hereby appropriated as follows;

Personnel Services	\$3,303
Travel	240
Supplies	2,500
Contractual Services	<u>21,450</u>
<b>TOTAL</b>	<b>\$27,493</b>

Adopted and appropriated by the Lebanon City Council this 9<sup>th</sup> day of February 2011 by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

CITY COUNCIL OF LEBANON, OREGON

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

Attested by:

\_\_\_\_\_  
Linda Kaser, City Clerk

**OREGON STATE LIBRARY**  
**LSTA GRANT CONTRACT**

This contract is entered into by and between the Oregon State Library and the agency designated as "the Subgrantee" in Section I. below, pursuant to the authority granted to the Oregon State Library under Oregon Revised Statutes 357.005 (2) (i) and 357.031 and in compliance with the provisions of Public Law 108-81, which reauthorizes the Library Services and Technology Act, 20 USC 1921.

I. CONTRACTING PARTIES

The Receiving Agency: Oregon State Library

The Subgrantee: City of Lebanon

II. TERMS AND CONDITIONS

A. The Receiving Agency agrees to make a grant of monies to be used for the purpose of completing the activities described in the Subgrantee's Library Services and Technology Act grant application entitled "**Opening the Doors Wider: Serving the Unserved in East Linn County**" as approved by the Oregon State Library Board.

B. The Subgrantee agrees to administer the grant project in accordance with the provisions of the Library Services and Technology Act, 20 USC 1921, and with the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments of the National Foundation on the Arts and Humanities, 45 CFR 1183.

C. The Subgrantee agrees to the following with regard to monies granted under this agreement: The Subgrantee will charge expenditures against this grant only if they conform to the grant application cited in Section II. A. above as approved by the Oregon State Library Board, and are for expenses incurred or obligated during the grant period. Grant funds will not be encumbered after **August 31, 2011**. By **October 31, 2011** all monies will have been expended and a final Financial Status Report will be submitted to the Receiving Agency and all unexpended funds will be returned.

D. The Subgrantee will utilize the sum of **\$600** provided by the Receiving Agency to obtain the services of an independent project evaluator, selected by the Receiving Agency. The project evaluator will make an onsite visit to the project in the final months of the grant period, and will submit a written evaluation report to the Receiving Agency and Subgrantee, according to specifications of the Receiving Agency.

E. The Subgrantee agrees to comply with the audit requirements for this grant as contained in OMB Circular A-133 [Revised], which applies to states, local governments and non-profit organizations.

F. The Subgrantee agrees that any income earned by the Subgrantee from activities which were supported, in whole or in part, by funds granted under this agreement, will be expended during the grant program for allowable costs of the project and reported on in the quarterly and final Financial Status Reports to the Receiving Agency.

G. The Subgrantee agrees that any and all library services directly supported, in whole or in part, by funds granted under this agreement will be provided free of charge to all persons residing in the community, district or region from which the Subgrantee receives its financial support.

H. The Subgrantee agrees that all promotional materials, press releases, bibliographies, reports and other such publications resulting from the activities supported, in whole or in part, by this grant will contain the following acknowledgment:

*This (project, program, publication) is supported in whole or part by the Institute of Museum and Library Services through the Library Services and Technology Act, administered by the Oregon State Library.*

I. The Subgrantee is free to copyright any books, publications or other materials developed as a result of this grant; however, the Receiving Agency and the Institute of Museum and Library Services reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes.

J. The Subgrantee agrees to retain all financial and programmatic records, supporting documents, statistical records, and other records pertinent to this grant for a period of three (3) years beginning on the day in which the final Financial Status Report for the grant is filed. Any books, documents, papers, or any other records of the Subgrantee which are pertinent to this grant agreement will be made available to the Institute of Museum and Library Services, Comptroller General of the United States and the Oregon State Library, or any of their authorized representatives at all reasonable times during the retention period for the purpose of audits or examinations, or to make excerpts or transcripts of such records.

K. The Subgrantee agrees to the following with respect to property purchased with funds granted under this agreement: The Subgrantee will maintain inventory records of tangible, non-expendable, personal property purchased with grant funds, defined as items having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. The Subgrantee will report the purchase of such property to the Receiving Agency on a form supplied by the Receiving Agency within thirty (30) days following the receipt of such property. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years. Title to all property

purchased with funds granted under this agreement will vest in the Subgrantee. The Subgrantee will dispose of any non-expendable personal property in accordance with federal requirements and procedures of the Receiving Agency, which include the filing of a disposition report for all such property.

L. The Subgrantee agrees to expend grant monies in accordance with Section V. of this contract. Otherwise, it agrees to secure specific written approval before obligating grant funds.

M. The Subgrantee agrees to provide the Receiving Agency with two (2) sets of all promotional materials and other publications or productions resulting from the activities supported, in whole or in part, by funds granted under this agreement.

N. The Subgrantee agrees to provide the Receiving Agency with three (3) Grant Activities Reports on a form supplied by the Receiving Agency in accordance with the following schedule:

<i>Reporting Period</i>	<i>Due Date</i>
November 1, 2010 – February 28, 2011	March 31, 2011
March 1, 2011 – May 30, 2011	June 30, 2011
June 1, 2011 – August 31, 2011	September 30, 2011

O. The Subgrantee agrees to provide the Receiving Agency with four (4) Financial Status Reports on forms supplied by the Receiving Agency in accordance with the following schedule:

<i>Reporting Period</i>	<i>Due Date</i>
November 1, 2010 – February 28, 2011	March 31, 2011
March 1, 2011 – May 30, 2011	June 30, 2011
June 1, 2011 – August 31, 2011	September 30, 2011
September 1, 2011 – October 31, 2011	October 31, 2011

P. The Subgrantee agrees to comply with the terms and conditions of this contract and acknowledges that failure to comply can result in grant suspension. Suspension will be effective thirty (30) days after receipt of written notification from the Receiving Agency, during which time the Subgrantee may appeal the suspension to the State Librarian.

Q. The Subgrantee may request in writing to the Receiving Agency for termination of this signed agreement. The Receiving Agency may terminate this contract upon review of the request. Also, the Receiving Agency may terminate this agreement for noncompliance with the terms of the grant award. Termination will be effective thirty (30) days after receipt of written notification from the Receiving Agency, during which time the Subgrantee may appeal the termination to the State Librarian. The Receiving Agency may terminate or modify this contract, effective upon delivery of written notice to Contractor, or at such later date as Agency may establish in such notice, if the Receiving Agency fails to receive funding, or appropriations limitations or other

expenditure authority at levels sufficient to pay for the purchase of the indicated quantity of services.

R. The Subgrantee shall certify compliance with Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities.

S. The Subgrantee shall obtain prior approval from the Receiving Agency for all proposed contracts with planning consultants, including the consultant selection and scope of work.

### III. PAYMENT FOR SERVICES

The Subgrantee may obtain payment under this grant agreement by submitting claims for payment on a form to be supplied by the Receiving Agency. It may only claim grant funds to meet projected disbursement needs for a period not to exceed twenty-nine (29) days.

### IV. TERM OF THIS CONTRACT

This contract is to begin upon execution by both parties to the agreement and shall terminate **August 31, 2011**.

### V. PROJECT BUDGET FROM GRANT SOURCES

The Subgrantee may expend funds granted under this agreement only in accordance with the following approved budget:

Item	Total
Personnel	\$2,359
Fringe Benefits	\$944
Travel	\$240
Equipment	\$0
Supplies	\$2,500
Contractual	\$850
Library Materials	\$20,600
<b>Total Direct Charges</b>	<b>\$27,493</b>
<i>Indirect Charges</i>	\$0
<b>Total Grant</b>	<b>\$27,493</b>

Funds may be transferred among the above direct cost categories for which allocations were approved, without need of a contract amendment, so long as cumulative transfers among direct cost categories do not exceed ten percent (10%) of the total approved budget. This provision does not allow the total amount of the contract to be exceeded.

VI. CONTRACT AMOUNT

The total amount of this contract shall not exceed: \$27,493. The source of funds is the Library Services and Technology Act, FFY2010. The CFDA number is 45.310.

VII. CERTIFICATION

The undersigned Receiving Agency does hereby certify that the services to be received as specified above are necessary and essential for activities that are properly within the statutory functions of the Receiving Agency, and that the arrangements and payments contracted for are in compliance with the provisions for Programs of the Institute of Museum and Library Services, Library Services and Technology Act, 20 USC 9121, and the Oregon LSTA 5-year State Plan.

RECEIVING AGENCY

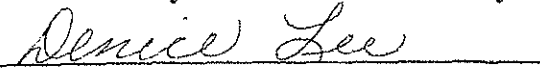
Oregon State Library

  
Jim Schepke, Oregon State Librarian

10-15-10  
Date

SUBGRANTEE

Lebanon Public Library OR Sweet Home  
Public Library OR Scio Public Library

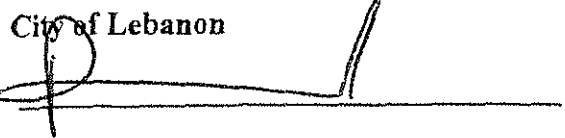
  
Signature  
DENICE LEE

10/28/2010  
Date  
dlee@ci.lebanon.or.us

Name  
Library Services Manager  
Title

Email

SUBGRANTEE FISCAL OFFICER

City of Lebanon  


10/28/10

Signature  
DEAN BAUGH  
Name

Date  
dbaugh@ci.lebanon.or.us  
Email



# Agenda Item 8



## MEMORANDUM

### *Finance Department*

<b>To:</b> John E. Hitt, City Manager	<b>Date:</b> January 28, 2011
<b>From:</b> Dean Baugh, Finance Manager	
<b>Subject:</b> Budget amendment for Partial Payoff of PERS Bond	

In 2002 the City issued \$2,081,187.75 in Local Government pension Bonds. These were non-callable bonds except for the 2025 maturity of \$235,000, which was callable starting December 2010. Attached is a resolution transferring funds budgeted in the 2010-11 budget for PERS expenses to the Debt service fund to make the early payment on this bond effective December 15, 2010.

The early payoff was accomplished in December 2010 and the expense was charged to each departments Fringe Benefit line item where the funds were budgeted. This resolution will move the budgets to the debt service fund to make the accounting for the bond payments cleaner and easier to follow, by keeping them in one fund over the life of the issue.

The early payment of the 2025 maturity results in a net savings of \$224,291 in interest over the remaining 17 years of the issue.

**Recommendation:** Staff recommends City Council approve Resolution # 6 to amend the 2010-11 budget for the Partial payoff of the Local Government pension Bonds.

FINANCE DEPARTMENT

**A RESOLUTION AUTHORIZING CERTAIN  
INTRA-FUND TRANSFERS IN THE 2010-11  
BUDGET FOR PARTIAL PREPAYMENT OF  
LOCAL GOVERNMENT PENSION BOND 2002**

) RESOLUTION NO. 6  
)  
) FOR 2011  
)

WHEREAS, ORS 294.450 authorizes intra-fund transfers with the official action of the governing body;

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

**Section 1.** The Council of the City of Lebanon herein authorizes those transfers as specified by fund, activity, and amount attached hereto as "Exhibit A" and incorporated herein by this reference.

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

Passed by the Lebanon City Council and signed by the Mayor this 9<sup>th</sup> day of February 2011 by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.

CITY COUNCIL OF LEBANON, OREGON

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

Attested by:

\_\_\_\_\_  
Linda Kaser, City Clerk

## EXHIBIT "A"

### GO Debt Service Fund

#### Revenues

320-00-49030	Transfer In	\$218,287
320-000-48140	Miscellaneous	17,318

#### Expenses

320-320-95100	Bond Principal	235,000
320-320-95200	Bond Interest	605

### General Fund:

#### Expenses

100-195-90017	Transfer Out	95,346
100-110-50003	Fringe Benefits	(729)
100-116-50003	Fringe Benefits	(284)
100-126-50003	Fringe Benefits	(732)
100-130-50003	Fringe Benefits	(139)
100-133-50003	Fringe Benefits	(4,402)
100-140-50003	Fringe Benefits	(2,327)
100-160-50003	Fringe Benefits	(585)
100-165-50003	Fringe Benefits	(7,363)
100-170-50003	Fringe Benefits	(2,925)
100-180-50003	Fringe Benefits	(74,142)
100-190-50003	Fringe Benefits	(1,718)

### Enterprise Funds

#### Expenditures

430-430-90017	Transfer Out	20,560
430-430-50003	Fringe Benefits	(20,560)
450-450-90017	Transfer Out	1,654
450-450-50003	Fringe Benefits	(1,654)
470-470-90017	Transfer Out	15,330
470-470-50003	Fringe Benefits	(15,330)

### Special Revenue Funds

#### Expenditures

527-527-90017	Transfer Out	8,004
527-527-50003	Fringe Benefits	(8,004)
533-533-90017	Transfer Out	579
533-533-50003	Fringe Benefits	(579)
537-537-90017	Transfer Out	2,159
537-537-50003	Fringe Benefits	(2,159)
540-540-90017	Transfer Out	917

540-540-50003	Fringe Benefits	(917)
542-542-90017	Transfer Out	41,449
542-542-50003	Fringe Benefits	(41,449)
545-545-90017	Transfer Out	2,306
545-545-50003	Fringe Benefits	(2,306)
555-555-90017	Transfer Out	471
555-555-50003	Fringe Benefits	(471)
558-558-90017	Transfer Out	6,862
558-558-50003	Fringe Benefits	(6,862)
564-564-90017	Transfer Out	2,321
564-564-50003	Fringe Benefits	(2,321)
569-569-90017	Transfer Out	3,300
569-569-50003	Fringe Benefits	(3,300)
593-593-90017	Transfer Out	26
593-593-50003	Fringe Benefits	(26)

CIP & URD

815-815-90017	Transfer Out	187
815-815-50003	Fringe Benefits	(187)
852-852-90017	Transfer Out	370
852-852-50003	Fringe Benefits	(370)
862-862-90017	Transfer Out	267
862-862-50003	Fringe Benefits	(267)
872-872-90017	Transfer Out	804
872-872-50003	Fringe Benefits	(804)
882-882-90017	Transfer Out	283
882-882-50003	Fringe Benefits	(283)
892-892-90017	Transfer Out	283
892-892-50003	Fringe Benefits	(283)
925-925-90017	Transfer Out	9,640
925-925-50003	Fringe Benefits	(9,640)
935-935-90017	Transfer Out	3,942
935-935-50003	Fringe Benefits	(3,942)
940-940-90017	Transfer Out	1,227
940-940-50003	Fringe Benefits	(1,227)

# Agenda Item 9



## MEMORANDUM

### *Engineering Division*

To: Dan Grassick, General Manager Utility Services <sup>DJG</sup> Date: February 2, 2011

From: Rob Emmons, Senior Engineer *RE*

Subject: APPROVAL TO ADVERTISE  
Secondary Clarifier Expansion Project No. 10704

This memo requests City Council authorization to advertise for bids for the Secondary Clarifier Expansion Improvement Project.

#### **BACKGROUND**

In January 2010, City staff presented a wastewater system update and the proposed rate increase necessary to fund the required improvements to the wastewater system including the Secondary Clarifier Expansion Improvements. In July 2010, the necessary rate increase was put in place to fund the bond repayment necessary to construct the new Secondary Clarifier.

The new Clarifier will help us remain in compliance with our National Pollutant Discharge Elimination System (NPDES) permit issued and regulated by the Department of Environmental Quality. Without the new Clarifier the Wastewater Treatment Plant lacks the hydraulic capacity to effectively treat peak wet weather flows and still remain in permit compliance.

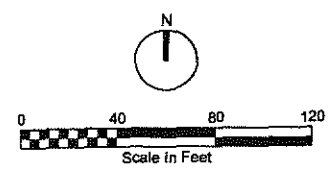
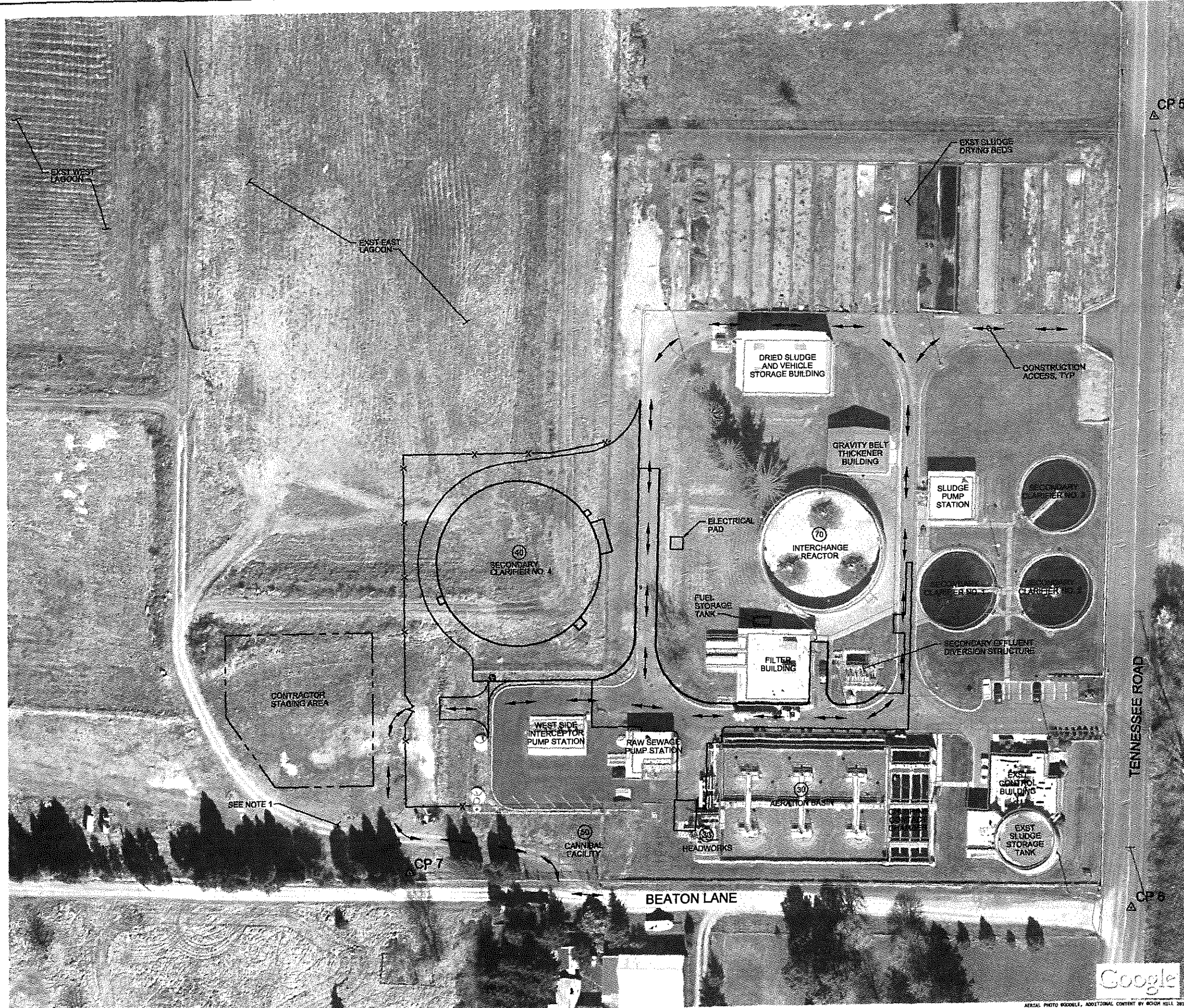
This project will construct a new 130 foot diameter Secondary Clarifier at the Wastewater Treatment Plant. There are currently three existing clarifiers which do not have the capacity to handle current peak wet weather flows at the treatment plant. The new clarifier will add sufficient capacity for this step in the treatment process to treat projected flow for the next twenty years. The engineer's estimate for the project is between \$4,600,000 and \$4,900,000

#### **RECOMMENDATION**

I recommend that City Council pass a motion approving the request for City staff to advertise for bids.







SURVEY CONTROL POINTS				
POINT	NORTHING	EASTING	ELEV	DESCRIPTION
CP 5	N 331337.48	E 7577829.54	339.066	PK NAIL
CP 6	N 330699.21	E 7577809.15	340.674	PK NAIL
CP 7	N 330736.70	E 7577224.97	342.073	HUB AND TACK

- NOTES:
- CONTRACTOR TO COORDINATE ROAD CLOSURE AT BEATON LANE FOR CONSTRUCTION.
  - CONSTRUCTION DEWATERING SYSTEMS EXCAVATIONS AND TRENCHES SHALL PUMP EXTRACTED WATER TO EITHER THE EAST OR WEST LAGOON AREAS. SEE DEWATERING SPECIFICATION.

NO.	DATE	DR	REVISION	BY	APVD

CLARIFIER EXPANSION IMPROVEMENTS  
CITY OF LEBANON  
LEBANON, OREGON

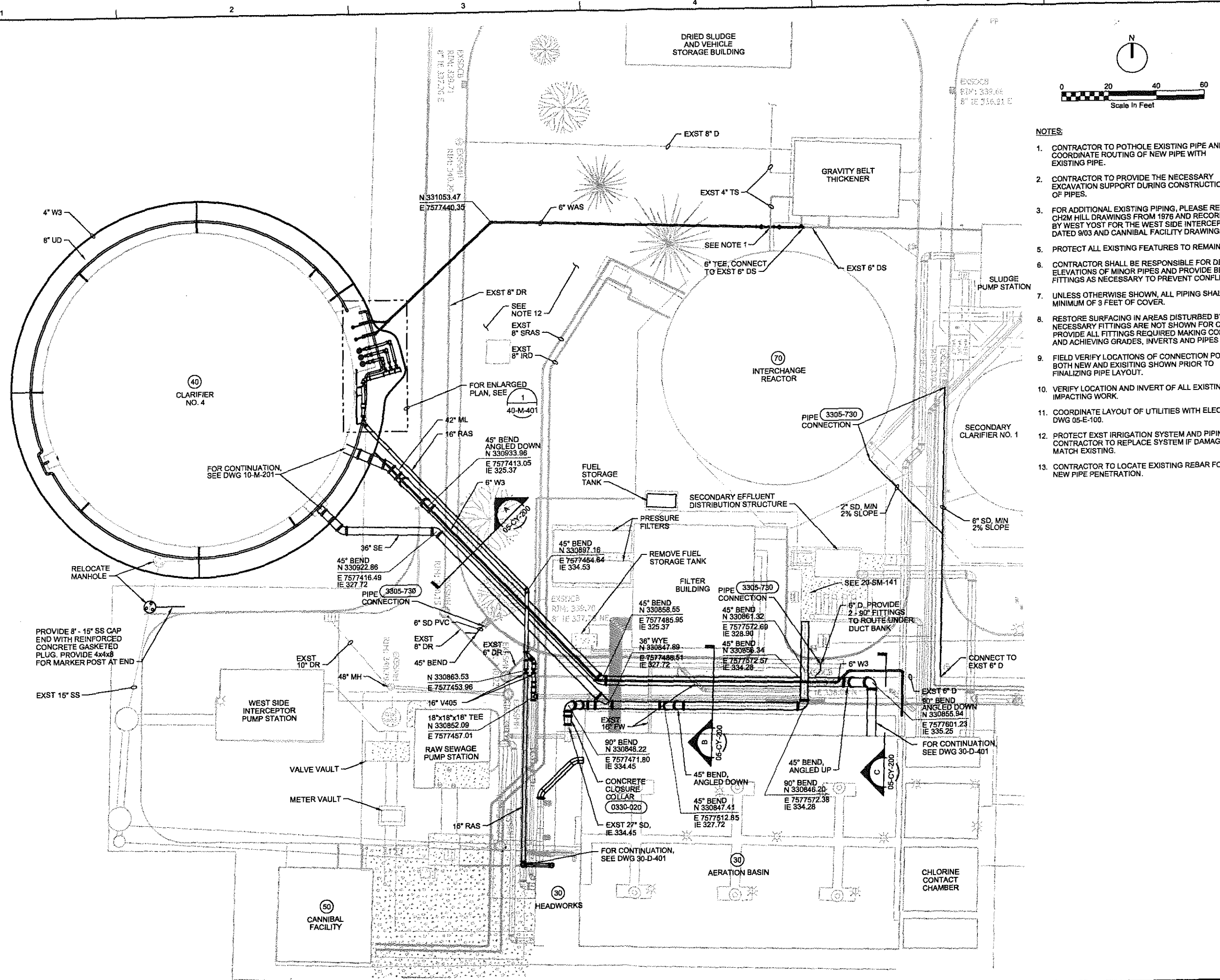
# CH2MHILL

CIVIL

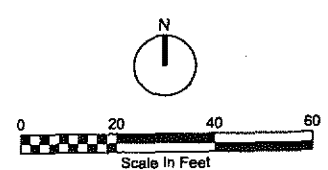
## OVERALL SITE PLAN

VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING.	
DATE	JANUARY 2011
PROJ	410260
DWG	05-C-100
SHEET	

REUSE OF DOCUMENTS: THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN AS AN INSTRUMENT OF PROFESSIONAL SERVICE TO THE PROPERTY OF CH2MHILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF CH2MHILL. © CH2MHILL 2009. ALL RIGHTS RESERVED.



- NOTES:**
- CONTRACTOR TO POTHOLE EXISTING PIPE AND COORDINATE ROUTING OF NEW PIPE WITH EXISTING PIPE.
  - CONTRACTOR TO PROVIDE THE NECESSARY EXCAVATION SUPPORT DURING CONSTRUCTION OF PIPES.
  - FOR ADDITIONAL EXISTING PIPING, PLEASE REFER TO CH2M HILL DRAWINGS FROM 1978 AND RECORD DWGS BY WEST YOST FOR THE WEST SIDE INTERCEPTOR STATION DATED 9/03 AND CANNIBAL FACILITY DRAWINGS.
  - PROTECT ALL EXISTING FEATURES TO REMAIN.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING ELEVATIONS OF MINOR PIPES AND PROVIDE BENDS AND FITTINGS AS NECESSARY TO PREVENT CONFLICTS.
  - UNLESS OTHERWISE SHOWN, ALL PIPING SHALL HAVE A MINIMUM OF 3 FEET OF COVER.
  - RESTORE SURFACING IN AREAS DISTURBED BY TRENCHES. NECESSARY FITTINGS ARE NOT SHOWN FOR CLARITY. PROVIDE ALL FITTINGS REQUIRED MAKING CONNECTIONS AND ACHIEVING GRADES, INVERTS AND PIPES SHOWN.
  - FIELD VERIFY LOCATIONS OF CONNECTION POINTS BOTH NEW AND EXISTING SHOWN PRIOR TO FINALIZING PIPE LAYOUT.
  - VERIFY LOCATION AND INVERT OF ALL EXISTING PIPES IMPACTING WORK.
  - COORDINATE LAYOUT OF UTILITIES WITH ELECTRICAL DWG 05-E-100.
  - PROTECT EXST IRRIGATION SYSTEM AND PIPING. CONTRACTOR TO REPLACE SYSTEM IF DAMAGED, MATCH EXISTING.
  - CONTRACTOR TO LOCATE EXISTING REBAR FOR NEW PIPE PENETRATION.



NO.	DATE	REVISION	BY
1		CHK	JK RIEGLER
2		DR	DJ PETERSON
3		CHK	SR REDDELL
4		DR	JP KOCH

CLARIFIER EXPANSION IMPROVEMENTS  
CITY OF LEBANON  
LEBANON, OREGON

# CH2MHILL

CIVIL  
YARD PIPING PLAN

VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING	
DATE	JANUARY 2011
PROJ	410280
DWG	05-CY-101
SHEET	


REUSE OF DOCUMENTS: THIS DOCUMENT AND THE IDEAS AND DESIGN INCORPORATED HEREIN ARE THE PROPERTY OF CH2M HILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF CH2M HILL. ©CH2M HILL 2008. ALL RIGHTS RESERVED.

# Agenda Item 10



**MEMORANDUM**

*Engineering Division*

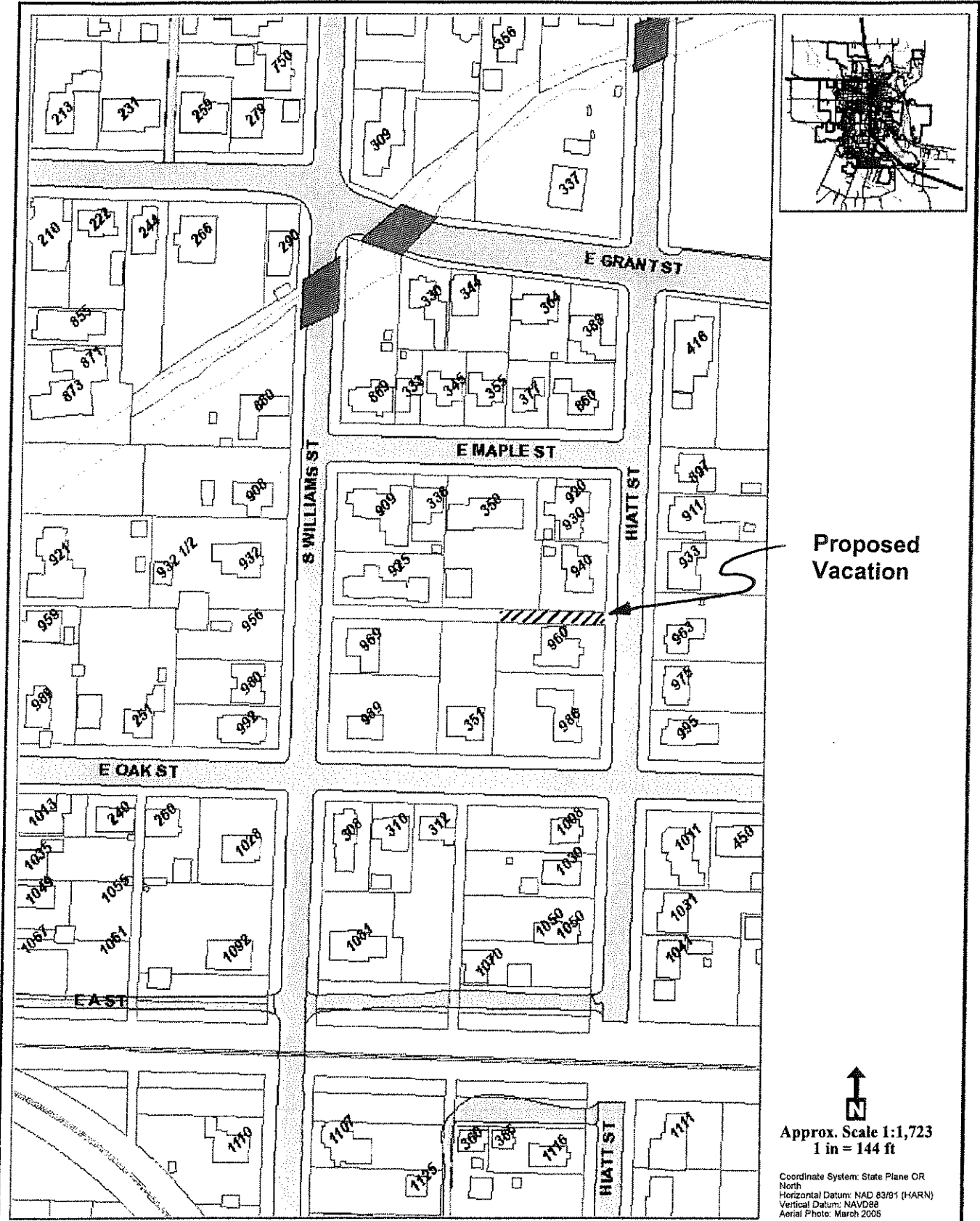
<b>To:</b>	Linda Kaser City Clerk/Recorder	<b>Date:</b> January 6, 2011
<b>From:</b>	Ed Patton, PE, PLS Senior Engineer 	
<b>CC:</b>	Dan Grassick, PE General Mgr. Utility Svcs. / City Engineer	
<b>Subject:</b>	Alley Right of Way Vacation – Hiatt (Between E. Oak & Maple)	

I ask that the City Council be presented the attached vacation request during the February 9<sup>th</sup> City Council meeting. Per ORS 271 we must ask City Council to 1) authorize us to proceed with the vacation process, and 2) set a public hearing date. If authorized by City Council, I ask that the public hearing to be scheduled to occur during the City Council meeting scheduled for April 13, 2011 to allow enough time to publish notice of the public hearing as required by statute.


We received the petition/application to vacate a portion of public alley right of way from John Atchley (960 Hiatt Street). The alley runs east and west from Hiatt to Williams between East Oak and East Maple (please see map attached). The proposed vacation will remove alley right of way beginning at the west side of Hiatt Street and continue west approximately 132 feet to the back yard fence of the applicant. I reviewed the submitted material and determined it to be complete. Per ORS 271.090, the petition is to be presented to the City Recorder for filing and the petitioner (John Atchley) is to be informed when the matter will be presented to the City Council.

The map, petition/application for vacation, and consents from area property owners are attached. Written consent has been provided from all abutting property owners per ORS 271.080. Also as required by statute, written consent has been provided from property owners of land totaling more than two thirds of the area in the neighborhood near the right of way proposed to be vacated (please see attached spreadsheet).

While a gravel alley exists from Williams Street east to a point near the back fence of the applicant, no alley exists for vehicular access over the area proposed to be vacated. Historic aerial photos seem to indicate mature trees existed within or along this portion of alley in 1970 and 1963 photos. However, it is not clear from historic aerial photos when the public stopped using this portion of alley right of way off Hiatt. This portion of alley right of way was fenced as part of the applicant's rear and side yards sometime prior to him purchasing the property over 15 years ago. A public utility easement may be retained over the vacation area if needed for any franchise utilities. No City utilities exist under this alley right of way.



Proposed  
Vacation

  
 Approx. Scale 1:1,723  
 1 in = 144 ft

Coordinate System: State Plane OR  
 North  
 Horizontal Datum: NAD 83/91 (HARN)  
 Vertical Datum: NAVD88  
 Aerial Photo: March 2005

*This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and timeliness of the information displayed.*



## Atchley Vacation Request - Hiatt Street Alley

Address	Area (Sq.Ft.)	Percent of Total Area	Percent Concenting
251 E. Oak St.	19,488	5.35%	5.35%
351 E. Oak St.	10,516	2.89%	2.89%
880 S. Williams St.	19,008	5.22%	
908 S. Williams St.	15,573	4.28%	
909 S. Williams St.	9,340	2.57%	2.57%
925 S. Williams St.	8,580	2.36%	2.36%
932 S. Williams St.	18,398	5.05%	5.05%
956 S. Williams St.	7,986	2.19%	2.19%
969 S. Williams St.	8,712	2.39%	2.39%
980 S. Williams St.	7,128	1.96%	
989 S. Williams St.	12,408	3.41%	
992 S. Williams St.	7,062	1.94%	
336 E. Maple St.	3,200	0.88%	0.88%
350 E. Maple St.	16,509	4.54%	4.54%
416 E. Grant St.	11,894	3.27%	3.27%
897 Hiatt St.	8,186	2.25%	
911 Hiatt St.	8,186	2.25%	2.25%
920 & 930 Hiatt St.	6,675	1.83%	
933 Hiatt St.	9,594	2.64%	2.64%
940 Hiatt St.	6,877	1.89%	1.89%
960 Hiatt St.	7,907	2.17%	
963 Hiatt St.	12,142	3.34%	3.34%
975 Hiatt St.	8,940	2.46%	2.46%
986 Hiatt St.	13,076	3.59%	3.59%
995 Hiatt St.	8,940	2.46%	2.46%
900 Cleveland St.	33,223	9.13%	9.13%
910 Cleveland St.	18,168	4.99%	4.99%
938 Cleveland St.	9,300	2.55%	2.55%
952 Cleveland St.	9,280	2.55%	
966 Cleveland St.	9,259	2.54%	
980 Cleveland St.	9,239	2.54%	2.54%
994 Cleveland St.	9,218	2.53%	2.53%
<b>TOTALS:</b>	<b>364,012</b>	<b>100.00%</b>	<b><u>71.85%</u></b>



CITY OF LEBANON  
PUBLIC WORKS DEPARTMENT

853 Main Street  
Lebanon, OR 97355-3200  
Telephone: (541) 258-4906  
Fax: (541) 258-4955

APPLICATION FOR VACATION OF PUBLIC LAND

Name: JOHN ATCHLEY Phone: 541-258-5868

Address: 960 HIATT ST  
(mailing)

City: LEBANON State: OR Zip: 97355

Public Land Proposed for Vacation: ALLEY - WEST OF HIATT BTWN OAK & MAPLE  
(name of street or location)

Submittals Required for Application:

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

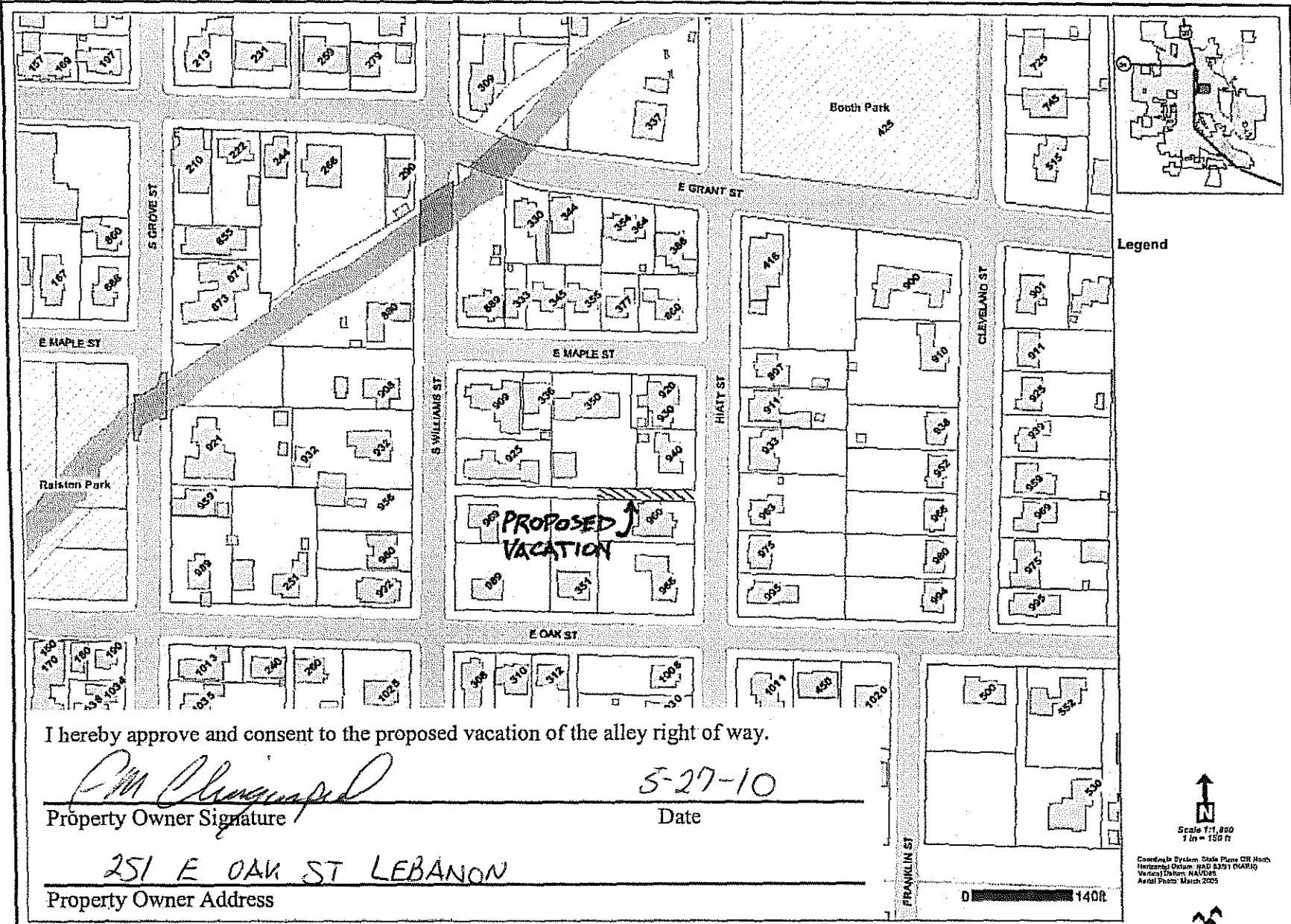
This application STARTS the vacation process required by ORS 271. The final decision as to whether or not to vacate will be made by the Lebanon City Council, after providing Public Notice and conducting a Public Hearing.

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

[Signature]  
Signature of Applicant

7/2/10  
Date

For Office Use Only			
Date Received:	<u>07/02/10</u>	Received By:	<u>Ed Foltz</u>
Fee Amount:	_____	Receipt No:	_____
		Check No.:	_____



I hereby approve and consent to the proposed vacation of the alley right of way.

*PM Cheng* \_\_\_\_\_ 5-27-10  
 Property Owner Signature Date

251 E OAK ST LEBANON  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.

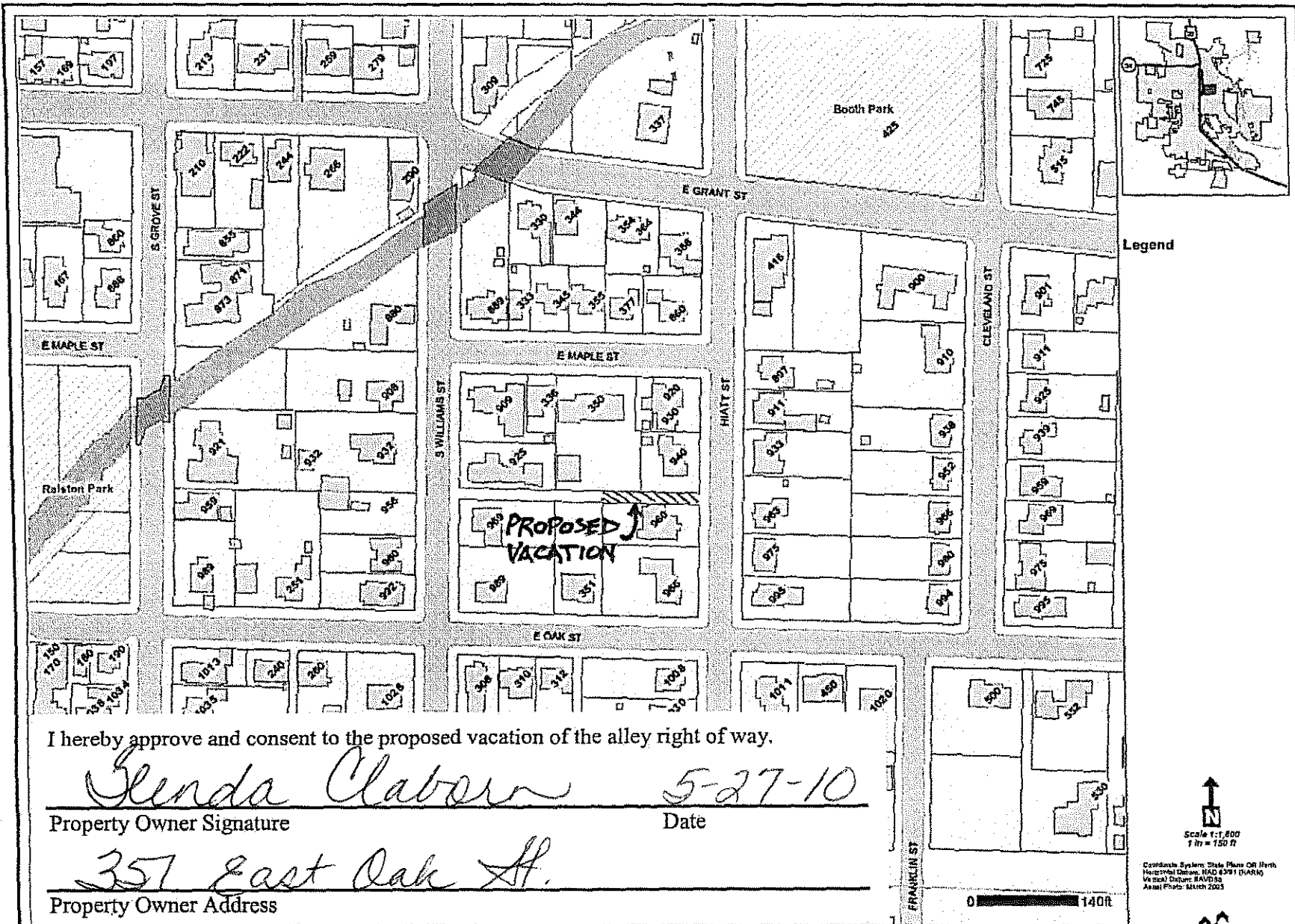


Scale 1" = 150'

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83 (11 OAR11)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005







I hereby approve and consent to the proposed vacation of the alley right of way.

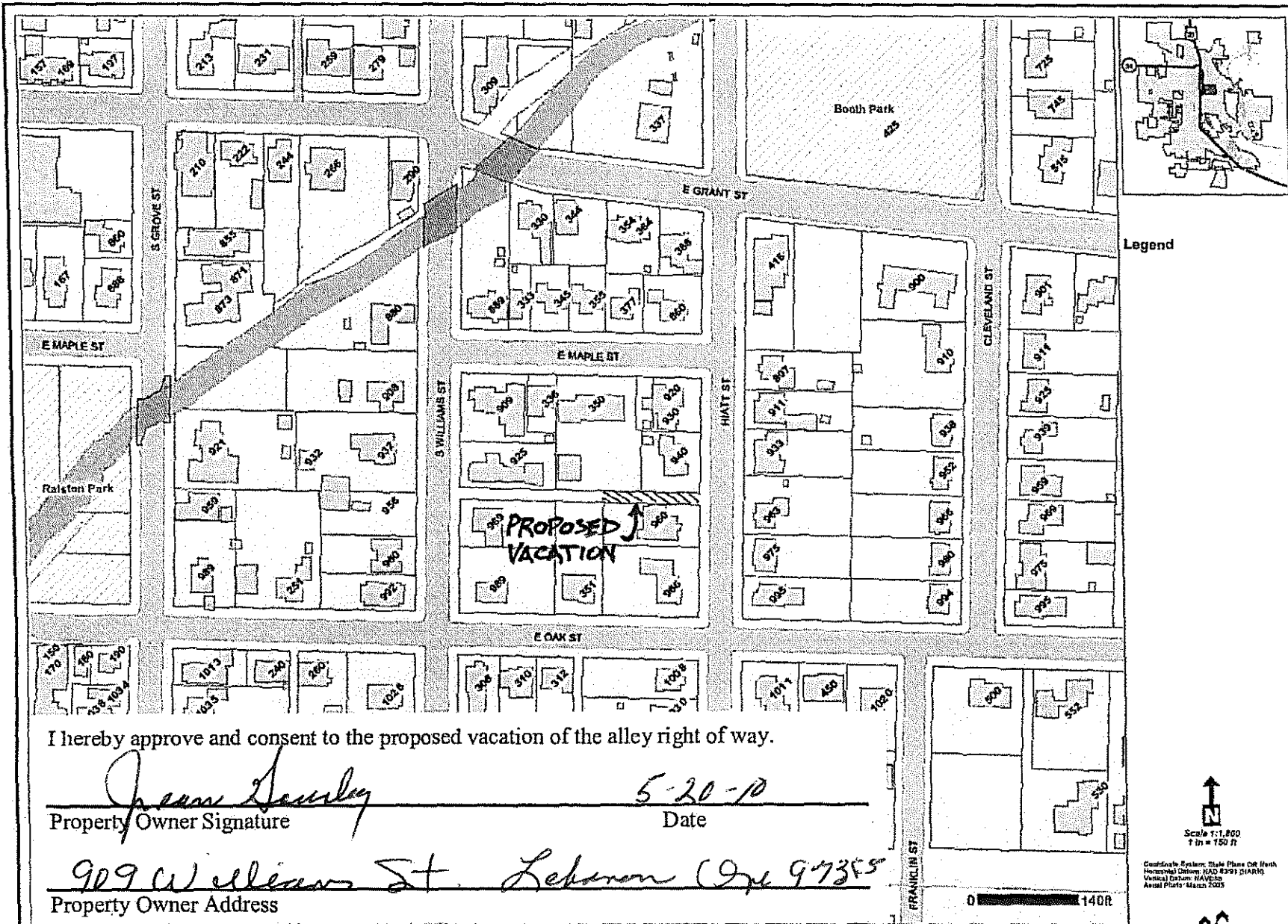
Glenda Claborn 5-27-10  
 Property Owner Signature Date

357 East Oak St.  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and timeliness of the information displayed.

Scale 1" = 150'  
 1 in = 150 ft

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83 (99) (USAR10)  
 Vertical Datum: NAVD 83  
 Aerial Photo: March 2005



I hereby approve and consent to the proposed vacation of the alley right of way.

*James Lowrey*  
 Property Owner Signature

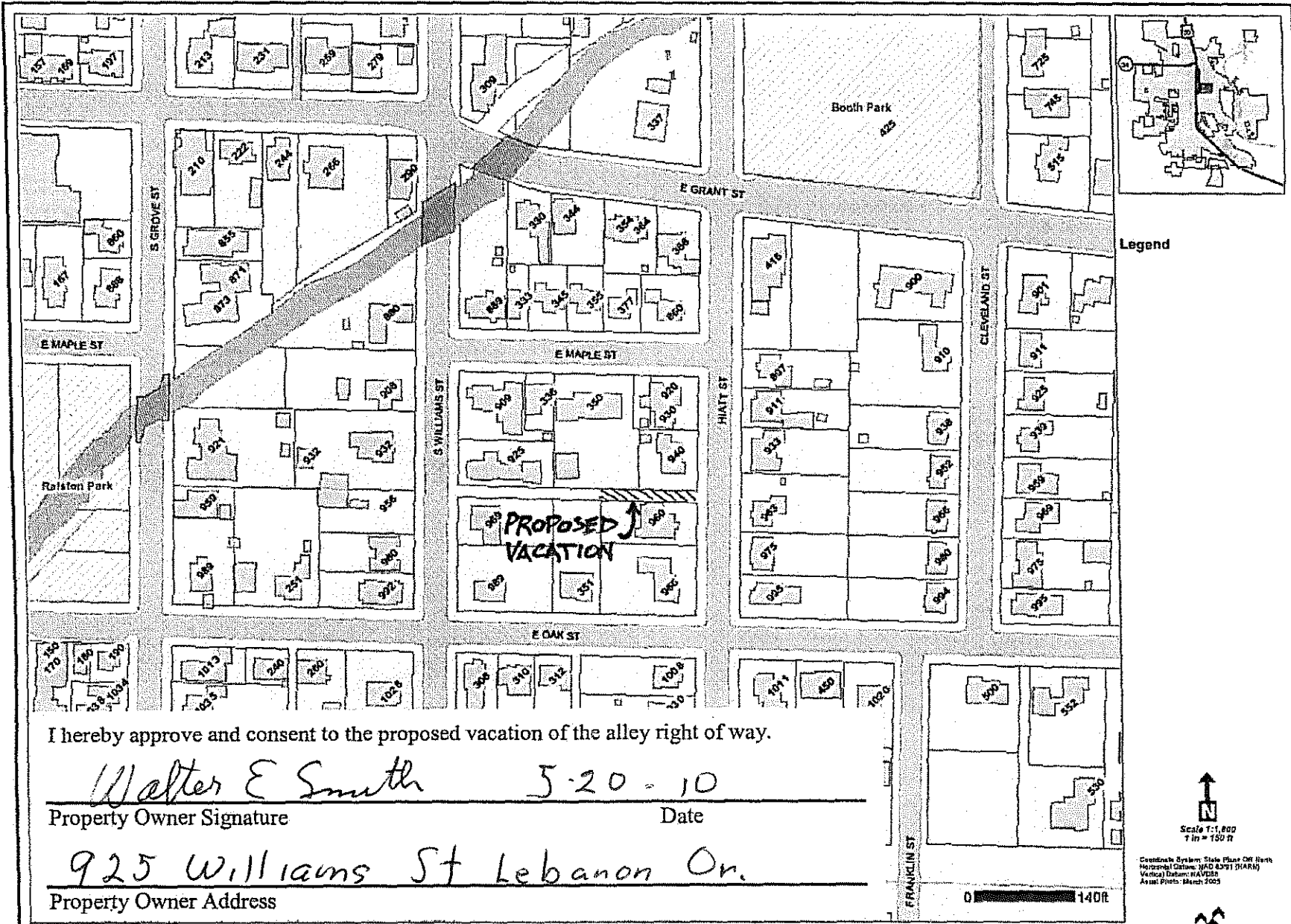
5-20-10  
 Date

909 Williams St. Lebanon OR 97305  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and timeliness of the information displayed.

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83 (SIAR)  
 Vertical Datum: NAVD83  
 Annual Flood: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

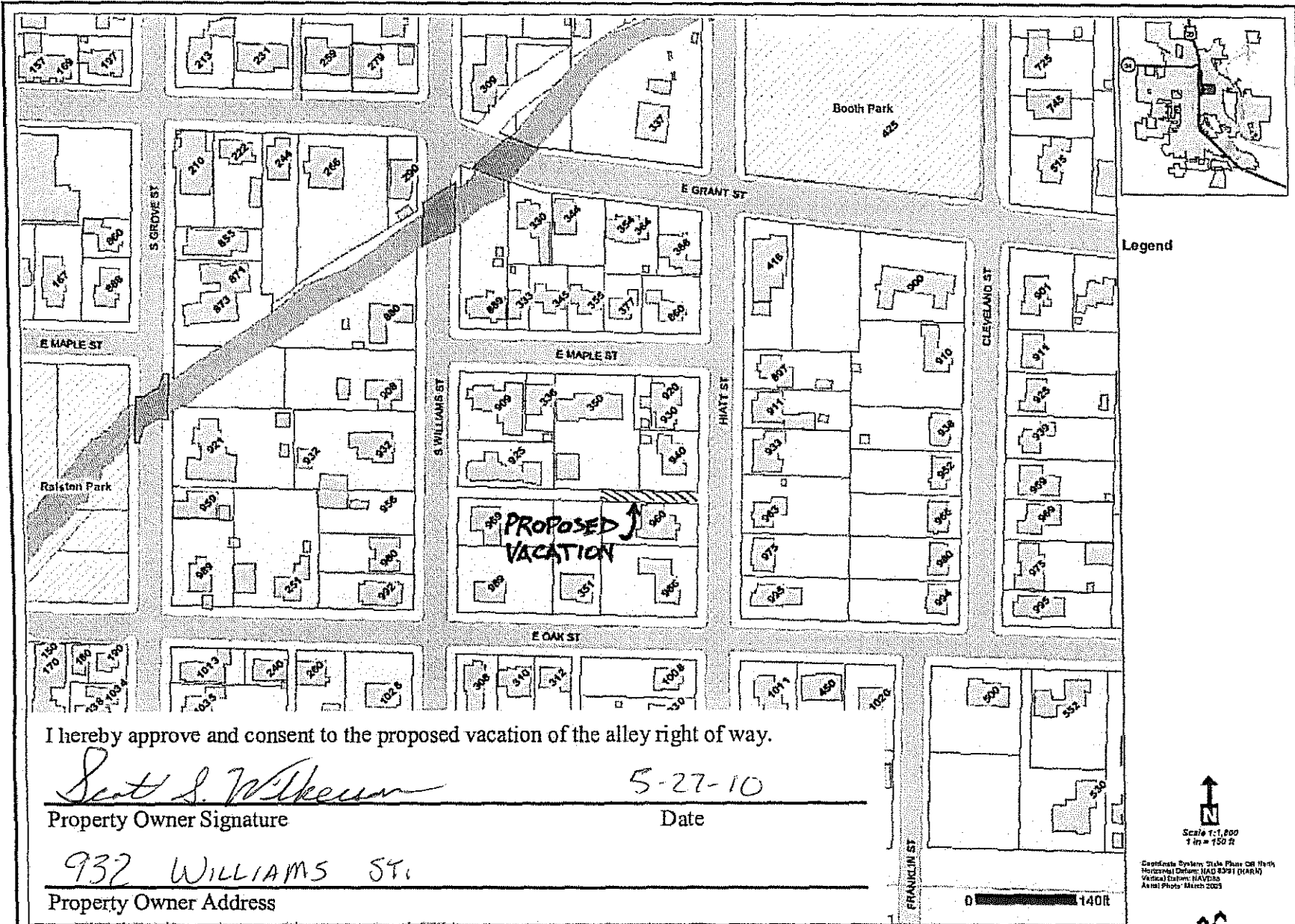
Walter E Smith                      5-20-10  
 Property Owner Signature                      Date

925 Williams St Lebanon Or.  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.

925 S 11th St., Lebanon Oregon (541) 254-4100  
 www.ci.lebanon.or.us



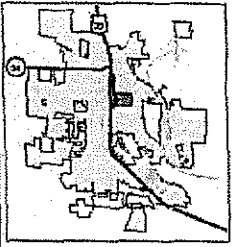


I hereby approve and consent to the proposed vacation of the alley right of way.

*Scott S. Wilkerson*  
 \_\_\_\_\_  
 Property Owner Signature

5-27-10  
 \_\_\_\_\_  
 Date

932 WILLIAMS ST.  
 \_\_\_\_\_  
 Property Owner Address



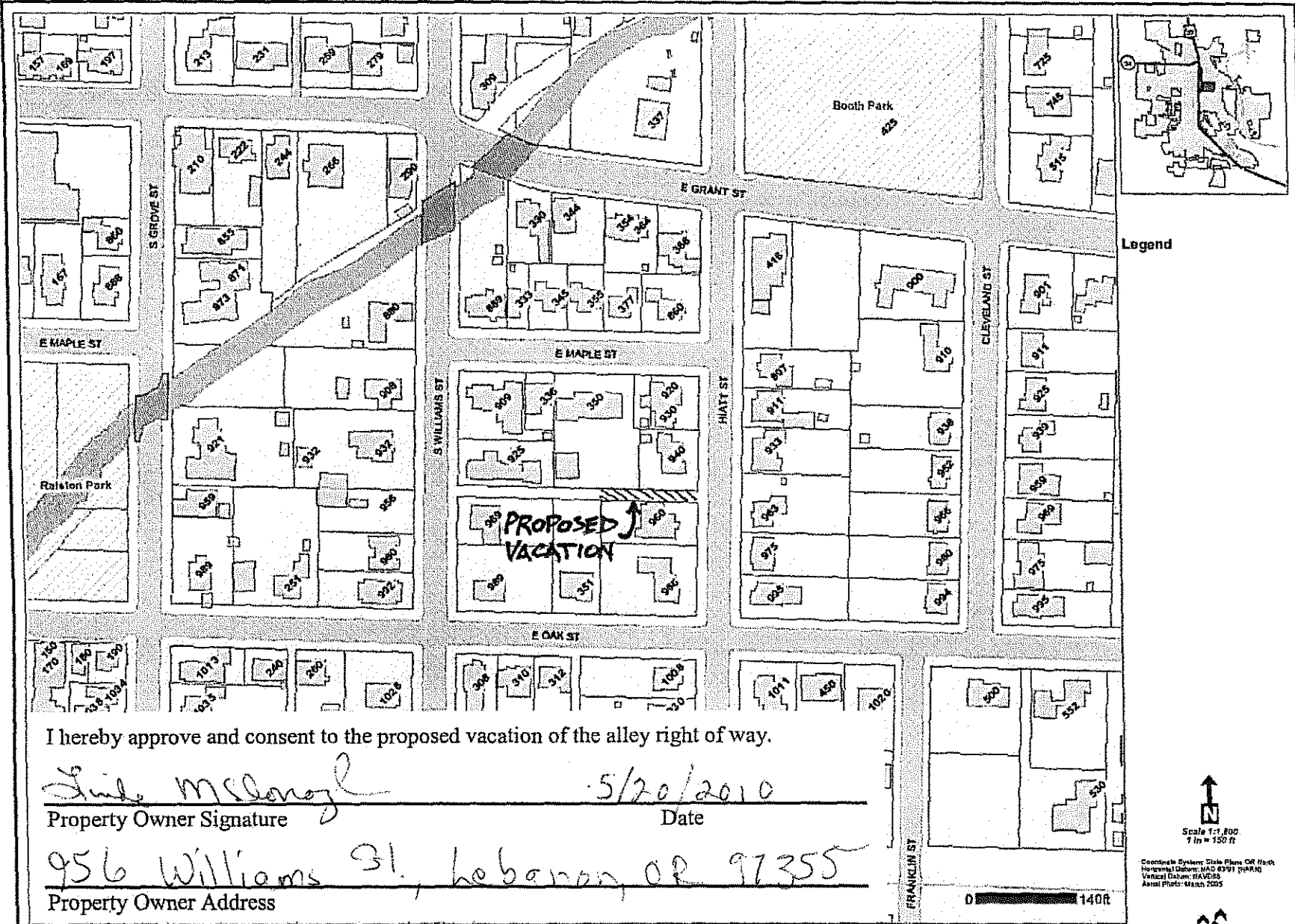
Legend

↑  
 Scale 1" = 100'  
 1 in = 150 ft

Geographic System: State Plane OR North  
 Horizontal Datum: NAD 83 (NAD 83) (NAD 83)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005



This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and timeliness of the information displayed.



I hereby approve and consent to the proposed vacation of the alley right of way.

*Jim McLaughlin*

Property Owner Signature

5/20/2010

Date

956 Williams St, Lebanon, OR 97355

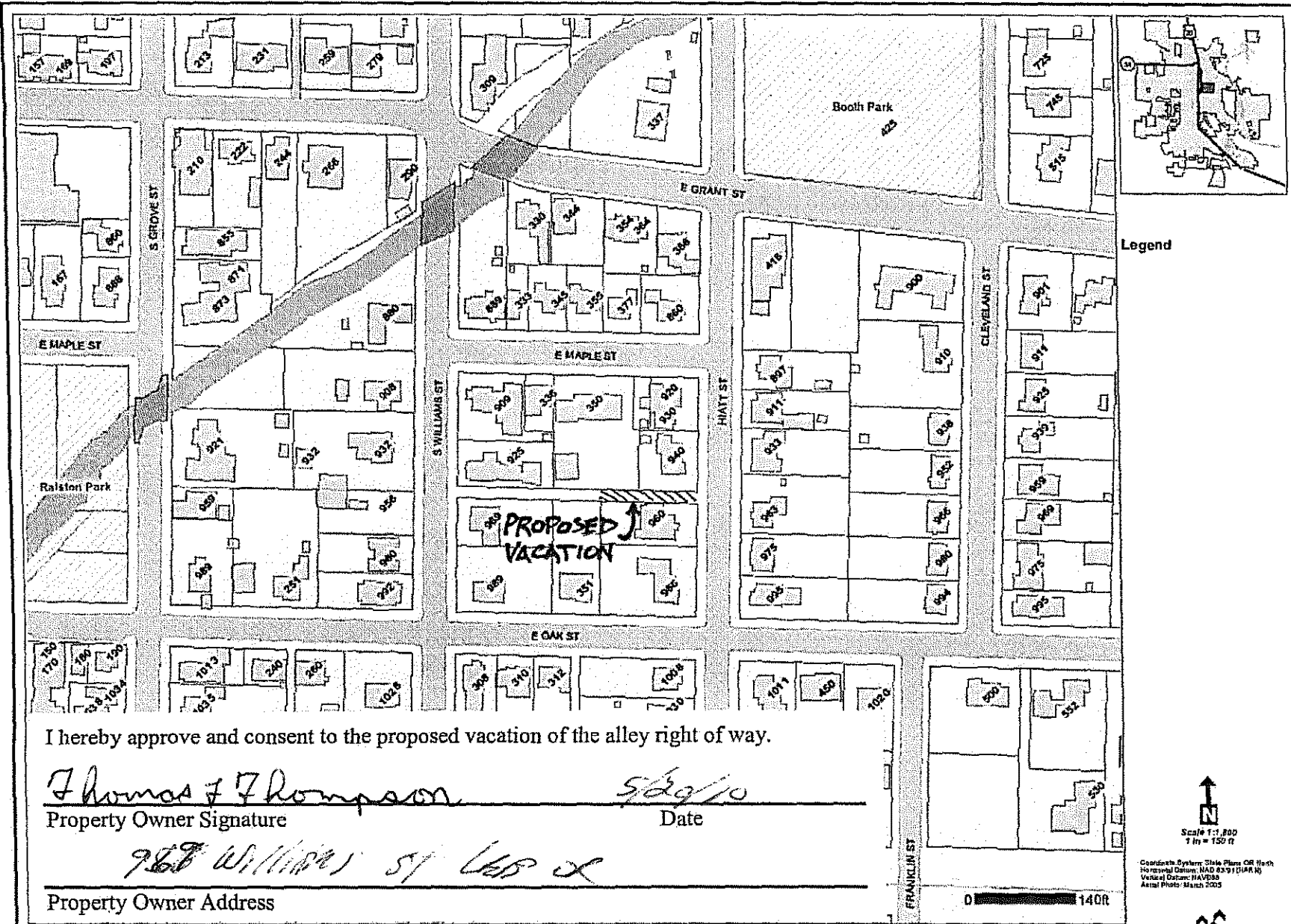
Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.



Coordinate System: State Plane OR North  
Horizontal Datum: NAD 83 (FIPS 4960)  
Vertical Datum: NAVD83  
Aerial Photo: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

Thomas J Thompson 5/29/10  
 Property Owner Signature Date

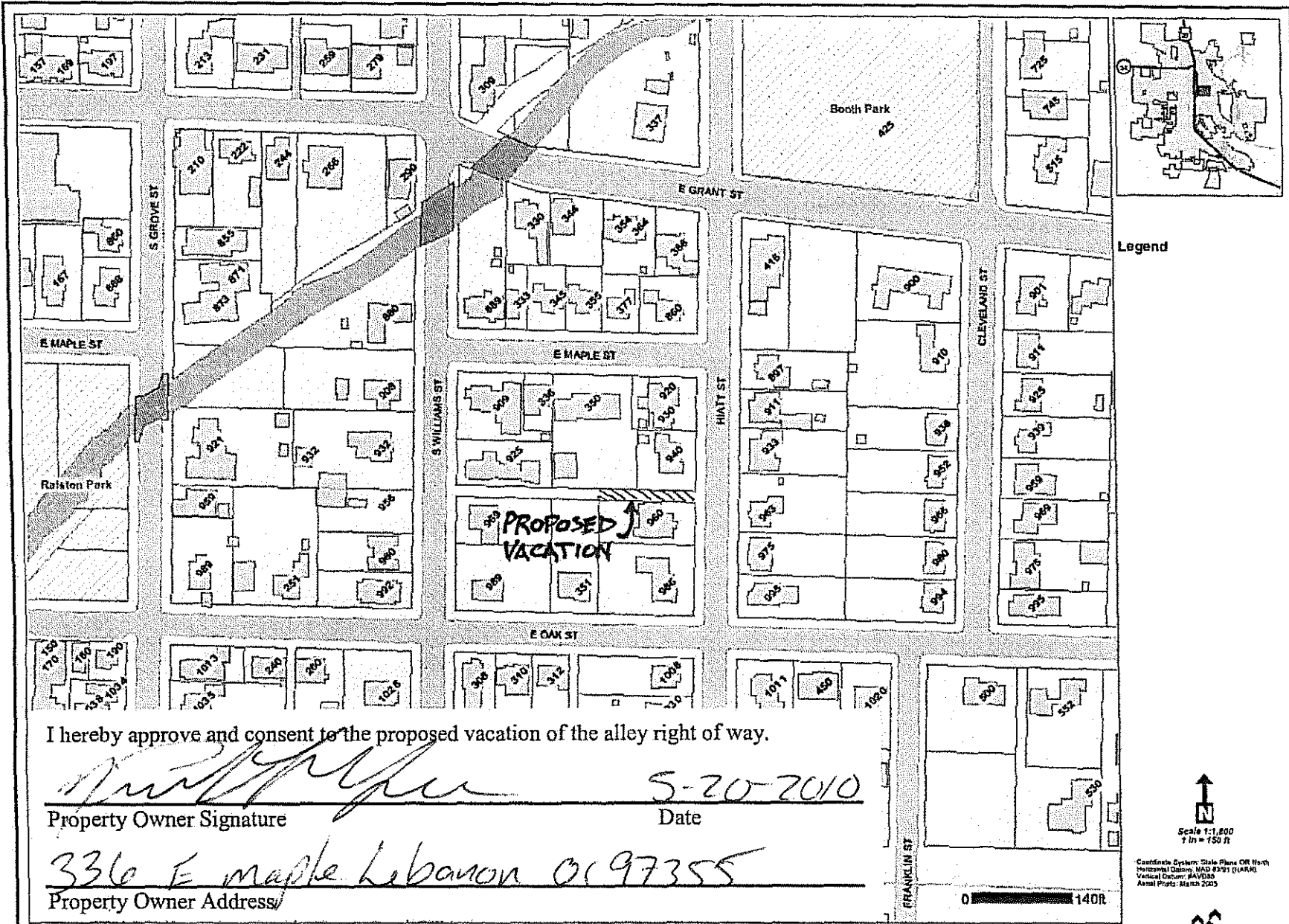
988 William St Unit 2  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.

Scale 1" = 150 ft

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83/91 (FIPS 89)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

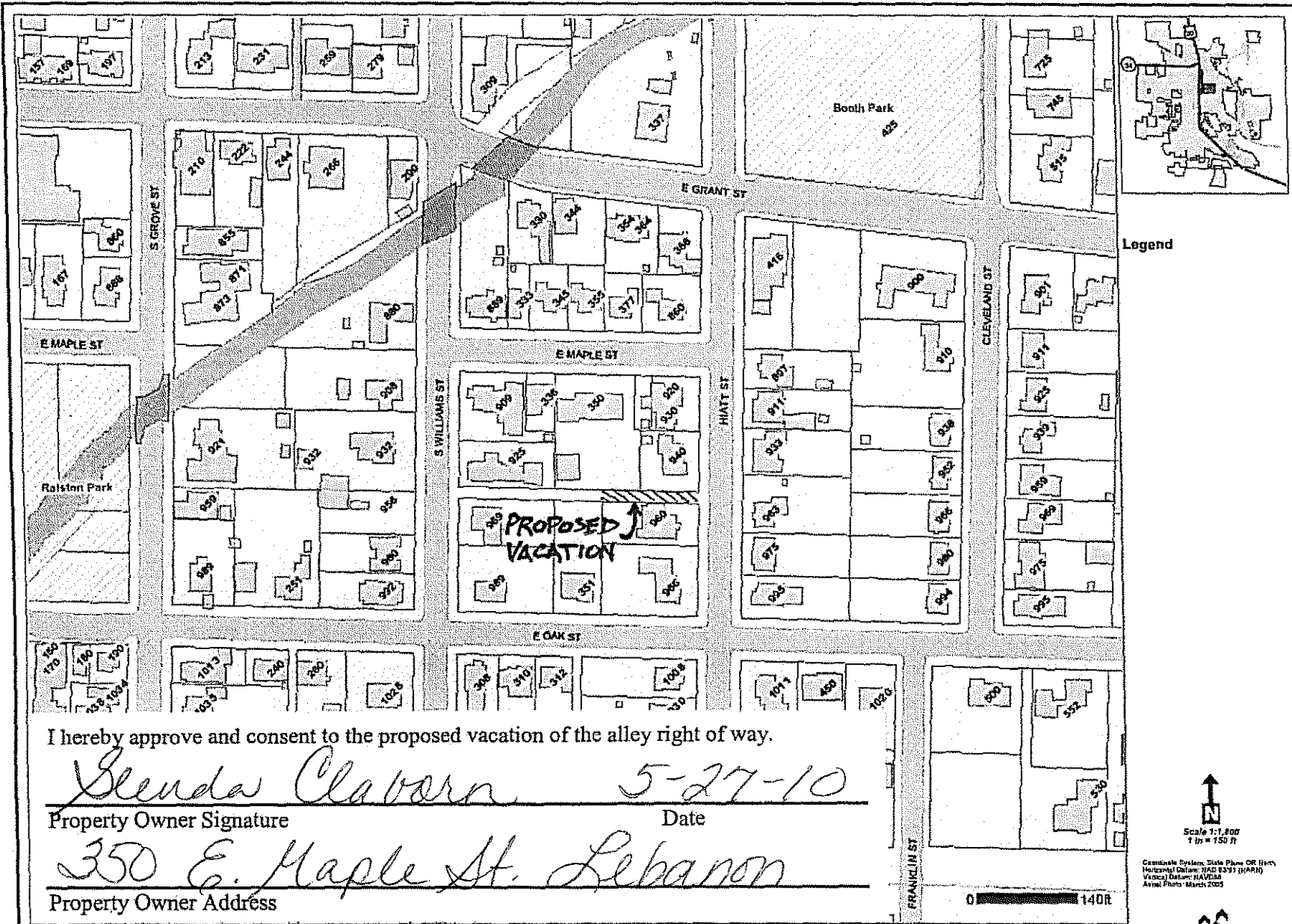
*[Handwritten Signature]* \_\_\_\_\_ Date 5-20-2010

336 E Maple Lebanon OR 97355  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and timeliness of the information displayed.

Scale 1:1,800  
 1 in = 150 ft

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83 (USRS)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005



I hereby approve and consent to the proposed vacation of the alley right of way.

Glenda Claborn 5-27-10  
 Property Owner Signature Date

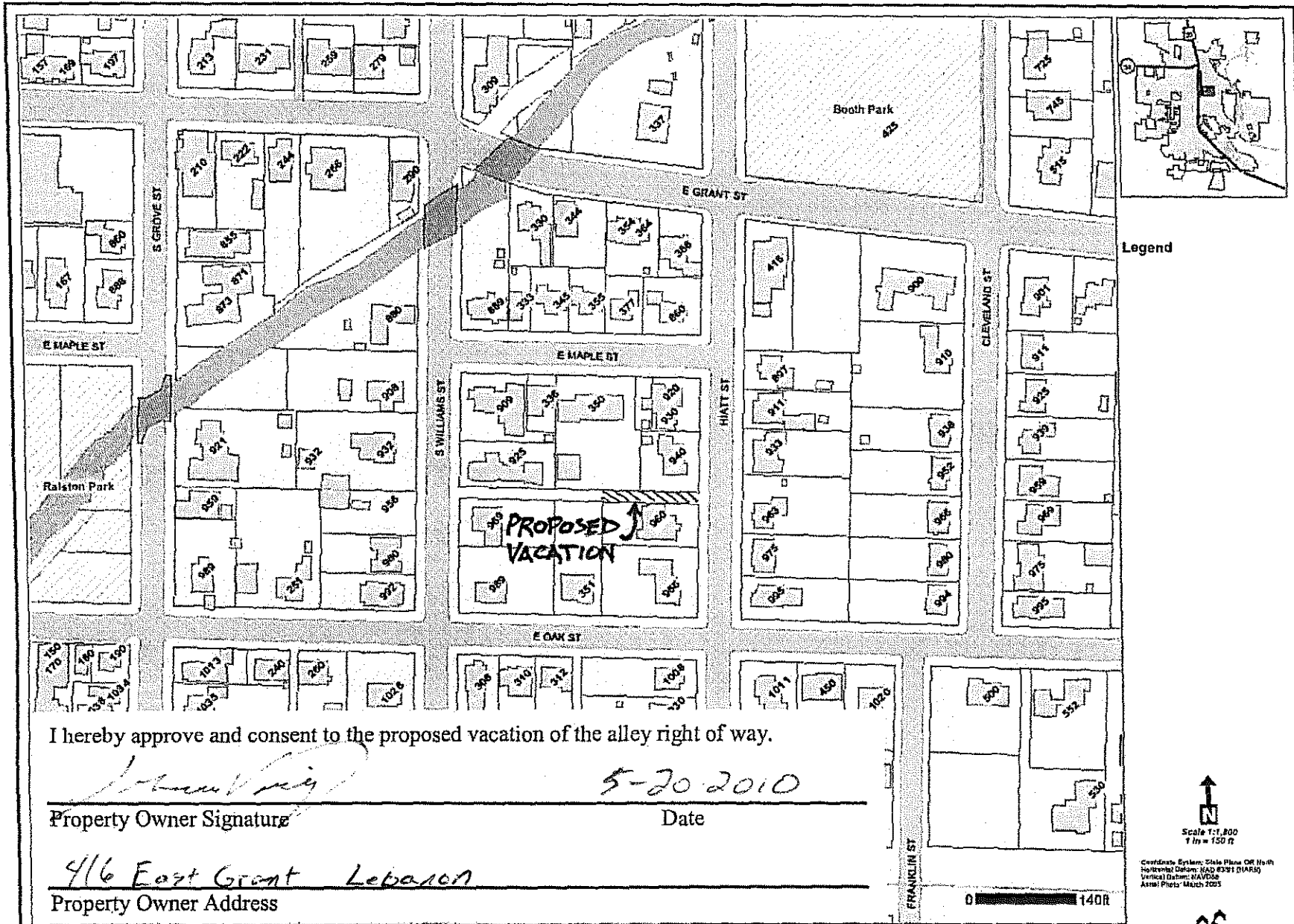
350 E. Maple St. Lebanon  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83 (93) (NAD83)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005







I hereby approve and consent to the proposed vacation of the alley right of way.

*[Handwritten Signature]*  
 \_\_\_\_\_  
 Property Owner Signature

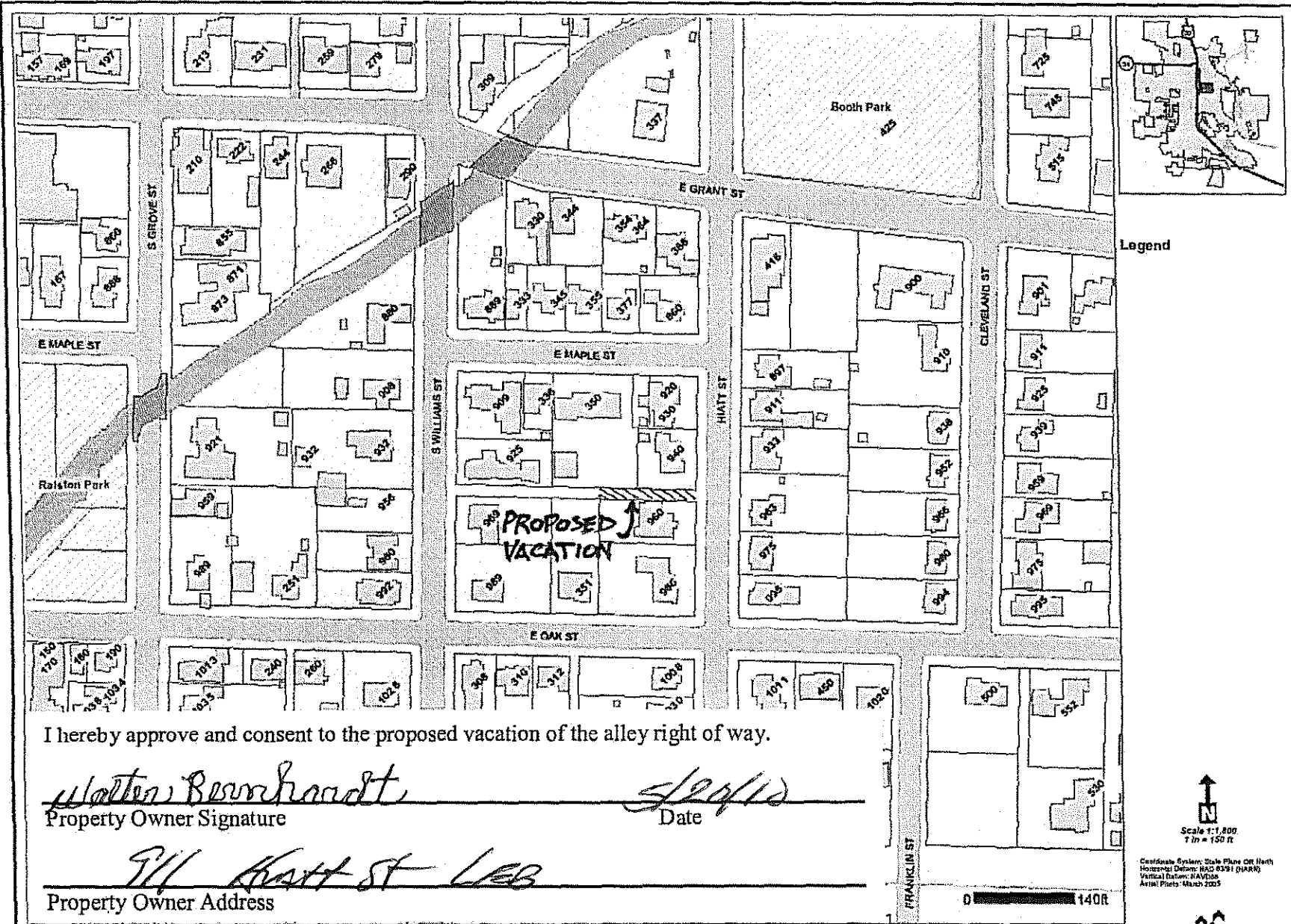
5-20-2010  
 \_\_\_\_\_  
 Date

416 East Grant Lebanon  
 \_\_\_\_\_  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83 (1983) (DIAR10)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

Walter Bernhardt \_\_\_\_\_  
 Property Owner Signature Date

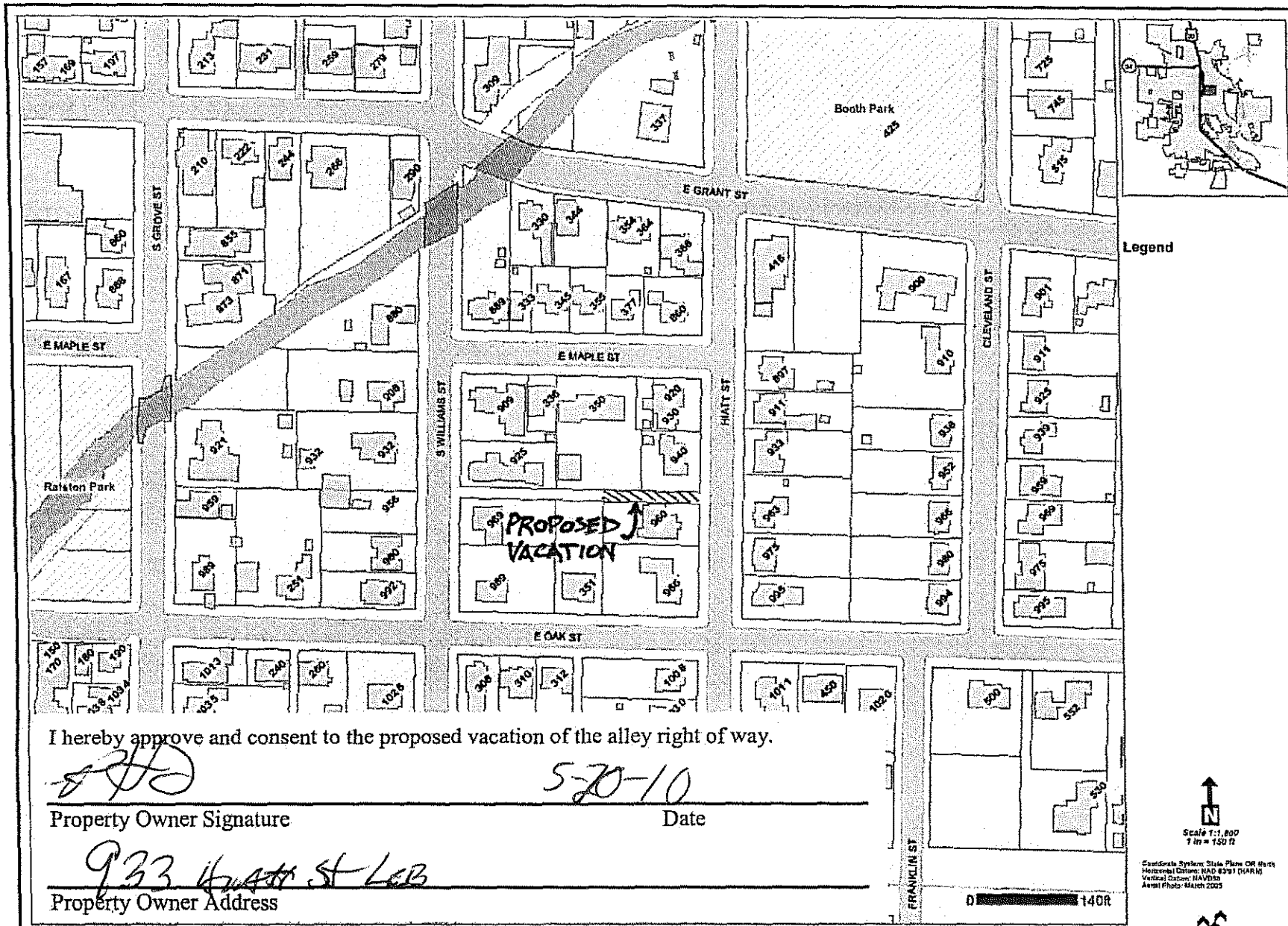
911 Hill St Leb \_\_\_\_\_  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and timeliness of the information displayed.

Scale 1" = 150 ft

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83 (1983) (NAD83)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

*[Handwritten Signature]*

Property Owner Signature

5-20-10

Date

933 Hill St LEB

Property Owner Address

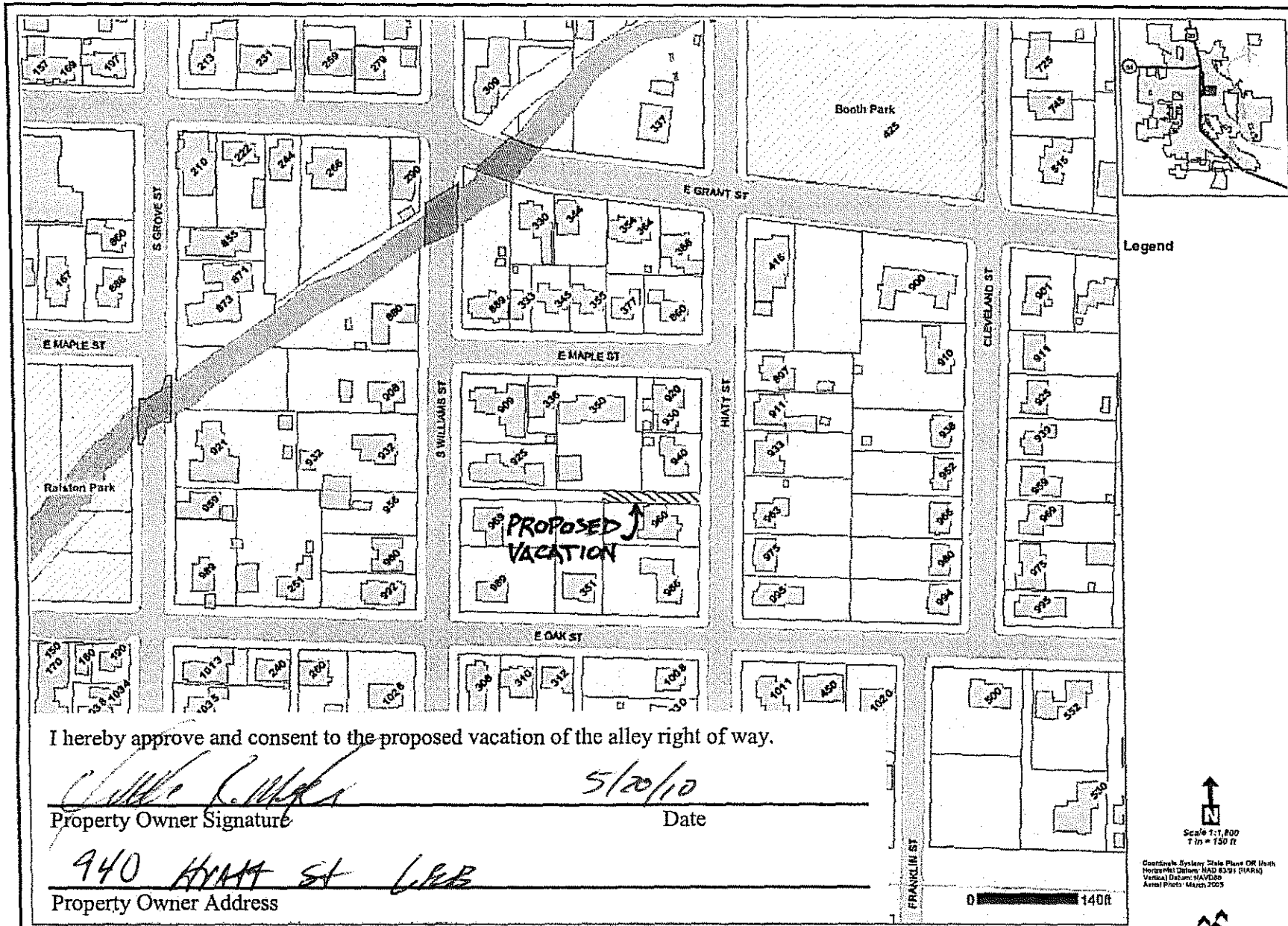
This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and usefulness of the information displayed.

Legend

Scale 1" = 150 ft

Coordinate System: State Plane OH North  
Horizontal Datum: NAD 83 (1149)  
Vertical Datum: NAVD83  
Aerial Photo: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

*William S. Miller* 5/20/10  
 Property Owner Signature Date

940 HIATT ST LEB  
 Property Owner Address

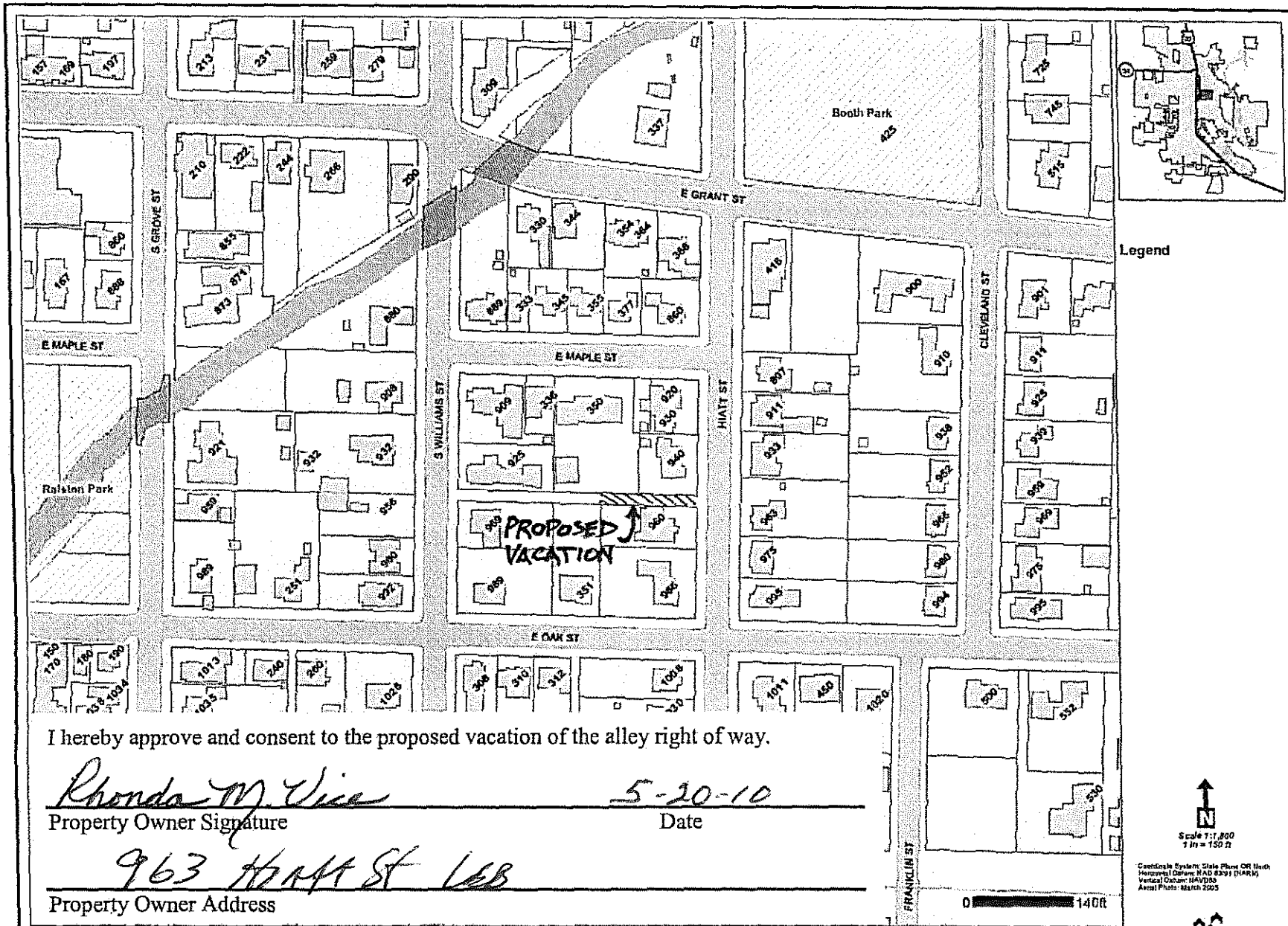
This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.

Legend

↑  
 Scale 1" = 140'  
 1" = 140'

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83/91 (NARS)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

Rhonda M. Vice  
 Property Owner Signature

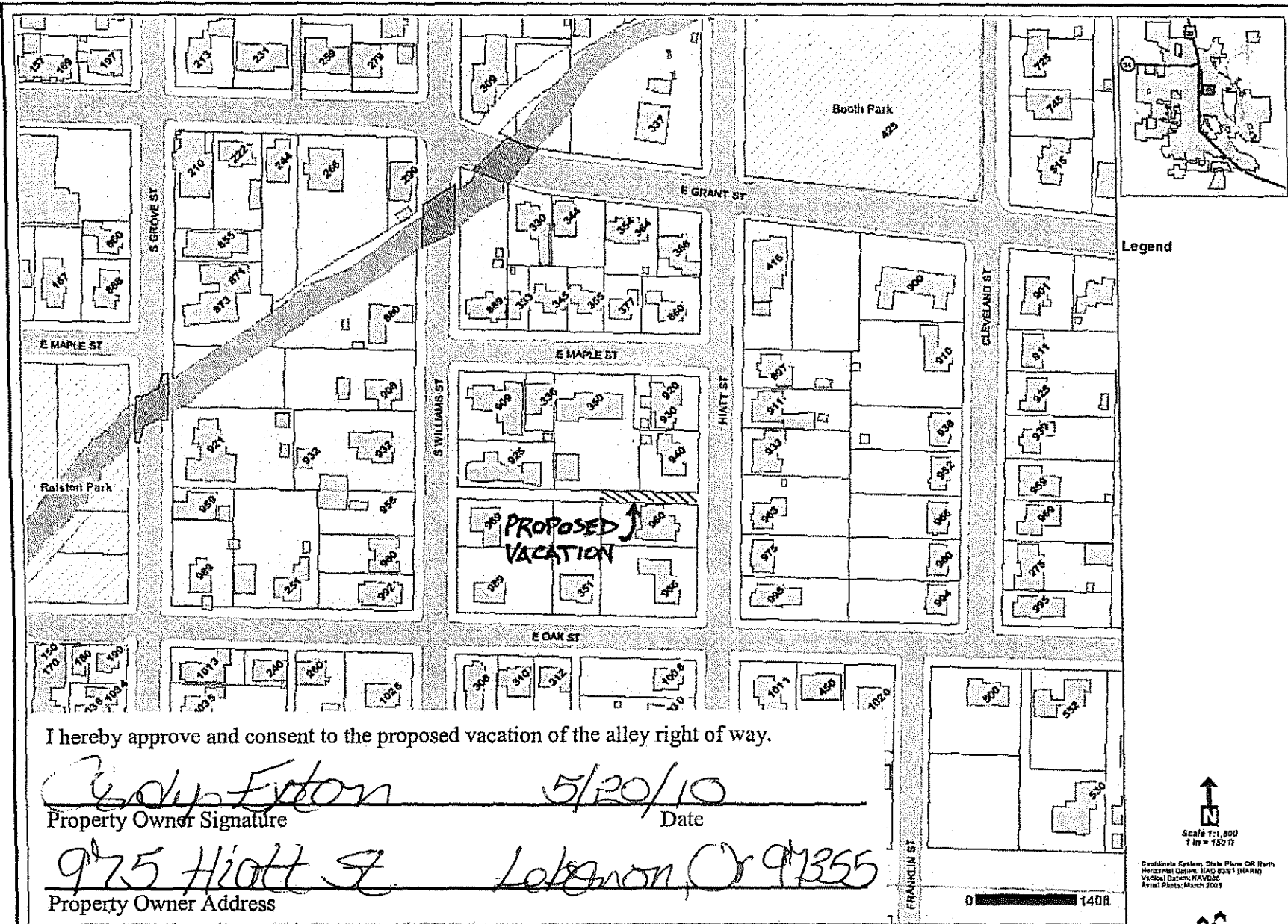
5-20-10  
 Date

963 HIATT ST LEB  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and timeliness of the information displayed.

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83 (1117) (DWR)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

Cody Epton  
Property Owner Signature

5/20/10  
Date

975 Hiatt St  
Property Owner Address

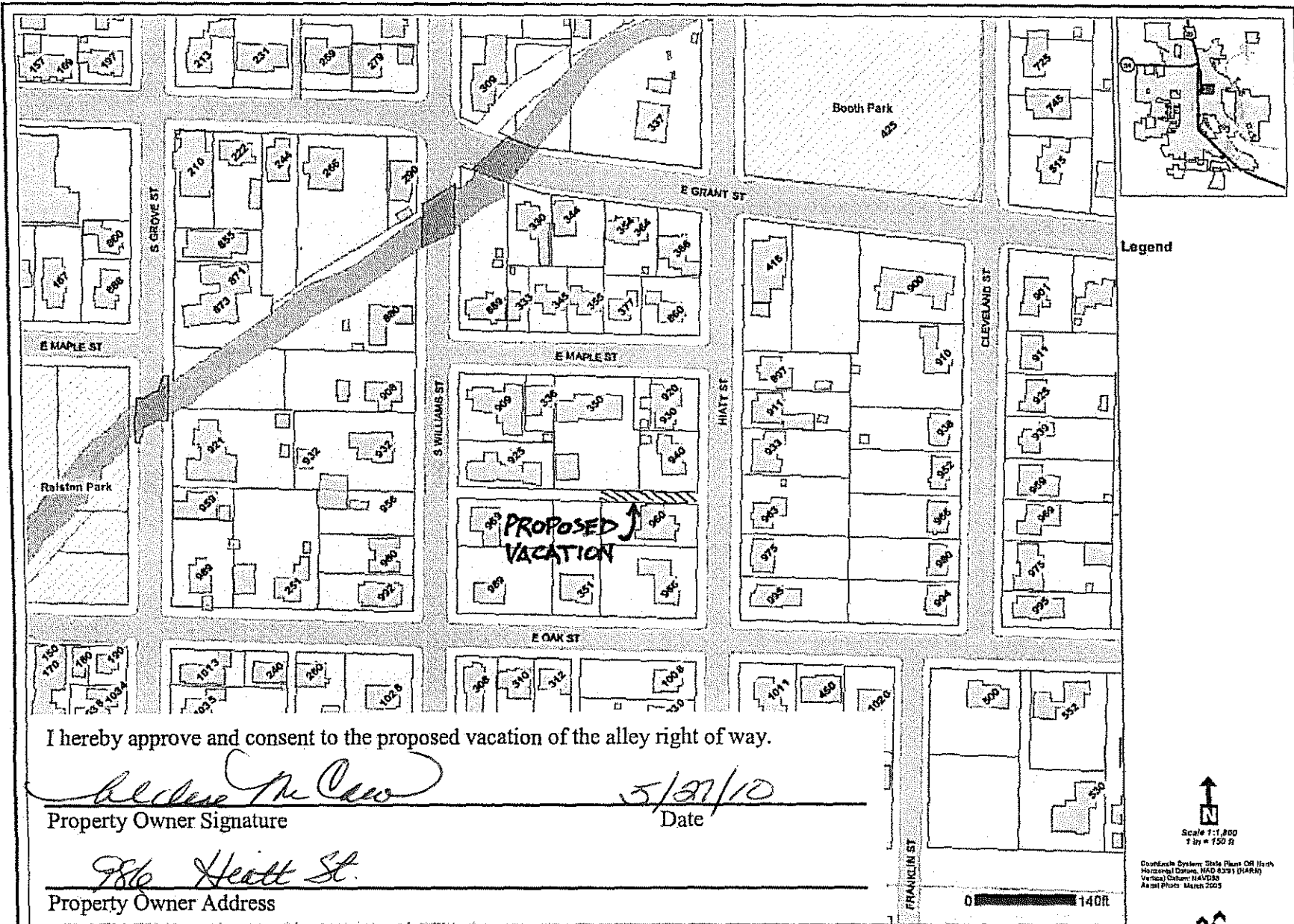
Lebanon, Or 97355

This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and timeliness of the information displayed.

Scale 1" = 150 ft

Coordinate System: State Plane OR North  
Horizontal Datum: NAD 83 (11491)  
Vertical Datum: NAVD83  
Aerial Photo: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

*Richard M. Crew*  
 \_\_\_\_\_  
 Property Owner Signature

*5/27/10*  
 \_\_\_\_\_  
 Date

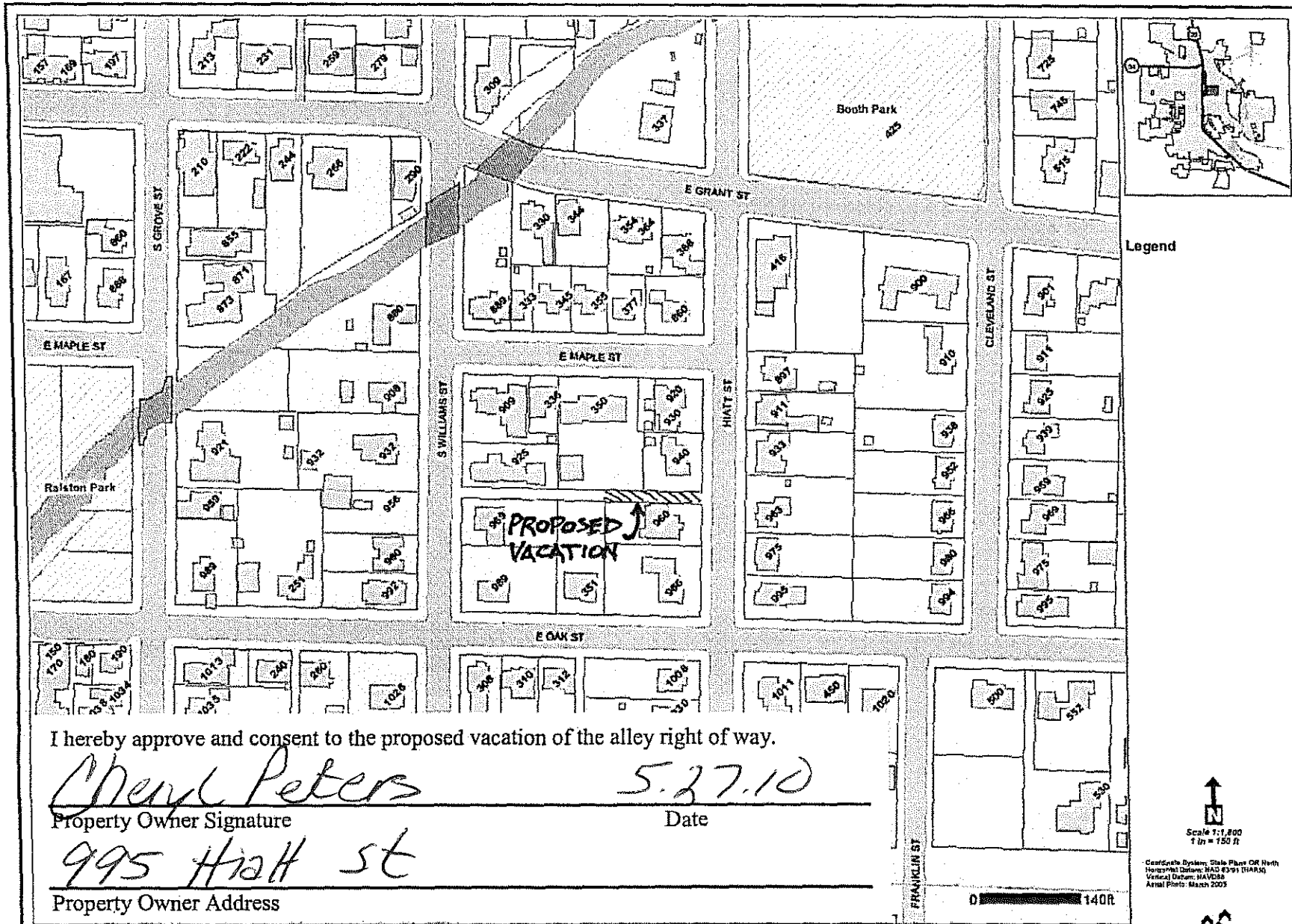
*986 Heatt St.*  
 \_\_\_\_\_  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representations as to the accuracy, completeness and timeliness of the information displayed.

Scale 1" = 150'  
 1 in = 150 ft

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83 (1148N)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005

CITY OF LEBANON  
 Oregon





I hereby approve and consent to the proposed vacation of the alley right of way.

*Cheryl Peters*  
 \_\_\_\_\_  
 Property Owner Signature

*5.27.10*  
 \_\_\_\_\_  
 Date

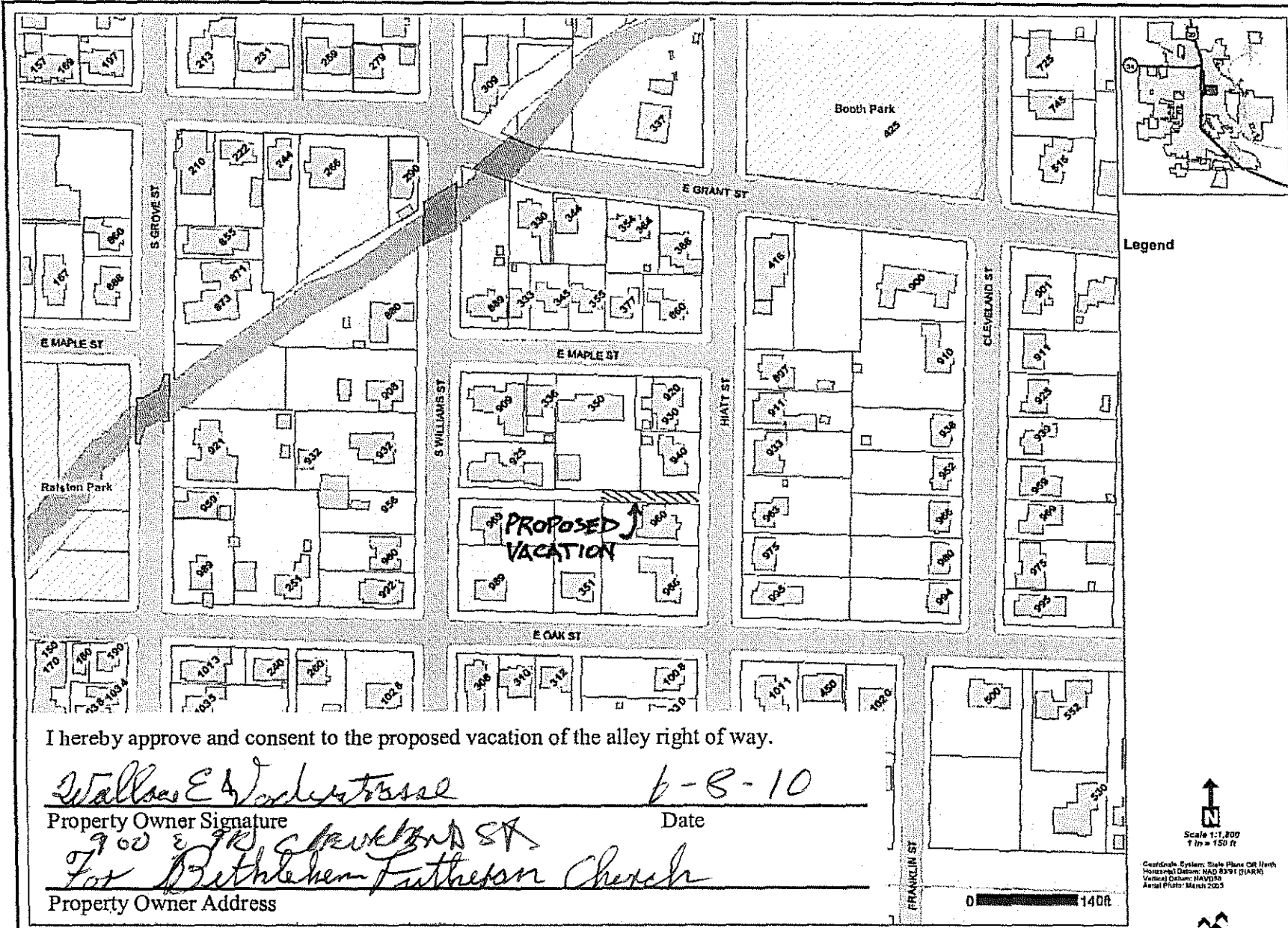
*995 Hiatt St*  
 \_\_\_\_\_  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.

  
 Scale 1" = 150 ft  
Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83-91 (NARS)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005  


0 140R





I hereby approve and consent to the proposed vacation of the alley right of way.

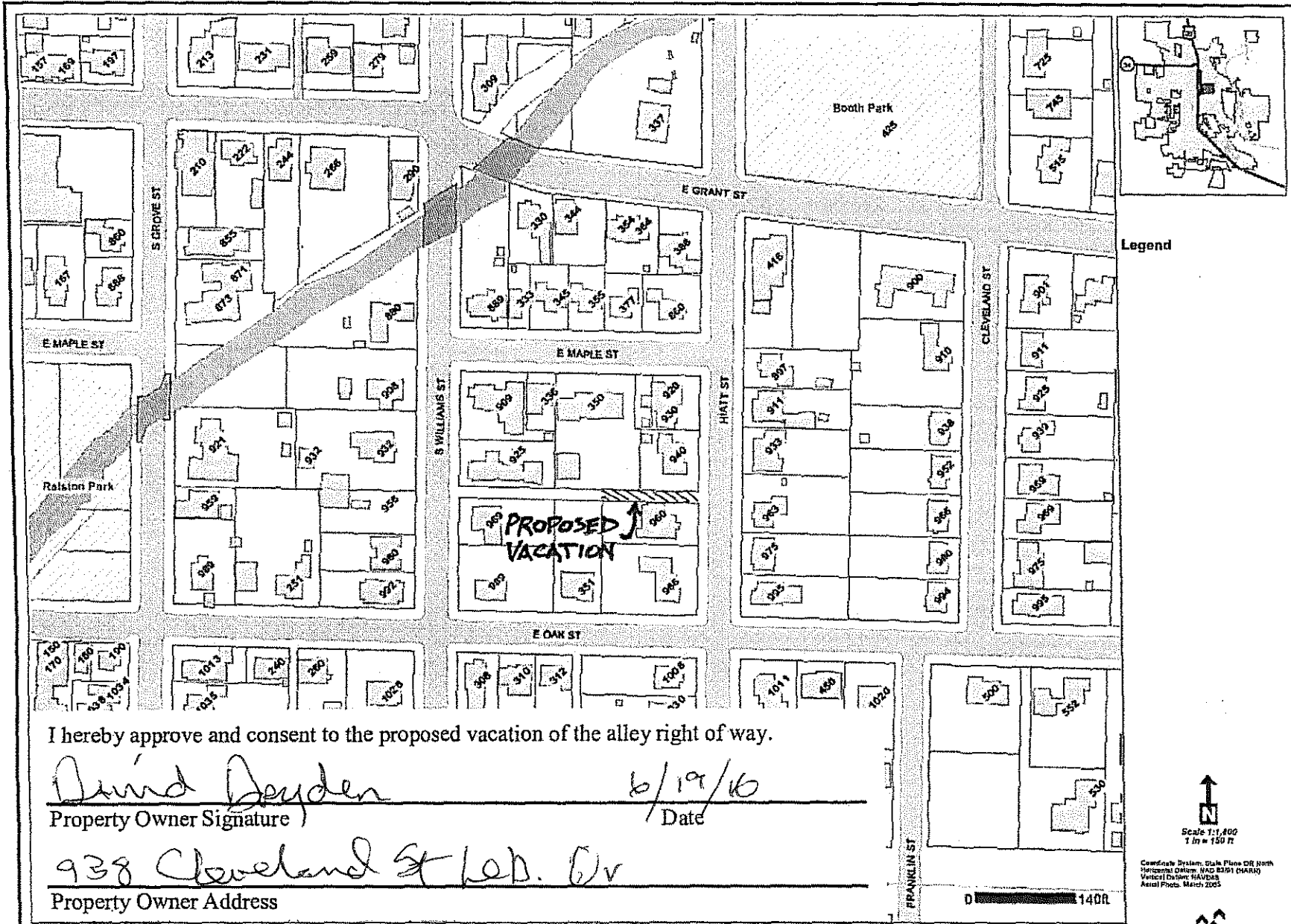
Wallace E. Woodhouse 6-8-10  
 Property Owner Signature Date

900 E 9th Cleveland St  
For Bethlehem Lutheran Church  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.

Scale 1" = 150 ft  
 Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83/91 (SABR)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

David Snyder \_\_\_\_\_ 6/19/16  
 Property Owner Signature Date

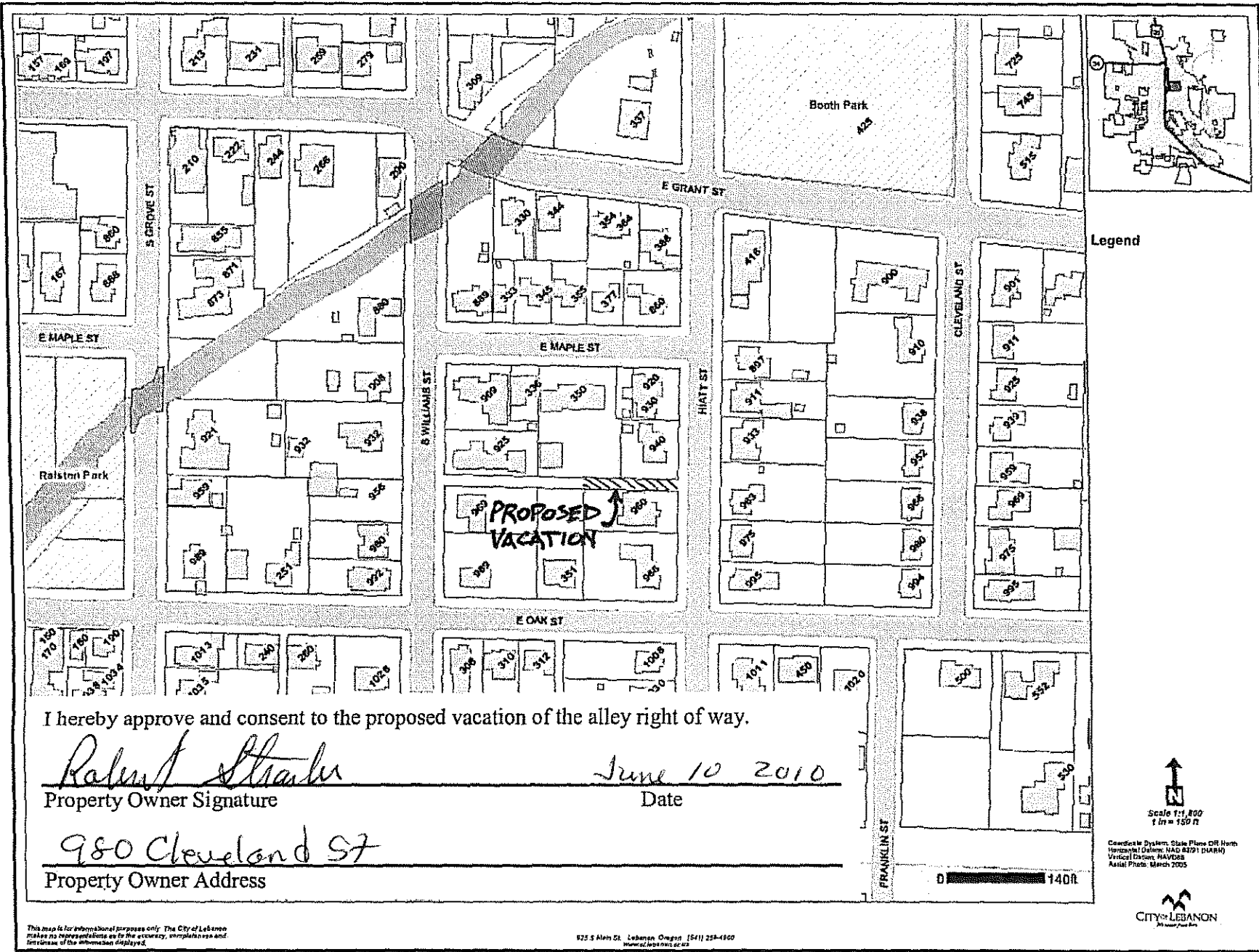
938 Cleveland St Leb. Or  
 Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.

Scale 1" = 150'  
 1 in = 150 ft

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83 (GDA08)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005





I hereby approve and consent to the proposed vacation of the alley right of way.

Robert Strain  
Property Owner Signature

June 10 2010  
Date

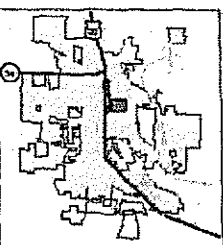
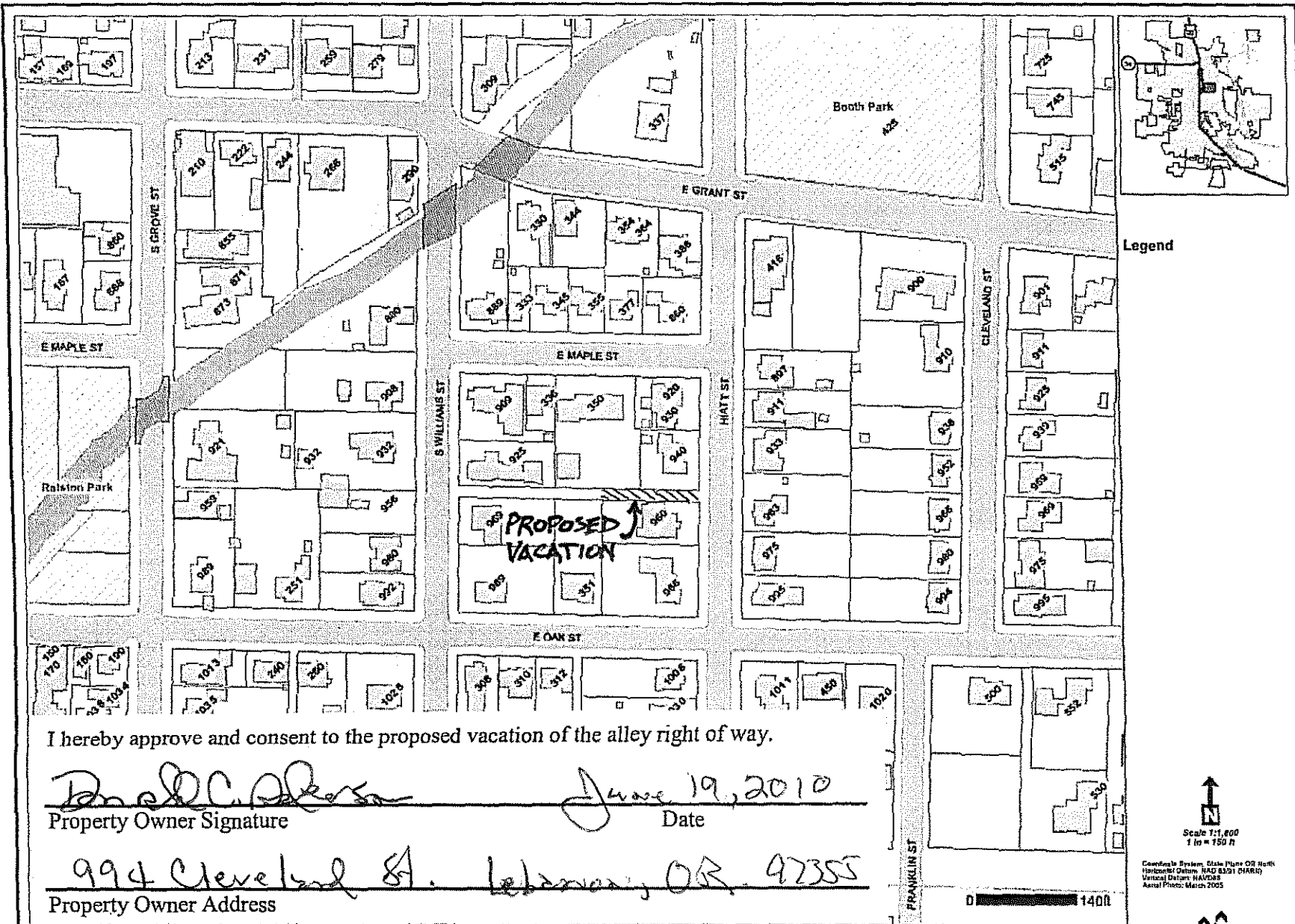
980 Cleveland St  
Property Owner Address

This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information displayed.

Scale 1" = 150' 0"  
1" = 150' 0"

Coordinate System: State Plane OR North  
Horizontal Datum: NAD 83 (2011) (NAD83)  
Vertical Datum: NAVD83  
Aerial Photo: March 2005





Legend

I hereby approve and consent to the proposed vacation of the alley right of way.

Donald C. Peterson June 19, 2010  
 Property Owner Signature Date

994 Cleveland St. Lebanon, OR 97355  
 Property Owner Address

Scale 1" = 1,600 ft  
 1" = 150 ft

Coordinate System: State Plane OR North  
 Horizontal Datum: NAD 83/21 (11486)  
 Vertical Datum: NAVD83  
 Aerial Photo: March 2005



This map is for informational purposes only. The City of Lebanon makes no representation as to the accuracy, completeness and timeliness of the information supplied.

# Agenda Item 11



**MEMORANDUM**

*Administration Department*

**To:** Mayor and City Council

**Date:** February 2, 2011

**From:** John Hitt, City Manager

**Subject:** Approving an Extended Property Tax Abatement Agreement - ENTEK

ENTEK International, LLC has requested a five year property tax abatement for capital equipment and to expand their facilities for a new production line.

It is anticipated that this production line will create sixteen new jobs at an average hourly wage of \$21.00, plus benefits.

ENTEK has requested that the details of their investment not be made public. However, the total estimated value of the building addition, new capital and ancillary equipment is almost \$30,000,000.

The attached resolution, if approved, would give the authorization of the South Santiam Enterprise Zone to ENTEK to move forward with their request.

JEH:bh

A RESOLUTION APPROVING AN EXTENDED ) RESOLUTION NO. 7  
PROPERTY TAX ABATEMENT AGREEMENT )  
BETWEEN THE CITY OF LEBANON, A CO- ) for 2011  
SPONSOR OF THE SOUTH SANTIAM ENTERPRISE )  
ZONE, AND ENTEK INTERNATIONAL, LLC )

WHEREAS, ENTEK International, LLC is investing in construction of a new production line, and

WHEREAS, ENTEK International, LLC intends to add sixteen new employees; and

WHEREAS, ENTEK International, LLC anticipates providing average pay and benefits to these employees equal to or greater than 150 percent of the Linn County average, as required under ORS 285C.160; and

WHEREAS, ENTEK International, LLC, which is located in the City of Lebanon, has applied to extend the property tax abatement for which it qualifies through its inclusion in the South Santiam Enterprise Zone; and

WHEREAS, the City of Lebanon is a cosponsor of the South Santiam Enterprise Zone.

NOW, THEREFORE, BE IT RESOLVED that the attached Extended Abatement Agreement of February 9, 2011 is herein approved.

Section 1. This Resolution becomes effective March 8, 2011.

Passed by the Lebanon City Council by a vote of \_\_\_ for and \_\_\_ against and approved by the Mayor this 9<sup>th</sup> day of February, 2011.

CITY COUNCIL OF LEBANON OREGON

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

ATTEST:

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

## **AGREEMENT FOR OREGON ENTERPRISE ZONE EXTENDED ABATEMENT**

### **AGREEMENT WITH THE SOUTH SANTIAM ENTERPRISE ZONE SPONSORS TO EXTEND PROPERTY TAX EXEMPTION TO FIVE CONSECUTIVE YEARS IN TOTAL FOR CAPITAL INVESTMENT BY ENTEK INTERNATIONAL, LLC.**

The sponsors of the South Santiam Enterprise Zone comprising the governing bodies of the City of Albany, City of Lebanon, City of Millersburg and Linn County (hereinafter "The Zone Sponsor") and ENTEK International, LLC of Lebanon (hereinafter "The Firm") do hereby enter into an agreement for extending the period of time in which The Firm shall receive an exemption on its investment in qualified property in the South Santiam Enterprise Zone contingent on certain special requirements, under ORS 285C.160 (2003).

The Zone Sponsor and The Firm jointly acknowledge: that subject to submission and approval of an application for authorization and the satisfaction of other requirements under ORS 285C.050 to 285C.250, The Firm is eligible for three years of complete exemption on its qualified property; that nothing in this agreement shall modify or infringe on this three-year exemption or the requirements thereof, and that this agreement becomes null and void if The Firm does not qualify for these three years of the exemption.

The Zone Sponsor extends The Firm's property tax exemption an additional two years on all property that initially qualifies in the South Santiam Enterprise Zone in the assessment year beginning on January 1, 2012 and, thus, sets a total period of exemption of five consecutive years during which statutory requirements for the standard three-year enterprise zone exemption must also be satisfied and maintained.

#### **CONFIRMATION OF STATUTORY PROVISIONS**

In order to receive the additional two years of enterprise zone exemption granted herein, The Firm agrees herewith under 285C.160 (3) (a) (A) that for each year of the entire exemption period, all of The Firm's new employees shall receive an average level of compensation equal to or greater than 150 percent of the county average annual wage, in accordance with the specific definitions and guidelines in Oregon Administrative Rules (OAR), Chapter 123, Division 065, which provides that:

1. Such compensation may include non-mandatory benefits that can be monetized;
2. The county average annual wage is set at the time of authorization, except as pursuant to ORS 285C.160 (4), according to the 2009 Linn County average annual wage rate of \$36,868 for which 150 percent equals \$55,302.



3. Only employees working at jobs filled for the first time after the application for authorization but by December 31 of the first full year of the initial exemption and performed within the current boundaries of the South Santiam Enterprise Zone are counted; and

4. Only full-time, year-round and non-temporary employees engaged a majority of their time in The Firm's eligible operations consistent with ORS 285C.135 & 285C.200(3) are counted, regardless if such employees are leased, contracted for or otherwise obtained through an external agency or are employed directly by The Firm.

#### LOCAL ADDITIONAL REQUIREMENTS

For The Firm to receive the additional two years of enterprise zone exemption granted herein, the Zone Sponsor and The Firm agree that there are no additional requirements besides the statutory requirements.

ACCEPTING FOR THE CITY OF LEBANON,  
A ZONE SPONSOR OF THE SOUTH  
SANTIAM ENTERPRISE ZONE:

ACCEPTING FOR ENTEK  
INTERNATIONAL, LLC:

---

Kenneth I. Toomb, Mayor

---

Daniel T. Powell, Chief Financial Officer

---

John E. Hitt, City Manager

*The City of Albany, City of Millersburg and Linn County, zone co-sponsors, approve this Agreement by passing separate Resolutions. Copies of which are attached.*



January 25, 2011

Mr. John Pascone  
AMEDEC  
PO Box 548  
Albany, OR 97321

Dear John:

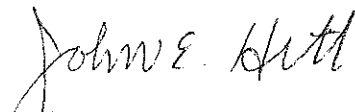
Please find enclosed an Enterprise Zone application from ENTEK seeking an extended abatement. I've also included a copy of our proposed agreement and adoption resolution.

Could you coordinate this approval request with Linn County and the City of Albany and Millersburg?

Should you have any questions, don't hesitate to contact me at (541) 258-4202 or [jhitt@ci.lebanon.or.us](mailto:jhitt@ci.lebanon.or.us).

Thanks for your help and consideration.

Sincerely,

  
John Hitt  
City Manager

JEH:bh

Enclosure

ADMINISTRATION

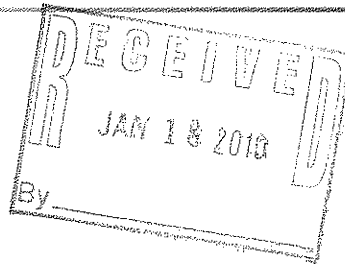


ENTEK International LLC  
250 North Hansard Avenue  
P.O. Box 127  
Lebanon, Oregon 97355  
Telephone: (541) 259-3901  
FAX: (541) 259-3932

ISO 9001:2000 Certified QMS



January 18, 2011



Mr. John Hitt  
City Administrator  
City of Lebanon  
925 Main St.  
Lebanon, OR 97355-3200

**Delivered in Person:**

Re: ENTEK International LLC – Application for Enterprise Zone Tax Exemption

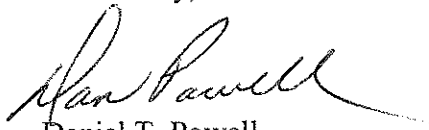
Dear John:

Enclosed is ENTEK International LLC's application for an Enterprise Zone Exemption for the construction of a ninth production line at 250 Hansard Avenue in Lebanon (see attached). The installation of the proposed production line will require the expansion of our current factory building to the north and west of our property. The attached application includes the estimated costs to construct the new production line, purchase and install required ancillary systems supporting the production process and expansion of our existing factory building. The lead time for the ordering and installation of the line would be approximately 14-18 months from placement of the order.

It is our understanding that the attached request will need approval from the Lebanon City Council. Please inform the Council that our objective is to further expand our automotive separator technology in Lebanon thereby remaining price competitive in battery technology. In addition to the above proposed line, ENTEK International and its affiliated Lebanon companies have been investing between 3-5 million dollars a year in new equipment or upgrades for which we do not request tax exemption. We anticipate that the addition of the new production line will provide sixteen (16) new living wage positions with related benefits. The Council's continuing support of our growth would be greatly appreciated.

Please let me know if you have any questions concerning the enclosed application.

Yours truly,

  
Daniel T. Powell  
Chief Financial Officer

# OREGON ENTERPRISE ZONE AUTHORIZATION APPLICATION

• Complete form and submit to the local enterprise zone manager **before** breaking ground or beginning work at the site. • Please type or print neatly.

## APPLICANT

Enterprise Zone or Rural Renewal Energy Development Zone (where business firm and property will be located) <b>South Santiam Enterprise Zone</b>		County <b>Linn County</b>	
Name of Business Firm <b>ENTEK International LLC</b>		Telephone Number <b>( 541 ) 259-3901</b>	
Mailing Address <b>P.O. Box 127</b>	City <b>Lebanon</b>	State <b>OR</b>	ZIP Code <b>97355</b>
Location of Property (street address if different from above) <b>250 Hansard Avenue</b>	City <b>Lebanon</b>	State <b>OR</b>	ZIP Code <b>97355</b>
Map and Tax Lot Number of Site <b>12S02W03C 01600</b>	Contact Person <b>Dan Powell</b>	Title <b>Chief Financial Officer</b>	

My firm expects to first claim the standard property tax exemption in the following year(s): 2013

- Check here if your firm has or has had another exemption in this enterprise zone. Note the first year of such exemption: 1992
- Check here that your firm commits to renew this authorization application. Renew this application on or before April 1 every two calendar years, until the tax exemption on qualified property is claimed.
- Check here if you are requesting an **extended abatement** of one or two additional years of exemption. This is subject to minimum average annual "compensation" for employees and written agreement with local zone sponsor. Sponsor may request additional requirements.

### Zone Manager Use Only (after written agreement but before authorizing firm):

County Average Annual Wage: \$ \_\_\_\_\_ For Year \_\_\_\_\_ Total Exemption Period:  4 or  5 Consecutive Years (check one)

## BUSINESS ELIGIBILITY

**Eligible Activity**—Check all activities that apply to proposed investment within the enterprise zone:

- Manufacturing    Fabrication    Bulk Printing    Shipping    Agricultural Production    Energy Generation
- Assembly    Processing    Software Publishing    Storage    Back-office Systems
- Other—describe the activities that provide goods, products, or services to other businesses (or to other operations of your firm):

Check here if your business firm does or will engage in **ineligible activities** within the enterprise zone (such as retail sales, health care, professional services, or construction). Describe below (or in an attachment) these activities and their physical separation from "eligible activities" checked above: N/A

**Special Cases**—Check all that apply:

- Check here if a **hotel, motel, or destination resort** in an applicable enterprise zone.
- Check here if a **retail/financial call center**. Indicate expected percent of customers in local calling area: \_\_\_\_\_ %.
- Check here if a **"headquarters" facility**. (Zone sponsor must find that operations are statewide or regional in scope and locally significant.)
- Check here if an **electronic commerce investment** in an e-commerce enterprise zone. (This also provides for an income tax credit.)

## EMPLOYMENT IN THE ENTERPRISE ZONE (see worksheets on last page)

Do **not** count temporary, seasonal, construction, FTE, part-time jobs (32 hours or less per week), or employees working at ineligible operations.

**Existing Employment**—My business firm's average employment in the zone over the past 12 months is 157 jobs.

**New Employees**—Hiring is expected to begin on (date or month and year): May 2012

• Hiring is expected to be completed by (month and year): Sept 2012

• Estimated total number of new employees to be hired with this investment is: 16

**Commitments**—By checking all boxes below, you agree to the following commitments as required by law for authorization:

- By April 1 of the first year of exemption on the proposed investment in qualified property, I will increase existing employment within the zone by one new employee or by 10 percent, whichever is greater.
- My firm will maintain at least the above minimum level as an annual average employment during the exemption period.
- When the exemption claim is also filed by April 1 following each calendar year of exemption, total employment in the zone will not have shrunk by 85 percent at one time or by 50 percent twice in a row, compared to any previous year's figure.
- My firm will comply with local additional requirements as contained in: (1) a written agreement for an extended agreement, (2) zone sponsor resolution(s) waiving required employment increase, or (3) an **urban** enterprise zone's adopted policy, if applicable.
- My firm will verify compliance with these commitments, as requested by the local zone sponsor, the county assessor or their representative, or as directed by state forms or administrative rules.
- My firm will enter into a **first-source hiring agreement** before hiring new eligible employees. (This **mandatory** agreement entails an obligation to consider referrals from local job training providers for eligible job openings within the zone during at least the exemption period.)

**OREGON EMPLOYMENT OUTSIDE THE ENTERPRISE ZONE**

**Check only those that apply:**

- Check here if your firm or a commonly controlled firm is, or will be, closing or curtailing operations in the state **beyond 30 miles of the zone's boundary**. Indicate timing, location, number of any job losses, and relationship to the proposed enterprise zone investment:
  
- Check here if you are transferring any operations into the zone from site(s) **within 30 miles of the zone boundary** (existing businesses only): My firm's average employment at the site(s) over the past 12 months is \_\_\_\_\_ jobs.
- Check here if your firm commits to increase the combined employment at the site(s) (within 30 miles) and in the zone to 110 percent of the existing combined level by April 1 and on average during the first year of exemption.

**PROPOSED INVESTMENT IN QUALIFIED PROPERTY**

**Anticipated Timing**—Enter dates or months/years

Action	Site and Building & Structures			Machinery and Equipment		
	Preparation	Construction*	Placed in Service	Procurement**	Installation	Placed in Service
To commence or begin on	Mar 2011	Sep 2011	Dec 2011	Mar 2011	Jan 2012	Aug 2012
To be completed on	Jun 2011	Dec 2011		Jul 2012	Jul 2012	

\* And/or new reconstruction, additions to, or modifications of existing building(s) or structure(s).  
 \*\* May precede application by up to three months.

**Special Issues:**

- Check here for building/structure acquired/leased for which construction, reconstruction, additions, or modifications began prior to this application (attach executed lease or closing documents).
- Check here for **Work-in-Progress** tax exemption for qualified property that is not yet placed in service and is located on site as of January 1. (Attach description and list of such probable property. See "Special Issues Worksheet," on the last page.)

**Qualifying Property:** Estimates of cost (please attach a preliminary list of machinery and equipment).

Type of Property		Number of Each/Item	Expected Estimated Value	Check if any Item will be Leased
Real Property	Building or structure to be newly constructed		\$	<input type="checkbox"/>
	New addition to or modification of an existing building/structure		\$ 2,000,000	<input type="checkbox"/>
	Heavy or affixed machinery and equipment		\$ 27,940,260	<input type="checkbox"/>
Personal Property Item(s) Costing:	\$50,000 or more		\$	<input type="checkbox"/>
	\$1,000 or more (E-commerce zone or used exclusively for tangible production)		\$	<input type="checkbox"/>
<b>Total Estimated Value of Investment</b>			<b>\$ 29,940,260</b>	

**Additional Description:** In addition to what is explained elsewhere, briefly comment below (or in an attachment) on the scope of your investment, the particular operations and output that are planned, and the intended uses of the qualifying property.

See additional information attached

**DECLARATION**

I declare under penalties of false swearing [ORS 305.990(4)] that I have examined this document and attachments, and to the best of my knowledge, they are true, correct, and complete. If any information changes, I will notify the zone manager and the county assessor and submit appropriate written amendments. I understand that my business firm will receive the tax exemption for property in the enterprise zone, only if my firm satisfies statutory requirements (ORS Chapter 285C) and complies with all local, Oregon, and federal laws that are applicable to my business.

**MUST BE SIGNED BY AN OWNER, COMPANY EXECUTIVE, OR AUTHORIZED REPRESENTATIVE OF THE BUSINESS FIRM**

Signature *[Signature]* Date January 17, 2011

Title (if not an owner or executive, attach letter attesting to appropriate contractual authority)

Chief Financial Officer

Local enterprise zone manager and county assessor must approve this application (with *Enterprise Zone Authorization Approval*, form 150-303-082)

**ENTEK International LLC  
Enterprise Zone Precertification Application  
Supplementary Information  
As of 17 January 2011**

**(A) Type of Property  
Summary Description**

ENTEK International LLC proposes to expand its current production capabilities for the production of microporous membrane material for automotive lead-acid batteries. The total cost of the investment will be approximately \$30 million. The new line will have the capability of producing 55 to 60 million m2 of material annually.

The production line requires well-trained manufacturing personnel familiar with such concepts as on-line characterization, quality assurance, and other testing techniques.

**(B) Prior Oregon Enterprise Zone Exemptions**

The predecessor company of ENTEK International LLC, Emark Inc., applied for and received an Oregon Enterprise Zone Exemption in 1992.

**(C) Other Allowed Circumstances**

Briefly explain checked items:

- (1) ENTEK International requests that construction in progress be tax exempt for the period under construction.
- (2) ENTEK International applies for all incentives provided by local sponsoring jurisdictions.

**(D) Manpower**

The new line will require 8-10 new production workers that will be required to provide on-line sheet characterization and quality control testing.

Average hourly wage \$21 / hour	(2011 \$)	\$ 43,680
Non - Mandated Benefits		<u>\$10,483</u>
		<u>\$ 54,163</u>

**ENTEK International LLC  
Enterprise Zone Precertification Application  
Existing Jobs and Required Employment Increase**

Jan-10	149
Feb-10	151
Mar-10	150
Apr-10	150
May-10	157
Jun-10	157
Jul-10	158
Aug-10	159
Sep-10	165
Oct-10	160
Nov-10	164
Dec-10	<u>168</u>

Average annual existing jobs 157

Multiplier Factor 1.1

Level of Employment Required 173

# Agenda Item 12





**MEMORANDUM**

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*Administration Department*

**To:** Mayor and City Council

**Date:** February 2, 2011

**From:** John Hitt, City Manager

**Subject:** Extended Enterprise Zone Abatement – Pacific Cast Technologies

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The attached resolution would grant Lebanon's approval to a property tax abatement resolution by Pacific Casts Technology of Albany, Oregon.

Staff recommends approval of the application as it will not impact future City tax revenues.

JEH:bh

**A RESOLUTION APPROVING AN EXTENDED  
PROPERTY TAX ABATEMENT AGREEMENT  
BETWEEN THE CITY OF ALBANY, A CO-  
SPONSOR OF THE SOUTH SANTIAM  
ENTERPRISE ZONE AND PACIFIC CAST  
TECHNOLGIES, INC.** ) **RESOLUTION NO. 8**  
)  
)  
) **FOR 2011**  
)  
)

**WHEREAS**, PACIFIC CAST TECHNOLOGIES, INC is expanding and investing plant construction and equipment; and

**WHEREAS**, PACIFIC CAST TECHNOLOGIES, INC intends to add 24 new employees; and

**WHEREAS**, PACIFIC CAST TECHNOLOGIES, INC anticipates providing average pay and benefits to these employees equal to or greater than 150% of the Linn County average, as required under ORS 285C.160; and

**WHEREAS**, PACIFIC CAST TECHNOLOGIES, INC., which is located in the City of Albany, has applied to extend the property tax abatement for which it qualifies through its inclusion in the South Santiam Enterprise Zone; and

**WHEREAS**, the City of Albany has requested support of this agreement from the other cosponsors of the South Santiam Enterprise Zone; and

**WHEREAS**, the City of Lebanon is a cosponsor of the South Santiam Enterprise Zone.

**NOW, THEREFORE BE IT RESOLVED** that the attached Extended Abatement Agreement of February 9, 2010 is herein approved.

Passed by the Lebanon City Council by a vote of \_\_\_\_ for and \_\_\_\_ against and approved by the Mayor this 9<sup>th</sup> day of February, 2011.

CITY COUNCIL OF LEBANON OREGON

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

ATTEST:

\_\_\_\_\_  
Linda G. Kaser, City Clerk

## **Agreement for Oregon Enterprise Zone Extended Abatement**

### **AGREEMENT WITH THE SOUTH SANTIAM ENTERPRISE ZONE SPONSORS TO EXTEND PROPERTY TAX EXEMPTION TO FIVE CONSECUTIVE YEARS IN TOTAL FOR CAPITAL INVESTMENT BY PACIFIC CAST TECHNOLOGIES, INC.**

The sponsors of the South Santiam Enterprise Zone comprising the governing bodies of the Cities of Albany, Lebanon, Millersburg and Linn County (hereinafter "The Zone Sponsor") and Pacific Cast Technologies, Inc. (hereinafter "The Firm") do hereby enter into an agreement for extending the period of time in which The Firm shall receive an exemption on its investment in qualified property in the South Santiam Enterprise Zone contingent on certain special requirements, under ORS 285C.160 (2003).

The Zone Sponsor and The Firm jointly acknowledge: that subject to submission and approval of an application for authorization and the satisfaction of other requirements under ORS 285C.050 to 285C.250, The Firm is eligible for three years of complete exemption on its qualified property; that nothing in this agreement shall modify or infringe on this three-year exemption or the requirements thereof, and that this agreement becomes null and void if The Firm does not qualify for these three years of the exemption.

The Zone Sponsor extends The Firm's property tax exemption an additional two years on all property that initially qualifies in the South Santiam Enterprise Zone in the assessment year beginning on January 1, 2012 and, thus, sets a total period of exemption of five consecutive years during which statutory requirements for the standard three-year enterprise zone exemption must also be satisfied and maintained.

### **CONFIRMATION OF STATUTORY PROVISIONS**

In order to receive the additional two years of enterprise zone exemption granted herein, The Firm agrees herewith under 285C.160(3)(a)(A) that for each year of the entire exemption period, all of The Firm's new employees shall receive an average level of compensation equal to or greater than 150 percent of the county average annual wage, in accordance with the specific definitions and guidelines in Oregon Administrative Rules (OAR), Chapter 123, Division 65 (123-065-41##), which provides that:

1. Such compensation may include non-mandatory benefits that can be monetized;
2. The county average annual wage is set at the time of authorization, except as pursuant to ORS 285C.160(4), according to the 2009 Linn County average annual wage rate of \$34,826 for which 150 percent equals \$ 52,239.
3. Only employees working at jobs filled for the first time after the application for authorization but by December 31 of the first full year of the initial exemption and performed within the current boundaries of the South Santiam Enterprise Zone are counted; and

4. Only full-time, year-round and non-temporary employees engaged a majority of their time in The Firm's eligible operations consistent with ORS 285C.135 & 285C.200(3) are counted, regardless if such employees are leased, contracted for or otherwise obtained through an external agency or are employed directly by The Firm.

#### **LOCAL ADDITIONAL REQUIREMENTS**

For The Firm to receive the additional two years of enterprise zone exemption granted herein, The City of Albany, a Zone Sponsor and The Firm agree that no additional requirements in addition to statutory requirements are being requested by The Zone Sponsor under ORS 285C.160(a)(B).

ACCEPTING FOR THE CITY OF ALBANY,  
A ZONE SPONSOR OF THE SOUTH  
SANTIAM ENTERPRISE ZONE:

ACCEPTING FOR PACIFIC  
CAST TECHNOLOGIES, INC.

---

Kenneth I. Toomb, Mayor

---

Pacific Cast Technologies, Inc.

---

John E. Hitt, City Manager

*The other Zone Sponsors; City of Lebanon, City of Millersburg and Linn County approve this Agreement by passing separate Resolutions. Copies of which are attached.*



## **Memo**

**Date:** December 29, 2010

**To:** South Santiam Enterprise Zone Co-Sponsors  
Linn County, City of Lebanon, City of Millersburg

**From:** John Pascone, President

**Subject:** Request for Approval: Pacific Cast Technologies (PCT)  
Agreement for Extended Enterprise Zone Benefits

### **Reason for Request**

PCT has submitted an Enterprise Zone Authorization Application and has requested Extended Benefits beyond the regular three year tax exemption. Regulations require that the company enter into an Agreement with the city and other enterprise zone sponsors. In order to qualify for the additional two years, the company must pay 150% of Linn County's Average Annual Wage to the new employees.

### **Description of Project**

The project is \$11.7 million investment which includes \$1.4 million for existing building modifications and over \$10.0 million for new furnaces. The investment is designed to increase production and productivity utilizing the previous facility expansion.

Pacific Cast Technologies performs investment casting of titanium parts for the aerospace industry and has operated in Albany for about 40 years. The company hopes to provide the needed additional capacity as the economy recovers from the current downturn.

The company's average employment over the past 12 months is 237 jobs. The projected number of new jobs created with this new investment is 24 jobs.

Since the company is located in Albany, the Albany City Council has already given their approval. The approval of the other sponsors; City of Lebanon, Millersburg and Linn County is now needed.

Thank you for your support.



**MEMORANDUM**

---

*Administration Department*

**To:** Lebanon Express

**Date:** February 3, 2011

**From:** John Hitt, City Manager *JHitt*

**Subject:** City Manager's Report

---

At the February 9 City Council meeting I will provide an oral update on the following matters:

- Project Straw
- Bio-Science Center
- Building Permit Activity
- Miscellaneous

m

## Citizen Comments:

Richard Nelson - meeting last Monday. Here to answer questions

Neil B. - Margaret Campbell letter. ~~is~~ He is offended.  
Re: Outside money for H. R.

City Budget & Staffing

I move that the Lebanon City Council finds that the prior, difficult decisions of the City Administrator in the reduction of city staff were consistent with the City's need for prudent and responsible fiscal management and that we urge him to make further reductions, as may be appropriate, including, if absolutely necessary, reducing current staffing levels, while limiting to the extent possible, any decline in the amount or quality of essential and basis service to our citizens.

Support to the motion:

The City Charter delegates to the City Administrator the right to "appoint or remove" city-~~officials~~<sup>employees</sup> except the Municipal Judge and City Attorney.

- \* It is crucial that the city remain financially strong during these difficult times.
- \* Many city employees engage in a variety of duties and projects that often aren't reflected in their job titles. Only the City Administrator has the day-to-day knowledge of these various duties in order to make decisions as to which positions can be reduced for minimum impact.
- \* The City Administrator is working with the leaders of both unions not only to get their input but to have both management and union employees work together in harmony even while making tough decisions during tough economic times.



The City of Lebanon Human Resource Division is tasked with managing and overseeing four primary areas of service:

1. Legal Compliance
2. Obtaining Human Resources
3. Maintaining Human Resources
4. Developing Human Resources

### Legal Compliance

- \* EEO Requirements
- \* Immigration Requirements
- \* Health and Safety (OSHA) overseen by Kindra Oliver
- \* Federal Wage/Hour laws (FLSA)
- \* State Wage/Hour Laws
- \* Employment – at – will statements
- \* Privacy protection
- \* ERISA reporting compliance
  - Cobra
  - HIPAA
- \* Family/medical leave (FMLA)
- \* Oregon Family Medical Leave (OFLA)
- \* Affirmative Action Plan (if required)
- \* Other state and federal laws/regulations

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### Obtaining Human Resources

- \* Job descriptions and specifications
- \* HR supply and demand estimates
- \* Recruitment process/procedure
- \* Job-related selection interviews and training
- \* Physical exam procedures
  - CDL Exams
  - Hepatitis B Immunizations
  - Employment Physicals
- \* Background checks
- \* Reference checks
- \* Volunteer Programs
  - Student Work Study Program
  - Citizen Volunteer Program

## Maintaining Human Resources

- \* Formal wage/salary system
- \* Current benefit programs/options
- \* Employee recognition programs
- \* Employee Handbooks/personnel policies and procedures manual
  - Revisions, additions and deletions of policies and procedures
- \* Grievance resolution process
- \* HR Record-Keeping Information System ( RFP outstanding at this time)
- \* Safety Manual
- \* Emergency Management Manuals
- \* Labor Negotiations
  - AFSCME Contract
  - Teamster Contract

## Development Human Resources

- \* Newly revised employee orientation process/program
  - One on One employee orientations
  - Behavioral Conduct Videos
  - Review of Employee Handbook
- \* Employee training programs
  - Organizational training for all employees
- \* Employee development programs
  - Work with Dept. Managers to assist with employee development
  - Employee work plans- for employees who drop below satisfactory
- \* Job-related performance appraisals
- \* Appraisal feedback training on managers

## Assist. City Manager

- Economic Development
- URD
- Enterprise zone activity
- oversight w/ HR issues / crosses over into HR
- address citizen comments
- Budget analysis
- City Grants Oversight /
- Departmental analysis

Human Resources are a design of formal systems in an organization to ensure the effective and efficient use of human talent in order to accomplish organizational goals. Human Resources are an essential ingredient for organizations to remain competitive and fulfill their organizational missions.

**Advice:**

As an H.R. Manager I give advice and assist other department manager and mid-management in human resources. This includes:

- \* gathering facts about a particular situation
- \* diagnosing problems
- \* providing solutions
- \* offering objective assistance and guidance on employee-related matters.

Example: H.R. would provide a line manager with specific policy and procedure steps for dealing with employees' grievances. Rather than stepping into the situation, I direct the personnel functions back to the line manager and provide assistance to the line manager to increase productivity and satisfaction at work.

**Service:**

H.R. has a service-oriented function in the organization. We have a very diverse base of customers including: Upper management, mid-management, employees, peers, legal and regulatory agencies, vendors, applicants, retirees, and families of employees and city council.

Example: Answering employee questions concerning benefit packages, job classifications, policy and procedure questions, and providing employee training are but a few of the services provide by H.R

**Control:**

Reviewing and measuring employee performance, monitoring how well the objectives and needs of the city are being met are referred to as "organizational control and authority". Controls serve as a basis for evaluating supervisory and employee performance, correcting deficiencies, and motivating employees.

Example: The development of the city's newly designed performance appraisal system, the newly updated job descriptions are both examples of HR control functions.