

LEBANON CITY COUNCIL AGENDA

August 14, 2013
Regular Session 6 p.m.

Santiam Travel Station
750 3rd Street, Lebanon, Oregon

Mayor Paul Aziz

Council President Bob Elliott
Councilor Rebecca Grizzle

Councilor Jason Bolen
Councilor Wayne Rieskamp

Councilor Floyd Fisher
Councilor Barry Scott

MISSION STATEMENT

The City of Lebanon is dedicated to providing exceptional services and opportunities that enhance the quality of life for present and future members of the community.

CALL TO ORDER / FLAG SALUTE

ROLL CALL

APPROVAL OF CITY COUNCIL MINUTES July 10, 2013 Regular Session
July 17, 2013 Special Session

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(s) will be removed from the Consent Calendar and considered separately.*

AGENDA: City of Lebanon Council Agenda – August 14, 2013

BOARD MINUTES: Planning Commission – June 19, 2013

LIQUOR LICENSE: La Estrellita Market – Elisa Galeno

PROCLAMATION / PRESENTATION / RECOGNITION:

➤ PROCLAMATION: Senior Center Month September 2013

PUBLIC COMMENTS: *Council welcomes all respectful comments regarding the City's business. Citizens may address the Council by approaching the microphone, signing in, and stating their name and address for the record. Each citizen is provided up to 5 minutes to provide comments. Council may take an additional 2 minutes to respond. The City Clerk will accept and distribute written comments at a speaker's request.*

PUBLIC HEARING(S)

1) **Development Code Amendment – Wind Energy Systems (File No. 13-06-24)**

Presented by: Walt Wendolowski, Community Development Manager

Approval/Denial by **ORDINANCE BILL NO. 2013-5, ORDINANCE NO. 2846**

- 2) **Development Code Amendment – Residential Parking (File No. 13-06-25)**
Presented by: Walt Wendolowski, Community Development Manager
Approval/Denial by ORDINANCE BILL NO. 2013-6, ORDINANCE NO. 2847

REGULAR SESSION:

- 3) **Water Treatment Plant - Consultant Contract Update**
Presented by: Ron Whitlatch, Engineering Services Manager
DISCUSSION
- 4) **Peer Court Presentation and Intergovernmental Agreement**
Presented by: Jessica Meyer, City Attorney
Approval/Denial by MOTION
- 5) **Utility Bill Collection Process Survey Results**
Presented by: Dean Baugh, Finance Manager
DISCUSSION
- 6) **AFSCME Contract Amendment**
Presented by: Jon Nelson, Interim City Manager
Approval/Denial by MOTION
- 7) **Economic Development Incentives Report**
Presented by: Jon Nelson, Interim City Manager
DISCUSSION
- 8) **City Manager Report**
Presented by: Jon Nelson, Interim City Manager
DISCUSSION

ITEMS FROM COUNCIL

PUBLIC COMMENTS: *An opportunity for citizens to comment on items of city business.*

ADJOURNMENT



NEXT SCHEDULED COUNCIL MEETING(S)

- September 11, 2013 (6 p.m.) REGULAR SESSION
- October 9, 2013 (6 p.m.) REGULAR SESSION

Approval of Minutes

**LEBANON CITY COUNCIL
MINUTES
July 10, 2013**

Council Present: Mayor Paul Aziz and Councilors Jason Bolen, Bob Elliott, Floyd Fisher, Rebecca Grizzle, Wayne Rieskamp and Barry Scott.

Staff Present: Interim City Manager Jon Nelson, City Attorney Tré Kennedy, Police Chief (AIC) Frank Stevenson, Community Development Manager Walt Wendolowski, Engineering Services Manager Ron Whittlatch, Finance Manager Dean Baugh and Administrative Assistant Jamie Bilyeu.

CALL TO ORDER

Mayor Aziz called the Regular Session of the Lebanon City Council to order at 6:00 p.m. in the Santiam Travel Station Board Room.

ROLL CALL

Roll call was taken with all members present.

APPROVAL OF CITY COUNCIL MINUTES

Councilor Grizzle moved, Councilor Rieskamp seconded, to approve the June 12, 2013 Regular Session minutes as presented. The motion passed unanimously.

CONSENT CALENDAR

AGENDA: City of Lebanon Council Agenda – July 10, 2013
BOARD MINUTES: Bike & Pedestrian Committee – May 23, 2013
Library Advisory Board – April 30, 2013
Planning Commission – May 15, 2013
Senior Center Advisory Board – February 20, 2013

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

PROCLAMATION

Mayor Aziz read the proclamation and declared August 6, 2013 to be "National Night Out."

PUBLIC COMMENTS

Bill Sullivan, 435 Carolina Street, Lebanon, apologized to the Mayor and Council for the letter he wrote about the contingency fund. He also stated that he understands the City has to borrow \$12 million to pay Lowe's and LBCC, but the public was told that the City had the \$1.4 million for LBCC in hand. He asked why the people were lied to and why funds were not appropriated from the beginning. He also asked why the City does not make preparation to pay their bills when they are due.

Interim City Manager Nelson stated that he would be happy to meet with Mr. Sullivan to give his perspective on the incentive package put together by the City, as part of attracting this massive investment and jobs to the community. Mr. Sullivan remarked that every jurisdiction uses "bribes" to entice companies to come to their community.

Paul Meadowbrook, attorney for Ray Weldon, distributed copies of public records cases involving police departments. He briefly spoke about both cases, which are out of Portland, primarily because the Oregonian litigates and most small town newspapers do not. He asked that the Council and City Attorney look at these two similar cases, approve their personnel records request regarding Mike Fiala, and put this on the agenda.

Councilor Bolen stated that he has no interest in rehashing this issue. It was handled under different police administration and, in his opinion, was handled appropriately. He does not see a need to incur further expense or waste more time. Mr. Meadowbrook stated that it is not anyone's opinion as to whether it should or whether it is appropriate to be disclosed. The question is whether they should be disclosed, according to public records statewide standards.

City Attorney Kennedy stated that he read both cases when this was resolved in the City's favor six or ten months ago. If he remembers correctly, one of the key facts was that the Police Chief was still employed by that city. A key finding by the Court of Appeals was that it goes to his fitness, with respect to carrying on ongoing duties. That is quite a distinguishing factor in the facts of this case. He is not prepared tonight to explain, to the Council or to Mr. Meadowbrook, why those cases do not apply. An analysis and determination was made, based on the facts as he knows and based on State and public records law, that those records will not be released. There is recourse if they want to go to the district attorney and challenge the finding that those documents are not subject to the public records request.

The Council may, if they choose, consider this in an executive session, but his advice is not to do that. He asks that the Council allow him to handle this. If it needs to go to the district attorney, he would be happy to make the same arguments to the district attorney and, ultimately, a judge, who can make the determination as to whether those cases are distinguishable or not.

Mr. Meadowbrook requested a Council vote. Kennedy briefly explained the procedure for placing items on the agenda. Mr. Meadowbrook stated that, as far as he knows, there is no Council action that authorizes Kennedy to act on the Council's behalf for public records requests. The Council has to either act on it or it be assumed that they refused to act.

Jodi Zurfluh, 536 Main Street, Lebanon, downtown business owner, read emails between herself and Mayor Aziz about how she and her employees do not have nearby parking. She spoke to the parking enforcement officer and to the previous city manager, with no results. She was told that there is an empty lot across from the old post office, but that is located four or five blocks away. She would like to speak with someone about coming up with a solution to their parking issue.

She asked whether it would be possible to purchase a permit or sticker so they can park in the city lot at Main and Vine Streets. They were told that permits are not available, however, she knows a few people who have them. There have been very few times, over the last 13 years, where the lot has been full (27 spaces). There are another 11 spaces on Vine Street. They have between three and six employees working each day, but they park as far as possible to allow customers the front spaces. There is also customer parking on Main Street, so she does not see where it would be a problem. They constantly watch for the parking enforcement officer and move their cars, but it is ridiculous. Many downtown businesses, including Councilor Fisher's, have the same problem.

Also, because of the two-hour parking limit, it is hard to attract customers to the downtown shopping district because their services can run from three to five hours. Extending the limit would allow shoppers to enjoy all of

what downtown Lebanon has to offer.

Mayor Aziz and Councilor Grizzle confirmed for Councilor Bolen that the reason for the two-hour limit was because business owners were having problems with people parking their cars all day, reducing their customers' parking spaces.

Responding to Councilor Grizzle's question, Ms. Zurfluh stated that she is no longer part of Partners for Progress. Councilor Grizzle stated that she has heard businesses say that the time should be shortened because they need turnover of parking spaces in front of their businesses. She would love to see Partners for Progress brainstorm and come to Council with a solution that most businesses are onboard with.

Ms. Zurfluh stated that before the Council change, they (Downtown Association) did try to work on this, but they were told no.

Mayor Aziz asked staff to meet with Partners for Progress to work on a solution. Nelson shared that his June email suggested that the Chamber of Commerce or Partners for Progress be engaged before it comes back to the Council. Councilor Scott agreed with Nelson that a broad base of business owners needs to be involved.

Janet Blair, 431 Hiatt Street, Lebanon, spoke about crime incidents happening in her area. She asked what can be done about the people who roam the neighborhoods looking for things to steal.

She confirmed for Councilor Bolen that there is an active Neighborhood Watch, but everyone is asleep at 2:00 am. He responded that it may again be time to meet to make a greater presence because the police need citizen eyes. She stated that she would like a discussion about what to do with people roaming the streets on bicycles at night.

Police Chief Stevenson recommended that she come in to discuss options with Dala Johnson, who can do a crime assessment to better secure her home. He agreed that the Neighborhood Watch is a very valuable tool.

PUBLIC HEARING(S)

1) Annexation and Zone Change Request – Weyerhaeuser (File No. 13-05-16)

City Attorney Kennedy announced that the City Council quasi-judicial hearing procedures are posted on the wall in two places. They ensure that everyone has a fair opportunity to present their case and that the Council follows Oregon law. He described the public hearing process and pointed out that all testimony, arguments and evidence brought before Council must be directed toward the criteria staff has indicated or other criteria in the Comprehensive Plan or Land Use Regulations document that the witness believes is relevant to the decision being made. Failure to raise an issue, including Constitutional issues or other issues related to the proposed conditions of approval, if any, accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond precludes appeal to the Land Use Board of Appeals.

Mayor Aziz declared the Public Hearing open at 6:46 p.m. He asked for ex parte contact or conflicts of interest disclosures.

Councilor Rieskamp stated that, as a retired employee of Weyerhaeuser, he has some knowledge of the property. Responding to Mayor Aziz's question, he stated that he would not benefit or gain from this annexation. Kennedy stated that by announcing that he has knowledge of the property through his employer, he has ex parte contact. There were no other disclosures.

Community Development Manager Wendolowski presented the staff report and findings. He reported that the Planning Commission unanimously recommends that the City Council approve annexation of the property and

establishing the Mixed Use (Z-MU) zone on the newly annexed property.

Councilor Scott commented that he is favor of the annexation and asked whether there are development plans. Wendolowski indicated that the Development Code does not require a development plan at this time. If and when this occurs, there will be at least one hearing before the Planning Commission.

Councilor Rieskamp felt that this is a wise move by Weyerhaeuser. It will enhance potential development of the acreage and add a lot of positive things to the City, so he supports this request.

Councilor Grizzle stated that she was glad to see that the Comprehensive Plan calls for this as being the ideal zone to be able to develop that property in a way that would best enhance the City. Wendolowski credited the Council and Planning Commission for this forward-looking action. He added that another site under consideration is the industrial land next to Cheadle Lake.

Mayor Aziz asked the applicant's representative to come forward.

Peter Strelinger, 98 Samish Place, La Conner, Washington, the applicant's representative, explained that Tim Shear, Weyerhaeuser Real Estate Development Company Operations Manager, apologizes for not being able to attend. He stated that the Mixed Use zone is flexible enough to offer some very unique opportunities with this property.

Hearing no comments in favor of or in opposition to the application, Mayor Aziz closed the Hearing at 6:48 p.m.

Kennedy read the title of ORDINANCE BILL NO. 2013-3, ORDINANCE NO. 2844.

Councilor Grizzle moved, Councilor Scott seconded, to APPROVE ORDINANCE BILL NO. 2013-3, ORDINANCE NO. 2844 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 13-05-16; AND AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP; WEYERHAEUSER REAL ESTATE DEVELOPMENT COMPANY. The motion passed unanimously.

REGULAR SESSION

2) Approval to Award 5th Street Waterline

Engineering Services Manager Whitlatch briefly described the project and requested that Council award the 5th Street Waterline and Replacement Project contract to Pacific Excavation, Inc.

In response to Mayor Aziz's question, Whitlatch stated that the City has worked with this company many times. They are also the contractor on the Westside Interceptor Project.

Councilor Elliott moved, Councilor Rieskamp seconded, to AWARD THE 5TH STREET WATERLINE PROJECT CONTRACT TO PACIFIC EXCAVATION, INC. FOR \$767,597.00. The motion passed unanimously.

3) W. Grant Street Parking Restriction

Whitlatch presented a proposed resolution to restrict parking on a portion of W. Grant between 2nd and Main Streets. The stalls in front of 60 W. Grant Street are currently posted as three-hour parking. Due to the high turnover of customers, CenturyLink is requesting that the parking stall west of the alley be reduced to a thirty-minute time limit.

Houston Jost Funeral Home responded to the notice sent, indicating that the parking change could impact their business. Whitlatch, the Funeral Home Director, and a CenturyLink representative discussed the issue and agreed that one 30-minute parking stall in front of the CenturyLink building would be acceptable.

Staff thinks this is a good idea, based on customer turnover. This is also something that Council may want to consider as a bigger part of the Main Street parking issue.

Kennedy read the title of RESOLUTION NO. 2013-30.

Councilor Fisher moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2013-30 A RESOLUTION RESTRICTING STREET PARKING ON A PORTION OF W. GRANT STREET WITHIN THE CITY OF LEBANON. The motion passed unanimously.

4) Lebanon Community Foundation – Grant Request Consideration

Finance Manager Baugh reviewed that the Council voted to not release any funds to Lebanon Community Foundation until staff could report back on the PERS savings. The City received notification on June 14, 2013 of a 4.40% reduction in the PERS rate, which will result in a General Fund savings of approximately \$132,000, but there was a suit filed by some union members to have it overturned. Staff recommends that Council authorize the release of the \$25,000 in funding to LCF.

Councilor Elliott asked whether or not it will come out of the contingency fund. Baugh explained that it will come out of contingency, but staff will bring a budget amendment to Council to adjust funding based on the PERS savings.

Councilor Scott moved, Councilor Bolen seconded, to RELEASE THE \$25,000 FUNDING TO LEBANON COMMUNITY FOUNDATION. The motion passed unanimously.

5) Amending Resolution No. 2013-21, Levying Taxes for FY 2013/14 to Include Delinquent Sewer & Storm Drain Assessments

Baugh presented a resolution to amend Resolution No. 2013-21 to reflect the delinquent sewer and storm drain assessments.

Councilor Rieskamp asked whether the majority is from residential, commercial or industrial. Baugh stated that the majority is sewer-only customers. Nelson noted out that these are predominantly residential customers.

Kennedy read the title of RESOLUTION NO. 2013-31.

Councilor Grizzle moved, Councilor Bolen seconded to APPROVE RESOLUTION NO. 2013-31 A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 21 (2013 – Levying Taxes FY 2013-14) TO INCLUDE DELINQUENT SEWER AND STORM DRAIN ASSESSMENTS. The motion passed unanimously.

6) City's Contingency Fund

Baugh explained that the City currently does not have a formal contingency policy adopted by the Council. This topic was discussed by Council over four years ago. The information passed on, to the current Finance Manger by the previous City Manager, was that Council had set an unofficial target goal of a 10% General Fund contingency.

Councilor Grizzle asked for this Council's understanding of the purpose of the contingency fund and the reasoning behind the target goal percentage. She had expressed concern at the budget meetings because, to her, a contingency fund is only for major emergencies.

Councilor Scott stated that there are two ways to look at contingency funds – an operational contingency fund for the more routine things, so we have some flexibility in budgeting, since not all budget circumstances are completely foreseeable; and 2) a true emergency fund, which ought to be cash funded every year, but 10% may be a little high.

Nelson reported that cities typically have a fund balance and a contingency. With a fund balance of a sufficient size, the organization does not have to borrow money for the General Fund before the tax turnover to meet their obligations, primarily payroll. On top of that, the contingency amount of a substantially smaller amount than the entire fund balance is eligible for those emergencies.

Lebanon has historically called the whole fund balance as contingency. It is healthy, compared to many other communities, in terms of a fund balance that cannot be touched under any circumstances, and then an emergency contingency for those items that do come up during the year.

He suggests that the issue is bigger and part of a general discussion when the new City Manager is onboard. Financial policies for the entire organization – utilities, as well as General Fund – should be considered at one time, rather than piecemeal, so the public can be engaged and participate at one time. Mayor Aziz and Baugh agreed.

There was Council consensus to discuss this with the new city manager and look at more vast policies in several of the different financial areas.

7) Proposed Disorderly House Ordinance

Kennedy presented proposed amendments to Lebanon's Disorderly House Ordinance, at the request of the Lebanon Police Department and the City Prosecutor's office.

The current ordinance requires that, to be declared a disorderly house, a residence must get "more than two complaints requiring a police response." This has led to frustration with Lebanon police officers who have to wait for a third complaint before issuing a citation. This amendment would allow police officers to issue a citation on the second complaint. The amendments also define "loud noise" for purposes of the ordinance. It provides the police department with the ability to cite violators for noise "that is plainly audible at a distance of 50 feet."

Stevenson stated that this ordinance would allow officers to take enforcement action quicker and more efficiently.

Councilor Grizzle commented that this ordinance is a good blend and will help resolve problems that a citizen in her ward had trying to get action on a home.

Responding to Mayor Aziz's question, Stevenson stated that these incidents are few and far between.

Kennedy read the title of ORDINANCE BILL NO. 2013-4, ORDINANCE NO. 2845.

Councilor Fisher moved, Councilor Grizzle seconded, to APPROVE ORDINANCE BILL NO. 2013-4, ORDINANCE NO. 2845 A BILL FOR AN ORDINANCE AMENDING CHAPTER 9.04.010 OF THE LEBANON MUNICIPAL CODE DEFINING "DISORDERLY HOUSE" AND DEFINING "LOUD NOISE." The motion passed unanimously.

8) City Manager's Report

Nelson referred to the June 2013 City Manager's Report and noted that Administrative Assistant Bilyeu had a good idea to include a community calendar to the report. He briefly went over some organizational highlights:

City Manager Interviews – City Clerk Kaser and Bilyeu have been working hard on the city manager candidate

interviews, which will take place tomorrow and Friday. Staff feels that the Council will have some really good candidates to interview and choose from.

Moody's Investors Service – Baugh reports a good Moody's rating conference call. There will be a \$12 million bond issue going out at the end of July with funds available the first part of August. This will allow us to pay our obligation to Lowe's.

City of Albany Agreement – Nelson commended Whitlatch for meeting with the Albany Public Works Director to discuss canal maintenance, treatment plant design, and Build Lebanon Trails issues. Staff hopes to have a good revised agreement between the two communities for Council consideration late this fall. This can set the basis for an even better relationship between Albany and Lebanon in the future.

Mayor Aziz asked for more information on the new employee evaluation notice system. Nelson stated that this ensures that a centralized notification process for annual performance reviews goes out from HR. Departments will be held accountable to ensure that the reviews occur.

Councilor Elliott commented that he loves the department reporting and hopes it continues. Mayor Aziz stated that he believes it will be a direction from Council to make sure this continues. There was a brief discussion noting that the report is also available on the City website so that citizens know what is going on. Nelson added that it is also being sent to employees, at Councilor Grizzle's suggestion.

ITEMS FROM COUNCIL

Councilor Fisher requested another chair since he is unable to sit properly in his.

Mayor Aziz asked staff to put some kind of film on the door because it gets hot in that area during the summer.

Mayor Aziz read an email from Alan Trowbridge commending the staff person for his dedication and efficiency at clearing the brush from the park behind Mayfly Street. He publicly thanked the employee and asked Whitlatch to forward the appreciation.

PUBLIC COMMENTS

Malcolm Campbell, 176 Jadon Drive, Lebanon, reported that lawns in his neighborhood are brown because nobody can afford to pay for water. He feels that potential developers looking at Lebanon will wonder what is going on. He also expressed concern that water and sewer funds are being used for things not related, such as the police chief recruitment or paying hotel bills. He added that, listening to tonight's discussion, he has not heard one thing about how to cut spending.

Mr. Campbell announced that the police are doing a good job patrolling the streets for him, but many young people are being lost to drugs. He would like to see the Council give the police and jail more tools to keep kids from dealing in drugs.

Regarding saving money, Mayor Aziz explained that the City went through a full budget process where the Council, Budget Committee, and citizens provided input. He invited Mr. Campbell to participate in the Budget Committee meetings at some point.

Mr. Campbell remarked that Councilor Bolen and Mayor Aziz have been very helpful answering his questions.

Bill Sullivan, 435 Carolina Street, Lebanon, stated that there are no consequences for the younger generation. He understands things have changed. The police's hands are tied, but we need to make a believer out of the drug outfit instead of just slapping their hands.

Mayor Aziz temporarily adjourned the regular order of business at 7:22 p.m., took a five-minute recess, and convened into Executive Session.

EXECUTIVE SESSION(S) – *Executive Sessions are closed to the public due to the highly confidential nature of the subject.*

Per ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of the public body with regard to litigation or litigation likely to be filed.

Mayor Aziz reconvened the regular order of business at 8:01 p.m.

ADJOURNMENT

Mayor Aziz adjourned the meeting at 8:01 p.m.

[Minutes prepared by Jamie Bilyeu & Donna Trippett]

Minutes Approved by the Lebanon City Council on this 14th day of August, 2013.

Paul R. Aziz, Mayor	<input type="checkbox"/>
Bob Elliott, Council President	<input type="checkbox"/>

ATTESTED:

Linda Kaser, City Clerk

LEBANON CITY COUNCIL
MINUTES
July 17, 2013

Council Present: Mayor Paul Aziz and Councilors Bob Elliott, Floyd Fisher, Wayne Rieskamp and Barry Scott.

Staff Present: Interim City Manager Jon Nelson, City Attorney Tré Kennedy, and Administrative Assistant Jamie Bilyeu.

CALL TO ORDER

Mayor Aziz called the Special Session of the Lebanon City Council to order at 12:01 p.m. in the Santiam Travel Station Board Room.

ROLL CALL

Roll call was taken with Councilors Bolen and Grizzle absent.

CONSENT CALENDAR

AGENDA: City of Lebanon Council Agenda – July 17, 2013

There was consensus among the Council to remove the Executive Session from the Agenda.

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

PUBLIC COMMENTS – *There were no public comments*

REGULAR SESSION

1) City Manager Employment

Council reviewed the draft City Manager Agreement to hire candidate Dana Hlavac. Mayor Aziz said that Hlavac has tentatively agreed to sign the Agreement however Aziz wanted to point out a couple of changes. One is increasing the relocations expense from \$10,000 to \$11,600 to include \$1,600 to cover COBRA insurance expenses for him and his wife before the City's insurance benefit becomes effective. The other change is regarding his performance appraisal from a three month review to a six month review.

Councilor Scott had a concern regarding 2(h), the definition of "for cause." To Scott it seems that the employee could violate anything in the employee handbook and receive severance compensation, unless the act was criminal. He believes the employee shouldn't receive severance, if there is a really good reason for asking the employee to leave.

Nelson said this is standard in City Manager contracts and is based upon adjudicated causes. If Council does want to spend time expanding the language, then Hlavac should also be engaged in the discussion. If Council is inclined to approve the contract, then maybe the parties could discuss an amendment at a later time, or look at this again during a contract renewal time.

Council agreed to considering adding "malfeasance or gross violation of company policy" to a renewed contract but at this time did not feel it is an issue.

Mr. Hlavac's start date will be Monday, August 26. Prior to that time, Scott would like Council to figure out the process and criteria for Hlavac's performance review.

Councilor Scott moved, Councilor Elliott seconded, to APPROVE THE CITY MANAGER EMPLOYMENT CONTRACT AGREEMENT WITH DANA HLAVAC. The motion passed unanimously.

ITEMS FROM COUNCIL

Aziz thanked staff for their work on the City Manager Candidate *Community Meet & Greet* held the previous Thursday, and the *Candidate Interviews* with the three panels on Friday. Council also appreciated the public's input, saying that it appeared to be pretty unanimous that Dana is going to be a great fit for our community.

PUBLIC COMMENTS

Alex Paul, Democrat Herald reporter, asked the Council "Why was Dana selected?"

Aziz responded that Dana knew this town before he got here. He had done extensive research. He had a vision for Lebanon and commented that he was interested in going through a community visioning process with the Council – "where do we want to be in 20 years". Dana wanted to be more than just a city operating on a day-to-day basis. He is also a great public speaker. While he had no city experience, his county-level experience will directly apply to this position. He had impeccable references. Those he worked for, and with, spoke very highly of him.

In response to Paul's questions why Hlavac parted ways from the previous county he worked for, Nelson replied that there was a new County Commission elected and the newcomers wanted to go in a different direction than Hlavac, as explained to him by Greg Prothman (the city's recruiting firm).

Scott responded that at least three and probably all four of the candidates who were interviewed were highly qualified and could likely do a great job. However, Scott felt that Hlavac appeared to have a little bit of "fire in the belly." He had a passion that seemed to say that not only did he want to do this for himself, but he wanted to do something for Lebanon. Hlavac demonstrated that he is not a "rubber stamp" kind of guy and wouldn't just say what people want to hear.

In response to Paul's inquiry about the difference in weather from Arizona to Oregon, Aziz said that "They [*Hlavac and his wife*] are looking forward to the rain."

Elliott stated that Hlavac appears to be a take-charge kind of guy and won't back away from problems, but will instead meet them head-on.

Rieskamp, who was not able to attend the interviews, said that after talking with citizens who attended the *Meet & Greet*, along with his review of Hlavac application materials, it appeared to him that Hlavac had a passion about Lebanon. We have a great candidate who is going to come in with a lot of energy.

Fisher felt Hlavac presented a complete package. He gave good answers that were not "canned", but well-thought out. He scored high in all of the levels of the interview process, including the *Community Meet & Greet*. If someone can be that consistent across the board, he would do this in the job.

Aziz said that citizen comments from the *Meet & Greet* were very good. Hlavac and his wife arrived a day early and drove around the community and attended the Council meeting on Wednesday night. His law and justice backgrounds are rare and will be a great benefit for the community.

Elliott said that during the community tour, Dana asked more questions and had more concerns than any other candidate. He had concerns but he saw the good spots too.

Audrey Gomez, Lebanon Express reporter, thanked Council for letting her be a part of the process.

ADJOURNMENT

Mayor Aziz adjourned the meeting at 12.26 p.m.

[Minutes prepared by Jamie Bilyeu]

Minutes Approved by the Lebanon City Council on this 14th day of August, 2013.

DRAFT

Paul R. Aziz, Mayor
Bob Elliott, Council President

ATTESTED:

Linda Kaser, City Clerk

Consent Calendar

Board & Committee
Meeting Minutes



City of Lebanon
Planning Commission
Meeting Minutes
June 19, 2013

Members Present: Commission Chair Robertson, Commissioners John Brown, Jared Cornell, Walt Rebmann, Mike Reineccius, and Alternate Commissioner Brenda Hall.

Staff Present: Community Development Manager Walt Wendolowski, City Attorney John Tré Kennedy, Office Assistant Tammy Dickey

1. FLAG SALUTE / CALL TO ORDER

Chairman Robertson called the meeting of the Lebanon Planning Commission to order at 6:00 pm in the Santiam Travel Station Board Room at 750 3rd Street.

2. ROLL CALL

Roll call was taken; Commissioners Daniels and Salvage were excused; a quorum was declared.

3. APPROVAL OF MEETING MINUTES

The May 15, 2013 Meeting minutes were approved as presented.

4. CITIZEN COMMENTS – *There were none.*

5. PUBLIC HEARINGS

City Attorney Kennedy announced that the quasi-judicial hearing procedures are posted on the wall. They are followed to ensure that everyone has a fair opportunity to present their case and that the Commission abides by Oregon law. He reviewed the process and pointed out that all testimony or evidence must be directed toward the criteria described in the staff report or other criteria in the Comprehensive Plan or Land Use Regulation. Failure to raise an issue, including Constitutional or other issues related to the proposed conditions of approval, if any, accompanied by statements or evidence sufficient to afford the Commission and the parties an opportunity to respond to the issues, precludes an appeal to the Land Use Board of Appeals. There were no questions.

Planning File 13-05-16 – Weyerhaeuser Real Estate Development Company

Chairman Robertson opened the Public Hearing and asked for any ex parte contacts, conflicts of interest or bias. Commissioner Cornell noted he was part of discussions regarding property access from Grant Street; however, the communication did not discuss the current application. Commission Chair Robertson noted he represented the property at one time but has no current interest in the site's development. Otherwise, none were declared.

Community Development Manager Wendolowski presented the staff report for the Weyerhaeuser Real Estate Development Company request to annex property and amend the Comprehensive Plan and Zone Maps to establish the Mixed Use (Z-MU) zone on the newly annexed property. The subject area involves a single parcel of land located at the east end of Milton Street. The 150.55 acre property housed the former Willamette Industries mill site. The property is located within the City's Urban Growth Boundary, designated Industrial (C-IND) in the Lebanon Comprehensive Plan.

This application is in two parts. First, the applicant wishes to annex the subject area into the City limits. Second, the applicant is requesting a change in the Comprehensive Plan Map designation from Industrial to Mixed Use with a corresponding establishment of the Mixed Use zone. There is no corresponding development proposal at this time. The Department mailed notice of the application to affected agencies, area property owners and the DLCD. City Engineering Services provided information concerning the availability of public services. The DLCD did not oppose the request and commented on the logic of the proposal. ODOT requested findings be made to address the State TPR.

The Annexation and Map amendments are quasi-judicial decisions, subject to a recommendation by the Commission and a final Council decision.

The decision criteria for an annexation are found in the Lebanon Development Code: Chapter 16.26. Regarding findings, Wendolowski noted specific criteria were contained in the staff report and provided the following brief summary:

1. Property lies within UGB
2. The City limits effectively surround the property.
3. Being within the UGB the Plan recognizes this property as necessary to accommodate urban growth.
4. Services can be extended to support development.

Chapter 16.27 contains requirements for map amendments, including both the Comprehensive Plan map and Zoning map. Wendolowski noted the staff report addresses both requests in detail and briefly summarized the key points:

1. Findings indicate the City retains a significant surplus of Industrial zoned land and Mixed Use zoned land so that the change will not have a significant impact to either zone.
2. The site can be serviced with facilities currently located primarily to the west. It does not appear the map change adversely impacts the ability of the City to extend or provide services.
3. Policies in Chapters 2 and 4 of the Comprehensive Plan specifically identify this property as being suitable for a change to the Mixed Use zone. This is in recognition of the adjacent development but also the unique features of the property. These features are more likely to be preserved – and enjoyed – through the MU zoning. The MU zone allows residential and commercial uses that are more likely to be compatible with adjacent residential development.
4. The adopted TSP also identifies this area for mixed residential and commercial development, organizing the street system accordingly. The submitted findings effectively address ODOT's concerns regarding the TPR. Finally, staff's analysis indicates the proposal complies with the applicable Statewide Planning Goals.

In summary, Wendolowski noted the loss of 150-acres of potential industrial land is certainly not insignificant. However, the Commission must consider three items. First, the actual usable acreage is approximately one-half the total, thereby reducing the anticipated loss. This is further minimized by the current sizable surplus of industrial lands currently in the UGB. Second, the adjacent property is predominantly residential in nature; recreation of industrial activities with associated truck traffic would not be compatible with the neighborhood. The City has, and will continue, to encourage industrial development on the west side of Lebanon where appropriate transportation and public facilities are already in place. And third, Chapters 2 and 4 of the Comprehensive Plan specifically recognize the unique nature of this site and therefore encourage establishment of the Mixed Use zone on this property.

Staff recommended the Commission recommend City Council approval of the Annexation, and, Comprehensive Plan Map Amendment, and, Zone Map Amendment establishing the Mixed Use zone. Wendolowski again noted the application is limited to the annexation and map amendments. Development of the property will require additional public hearings of which the City will provide notice.

There were no questions for staff.

Representing the applicant were Tim Scherer of Weyerhaeuser Real Estate, Don Hansen of OTAK and Peter Strelinger of BristolINW. Tim Scherer outlined the real estate ownership chain and briefly discussed the purpose of the application noting the annexation request is the first step in a chain of events that will eventually lead to a development application. Mr. Scherer supported the staff report.

Peter Strelinger spoke as their consulting developer and agreed with the staff report.

Don Hansen spoke as the consulting planner and also supported the staff report and recommendations, requesting the Planning Commission approve the application. Mr. Hansen stated the "step-by-step" approach is appropriate for the site and Weyerhaeuser recognizes this is an important project for the city as well as area residents. Mr. Hansen then stated the group is available for any questions.

Chairman Robertson asked about environmental issues. Mr. Scherer noted the site was decommissioned and all utilities disconnected. WREDCo has a copy of the report and there are no outstanding issues.

Robertson was concerned about environmental impacts as an old mill site. Scherer responded that the report identified no environmental issues and the report will be part of the development application. Hanson noted there was a log pond on the west side of the site originally served by rail. Trucks eventually provided logs, using access from Milton Street. There was also a channel connecting to the river that provided water. This was eventually closed and filled.

Commissioner Cornell asked whether the loss was 75 acres or 150 acres. Wendolowski noted that the site's unique features encourage the Mixed Use zoning. An industrial use would only be able to use about half the site; as Mixed Use the entire site is open to development by providing amenities and river access. Mr. Hansen noted additional evaluation would be needed to determine how much of the area is actually developable.

Chairman Robertson asked the Commission if there were any further questions of the applicants. Hearing none, he asked for additional testimony in support of the application. Seeing none, he asked for testimony in opposition to the application. Seeing none, he closed the public testimony of the hearing. Wendolowski noted Build Lebanon Trails submitted a letter as part of the record.

Robertson noted all further discussion would be between the Commission and staff. Commissioner Hall asked whether there would be residential development. Wendolowski noted the Mixed Use zone allows residential uses as well as commercial, public and some limited industrial activities. Given the parcel size a planned development is required and this will required at least one public hearing.

Robertson asked whether the Commission found the criteria for the annexation was met; Commissioners agreed. He then asked whether the application met the criteria for the Plan and zone map amendments. The Commission again agreed. Robertson then asked for a motion.

Commissioner Reineccius moved, Commissioner Brown seconded, that the Planning Commission adopt the Proposed Findings and Conditions contained in the Staff Report and approve the applicant's request in Planning Case 13-05-16, as submitted.

The motion passed unanimously.

6. OTHER BUSINESS:

Wendolowski noted there will be a Commission meeting July to consider two Development Code amendments. In addition there may be a preliminary report on possible amendments to the Transportation System Plan.

7. COMMISSIONER COMMENTS:

Commissioner Reineccius asked what was being built at the campus. Wendolowski noted it was the new event center and is anticipated to be open by October. Reineccius asked if there would be conference rooms; Wendolowski responded that there will be rooms, a commercial kitchen and a 400-seat auditorium.

8. ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:25 pm.

[Meeting recorded by Tammy Dickey and transcribed by Walt Wendolowski, AICP]



Administration

City Clerk/Recorder

To: Mayor Aziz and City Council

Date: August 6, 2013

From: Linda Kaser, City Clerk

Subject: Liquor License Application Request

La Estrellita Market, located at 1220 S. Main Street in Lebanon, has applied for a New Outlet, Off-Premises Sales, liquor license. The OLCC Application is attached for Council's review and consideration.

The appropriate departments have reviewed the application and found no evidence to support a denial of this liquor license application, as indicated on the comment form.

Therefore, staff recommends that Council approve the application under the City Council Consent Calendar.

LGK/jb

DATE SENT FOR STAFF RECOMMENDATION: July 15, 2013

New Outlet: Renewal:

LIQUOR LICENSE APPLICATION FOR: La Estrellita Market

Business Address: 1220 S. Main Street

Applicant: Elisa Galeno

New Owner of Existing Business: Previous Owner (If applicable)

Type of License(s):

Full On-Premises Sales	<input type="checkbox"/>	Lmtd. On-Premises Sales	<input type="checkbox"/>	Off-Premises Sales	<input checked="" type="checkbox"/>
Brewery-Public House	<input type="checkbox"/>	Winery	<input type="checkbox"/>	Brewery	<input type="checkbox"/>
Certificate of Approval	<input type="checkbox"/>	Distillery	<input type="checkbox"/>	Growers Sales Privilege	<input type="checkbox"/>

Department	Official	Approval	*Denial	Date	Additional Comments or Conditions of Approval
Building	Shawn Eaton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7/16/13	<i>Not applicable.</i>
Fire	Mark Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7/16/13	<i>Lebanon Fire has no outstanding issues at this time.</i>
Planning	Walt Wendolowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7/16/13	<i>No issue with application.</i>
Police	Frank Stevenson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7/12/13	<i>Local.CCH.ODL 7/12/13 A. Elder</i>

*** All recommendations for denial must be accompanied by supporting documentation. Upon completion of investigation, return this form and any supporting documentation to the City Clerk's Office.**

CITY COUNCIL RECOMMENDATION DATE: 08/14/13

LIQUOR LICENSE RECOMMENDATION TO OLCC					
Department	Official	Approval	Denial	Additional Comments or Conditions of Approval	
City Clerk	Linda Kaser	<input type="checkbox"/>	<input type="checkbox"/>		

Proclamation(s)



Proclamation in Recognition of September 2013 as Senior Center Month

WHEREAS, older Americans are significant members of our society, investing their wisdom and experience to help enrich and better the lives of younger generations; and

WHEREAS, the Lebanon Senior Center has acted as a catalyst for mobilizing the creativity, energy, vitality, and commitment of the older residents of the City of Lebanon; and

WHEREAS, through the wide array of services, programs, and activities, senior centers empower older citizens of the City of Lebanon to contribute to their own health and well-being and the health and well-being of their fellow citizens of all ages; and

WHEREAS, the Lebanon Senior Center affirms the dignity, self-worth, and independence of older persons by facilitating their decisions and actions; tapping their experiences, skills, and knowledge; and enabling their continued contributions to the community;

NOW, THEREFORE, I, Mayor Aziz, do hereby proclaim September 2013 National Senior Center Month, and call upon all citizens to recognize the special contributions of the Senior Center participants and the special efforts of the staff and volunteers who work every day to enhance the well-being of the older citizens of our community.

DATED this 14th day of August, 2013

Paul R. Aziz
Mayor of Lebanon, Oregon

Agenda Item 1



MEMORANDUM

Community Development Department

To: Mayor Aziz and City Council

Date: August 7, 2013

From: Walt Wendolowski, AICP; Community Development Manager

Subject: Development Code Amendments – Wind Energy Systems
Planning File 13-06-24

Through a series of workshops, the Planning Commission considered the need for wind energy system (WES) regulations. Allowing systems to be located within residential or commercial areas was rejected due to the potential for significant negative impacts. For this reason, the proposed regulations were limited to the Industrial zone.

Exhibits “A” and “B” in the attached Ordinance contain the specific language and findings, respectively. The following *briefly* summarizes the proposed material.

1. *Introduction* – The introductory provisions note a wind energy system is allowed as an accessory use in the Industrial zone, only. As an accessory use, there must be an existing use on the site.
2. *Parcel Size* - The minimum parcel size is one acre, which allows some minimal separation between systems.
3. *Number* – Only one system per parcel is allowed. *Note: an owner cannot divide a parcel into one-acre lots to allow more wind systems, as each system must be associated with an existing industrial use.*
4. *Location* – The system may be located anywhere on a property, including an existing building, subject to meeting setbacks.
5. *Capacity* - The maximum design capacity is 100kW; systems greater than 100kW are intended for commercial power generation and are subject to a separate set of regulations.
6. *Separation* – For reasons of safety, the minimum distance between the ground or structure and any part of the rotor blade is 20-feet.
7. *Design* – Automatic braking to prevent uncontrolled rotation is required. This is especially important during power outages when spinning turbines may be transmitting power through the grid.
8. *Noise* - The system must comply with the City’s noise regulations.

9. *Setback* – In some cases, setbacks increase relative to the height of a structure. A wind energy system must still comply with those setbacks; this Section simply includes a specific method to measure height - in this case - to the tip of a rotor at its highest point.
10. *Security* – As another safety measure, there must be a minimum 12-foot separation between the ground and any access ladder.
11. *Engineering Report* – Evidence must be submitted the structure can safely support a wind energy system and meet anticipated loads.

At their July 17 meeting the Planning Commission unanimously voted to recommend Council adoption of the proposed Code amendments. In addition, the Department of Land Conservation and Development did not comment on, or oppose, the amendments.

Based on the findings contained in the attached adoption Ordinance, it is the Planning Commission's recommendation that the City Council approve the proposed amendments to the Lebanon Development Code.

**A BILL FOR AN ORDINANCE AMENDING
THE CITY OF LEBANON DEVELOPMENT
CODE; WIND ENERGY SYSTEMS**

) **ORDINANCE BILL NO. 2013-5**
)
) **ORDINANCE NO. 2846**

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 13-06-24 and made findings recommending certain amendments to the Development Code of the City of Lebanon on July 17, 2013; and

WHEREAS, the City Council, pursuant to the provisions of the Lebanon Development Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed Development Code amendments, such hearing being conducted on August 14, 2013; and

WHEREAS, the City Council has considered all relevant evidence and deliberated.

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

Section 1. In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Based upon the findings adopted herein, the Lebanon Development Code is hereby amended by the inclusion of new language as specified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

Section 3. Said Exhibit "A" shall be attached to, and become a part of, the Lebanon Development Code upon entry of this order.

Passed by the Lebanon City Council by a vote of _____ for and _____ against and executed by the Mayor this 14th day of August, 2013.

Paul R. Aziz, Mayor
Bob Elliott, Council President

Attested:

Linda Kaser, City Clerk

EXHIBIT A
AMENDMENTS TO THE LEBANON DEVELOPMENT CODE

16.09.120 WIND ENERGY SYSTEMS (WES)

A wind energy system (WES) shall be allowed as an accessory use for an existing or proposed activity within the Industrial Zone, subject to the following standards:

- A. Parcel Size – No wind energy system shall be located on a parcel containing less than one-acre in area.
- B. Number. Only one wind energy system shall be allowed per parcel.
- C. Location – Subject to the setback requirements noted in this Section, the WES make be located on an existing structure (e.g., building roof) or a separate, free-standing structure.
- D. Capacity – The maximum design capacity for a one wind energy system shall be 100 kilowatts (kW).
- E. Separation. The minimum distance between the ground or structure and any part of a rotor blade shall be at least 20 feet.
- F. Design Requirements. Wind energy systems shall have automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the support structure, rotor blades, and turbine components.
- G. Noise. Noise produced by small wind energy systems shall comply with applicable noise regulations in the Lebanon Municipal Code.
- H. Setback. The WES shall comply with setback provisions in Lebanon Development Code Section 16.09.110.4. For the purpose of this requirement, WES height shall be the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.
- I. Security. Support structures for freestanding systems shall not have a ladder rung (or peg) within 12-feet of the adjacent grade.
- J. Engineering Report. The property owner shall submit a report prepared by an Oregon licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the Building Official prior to the mounting of the system.

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS
Planning File No. 13-06-24

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council to amend the Lebanon Development Code.

II. BACKGROUND INFORMATION

The City wishes to amend Lebanon Development Code by establishing regulations regarding the establishment of wind energy systems (WES) in the Industrial (Z-IND) zone. Specific amending language is contained in City Council Ordinance Exhibit "A."

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was held on this application before the Lebanon Planning Commission on July 17, 2013. At that hearing, City Planning File 13-06-24 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council adopt the proposed amendments to the Lebanon Development Code. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

A public hearing was held on this application before the Lebanon City Council on August 14, 2013. At that hearing, City Planning File 13-06-24 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council deliberated on the issue and voted to adopt the proposed amendments to the Lebanon Development Code. The Council found the proposed changes 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 the City of Lebanon.
- B. The City wishes to amend Lebanon Development Code by establishing regulations regarding the establishment of wind energy systems (WES) in the Industrial (Z-IND) zone. Specific amending language is contained in City Council Ordinance Exhibit "A".

- C. The proposal affects all property zoned Industrial (Z-IND).
- D. The decision to approve or deny shall be based on the criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

V. APPLICATION SUMMARY

- A. Through a series of workshops, the City Planning Commission considered the need regulations governing wind energy systems. Allowing systems to be located within residential or commercial areas was rejected as creating significant potential impacts. For this reason, the proposed regulations were limited to the Industrial zone.
- B. The proposed language in Attachment “A” would be added to Development Code Chapter 16.09. The material is summarized below (language in *italics*):

16.09.120 WIND ENERGY SYSTEMS (WES)

A wind energy system (WES) shall be allowed as an accessory use for an existing or proposed activity within the Industrial zone, subject to the following standards:

Comments: Since the standards are limited to the Industrial zone, the standards were placed in Chapter 16.09: Industrial Land Use Zone.

- A. *Parcel Size – No wind energy system shall be located on a parcel containing less than one-acre in area.*

Comments: When examining other codes, this appears the minimum allowable area to ensure some separation between individual wind energy systems located within industrial areas.

- B. *Number. Only one wind energy system shall be allowed per parcel.*

Comments: To avoid creating a “wind” farm, only a single facility is allowed. Further, the system is an accessory structure (or use) and therefore requires a primary structure (or use) to be located on the property.

- C. *Location – Subject to the setback requirements noted in this Section, the WES make be located on an existing structure (e.g., building roof) or a separate, free-standing structure.*

Comments: This allows both building-mounted and free-standing locations and clarifies all WES standards apply regardless of the location.

- D. *Capacity – The maximum design capacity for a one wind energy system shall be 100 kilowatts (kW).*

Comments: Based on information from the National Renewable Energy Laboratory, this power level appears to be the upper-limit for individual systems. Systems greater than 100kW are intended for commercial power generation.

- E. *Separation. The minimum distance between the ground or structure and any part of a rotor blade shall be at least 20 feet.*

Comments: This was included as a safety measure.

- F. Design Requirements. *Wind energy systems shall have automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the support structure, rotor blades, and turbine components.*

Comments: This is especially important during power outages when spinning turbines may be transmitting power through the grid. Evidence of compliance must be submitted when installation permits are submitted.

- G. Noise. *Noise produced by small wind energy systems shall comply with applicable noise regulations in the Lebanon Municipal Code.*

Comments: As with all industrial activities, the use must comply with noise regulations.

- H. Setback. *The WES shall comply with setback provisions in Lebanon Development Code Section 16.09.110.4. For the purpose of this requirement, WES height shall be the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.*

Comments: As the Industrial zone does not have any height restrictions, setbacks from adjacent residential property are increased as a function of building height. The WES must still comply with those setbacks; this Section contains a specific method to measure height.

- I. Security. *Support structures for freestanding systems shall not have a ladder rung (or peg) within 12-feet of the adjacent grade.*

Comments: A safety measure to limit unauthorized access.

- J. Engineering Report. *The property owner shall submit a report prepared by an Oregon licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the Building Official prior to the mounting of the system.*

Comments: This reinforces the need to ensure the system can withstand anticipated loads.

- C. The Department sent out notice of the Code amendments to affected agencies and the Department of Land Conservation (DLCDC). None were received by the date of the Council hearing.

VI. CRITERIA AND FINDINGS

- A. Chapter 16.28 establishes the procedures and criteria for amending the text of both the Comprehensive Plan and the Development Code. Section 16.28.010 identifies the purpose of text amendments while Section 16.28.020 identifies the various types of amendments. The proposed changes involve only the text of the Development Code; amendments to the Comprehensive Plan are not required.
- B. Section 16.28.030 identifies those agents authorized to initiate a text amendment. Conforming to provisions in this Section, City staff and the Planning Commission initiated this action.

- C. Section 16.28.040 requires the City Recorder to maintain records of all changes to the Development Code. This administrative process requires City compliance.
- D. Sections 16.28.050 and 16.28.060 require all proposed amendments to the Comprehensive Plan Text shall be consistent with Oregon's Statewide Planning Goals, and with all adopted facility plans, including the Transportation System Plan. These Sections do not apply, as the proposal does not amend the Plan.
- E. Section 16.28.070 requires Development Code amendments to be consistent with the City's Transportation System Plan.

FINDINGS: City staff has the authority to require applicants to conduct a Traffic Impact Study or Analysis for any new use (LDC Sections 16.12.010.B and 16.20.110). The Study or Analysis must indicate the proposed use complies with the adopted TSP or mitigation measures are available to ensure compliance. The amendments do not change these requirements. Further, the Code amendment does not change functional classifications or performance standards for City transportation routes.

- F. Section 16.28.080 outlines the process for text amendments. This is a legislative action pursuant to Chapter 16.20 and requires hearings before both the Planning Commission and City Council. The Commission reviews the request and makes recommendation to the Council. The final decision on this matter rests with the City Council. For the record, the Council hearing and process comply with the requirements for a legislative action.
- G. Specific decision criteria are contained in Section 16.28.090. The City may approve a Development Code Amendment application if it satisfies the relevant Decision Criteria: Oregon Department of Land Conservation and Development (DLCD) administrative rules, the applicable Statewide Planning Goals, the applicable provisions of the Lebanon Comprehensive Plan, and any other applicable and relevant facility or special area plans, specific projects or goals adopted by the City.

FINDINGS: Findings in response to the above noted criteria:

1. DLCD Administrative Rules – The Oregon Administrative Rules address a variety of issues including development on farmland, provisions for needed housing, requirements to expand an urban growth boundary, meeting natural resource planning requirements and similar issues. Based on the submitted staff review, and that the DLCD did not identify specific Administrative Rules for the City to consider, the Council concludes there are no Administrative Rules that specifically address the proposed Code amendment.
2. Statewide Planning Goals - Compliance with the Statewide Goals is noted as follows:
 - Goal 1, Citizen Involvement: The Commission and City Council will conduct public hearings on the request, consistent with City procedures and the intent of the Goal.
 - Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the locally adopted

Development Code requirements.

Goal 3, Agricultural Lands: The proposal does not involve or affect farmland. An exception to this goal is not required.

Goal 4, Forest Lands: The proposal does not involve or affect identified forestland. An exception to this goal is not required.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The proposed Code amendments do not alter existing regulations that affect identified historic, cultural, or natural resources within Lebanon.

Goal 6, Air, Water and Land Resource Quality: Nothing in this amendment establishes or promotes land uses that adversely affect air, water or resource quality issues.

Goal 7, Natural Hazards: The Code amendment does not alter development requirements for natural hazard areas; these remain in force.

Goal 8, Recreational Needs: The proposed changes do not create uses that adversely affect recreational opportunities or involve land identified for recreational purposes.

Goal 9, Economic Development: The City anticipates the Code amendment will benefit economic development by allowing an alternative energy source for industrial users.

Goal 10, Housing: All properties subject to the overlay zone are zoned, planned or developed for non-residential uses. Therefore, the proposed Code amendment does not affect housing supply or location, or, the City's ability to meet housing needs.

Goal 11, Public Facilities and Services: Any new use allowed by the amendments must still comply with existing public facility requirements. The amendment does not affect the City's ability to provide public services.

Goal 12, Transportation: As previously noted, the proposed Code revisions do not create uses or activities that significantly affect the City's transportation facilities.

Goal 13, Energy Conservation: The amendments provide alternative energy sources to support industrial development.

Goal 14, Urbanization: The proposed amendments address urban uses within an urban environment.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

In general, the proposed amendments are consistent with Goal provisions, or, the Goals do not directly apply to the amendments.

3. Lebanon Comprehensive Plan – The Comprehensive Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. Each Chapter is reviewed below:

- a. Chapter 1: Introduction - This introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. As introductory provisions, this Chapter does not directly apply to the proposed text amendments.
- b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City’s natural environment.
FINDINGS: This Chapter does not apply, as the Code amendment does not establish new regulations involving wetlands, wildlife habitat or other resources identified as requiring preservation or protection.
- c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City, including public facility provisions and annexations.
FINDINGS: This Chapter does not apply, as the proposed Code amendments do not affect, reduce or otherwise alter provisions for urban development within the community.
- d. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses.
FINDINGS: This Chapter does not apply as the proposal Code amendments do not modify or alter existing zoning, and thereby, the City’s ability to provide different types of land, of suitable size and quantity, to meet a variety of development needs.
- e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both.
FINDINGS: The amendments provide alternative energy sources for industrial users and are there expected to have some economic benefits.
- f. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing.
FINDINGS: The amendments do not directly apply, as they do not affect the City’s ability to meet the community’s housing needs.
- g. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the needs of a diverse population through a variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit.
FINDINGS: Policies in this Chapter focus on design elements to improve density and housing options while encouraging mixing or combining land uses (residential, commercial, industrial, public) to increase urban livability. Therefore, this Chapter does not directly apply to the request.
- h. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation

options for pedestrians, bicyclists, vehicles and mass transit.

FINDINGS: The amendments do not change functional classifications or performance standards for transportation routes.

- i. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve urban development.

FINDINGS: The amendments do not alter the City's ability to provide necessary public services.

- j. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map.

FINDINGS: This Chapter does not apply as the proposal amends only the Development Code text; there are no changes to the Comprehensive Plan or Zoning maps.

- 4. Other Facility Plans or Projects – The Council notes Department staff did not identify and plans or policies that apply to the proposed Code amendments.

VII. CONCLUSION

The City Council concludes the proposed amendments to the Development Code comply with the applicable decision criteria.



Notice of Public Hearing Lebanon City Council August 14, 2013

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon City Council on August 14 at 6:00 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.: 13-06-24

Applicant: City of Lebanon

Request: The City proposes to amend Lebanon Development Code by establishing regulations regarding the establishment of wind energy systems (WES) in the Industrial (Z-IND) zone.

Planning Case No.: 13-06-25

Applicant: City of Lebanon

Request: The City proposes to amend Lebanon Development Code by amending the regulations regarding the parking and storage of recreational vehicles (RV) in residential zones.

Decision Criteria: Lebanon Development Code: Chapter 16.20 – Review and Decision-Making Procedures and Chapter 16.28 – Comprehensive Plan and Development Code Amendments.

Planning Commission Recommendation: A public hearing was held before the Planning Commission on July 17, 2013. The Commission voted to recommend City Council approval of the amendments.

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, 925 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.

Citizen Services & Development Center

925 Main Street • Lebanon, Oregon 97355 • 541.258.4906 • 541.258.4955 Fax • www.ci.lebanon.or.us

Agenda Item 2



MEMORANDUM

Community Development Department

To: Mayor Aziz and City Council

Date: August 7, 2013

From: Walt Wendolowski, AICP; Community Development Manager

Subject: Development Code Amendments – Residential Parking
Planning File 13-06-25

Based on issues raised to address enforcement, practicality and language clarity, the Commission agreed to consider changes to residential parking regulations. Generally, the revisions are designed to reflect current practices and reduce enforcement issues.

The proposal amends two sections in Chapter 16.14: Section 16.14.040.A, and, Section 16.14.020.M. The former addresses parking requirements on residential property, and later changes limitations on maximum parking requirements. Exhibits “A” and “B” in the attached Ordinance contain the specific language and findings, respectively.

The following *briefly* summarize the proposed material to amend Section 16.14.040.A:

1. *Items “1” and “2”* - There are no changes to these items. Off-street parking is still required for all zones (except the Central Business) and spaces in the commercial and industrial zones may be located adjacent to a street with appropriate setback.
2. *Item “3”* - This subsection was changed to prohibit parking in all required front or street side yards. Required yards are those yards that conform to minimum setback requirements (either 10- or 15-feet). The only exception is the use of a driveway for parking. Further, the City (i.e., Public Works) must approve the location and design of the access to the driveway. This avoids a situation whereby a front yard is used for parking without an approved access.
3. *Item “4”* – The language allows the storage of RVs on a driveway, provided the storage does not eliminate any required parking. Two vehicle parking spaces are required for single family homes and duplex units (note: spaces within a garage or carport can be used to meet this requirement). The revisions clarify the language by defining the term “required” and providing examples of “improved” surfaces. Again, required yard areas (such as the front yard) cannot be used. With these changes it is certainly possible to use the driveway for parking vehicles and a graveled area adjacent to the driveway for storage of an RV.
4. *Item “5”* - The introductory provision in Section 16.14.040.A.4 outlines requirements for the storage of RVs in residential areas. Item #5 was added to emphasize commercial and industrial parking lots are not storage areas; storage of

such vehicles is only allowed as part of an approved RV storage facility or part of a sales display lot.

The following *briefly* summarizes the proposed material to amend Section 16.14.020.M:

The Code allows no more than a 30% increase in required parking spaces. For example, if 100 spaces are required, no more than 130 spaces may be constructed. This was primarily designed as a means improve storm drainage management by reducing impervious surface. There was also an aesthetic component to avoid the “sea of asphalt” common with larger retail developments.

However, based on this Section, single family homes (and duplexes) would be limited to a maximum of 2.6 parking spaces, where four spaces (including the garage) is the norm. For this reason, single family homes and duplexes would be exempt from this maximum parking limitation.

At their July 17 meeting the Planning Commission unanimously voted to recommend Council adoption of the proposed Code amendments. In addition, the Department of Land Conservation and Development and did not comment on, or oppose, the amendments.

Based on the findings contained in the attached Ordinance, it is the Planning Commission’s recommendation that the City Council approve the proposed amendments to the Lebanon Development Code.

**A BILL FOR AN ORDINANCE AMENDING
THE CITY OF LEBANON DEVELOPMENT
CODE; RESIDENTIAL PARKING**

) **ORDINANCE BILL NO. 2013-6**
)
) **ORDINANCE NO. 2847**

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 13-06-25 and made findings recommending certain amendments to the Development Code of the City of Lebanon on July 17, 2013; and

WHEREAS, the City Council, pursuant to the provisions of the Lebanon Development Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed Development Code amendments, such hearing being conducted on August 14, 2013; and

WHEREAS, the City Council has considered all relevant evidence and deliberated.

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

Section 1. In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Based upon the findings adopted herein, the Lebanon Development Code is hereby amended by the inclusion of new language as specified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

Section 3. Said Exhibit "A" shall be attached to, and become a part of, the Lebanon Development Code upon entry of this order.

Passed by the Lebanon City Council by a vote of _____ for and _____ against and executed by the Mayor this 14th day of August, 2013.

Paul R. Aziz, Mayor
Bob Elliott, Council President

Attested:

Linda Kaser, City Clerk

EXHIBIT "A"
AMENDMENTS TO THE LEBANON DEVELOPMENT CODE

Section 16.14.040.A and Section 16.40.202.M shall be replaced in their entirety with the following new language.

16.14.040 Location Standards for Parking Lots

A. Vehicles

1. Off-street parking shall be provided on the development site for all Z-RL, Z-RM, Z-RH, Z-NCM, Z-HCM, Z-MU, Z-NMU, Z-PU and Z-IND Zones.
2. Off-street parking areas for commercial and industrial development may be located in a required front or street side yard, if separated from the adjacent street by at least a five-foot landscaped buffer outside of the clear vision triangle (see Subsection 16.12.030.3.H).
3. Exclusive of driveways with a City approved street access, no parking or vehicle storage shall be allowed within the required front yard or required yards located adjacent to a street on residential property. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Code.
4. Boats, trailers, detached campers, motorized dwellings, recreational vehicles (RVs), and similar recreational equipment may be stored on a lot as an accessory use to a dwelling (or as part of a multi-family development) subject to the following:
 - a. Exclusive of driveways, storage shall not be permitted in a required front or required street side yard and shall not reduce the number of required (i.e., per Development Code Chapter 16.14) off-street parking spaces.
 - b. Access to the recreational equipment shall be provided by a City approved street access.
 - c. All such RV storage shall be on an improved surface. This may include paving, compacted gravel, brick pavers or similar surfacing.
 - d. The equipment shall not be used for human habitation.
5. Vehicles and equipment identified in item Section 16.14.040.4, above, shall not be stored on parking lots within non-residential zones unless part of an approved RV storage facility or sales display.

16.14.020

M. Maximum Parking Allowed

With the exception of properties with single-family homes and duplexes, no site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 16.14.070.

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS
Planning File No. 13-06-25

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council to amend the Lebanon Development Code.

II. BACKGROUND INFORMATION

The City wishes to amend the Lebanon Development Code to revise and clarify the requirements for parking and RV storage within the residential zones. Specific amending language is contained in City Council Ordinance Exhibit "A."

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was held on this application before the Lebanon Planning Commission on July 17, 2013. At that hearing, City Planning File 13-06-25 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council adopt the proposed amendments to the Lebanon Development Code. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

A public hearing was held on this application before the Lebanon City Council on August 14, 2013. At that hearing, City Planning File 13-06-25 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council deliberated on the issue and voted to adopt the proposed amendments to the Lebanon Development Code. The Council found the proposed changes 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 the City of Lebanon.
- B. The City wishes to amend the Lebanon Development Code to revise and clarify the requirements for parking and RV storage within the residential zones. Specific amending language is contained in City Council Ordinance Exhibit "A".
- C. The proposal primarily affects all residential-zoned property.
- D. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

V. APPLICATION SUMMARY

- A. Based on issues raised to address enforcement, practicality and language clarity, the Council agreed to consider changes to residential parking regulations. Attachment "A" contains the proposed language which is summarized below (old language ~~stricken~~; new language in *italics*.)

16.14.040 Location Standards for Parking Lots

A. Vehicles

1. Off-street parking shall be provided on the development site for all Z-RL, Z-RM, Z-RH, Z-NCM, Z-HCM, Z-MU, Z-NMU, Z-PU and Z-IND Zones.
2. Off-street parking areas for commercial and industrial development may be located in a required front or street side yard, if separated from the adjacent street by at least a five-foot landscaped buffer outside of the clear vision triangle (see Subsection 16.12.030.3.H).
3. ~~Driveways may be used for off-street parking for single-family and two-family dwellings. Exclusive of driveways with a City approved street access, no parking or vehicle storage shall be allowed within the required front yard or required yards located adjacent to a street on residential property. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Code.~~
4. ~~**Storage:**~~
 - a. ~~Boats, trailers, detached campers, motorized dwellings, recreational vehicles (RVs), and similar recreational equipment may be stored, subject to the following:~~
 - (1) ~~The above noted equipment may be stored on a lot as an accessory use to a dwelling provided that storage shall not be permitted in a required front or street side yard.~~
 - (2) ~~Access to the above noted equipment shall be provided by an approved street access.~~
 - (3) ~~All such storage shall be on an approved improved surface.~~
 - (4) ~~The above noted equipment shall not be used for human habitation.~~
 - b. ~~Required parking shall not be used for the storage of vehicles, boats, trailers, detached campers, motorized dwellings, recreational vehicles (RVs), and similar recreational equipment, or other materials.~~
4. *Boats, trailers, detached campers, motorized dwellings, recreational vehicles (RVs), and similar recreational equipment may be stored on a lot as an accessory use to a dwelling subject to the following:*
 - a. *Exclusive of driveways, storage shall not be permitted in a required front or required street side yard and shall not reduce the number of required (i.e., per Development Code Chapter 16.14) off-street parking spaces.*
 - b. *Access to the recreational equipment shall be provided by a City approved street access.*
 - c. *All such RV storage shall be on an improved surface. This may include paving, compacted gravel, brick pavers or similar surfacing.*

- d. *The equipment shall not be used for human habitation.*
5. *Vehicles and equipment identified in item Section 16.14.040.4 above, shall not be stored on parking lots within non-residential zones unless part of an approved RV storage facility or sales display.*

Comments:

Item #3 – This subsection was changed to prohibit parking in all required front or street side yards. Required yards are those yards that conform to minimum setback requirements (either 10- or 15-feet). The only exception is the use of a driveway for parking. Further, the City (i.e., Public Works) must approve the location and design of the access to the driveway to avoid a situation whereby a front yard is used for parking without an approved access.

Item #4 – The current language allows the storage of RVs on a driveway, provided the storage does not eliminate any required parking. Two vehicle parking spaces are required for single family homes and duplex units (note: spaces within a garage or carport can be used to meet this requirement). The revisions clarify the language by defining the term “required” and providing examples of “improved” surfaces. This allows an owner to use the driveway for parking vehicles and a graveled area adjacent to the driveway for storage of an RV.

Item #5 – The introductory provision in Section 16.14.040.A.4 outlines requirements for the storage of RVs in residential areas. Item #5 was added to emphasize commercial and industrial parking lots are not storage areas, regardless whether or not required parking is being eliminated. Storage of such vehicles is only allowed as part of an approved RV storage facility or part of a sales display lot.

16.14.020

M. Maximum Parking Allowed

~~No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 16.14.070.~~

With the exception of properties with single-family homes and duplexes, no site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 16.14.070.

Comments:

The Code allows no more than a 30% increase in parking: e.g., if 100 spaces are required, no more than 130 spaces may be constructed. This was instituted to improve storm drainage management by reducing impervious surface. However, based on this Section, single family homes (and duplexes) would be limited to a maximum of 2.6 parking spaces, where four spaces (including the garage) is the norm. For this reason, single family homes and duplexes are exempt from this maximum parking limitation.

- B. The Department sent out notice of the Code amendments to affected agencies and the Department of Land Conservation (DLCDC). The Department did not receive any comments as of the date of this report.

VI. CRITERIA AND FINDINGS

- A. Chapter 16.28 establishes the procedures and criteria for amending the text of both the Comprehensive Plan and the Development Code. Section 16.28.010 identifies the purpose of text amendments while Section 16.28.020 identifies the various types of amendments. The proposed changes involve only the text of the Development Code; amendments to the Comprehensive Plan are not required.
- B. Section 16.28.030 identifies those agents authorized to initiate a text amendment. Conforming to provisions in this Section, City staff initiated this action.
- C. Section 16.28.040 requires the City Recorder to maintain records of all changes to the Development Code. This administrative process requires City compliance.
- D. Sections 16.28.050 and 16.28.060 require all proposed amendments to the Comprehensive Plan Text shall be consistent with Oregon's Statewide Planning Goals, and with all adopted facility plans, including the Transportation System Plan. These Sections do not apply, as the proposal does not amend the Plan.
- E. Section 16.28.070 requires Development Code amendments to be consistent with the City's Transportation System Plan.

FINDINGS: City staff has the authority to require applicants to conduct a Traffic Impact Study or Analysis for any new use (LDC Section 16.12.010.B and Section 16.20.110). The work must indicate the proposed use complies with the adopted TSP or mitigation measures are available to ensure compliance. The amendments do not change these requirements. Further, the proposed amendment does not change functional classifications or performance standards for transportation routes.

- F. Section 16.28.080 outlines the process for text amendments. This is a legislative action pursuant to Chapter 16.20 and requires hearings before both the Planning Commission and City Council. The Commission reviews the request and makes recommendation to the Council. The final decision on this matter rests with the City Council. For the record, the Council hearing process complies with the requirements for a legislative action.
- G. Specific decision criteria are contained in Section 16.28.090. The City may approve a Development Code Amendment application if it satisfies the relevant Decision Criteria: Oregon Department of Land Conservation and Development (DLCD) administrative rules, the applicable Statewide Planning Goals, the applicable provisions of the Lebanon Comprehensive Plan, and any other applicable and relevant facility or special area plans, specific projects or goals adopted by the City.

FINDINGS: Findings in response to the above noted criteria:

1. DLCD Administrative Rules – The Oregon Administrative Rules address a variety of issues including development on farmland, provisions for needed housing, requirements to expand an urban growth boundary, meeting natural resource planning requirements and similar issues. Based on the submitted staff review, and that the DLCD did not identify specific Administrative Rules for

the City to consider, the Council concludes there are no Administrative Rules that specifically address the proposed Code amendment.

2. Statewide Planning Goals - Compliance with the Statewide Goals is noted as follows:

Goal 1, Citizen Involvement: The Planning Commission and City Council will conduct public hearings on the request, consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the locally adopted Development Code requirements.

Goal 3, Agricultural Lands: The proposal does not involve or affect farmland. An exception to this goal is not required.

Goal 4, Forest Lands: The proposal does not involve or affect identified forestland. An exception to this goal is not required.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The proposed Code amendments do not alter existing regulations that affect identified historic, cultural, or natural resources within Lebanon.

Goal 6, Air, Water and Land Resource Quality: Nothing in this amendment establishes or promotes land uses that adversely affect air, water or resource quality issues.

Goal 7, Natural Hazards: The Code amendment does not alter development requirements for natural hazard areas; these remain in force.

Goal 8, Recreational Needs: The proposed changes do not create uses that adversely affect recreational opportunities or involve land identified for recreational purposes.

Goal 9, Economic Development: These amendments do not affect economic development activities within the City or restrict their development.

Goal 10, Housing: The amendments affect development requirements for a single family home (or duplex), but does not affect housing supply or location, or, the City's ability to meet identified housing needs.

Goal 11, Public Facilities and Services: Any new use allowed by the amendments must still comply with existing public facility requirements. The amendment does not affect the City's ability to provide public services.

Goal 12, Transportation: The proposed Code revisions do not create uses or activities that affect the City's transportation facilities.

Goal 13, Energy Conservation: The amendments are neutral regarding energy matters.

Goal 14, Urbanization: The proposed amendments address urban uses within an urban environment.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

In general, the proposed amendments are consistent with Goal provisions, or, the amendments do not directly affect Goal provisions.

3. Lebanon Comprehensive Plan – The Comprehensive Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. Each Chapter is reviewed below:
 - a. Chapter 1: Introduction - This introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. As introductory provisions, this Chapter does not directly apply to the proposed text amendments.
 - b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City’s natural environment.

FINDINGS: This Chapter does not apply, as the Code amendments do not establish new regulations involving wetlands, wildlife habitat or other resources identified as requiring preservation or protection.
 - c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City, including public facility provisions and annexations.

FINDINGS: This Chapter does not apply, as the proposed Code amendments do not affect, reduce or otherwise alter provisions for urban development within the community.
 - d. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses.

FINDINGS: This Chapter does not apply as the proposal Code amendments do not modify or alter existing zoning, and thereby, the City’s ability to provide different types of land, of suitable size and quantity, to meet a variety of development needs.
 - e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both.

FINDINGS: The amendments have no impact on population or economic development.
 - f. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing.

FINDINGS: The amendments regulate certain aspects of residential development but otherwise have no impact on the City’s ability to meet the community’s housing needs.
 - g. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the needs of a diverse population through a variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit.

FINDINGS: Policies in this Chapter focus on design elements to improve density and housing options while encouraging mixing or combining land uses (residential, commercial, industrial, public) to increase urban livability. Therefore, this Chapter does not directly apply to the request.

- h. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit.

FINDINGS: The amendments do not change functional classifications or performance standards for transportation routes.

- i. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve urban development.

FINDINGS: Uses allowed by the amendments must still comply with existing public facility requirements.

- j. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map.

FINDINGS: This Chapter does not apply as the proposal amends only the Development Code text; there are no changes to the Comprehensive Plan or Zoning maps.

- 4. Other Facility Plans or Projects - In reviewing other documents, Department staff did not identify and plans or policies that apply to the proposed Code amendments.

VII. CONCLUSION

The City Council concludes the proposed amendments to the Development Code comply with the applicable decision criteria.



Notice of Public Hearing Lebanon City Council August 14, 2013

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon City Council on August 14 at 6:00 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.: 13-06-24

Applicant: City of Lebanon

Request: The City proposes to amend Lebanon Development Code by establishing regulations regarding the establishment of wind energy systems (WES) in the Industrial (Z-IND) zone.

Planning Case No.: 13-06-25

Applicant: City of Lebanon

Request: The City proposes to amend Lebanon Development Code by amending the regulations regarding the parking and storage of recreational vehicles (RV) in residential zones.

Decision Criteria: Lebanon Development Code: Chapter 16.20 – Review and Decision-Making Procedures and Chapter 16.28 – Comprehensive Plan and Development Code Amendments.

Planning Commission Recommendation: A public hearing was held before the Planning Commission on July 17, 2013. The Commission voted to recommend City Council approval of the amendments.

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, 925 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.

Citizen Services & Development Center

925 Main Street • Lebanon, Oregon 97355 • 541.258.4906 • 541.258.4955 Fax • www.ci.lebanon.or.us

Agenda Item 3



MEMORANDUM

Engineering Services

To: Mayor Aziz and City Council

Date: July 31, 2013

From: Ron Whitlatch, Engineering Services Manager 

Subject: **WATER TREATMENT PLANT – RFP FOR ENGINEERING DESIGN - UPDATE**
Lebanon Water Treatment Plant
Project No. 10706

This memo is intended to update the City Council on the status of selecting an Engineering Consultant to provide design services for the New Water Treatment Plant. Staff would also request that City Council provide direction as to continuing the process and begin negotiation of a Statement of Work and cost with the highest scoring firm.

Background

In March of 2013, City Staff invited CH2M Hill, Carollo Engineering, Erwin Consulting Engineering, and Black & Veatch to propose design services for the new water treatment plant. All four of the firms invited are qualified Engineering Firms based upon their Statement of Qualifications and past experience. For the past several years Staff has been communicating with the firms and touring various water plants that they designed.

ORS 279C.110 (attached) requires that the selection of an Engineering or Architectural firm with services projected to cost greater than \$250,000, must be based solely on qualifications. Once selection has been made based upon experience, qualifications, past projects, etc., a price can be negotiated.

The process to determine which of the firms above was most qualified to complete the project has been very in-depth and lengthy. There were two major components that each firm was scored on. Both components were worth 50 points and were scored individually by four members of City Staff experienced in public works projects.

The first requirement was a written proposal provided by the firms that included resumes, references, technical approach to Lebanon's project, available personnel for Lebanon's Project, similar type work, and a thorough understanding of membrane water treatment plants.

The second requirement of the proposal included a tour/site visit of a membrane water treatment plant that the consultant provided design/inspection services for. Items scored included the consultant's knowledge of the plant, plant layout, functionality, and an interview with the owner and operators to determine how well the consultant performed.

Once scoring of both the written proposal and tour/site visit were completed an average overall final score was developed based on the four individual scores. Out of the four qualified firms, Carollo Engineering scored the highest and was the first pick of three of the four scoring participants.

Status

Based on the selection process prescribed by State Statue, Staff is proposing to begin negotiations with Carollo Engineering to develop a Statement of Work (SOW) and a cost to complete the design phase of the project.

Should City Council approve this next step, a contract with Carollo Engineering would return for Council consideration during the September Meeting.

Alternatives

While none are suggested by Staff, based upon the significant time investment following a process prescribed by ORS, Staff is available to answer questions or consider alternative approaches identified by City Council.

Review and Concurrence



City Attorney

7-31-13
Date



City Manager

7/31/13
Date



Finance Manager

7/31/13
Date

Oregon Revised Statutes - 2011 Edition

Chapter 279C — Public Contracting - Public Improvements and Related Contracts

GENERAL PROVISIONS

279C.110 Selection procedure for consultants to provide services; compensation; applicability.

(1) A contracting agency shall select consultants to provide architectural, engineering, photogrammetric mapping, transportation planning or land surveying services on the basis of the consultant's qualifications for the type of professional service required. A contracting agency may solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead, to determine consultant compensation only after the contracting agency has selected a candidate pursuant to subsection (2) of this section.

(2) Subject to the requirements of subsection (1) of this section, the procedures that a contracting agency creates to screen and select consultants and to select a candidate under this section are at the contracting agency's sole discretion. The contracting agency may adjust the procedures to accommodate the contracting agency's scope, schedule or objectives for a particular project if the estimated cost of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services for the project do not exceed \$250,000.

(3) A contracting agency's screening and selection procedures under this section, regardless of the estimated cost of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services for a project, may include considering each candidate's:

(a) Specialized experience, capabilities and technical competence, which the candidate may demonstrate with the candidate's proposed approach and methodology to meet the project requirements;

(b) Resources committed to perform the work and the proportion of the time that the candidate's staff would spend on the project, including time for specialized services, within the applicable time limits;

(c) Record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration;

(d) Ownership status and employment practices regarding minority, women and emerging small businesses or historically underutilized businesses;

(e) Availability to the project locale;

(f) Familiarity with the project locale; and

(g) Proposed project management techniques.

(4) If the screening and selection procedures a contracting agency creates under subsection (2) of this section result in the contracting agency's determination that two or more candidates are equally qualified, the contracting agency may select a candidate through any process the contracting agency adopts that is not based on the candidate's pricing policies, proposals or other pricing information.

(5) The contracting agency and the selected candidate shall mutually discuss and refine the scope of services for the project and shall negotiate conditions, including but not limited to compensation level and performance schedule, based on the scope of services. The compensation level paid must be reasonable and fair to the contracting agency as determined solely by the contracting agency. Authority to negotiate a contract under this section does not supersede any provision of ORS 279A.140 or 279C.520.

(6) If the contracting agency and the selected candidate are unable for any reason to negotiate a contract at a compensation level that is reasonable and fair to the contracting agency, the contracting agency shall, either orally or in writing, formally terminate negotiations with the selected candidate. The contracting agency may then negotiate with the next most qualified candidate. The negotiation process may continue in this manner through successive candidates until an agreement is reached or the contracting agency terminates the consultant contracting process.

(7) It is the goal of this state to promote a sustainable economy in the rural areas of the state. In order to monitor progress toward this goal, a state contracting agency shall keep a record of the locations in which architectural, engineering, photogrammetric mapping, transportation planning or land surveying services contracts and related services contracts are performed throughout the state, the locations of the selected consultants and the direct expenses on each contract. This record must include the total number of contracts awarded to each consultant firm over a 10-year period. The record of direct expenses must

include all personnel travel expenses as a separate and identifiable expense on the contract. Upon request, the state contracting agency shall make these records available to the public.

(8) Notwithstanding the provisions of subsection (1) of this section, a contracting agency may directly appoint a consultant if the estimated cost of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services for the project do not exceed \$100,000.

(9) Notwithstanding the provisions of subsections (1) and (8) of this section, a contracting agency may directly appoint a consultant for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services in an emergency. [2003 c.794 §91; 2003 c.794 §92; 2005 c.509 §§1,3; 2011 c.458 §4]

Agenda Item 4

MEMO

To: Lebanon City Council Members
From: Jessica K. Meyer, Office of Lebanon City Attorney
Date: August 9, 2013
Re: Lebanon Youth Peer Court

Together with Captain Greg Burroughs and Dala Johnson of the Lebanon Police Department, I have been working with the Linn County Juvenile Department to begin a Youth Peer Court for the City of Lebanon. Due to limited resources in the Juvenile Department, many first-time, and even some second-time, Juvenile offenders do not receive adequate punishment for the crimes they commit. Peer Court provides an alternative court system through which juvenile offenders can be heard and judged by their peers. I have prepared an Intergovernmental Agreement between the City of Lebanon and Linn County that will facilitate our new Peer Court, and allow us to work together with the Linn County Juvenile Department. We are asking the Lebanon City Council to approve the Intergovernmental Agreement, and allow interim City Manager Jon Nelson to sign it. The Lebanon Youth Peer Court will be staffed by volunteers, and therefore will not require any funding from the City of Lebanon..

EXHIBIT 1

APPENDIX 1

CASE ASSIGNMENT PROCESS

Section 1:

1. Youth residing in the Lebanon School District who are referred to the Linn County Juvenile Department by a law enforcement agency for the following offenses may be eligible to participate in the City of Lebanon's Peer Court Program.
 - a. Minor in Possession of Tobacco
 - b. Minor in Possession of Alcohol
 - c. Minor in Possession of Less Than One Ounce of Marijuana
 - d. Helmet Law / Ordinance Infractions
 - e. Curfew
 - f. Criminal Trespass 1 & 2
 - g. Harassment, Telephonic Harassment
 - h. Disorderly Conduct
 - i. False Information to Police Officer
 - j. Theft 2 & 3
 - k. Traffic Offenses (17 yrs. of age and under)
 - l. Misrepresentation of Age
 - m. Initiating a False Report, Misuse of 911
 - n. Unlawful Entry Into a Motor Vehicle
 - o. Other offenses not listed may be referred by Juvenile Department with an Agreement by Peer Court
2. The Supervising Probation Officer of the Community Programs Unit will evaluate these referrals to determine eligibility based upon:
 - a. Current referral level
 - b. Risk level as determined by the Juvenile Crime Prevention (JCP) Risk Assessment, youth eligible with risk score between 0-4.
 - c. An individual intake appointment will be held in all cases except for MIPT referrals.
 - d. Previous referral history
 - e. Youth and family's willingness to accept responsibility for their actions, and agreement to participate in the Peer Court process.
 - f. Professional judgment of the Probation Office
3. In order for a youth to be considered eligible, the following areas will be considered during an intake meeting with the Probation Officer (PO), the youth, and their parent or legal guardian:
 - a. Youth will have a risk assessment score between 0-4 risk indicators.
 - b. The City of Lebanon's Peer Court has the resources to accept the youth's referral.
 - c. The youth is willing to accept responsibility for their actions and is agreeing to participate in the Peer Court process.
 - d. The professional discretion of the PO.
4. Once a determination has been made by all parties, the PO will further explain this option to the youth's parent. If they agree with this option as a condition, the PO will enter into a Formal Accountability Agreement with the completion of the Lebanon Peer Court as the sole sanction.
5. The PO will give the youth and parent a form, which contains the contact information for the Lebanon Peer Court.
6. After the youth and parent leave, the PO will complete the Intake process paperwork including writing an Intake Summary. All appropriate paperwork will be filed in accordance with the Case Management checklist, Juvenile Department Policy No. 200.09.

7. A written referral will be complete and electronically sent to the Lebanon Peer Court Coordinator, which will include the information from the Intake Summary.
8. Once the youth has entered into an agreement with Peer Court, the Disposition will be sent to the Juvenile Department electronically, and clerical staff will enter the necessary information into the Juvenile Justice Information System (JJIS).
9. If the youth fails to complete the conditions of their Peer Court Agreement, the Peer Court Coordinator will send the noncompliance information to the Juvenile Department contact person electronically.
10. The PO will attempt to contact the youth and parent to determine why the youth failed to comply with the Peer Court Agreement. Based upon that contact, the PO will either:
 - a. Schedule another appointment with the youth/parent
 - b. Review the case with the Supervising Probation Officer
 - c. Close the case
11. If the decision is reached by the supervisor and the PO that the matter should proceed to formal Court, the case shall be prepared to be transferred to the Supervising Probation Officer for the Probation Unit.

CONFIDENTIALITY

Section 2:

The release of any case specific information will comply with all State of Oregon laws including those stated in ORS 419A.253 through 419A.257.

419A.255(8) states, "A county juvenile department is the agency responsible for disclosing youth and youth offender records if the records are subject to disclosure."

REPORTING REQUIREMENTS

Section 3:

The City of Lebanon Peer Court will provide quarterly reports to the Juvenile Department by the last day of the month in January, April, July, October. The reports will include the following:

1. Number of youth who have entered into Peer Court Agreements.
2. Number and percentage of youth who have successfully completed the agreement.
3. Number and percentage of youth who have failed to complete the agreement and were referred back to Juvenile Department.
4. Number of youth who have participated as volunteers.

EXPUNCTION

Section 4:

Upon receiving a signed order of expunction from the Court for expunction, the Juvenile Department will notify the Lebanon Peer Court to expunge all record pertaining to a specific youth along with any other identifying information. The Peer Court may retain numerical information for tracking purposes but it should not be associated with a specific youth.

Agenda Item 5



MEMORANDUM

Finance Services Department

To: Mayor Aziz and City Council

Date: August 7, 2013

From: Dean Baugh, Finance Manager

Subject: Utility Bill Collection Process Survey Results

At their June 12 meeting, Council approved a Utility Bill Collection survey that staff posted the City's website and Facebook pages to run through August 5.

The survey results are attached.

DB/jb



CITY OF LEBANON

It's easier from here.

UTILITY BILL COLLECTION SURVEY

August 2013

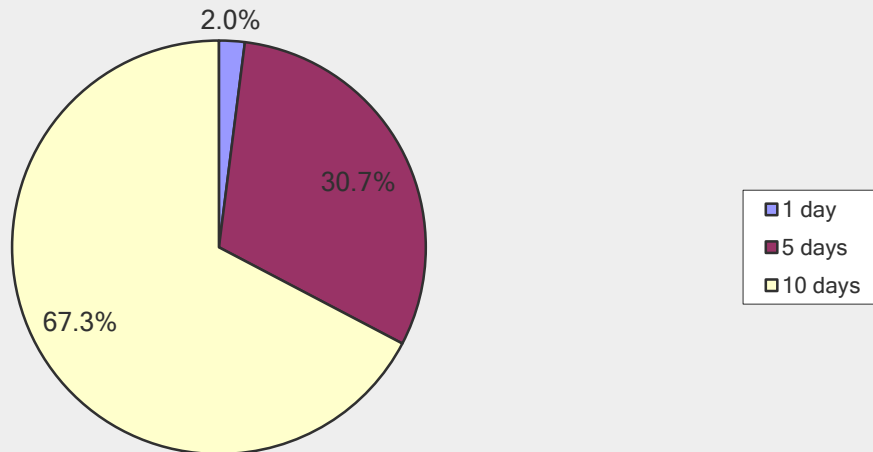
CITY OF LEBANON

Utility Bill Collection Survey - 2013

#1 - Utility bills are received around the 1st of the month and are considered delinquent if not paid by the 15th of the month. What would be an appropriate grace period before assessing a late fee?

Answer Options	Response Percent	Response Count
1 day	2.0%	2
5 days	30.7%	31
10 days	67.3%	68
<i>answered question</i>		101
<i>skipped question</i>		6

#1 - Utility bills are received around the 1st of the month and are considered delinquent if not paid by the 15th of the month. What would be an appropriate grace period before assessing a late fee?



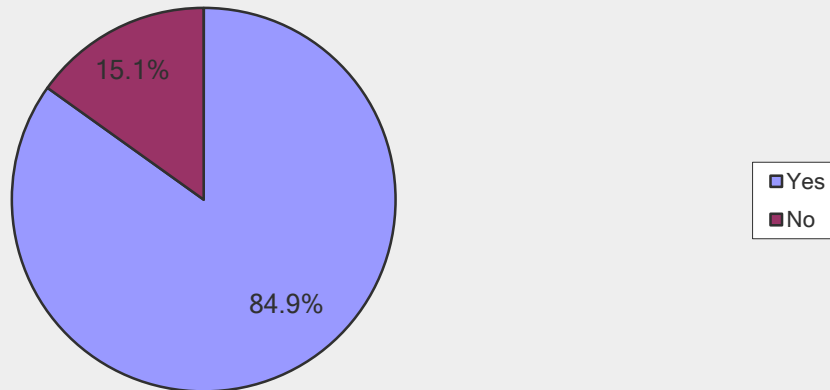
CITY OF LEBANON

Utility Bill Collection Survey - 2013

#2 - Currently, a door hanger is delivered to each home that is scheduled for shut-off due to non-payment. It is being considered that the City discontinue the use of door hangers and eliminate the \$15.00 fee. A past due notice will be placed on the customers next month's bill notifying them of the pending service disconnection with no further notice. Should the City discontinue the use of door hangers to notify customers of a pending service disconnect due to non-payment of service?

Answer Options	Response Percent	Response Count
Yes	84.9%	90
No	15.1%	16
<i>answered question</i>		106
<i>skipped question</i>		1

#2 - Should the City discontinue the use of door hangers to notify customers of a pending service disconnect due to non-payment of service?



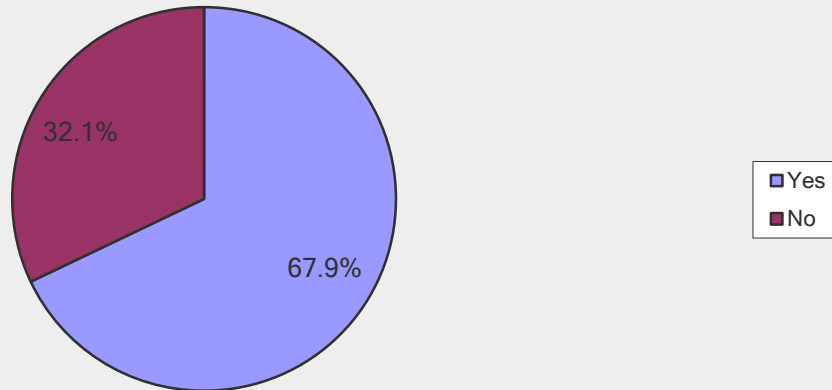
CITY OF LEBANON

Utility Bill Collection Survey - 2013

#3 - Currently the City charges a flat \$10.00 late penalty to each past due utility account that receives a delinquent notice (regardless of the amount). It is being considered that the fee be changed to a flat \$5.00, plus 4% of the delinquent amount. A customer with a past due amount of \$120 would pay \$9.80, which is less than the current fee. Should the City change the delinquent fee from a flat \$10 to the proposed rate of \$5.00, plus 4% of the delinquent amount?

Answer Options	Response Percent	Response Count
Yes	67.9%	72
No	32.1%	34
<i>answered question</i>		106
<i>skipped question</i>		1

#3 - Should the City change the delinquent fee from a flat \$10 to the proposed rate of \$5.00, plus 4% of the delinquent amount:

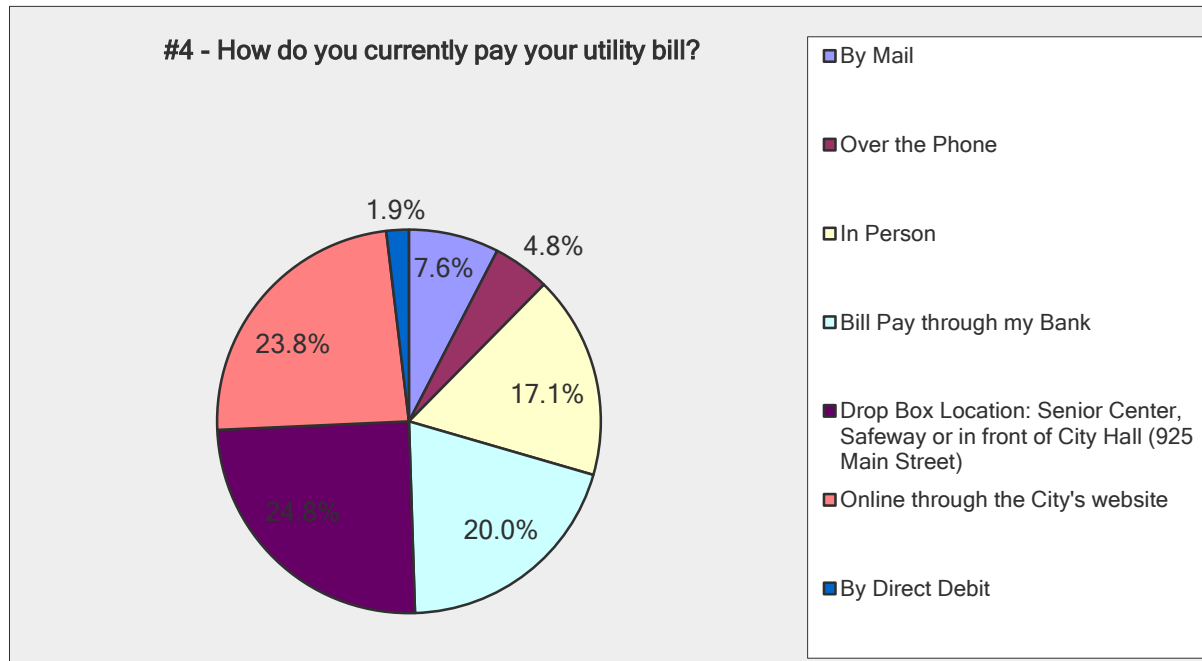


CITY OF LEBANON

Utility Bill Collection Survey - 2013

#4 - Did you know you can pay your utility bill using the following options: By mail, over the phone, in person, at a drop box, bill pay through your bank, online through the City's website, or by direct debit. How do you currently pay your utility bill?

Answer Options	Response Percent	Response Count
By Mail	7.6%	8
Over the Phone	4.8%	5
In Person	17.1%	18
Bill Pay through my Bank	20.0%	21
Drop Box Location: Senior Center, Safeway or in front of	24.8%	26
Online through the City's website	23.8%	25
By Direct Debit	1.9%	2
<i>answered question</i>		105
<i>skipped question</i>		2



CITY OF LEBANON

Utility Bill Collection Survey - 2013

#5 - Do you have any other Comments/Suggestions?

Answer Options	Response Count
	56
<i>answered question</i>	56
<i>skipped question</i>	51

#	Response Date	Response Text
1	Aug 4, 2013 10:14 PM	I preferred the old billing statement that showed how each charge was calculated - the base rate plus the cost per unit.
2	Aug 3, 2013 9:15 PM	Lower the water/sewer rates!
3	Aug 3, 2013 12:43 AM	I have been out of town camp hosting when my bill came due and I paid what I thought the bill would be but it wasn't enough. I was treated the same as if I had not paid at all. I think people with good pay records should have a little extra consideration. I now keep a month payment ahead to keep this from happening. I received a door hanger just because I put the wrong month on my bill pay. I do make mistakes that one cost me \$10 dollars. The rates are way out of reason in the first place....My credit rating is about as high as you can get. Yet this water department doesn't take anything into account. JUST PAY THE ENTIRE BILL OR ELSE.....If I could dig a well and not have city water I would.....But we know that can't be done. All this and I haven't said anything about the sewer and paying sewer for water that washes my car, fills the fish pond or waters most of the lawn...Well now that I have got that off my chest I will pay my bill and things will go on as before.
4	Aug 1, 2013 11:28 PM	I think 15 day grace period is still ok, not to shorten it. Also I think you should work with people for the \$200. dep. Maybe payment plan, but must pay agreed amount every month, if they miss one payment for dep ,billed for rest of the amount. \$200. , is really hard for family's to come up with when they are getting into new home.
5	Aug 1, 2013 11:24 PM	The city's current practice of putting a lien on the owners property if a renter has not paid their water/sewer bill is unfair and unjust. The person receiving services should be responsible for payment of their own bills, not the property owner, they pay more than enough taxes on their properties!!
6	Aug 1, 2013 11:12 PM	The bill should go with the person not the owner of the property.
7	Aug 1, 2013 4:17 PM	Don't raise the unit rate any more. It is very difficult to pay such high rates.
8	Aug 1, 2013 1:23 PM	Lots but the city will never listen to the common man---it has its own agenda to garner more and more dollars for les and less services

CITY OF LEBANON

#	Response Date	Response Text
9	Jul 25, 2013 10:33 PM	I don't think you should take away any fee opportunity or decrease the fee. Maybe you could consider a fee threshold, so that you always get your minimum 10.00, but for accounts owing more than 120.00 it would calculate the 4% on top of it. I would shutter at the thought of the cost of water going higher for those of us who do pay on time because we needed more city funding.
10	Jul 23, 2013 11:00 PM	The delinquent fee of \$5.00 is fair. This town is a low Socioeconomic area. I think that 2% is fair, based on that finding. I have had to go into the office a to pay my bill a few times and I would like to make mention of the VERY RUDE behavior from your staff, Being late on a bill for some is a very humiliating experience. To be treated like you are dirt from your employee's is unacceptable. If the woman with the spiked hair (in your office) worked for me, She would go through an intense customer service class. Shame on your H.R. person for letting this go on. SHAME on you. It is very uncomfortable to witness this display of disrespect while waiting to pay your bill. I felt so sorry for these people that were treated so poorly. This, I am sure does not come as a shock to you. Also, my Dad passed away not too long ago. I brought in the death certificate, and the spiked haired rude clerk, told me, in a very sarcastic tone, that my Mom would have to fill out a new application, and more than likely have to pay a deposit. This is a JOKE. Why after 50 years would she have to do that. Why should she have to fill out a new app. at 80 years old. You tell the Mayor that that needs to change for these women who had everything in the husbands name. That's the way it was in the 1950's nothing was in the wife's name. I don't care what year it is now..There should be some type of Grandfather clause for these women. You were the only company I have had problems with. No other company made me go through this. Not even the bank. And to top it off, Ms. Spiked hair gave me some smart ass remark. Yes, please do something about the aforementioned. Please take into consideration every thing I have stated.[]
11	Jul 23, 2013 10:00 PM	Your water rates are way too high. That is why Lebanon has so many brown lawns in the summer. People can't afford to water. When I water my bill runs over \$200.00 a month. I do not have a large yard. Work on lowering rates.
12	Jul 22, 2013 7:34 AM	I feel that the \$10.00 late fee is definitely too much. \$5,00 is too high. A percentage of what is owed is fine but feel it should be 1 or 2%, not 4. If I am late on my pacific power bill, the late fee is usually less than \$2.00.[] [] You might also consider sending the employees to customer service classes.
13	Jul 21, 2013 11:18 PM	All of my other bills are set up on auto pay so I often forget about this one and then am immediately charged the \$10 penalty. I was told previously I couldn't set up an automatic payment but now it looks like maybe I can (direct debit? - not sure what that means).
14	Jul 18, 2013 7:03 PM	The water rates are ridiculously high! Figure out how to reduce the monthly rates!

CITY OF LEBANON

#	Response Date	Response Text
15	Jul 12, 2013 9:09 AM	I am all for having clean water and a sewer system that is functional. but...My water bill has doubled since I moved here 12 years ago. My lawn is no longer green because I refuse to pay any more than what I am paying now. I drive through other towns, Stayton Silverton Sublimity, and look at all their lawns lush and green it makes me sad that the residents of our town can't take pride in their lawns because of the high cost of water/sewer.
16	Jul 12, 2013 12:51 AM	I think it would be a good PR move to allow one late payment per year....if the customer has a history of on time payments.
17	Jul 11, 2013 3:40 PM	Do not use water funds for HR expenses. water & sewer only for their expenses. no more recruitment costs for police chief or anything else. no wonder the rates go up.
18	Jul 11, 2013 1:50 PM	First as a Landlord I feel attaching a renters unpaid bill to my property (ie theft of Service) should be discontinued and a better alternative should be used, this in my feeling is not legal, I and or my property did not use the service and to have it attached to me is wrong and illegal.
19	Jul 11, 2013 4:50 AM	I am a single family home with one person. I don't know how my water bills were all exactly the same from Nov.-April. Is there a minimum amount that you are charging me for? whether I use a full unit or not???
20	Jul 10, 2013 6:58 PM	Water and sewer are a necessity for people. I feel the city should make every attempt to work with it's customers. Threats are not becoming to "The City That Friendliness Built".

CITY OF LEBANON

#	Response Date	Response Text
21	Jul 9, 2013 11:29 PM	<p>I think it is robbery that if my payment is late it is basically a \$25 late fee, after the \$10 late fee plus the \$15 door hanger fee. NO OTHER UTILITY or company does this at such a high rate. In addition, paying \$125 minimum a month for water and sewer is outrageous. I do not dare water the grass, I can't afford it. Something is crooked - I think it has been a sore spot for Lebanon, for a long time and I am glad the new mayor has looked into it and cleaned up the dishonesty and arrogance in some employee who are now gone. It is really unfortunate this attitude of the city has been allowed to go on for so long as it makes Lebanon City Employees appear that the citizens work for them instead of the other way around. My water bill costs me more than any other utility, even heating my house - which is ridiculous. ¶</p> <p>I also think it is sick and disgusting that when I rent my rental house to a tenant, with an agreement that they pay for their own water, that if they dishonestly turn the water on or do not pay their bill, or do not go and put the water in their name, that the landlord has to pay it. This is wrong. Use a collection service for this and bill the people who are liable for the water, not the person who is honest and will pay their debts. The Water Department is greedy and takes advantage of the good people in Lebanon. ¶</p> <p>In addition, when I have nobody in the rental house and no water being used, or such as, when my friend's dad died and his house sat empty for months he still had to pay a \$50 plus "hook up" fee or pay a ridiculous amount to "unhook". AGAIN - the water depart is greedy and disgusting in how they bill the citizens. I do think the clerks at the water company are friendly, but have to do a terrible job by having to enforce the nazi laws the city council has put into place. ¶</p> <p>Thank you for working to make Lebanon return to the place that friendliness built. I have lived in Lebanon for 30 out of my 40 years. Please contact me at (541) 570-1919 if you would like to talk further. -Ursala Beattie ¶</p> <p>P.S. I had a great experience over the past 2 years getting the issue known about and taken care of with the lateral line for the sewer, on my rental property on Jennings Street. They were friendly, concerned and informative and timely.</p>
22	Jul 7, 2013 4:08 PM	Do not increase water rates. In fact they are rediculous and should be lowered!
23	Jul 2, 2013 3:09 AM	Question 1 is misleading. I don't receive my bill until the 7th or 8th, leaving me only a week to pay it. The options offered of 1, 5, and 10 days are insufficient. Customers should have a full 20 days from date of receipt or 30 days from date of billing. These are standard terms for virtually all accounts.
24	Jul 1, 2013 10:15 PM	Sewer charges should be prorated according to water charges, instead of a flat fee which seems irresponsible when an address can house a single person or multiple families.

CITY OF LEBANON

#	Response Date	Response Text
25	Jul 1, 2013 7:38 PM	The rates are out of control for our water in Lebanon.....my bill is already \$150.00 and we can't afford to fill a pool in fear of how much more it would cost.....you want people to take care of their yards and have the town look nice yet it almost breaks people to water their lawn.... and the deposit of \$200 for someone that is moving but always pays their bill is a bit much in my opinion. Get the fee from those that have a history of being late or who have their rent paid by HUD don't punish everyone for others not paying their bills.
26	Jul 1, 2013 7:03 PM	Every time I have thought about moving into the city of Lebanon, I have remembered the heavy handed tactics the Water/wastewater used on our neighbors when they were having difficulty paying their bill. I also remembered the threats they imposed on us when we supplied a limited amount of water. I will not live in town as long as the water/wastewater people continue as they have been. I think it would be helpful if the police budget was paid out of the general funds and the water/wastewater administration had to ask for a special bond every few years. Maybe that would help adjust some attitudes.
27	Jul 1, 2013 6:09 PM	I am hoping that the customer service (or lack there of) by the front desk person in the water department will be addressed. It is difficult that our bills are so high and then to be treated so poorly adds insult to injury
28	Jul 1, 2013 5:25 PM	I'm not sure about the door hanger one. I said no don't discontinue that service, yet at the same time it would save money to drop it. I try to be very careful about paying my bills. But I am forgetful, as I age I find my short term memory deteriorating and I am concerned that I will forget. If the notice comes within the month I am more likely to pay it that month. The money could well be spent by the end of the month if I didn't get the notice and I would be short the funds the following month. So a definite 'No' is difficult. How many days do you wait before putting out the notices? That could make a big difference. Maybe only 5 days would be best.
29	Jul 1, 2013 2:44 PM	Hire nicer receptionist or re train current staff in customer service. The current lady is never happy and always rude.
30	Jun 25, 2013 7:52 PM	Payment plans should be offered and longer then 2 weeks. Currently u offer up to 2 weeks only. If u can split it up over a certain amount of months including current bill would be great.
31	Jun 25, 2013 7:47 PM	ok so now I am going to go through the questions and add my 2 cents.[] 1. yes this is fine IF the bills is getting to them. When I was paying my bill I did not receive a white bill for like 6 months. They blamed it on my usps :(my mail man was a good man.[] 2.I like the door hanger it might call you out if your bill is late but some people need a reminder.[] 3I love the 5.00 and 4% idea[] When I did pay my water bill it was almost always in person.

CITY OF LEBANON

#	Response Date	Response Text
32	Jun 25, 2013 7:36 PM	Get a nicer receptionist. She can be completely rude with total disregard to a person situation. She is absolutely judgmental and does not show empathy for anyone she comes in contact with.
33	Jun 25, 2013 5:57 PM	If a person dies . You should accept a death certificate .NOT ALL PEOPLE HAVE A POWER OF ATTERNEY.
34	Jun 24, 2013 3:06 AM	Water fees and start up charges are outrageous. Revisiting this unnecessary and asinine charge would be in the benefit of the city. The calculation of charges for city sewer fees should also be readdressed as they too are ridiculous.
35	Jun 21, 2013 6:51 PM	The city's collection office is very heavy handed. \$10 late fees and \$50 service fees? It's not our fault the city greedily accepted a failing system in the 80s. Our water rates and fees are astoundingly high. Instead of making some money from the new businesses in town, we are cutting them 10 million dollar checks, while charging little old ladies outrageous rates and fees.
36	Jun 20, 2013 5:29 PM	I have heard from several people that dealing with a woman who answers the phone regarding water problems can be very unpleasant.
37	Jun 15, 2013 4:11 PM	Reference #3. I think that ANY flat fee SHOULD BE DONE AWAY WITH. Most businesses charge by % only. The City of Lebanon is in the business of providing services & should be focused on serving the community, not focused on how much money can be squeezed out of the people.
38	Jun 15, 2013 2:54 PM	Counter staff are great!
39	Jun 15, 2013 6:32 AM	discontinue charging water/sewer customers for services NOT delivered...this is stealing
40	Jun 15, 2013 5:01 AM	Water rates are astronomically high. At a time when the economy is just starting to recover in Lebanon, folks are getting one hand tied behind their back with ever increasing rates. Thank you for choosing not to inflict another increase this summer! (I mean that very sincerely.) Unfortunately, for many of us, more help is needed to overcome the disasterous results of the rate increases that have already been imposed. When I first started on city water three years ago I paid just under \$70. Now I pay nearly \$100 and I'm using less water! For those of us who are mindful of how much water we use, there is little incentive for us to conserve because there is little difference in a bill between someone who uses a little amount of water (because of all the base charges) and someone who lets the tap run. Here is my suggestion: decrease the rates for people who use under the average amount of water for people in Lebanon and increase the rates for people who habitually use more than the average. People who use less water will have a better reason to keep using less and people who use more will have a better incentive to decrease their usage. And a new water plant can be built because expected revenue should be similar or higher than current projections. Let's hold people who waste water more accountable and give responsible Lebanon residents some economic relief.
41	Jun 15, 2013 4:42 AM	I honestly think that our water rates should be charged per household not by an average.

CITY OF LEBANON

#	Response Date	Response Text
42	Jun 15, 2013 4:38 AM	Although I have not dealt with her personally, I have heard from numerous friends and family that the woman working in the utility office is extremely hard to deal with, and quite frankly, rude.
43	Jun 15, 2013 4:37 AM	It's about time they get rid of those ridiculous late fee amounts and rules.
44	Jun 15, 2013 4:22 AM	We use drop box because of the on line fees. Surly we your computer skills you could make it free to pay on line just like all the other utilities.
45	Jun 15, 2013 3:51 AM	Stop raising water rates!!!
46	Jun 15, 2013 3:47 AM	I really think that if you are unable to pay your bill for a month or 2 and fall behind there should be an option that you can pay it in 12 monthly payment. Example you owe \$120 dollars each month you pay your monthly amount plus and extra \$10. Its just an idea as I have no idea how we will pay our bill this month. I was happy the power company offered us something similar.
47	Jun 15, 2013 2:56 AM	The women that work in the office where you pay in person are the RUDEST people I have ever encountered. Having a low income my payments are often paid just before the shutoff notice is sent out. Many times (At least six times that I can immediately think of) I have had to wait over fifteen minutes for the employees to finish their personal conversation before the will help me. One time I couldn't afford my bill and had to ask the fine folks at FISH to pay my bill. The women at the water office told the person helping me "Don't help him anymore. He is lazy and his payments are always late." I could hear her speaking over the phone from ten feet away. The city could save a lot of money by firing them and converting to a digital format. I love my town and the employees at the water office are a black eye on an otherwise great administration.
48	Jun 15, 2013 2:30 AM	We were doing the direct pay and our account had NEVER been last due we were short by just change one month and with out notice our water was shut off that day!!!! we now have no option but to pay in person...we also payed twice what we owed to get our water turned on with no other option that day. This is very wrong. And nowhere that I have ever lived does this just Lebanon we are no forced to pay in person or by mail/drop box this was and is very inconvenient. Please take a look at this policy thank you.
49	Jun 15, 2013 2:25 AM	I think that you should be able to have your bill carry over to the next month if an emergency comes up.
50	Jun 15, 2013 2:02 AM	lower the rates
51	Jun 15, 2013 1:15 AM	Why are the water and sewer bills twice as high as they should be? A green lawn would be nice again. Can not afford to water the lawn. It seems the more we try to conserve water, our bill never goes down.
52	Jun 14, 2013 11:58 PM	Better Customer Service At The Office... Rude People Working There Now!!!!
53	Jun 14, 2013 11:41 PM	The online payment. Service could be a little more user friendly. It's currently a little hard to use and navigate

CITY OF LEBANON

#	Response Date	Response Text
54	Jun 14, 2013 11:37 PM	My in-laws live in McMinnville and we pay more for water/sewer than they pay for ALL their utilities combined. My parents live in North Carolina and were appalled when lately their bill went up from \$11.00 to \$16.00. The expense of water/sewer in Lebanon is NOT in line with other parts of the country or even the state. It irks me to no end that Lebanon gouges their citizens and doesn't have anything to show for the money they have already collected and the numerous increases already, yet nothing has been built or repaired. This is a very poor area with no jobs and low income. The new "industries" in the north end of town have produced very few jobs as promised and yet Lebanon continues to gouge its citizens. Especially in the area of water.
55	Jun 14, 2013 11:16 PM	10 days is even fast. How about 15 days?
56	Jun 14, 2013 10:52 PM	Thank you for doing a great job and keeping us aware. I know that there are alot of complaints about water rates, but they need to look at their cable bills and then complain. Think they might think twice. Thank you City of Lebanon

Agenda Item 6



MEMORANDUM

Administration Department

To: Mayor Aziz and City Council

Date: August 6, 2013

From: Jon Nelson, Interim City Manager

Subject: AFSCME Contract Amendment

City staff have been working with our agent of record and AFSCME representatives on the insurance package for this year (insurance year currently runs from September 1 through August 31).

The attached amendment, if approved by City Council and AFSCME membership, will also apply to exempt staff.

The recommended insurance package includes a 0% increase in health insurance costs (deductible increasing from \$250 to \$500), 0% increase in dental insurance costs, and a 16% reduction in vision insurance costs.

City staff recommend City Council approve this cost effective package.

JN/jb

**AMENDMENT #1 TO THE
COLLECTIVE BARGAINING AGREEMENT**

**Between The City of Lebanon
and the American Federation of State, County and
Municipal Employees, AFL-CIO Local 2043 (AFSCME)**

WHEREAS, on March 20, 2013, the City of Lebanon and AFSCME executed a Collective Bargaining Agreement (Agreement) effective through June 30, 2016; and,

WHEREAS, Article V, Section 2, number 2, of the Agreement provides for Health Reimbursement Account (HRA)/Voluntary Employee Benefit Account (VEBA); and,

WHEREAS, Any AFSCME member choosing the Low Deductible Medical Insurance plan will pay a yearly deductible of \$500 from January 1 to December 31 each year, effective September 1, 2013; and,

WHEREAS, Any AFSCME member choosing the Low Deductible Medical Insurance plan will now receive an annual HRA/VEBA contribution not less than \$500.00 on or before December 15, following each year's annual enrollment period; and,

WHEREAS, AFSCME ratified to amend Article V, Section 2, Number 2, on July 29, 2013,

NOW, THEREFORE, the following amended article is hereby incorporated into the 2012-2016 Agreement:

Article V, Section 2, Number 2: Any AFSCME member choosing the Low Deductible Medical Insurance plan will receive an annual HRA/VEBA contribution not less than **\$500** on or before December 15, following each year's annual enrollment period.

IN WITNESS THEREOF, the parties have set their signatures this _____ day of August in the year of 2013.

FOR THE CITY OF LEBANON:

FOR THE AFSCME BARGAINING UNIT:

City Manager, **Jon Nelson**

Association President, **Frank Frenzel**

Vice President, **Dwaine Ernst**

Date: _____

Date: _____

Agenda Item 7



MEMORANDUM

Administration

To: Mayor Aziz and City Council

Date: July 30, 2013

From: Jon Nelson, Interim City Manager

Subject:

- A. Economic Development Incentives
- B. Urban Renewal District (URD) Obligations
- C. Capital Projects Review
- D. NW URD 5th Plan Amendment

Background

With completion of the Lowe's Economic Development Agreement obligations, it is an appropriate time to also provide information on other economic development related incentive obligations of the City.

This memorandum addresses follow-up staff actions to meet previous City Council approved actions. Finance, Public Works, Community Development, and City Attorney staff have reviewed and/or assisted in preparing this memorandum.

The intent of the memorandum is to provide City Council an update on staff efforts to appropriately account for and track economic development incentives and associated funding obligations, review URD obligations, review capital projects funding sources, and update Council on the potential NW URD Plan 5th amendment mentioned during the budget approval process.

A. Economic Development Incentives

In addition to the public infrastructure provided by the three Urban Renewal Districts, economic development incentives have been approved by the City Council in the following areas:

1. System Development Charge (SDC) waivers
2. Utilities fees waivers
3. Permit and review fees waivers
4. Infrastructure investment payback agreements

The funding sources for the waivers and payback agreements are Urban Renewal District funds. Ideally, the waivers and paybacks should be delineated in the City budget and paid back as close as possible to the investment action, provided there is sufficient cash flow.

1. System Development Charges

\$1,240,555 in waived water, sewer, stormwater, parks and street SDCs exist with commitments from the Urban Renewal Districts to reimburse the City funds. The Cheadle Lake URD has \$299,678 outstanding; NW URD has \$69,216 outstanding, and North Gateway URD has \$871,660 outstanding. Staff is also confirming that Lowe's SDC incentive package of \$1,235,000 was previously repaid to the SDC funds from NW URD funds.

2. Utilities Fees

Lowe's and Entek received waived utilities bill payments as part of their enterprise zone incentive package. Urban Renewal funds were pledged to pay the utilities fees and staff is confirming the payments were made. The total estimated value of these waivers is less than \$200,000.

3. Permit and Review Fees

Building, plan review, mechanical, plumbing, etc., fees have been waived associated with incentive packages, with payment directed from the appropriate URD to the Building Services fund. In the Oregon Department of Veterans Affairs (ODVA) Agreement, the City is obligated to repay ODVA up to \$290,000 in permit and review fees that were waived by the City and subsequently loaned back to the City by ODVA for cash flow purposes. The City is exploring early repayment of this ODVA loan from the North Gateway URD to avoid 12% annual interest charges on the principal balance.

4. Infrastructure Investment Payback Agreements

The Lowe's Agreement obligations will be fulfilled in August, 2013.

The Cheadle Lake URD / Marathon Agreement provides for payment from the District to Marathon for up to \$40,000 per year until a total payback obligation of \$185,000 is met. The incentive package included \$285,000 in SDC's and \$185,000 for infrastructure constructed by Marathon.

The North Gateway URD / Samaritan Health Services (SHS) Agreement is based upon SHS constructing infrastructure necessary for development to occur with repayment from tax increment funds generated by the URD. The loan principal is up to \$5,105,900 with annual interest accruing at between 4% and 8%. Payments escalate as the tax increment available increases.

B. Urban Renewal District Obligations

Obligations due from the three Districts to other City funds (eg. Building Services, SDCs, Utility Funds) or thru economic development agreements should have transparent payment plans, be prioritized, and presented in budgets and audits. Overhead charges assessed to the three Districts by the General Fund should follow an approved methodology and paid within the context of other District obligations (debt service, economic development agreements, incentive obligations).

C. Capital Projects Review

City Council has an approved cost share methodology for public infrastructure projects. The capital projects benefit the existing system (rate payers) and new growth (SDC's). The methodology assigns appropriate percentage shares of capital projects to the rate payer and SDC categories. Staff is conducting a look back on the costs of recent (7 years) projects and will present additional information on whether one category of project funding support has subsidized the other. If a subsidy has occurred, there is typically a payback arrangement.

D. NW URD Plan Amendment

An additional \$300,000 obligation exists associated with a pledge to the Lebanon Rural Fire District. As part of the NW URD Plan 4th Amendment to support the LBCC Advanced Transportation Technology Center, the City committed \$400,000 to the Fire District for site improvements. The first of the four \$100,000 payments was made in 2012-13 from the General Fund. The City should consider paying the remaining \$300,000 also from the General Fund. A URD plan amendment process is staff intensive, potentially controversial and costs money. A URD plan amendment also triggers sharing of revenues with other taxing jurisdictions. The most recent 4th amendment of the NW URD plan triggers revenue sharing at approximately \$2,700,000. A 5th amendment process may trigger a lower revenue sharing threshold which, in turn, may have implications in meeting debt service requirements. Delaying the decision to proceed, or not, with the 5th amendment until after the Lowe's appeal outcome is known is recommended.

Summary

No action is requested of City Council. Staff will update Council as the outcomes of the above efforts are known.

JN/jb

Agenda Item 8



CITY MANAGER REPORT

AUGUST 8, 2013

REPORTING PERIOD: July 2013

ORGANIZATIONAL HIGHLIGHTS – Jon Nelson, Interim City Manager

- With the sale of the City bonds, final payment in the amount of \$10,113,320.81 has been made to Lowe’s for the City’s economic development agreement obligations.
- Check out the great work by Parks staff at Gills Landing; revenue has grown from less than \$1,400 per year to almost \$60,000 per year in the last 4 years!

I. ADMINISTRATION – Jon Nelson, Interim City Manager

Economic Development

- Final payment was made to Lowe’s. This completes the City’s obligations under the 2005 Economic Development Agreement.
- On July 11, Jamie Bilyeu provided an information tour of four of Lebanon’s industrial sites to the state’s new Industrial Lands Specialist, Sierra Gardner, and our region’s Business Development Officer, Sean Stevens. Ms. Gardner will be assisting staff in certifying (or re-certifying) some of our sites.
- Staff responded to two economic development inquiries from the state’s Business Oregon Department. These were both very preliminary and more detailed submittals could be solicited at a later point in time.

Human Resources

- **Open enrollment** for medical/dental/vision insurance. Employee enrollment packets have been issued. All applications and forms from employees are due by August 21.
- **Workers Compensation** Policy and Return-To-Work program update. After the recent transition of insurance coverage from CCIS to SAIF, we have begun the process of organizing a new procedure for our return-to-work program. Specialists from SAIF are meeting with me and Dean Baugh to ensure the method will be efficient and easy for both managers and employees.

Table of Contents

I. ADMINISTRATION	1
II. LEGISLATIVE / CITY CLERK	2
III. COMMUNITY DEVELOPMENT.....	2
IV. ENGINEERING SERVICES	3
V. FINANCE SERVICES	4
VI. INFORMATION & GIS SERVICES	5
VII. LIBRARY	6
VIII. MAINTENANCE	7
IX. POLICE	8
X. SENIOR SERVICES.....	9

- **HR Newsletter.** Items to be included in the first issue (September) will be: Benefit Updates – Open Enrollment; Employee training and professional development; Oregon legislature news & The Affordable Care Act; Safety & Wellness; Upcoming important dates and employee recognition.

II. LEGISLATIVE / CITY CLERK – Linda Kaser, City Clerk

- **Utility Billing Collection Survey.** Survey results and discussion is scheduled for the August 14 City Council Agenda.
- **Customer Service Survey.** Staff has not received any new surveys since last month.
- **Employee Satisfaction Survey.** A draft survey for Council's approval is tentatively scheduled for October 9.
- **Website and Facebook Pages.** Staff is ensuring that their department's webpage is current in preparation for the website upgrade expected to be completed this fall.
- **Public Records Requests.** Continue to be at a very low level which is contributed to being proactive by posting documents and information on the City's social media sites.
- **City Manager Recruitment.** The Meet and Greet and Interview Process went very well. Staff is excited to have new City Manager Dana Hlavac on board. Dana officially begins his duty August 26.
- **Visitors Guide and Chamber Directory.** Staff will be working on two ads – a general ad and a revised Lebanon City Parks ad – for the Lebanon Chamber's Visitors Guide which is due September 1.

III. COMMUNITY DEVELOPMENT – Walt Wendolowski, Manager

- **Planning.** The Planning Commission considered two amendments to the Development Code during their July meeting. The first concerns the use of wind energy systems in the Industrial zone. The language would not allow a “wind farm” but permits the use of individual wind turbines to power industrial facilities. The second proposal cleans up language regarding the parking/storage of recreational vehicles on private property. Strict interpretation of our Code might prohibit parking an RV on the driveway; the changes would clarify the language to ensure this is permitted, fully recognizing this reflects the current reality. The Commission recommended City Council approval of both actions.

The Commission will not meet in the month of August.

Staff recently approved an Administrative Review (File 13-07-30) establishing a child care center on Tangent Street. This is an appropriate use and location given the proximity of the Medical College and surrounding residential development.

- **Building.** The final building fee numbers are in for Fiscal Year 2012-13. My math was a bit off in my last memo; but the correct numbers are similar and certainly good news for Building Services. For FY 2012-13, the City received \$348,462 in building fees; this compares to only \$182,283 for FY 2011-12. The increase is certainly reflected in construction values: FY 2012-13 - \$43,182,374; FY 2011-12 - \$15,164,069. The biggest jump in evaluations was for commercial/industrial projects: \$1,432,317 in FY 2011-12 versus \$23,518,253 in FY 2012-13. In

addition, single family home construction increased eight-fold: only two single family building permits were issued in FY 2011-12, but 16 permits in FY 2012-13.

- **Public Event Permits.** Special Olympics was granted a public events permit for a fund raising event held at the Willamette Valley Rehabilitation Center. Otherwise, the Department has not received any new event applications.
- **Parks & Camping.** According to Office Assistant Shannon Hammagren, park revenue has increased significantly in the last four years. More groups are interesting in renting City parks and the RV Park has a developed a reputation as a clean, well maintained and friendly facility. Using Fiscal Year data here is the latest trend:

<i>Use/Fiscal Year</i>	<i>2009-2010</i>	<i>2010-2011</i>	<i>2011-2012</i>	<i>2012-2013</i>
Park Shelter	\$100.00	\$97.00	\$849.00	\$2,717.00
Gills Landing	\$1,382.97	\$3,368.85	\$12,656.00	\$59,923.90

- **Staff.** Now that the July vacations are over, the Department will return to regular office hours of 7:00 am to 5:00 pm, Monday through Thursday; and, 7:00 am to 1:00 pm on Friday.

IV. ENGINEERING SERVICES – Ron Whitlatch, Manager

- The Contractor has installed a majority of the curb & gutter, sidewalk, and driveways along Twelfth Street as part of the Westside interceptor Project. Paving of Twelfth, Sherman, and Airway will begin towards the end of August. The project should be complete by mid-September.
- Final paving of Filbert Street has been completed. This was done in conjunction with the Filbert Street sanitary sewer and waterline replacement. The sewer was installed by a RJ Armstrong and the waterline was installed by City Crews as an emergency replacement due to multiple leaks.
- The Contractor working on the Fifth Street Reservoir Project will begin grading for the reservoir slab starting the first week of August. So far, they have cleared all of the trees on site. They have had some minor schedule delays due to materials being back ordered. At this point in time, the delay does not look like it will impact the overall schedule of the project.
- McKinney Lane paving associated with the new apartment complex has been completed. The City participated financially in four feet of additional road widening to eliminate several maintenance and parking issues along the west side of McKinney Lane.
- Udell Engineering is currently working on the survey and design of two small sewer replacement projects. Berry Street and Maple Street are this year’s small sewer replacement projects. Udell Engineering was hired due to current staff work load. The projects are scheduled to get approval to bid this fall from the City Council.
- Staff is currently updating the five year CIP Plan and preparing for several upcoming projects. The CIP Plan will be brought to City Council for approval in the fall.
- The Hobbs and Arlene Neighborhood Improvements Project was scheduled to start in Mid-July; however the Contractor is trying to finish several other projects prior to starting this one. The new schedule indicates starting in Mid-August. Staff is currently working with Contractor to

ensure they can meet their contractual completion date, and also having them re-issue Notice of Construction to impacted residents.

- Staff has completed all of the scoring for Consultant Selection for design of the New Water Treatment Plant. Staff will present the results at the August 14th Council Meeting.
- A pre-Construction Meeting has been scheduled with Pacific Excavation in August for the Fifth Street Waterline Replacement Project. Construction is expected to begin in mid to late August. The Contractor as well as City Staff will be working with East Linn Christian School to ensure access to the school.
- The ODVA buildings are under construction. The public water line throughout the site is currently being tested.
- Ridgeway Butte subdivision design is continuing. Staff has received no further information.
- Staff reviewed revised plans for the Event Center site. The public improvement drawings and site plans were approved. The building and parking lot are under construction. The public sanitary sewer was constructed from Mullins Way to the site.
- Staff received and began review of the site plans for the Samaritan Hotel and Restaurant. While the plans were somewhat incomplete, it was agreed that site excavation and base rock could commence without final plans.

V. FINANCE SERVICES – Dean Baugh, Manager

- Health Insurance Renewal; Met with insurance broker multiple times going over insurance rate projections and ideas to reduce the cost.
- Met with ASCME union reps to discuss Health Insurance Renewal
- Attend two training sessions with our new Work Comp carrier, on WC201 and another was a walk through the company to see how they process claims and what services are available to the City, Debi Shimmin also attended
- Multiple meeting with Key Bank and City Bond attorney on the proposed Northwest bond to be issued in July 31, 2013; gathering information and preparing documents
- Met with Jim Shannon (Bond Attorney) on July 30 in Portland to sign documents for bond closing
- Fiscal Year end; June 30 is the end of the Fiscal Year; this is a busy time of year for Finance preparing fiscal year items to prepare for the annual audit. This year the City has contracted with a new audit firm (Accuity LLC)
- Payroll conversion; still working with ADP to close out the last few item on our contract with them to process payroll
- Had quarterly board meeting with (LCHRP) Linn County Housing Rehabilitation Partnership, meeting held in Lebanon. Minutes were submitted to the council read file.
- Per budget paid City grants to Meals on Wheels \$4,000 an Lebanon Foundation \$25,000
- City hall cameras are in place and training was completed, voice at the front counter is still being worked on,

- Payroll-working inputting COLA's that were effective July 1, 2013
- Payroll completing all quarterly reports
- Attended training on Legislative rulings
- Accounts Payable; 451 invoices were processed for payments of \$1,353,917
- Utility Billing; Payments as of July 25, \$768,144 were received, \$158,832 were online, over the phone, CC payments, the balance were over the counter or through the mail.

VI. INFORMATION & GIS SERVICES – Brent Hurst, Manager

Information Services. The main focus this month continues to be our storage and virtual machine project in the data center. We have additional NetApp storage available, but are waiting for a contractor to finish the upgrade and configuration of our virtual desktop infrastructure before this project can be fully completed. At this point we are about 6 weeks behind on completion of our virtual infrastructure\disaster recovery upgrade. We expected to be complete with this work in early July.

- Completed the camera project and training for City Hall.
- 3 of 5 cameras at Ralston Park are completed. Two of the cameras appear to have bad cable (RJ45) connectors and are scheduled for replacement the week of August 5.
- The City WiFi pole attachments on PacifiCorp poles have been removed.
- Senior Center Dial-a-Bus Drivers are upgraded to a new Active Directory profile system. Testing will be complete when the contractor finishes the virtual desktop infrastructure upgrade as per summary above.
- The Lebanon Fire District Battalion Chiefs, LT's and AIC LT's are all moved into a new Active Directory profile system. Most have been tested as personnel come on shift.
- We had network outages twice last month. On the July 24th the down time was caused by the connecting of redundant cabling in the data center. The virtual infrastructure vendor recommended we purchase redundant cabling to we could have the new and old NetApp storage systems both connected to the Cisco UCS during the upgrade as per summary above. Implementation brought the network down. Recovery was pulling out the redundant cabling. We are waiting for a resolution from our vendor on this issue.
- The second network issue occurred on July 25th when a blade unexpectedly rebooted while running a number of our virtual servers and the failover caused production servers to reboot. We are working with the blade vendor to stabilize that particular blade.
- Installed monitors on new stands in Records.
- Moved Record and Court Office Manager's workstation and auxiliary equipment to new office in Records.
- Deployed Konica C-35 Copier\Printer\Scanner to Police Patrol area.
- Moved Panasonic copier from Police Patrol area to the Santiam Travel Station.
- Moved decommissioned equipment from Information Services to Cheadle Lake storage facility.

GIS Services. The primary focus for this month has been planning and preparing for migration to the new GIS system. This includes resource links, tool modifications, departmental training on new web maps, and a generally better thought-out cutover plan.

- Created, reviewed, and restructured Web Map Gallery training document in preparation for departmental training.
- Attended 2013 ESRI User Conference (technical workshops, demo theaters, user group meetings, moderated discussions, etc.).
- Digitized and attributed Information Services dataset of surveillance network, building layouts, network drops, wireless access points, and wall phones for the Justice Center, City Hall, and Library.
- Created, printed, and displayed Arch D IS maps for the Justice Center, City Hall, and Library in the IS department.
- Printed and delivered Flush map book to Maintenance Manager.
- Coordinated and carried out aerial photography transmittals with Consumers Power, Inc.
- Updated web map links on City of Lebanon Intranet site.

VII. LIBRARY – Carol Dinges, Manager

- Well over 500 people have signed up for the Summer Reading Program so far, and we're averaging 120 in attendance at the Wednesday Performer Series. SRP will wrap up in mid-August, with the final day to turn in reading logs on Wednesday, August 14, and the by-invitation-only Gala After-Hours Party for those who completed the reading program on August 15.
- Two new resources – Freegal™, a legal music download resource which allows patrons to permanently download up to three items per week from their very extensive catalog; and Rocket Languages™, an online language learning program offering instruction in ten languages plus sign language and English for Spanish speakers – are now available to access on the library webpage (www.lebanon.plinkit.org) for patrons with LPL library cards.
- The Library Advisory Committee added a “no weapons” policy to correspond to ORS 166.370, prohibiting firearms and other dangerous weapons from public buildings, and a sign has been posted at both entrances to the library. We will be having a permanent sign made listing information that patrons need to be aware of, such as the presence of security cameras, the “no weapons” policy, etc., in order to eliminate the plethora of individual notices posted.
- The Lebanon Public Library, along with the Sweet Home and Albany Public Libraries and the LBCC Library, made the first cut and were invited to submit a full proposal for a Library Services and Technology Act grant to extend the shared ILS (integrated library catalog, circulation and patron registration software) to more libraries in Linn County and to pilot a courier to facilitate circulation of materials via Passport cards among these libraries.
- Following two recent incidences of children pulling fire alarms in the library, the staff has created a “Fire Alarm Cheat Sheet” to assist them in taking care of all necessary tasks when the

alarm goes off. The stations require two steps to activate, which prevents “accidental” pulls, but since they need to be low enough to be universally accessible, they are very inviting to children.

- LPL’s application for the 2014 Ready to Read Grant has been submitted to the State Library.
- The IS staff successfully migrated the workroom circulation station from the Albany network to Lebanon’s, which solved the problem of periodic shutdowns. We are continuing to work with Biblioteca to try to solve the issue of the self-checkout stations not consistently turning off security on checked-out materials.

VIII. MAINTENANCE – Jason Williams, Manager

- Crews replaced 6 water services due to leaks all of them long sides with street cuts.
- Crews had one 10” water main repair.
- Replaced 14 water meters.
- Completed 83 locates.
- Placed 448 late notice door hangers.
- Locked off 107 water services.
- Serviced 15 water hydrants.
- Completed 63 water service reconnects.
- Collected 84 water samples.
- 172 various water service orders this month.
- Removed and replaced 9 uneven sidewalk panels.
- Smoke tested and televised several sewer laterals for pre-engineering.
- Completed a round of ditch/streets mowing City wide.
- Replaced 4 non-working sewer laterals.
- Setup and take down for many different special events this month.
- Removed danger trees from Wynn Mill and River Park. Ground stumps hauled dirt to level the areas and re-seeded.
- Applied fertilizer to all improved parks turf areas.
- Replaced 6 clanking manhole lids and rings.
- Plugged storm lines and monitored upstream flows, working on fixing ground water infiltration problems.
- Completed a city wide round of pothole patching.
- Held our monthly maintenance shop safety meeting.
- Applied weed control in parks and streets areas as needed.
- Replaced street signs due to vandalism.

- Demo two new street sweepers, ratings have been completed and a decision has been made on the new model.
- Gills Landing RV Park is extremely busy with many reservations.
- The rental house that was in the maintenance yard has been torn down and the lot is being cleared.

IX. POLICE – Frank Stevenson, Chief of Police

- Lebanon Police Reserve bicycle patrol project has been completed with all the necessary gear arriving. They will be patrolling the downtown business areas as well as City-owned parks to assist in providing better coverage. A “test” ride was conducted on July 24th and received very positive results.
- Karl D. Bowman, Jr., was sentenced to 20 years in Federal prison for his role in the shooting of two subjects at Cheadle Lake on June 16, 2012. This case was investigated by the Lebanon Police Department and later handed over to ATF for prosecution, due to Mr. Bowman’s criminal history.
- During the month of July, 151 individuals were booked and released, brought to court, transported to/from Linn County Jail or sentenced in the Lebanon Municipal Jail. A combined 251 days were served by inmates in the Lebanon Jail.
- Patrol Division has remained active with approximately 2,195 calls-for-service for the month July. Detectives have been working several cases which involve, but are not limited to, credit card fraud involving multiple jurisdictions, possible child abuse involving a young infant child and several narcotic cases. They are also still aggressively working the case involving vehicles being damaged at the National Guard; however; very few leads have developed.
- An Intergovernmental Agreement is currently in process for the creation and operation of a Linn County Major Crime Team made up of law enforcement agencies located in Linn County. This will allow all agencies to pool resources when a major crime occurs. It will also provide combined agency training and increase communication between agencies.
- A contract is awaiting approval for a registered nurse to be available for the Lebanon Jail on specific days which will allow longer than the current 14-day sentencing currently in effect. Once the agreement is approved, Lebanon will begin to house inmates for longer periods of time.
- Deferral classes continue to increase in size with the reactivation of our Motors Team. July 32 individuals attended the class.
- The Community Policing Division remains busy. At this time the projects are Peer Court, National Night out and attending Neighborhood Watch meetings (which increase during the summer months).
- The Peer Court project, which is in the planning stages, is expected to be completed and ready to implement before the beginning of the upcoming school year.
- In the process of reviewing LPD policy and procedures to insure we are in compliance with State and Federal Laws.

X. SENIOR SERVICES – Kindra Oliver, Manager

- The Mayor will be proclaiming the month of September as Senior Center month, at the August 14th City Council meeting.
- I just received notice that the Oregon Department of Transportation and the Federal Transit Administration will be scheduling transportation audits this fall, possibly in September.
- The Linn Shuttle and Linn Benton Loop are expanding their services to make it easier for Lebanon and Sweet Home residents to get to and from Corvallis. They hope to start in September. I will share their bus schedules when they are finalized.
- The auditors are still working on the 2012 BETC audit, so I can apply for the final certification with the Department of Energy (DOE) to help match us up with a pass through partner in order to bring the projected revenue into the Dial-a-Bus fund. DOE should have everything they need in the next 3-5 weeks.
- Our Senior Community Garden is doing very well! All of our garden plots are full and all the vegetables and plants are growing nicely! We knew this was going to be great for seniors who enjoyed staying active and gardening, but it has grown into much more. I have seen 3-4 people at a time, after hours and on the weekends tending to their gardens and socializing with others.

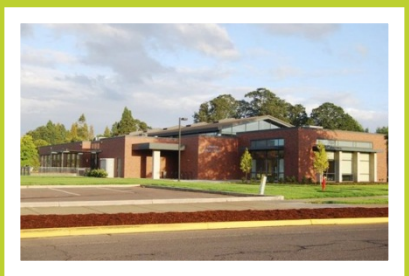
Senior Center Upcoming Events/Activities:

- We're celebrating Elvis all month, at the Senior Center – Elvis movies every Tuesday and Friday, 1:00 pm!
- SoGo Adventures: Trip to Upick Berries - Wednesday, August 7th, 9:00 am
- Birthday Celebration/Ice Cream Social – August 7th, 12:30
- Secret Pals – Friday, August 9th, 10:30 am
- "NEW" Computer Support Group – starts Tuesday, August 13th, 1:00 pm
- SoGo Adventures: Sand Dune Rides – Wednesday, August 14th, 9:00 am
- Potluck, Elvis Theme! Thursday, August 15th, Noon
- Basic Computer Class – Monday, August 19th
- Sip & Swirl Wine Tasting Event with Marks Ridge and Entertainment by Lavinia Ross, at Academy Square! Monday, August 19th, 5:00-7:00 pm
- SoGo Adventures: Easy Cardio class – Wednesday, August 21st, 9:00 am
- Oldie Goldie BBQ with the Rollin Oldies (cars on display) and the Ol' Time Fiddlers - Friday, August 23rd, Noon

AUGUST



SUN	MON	TUE	WED	THU	FRI	SAT
				1 Dwntn Farmers Market: 2-6p Grant/Main Sts	2 <u>Senior Center:</u> Elvis Movie 1p	3 WELCOME Comp-NW Med Students
4	5	6 <u>Senior Center:</u> Elvis Movie 1p Nat'l Night Out @ Ralston Park 5-8p	7	8 Dwntn Farmers Market: 2-6p Grant/Main Sts "Footloose" LHS Auditorium 7:30p	9 <u>Senior Center:</u> Elvis Movie 1p "Footloose" LHS Auditorium 7:30p	10 BLT Hike McDowell Crk 10a "Footloose" LHS Auditorium 2 p & 7:30p
11	12	13 <u>Senior Center:</u> -Computer Support Group 1p -Elvis Movie 1p	14 <u>Senior Center:</u> SoGo Adventure Sand Dune Rides 9a City Council Travel Station 6 p	15 <u>Senior Center:</u> Elvis Potluck NOON Dwntn Farmers Market: 2-6p Grant/Main Sts Bus. After Hours @ Cheadle Lake Park 5-7p	16 <u>Senior Center:</u> Elvis Movie 1p	17 <u>Cheadle Lake</u> Family Fun Day 10a-2p Market 9a-3p
18 OREGON STATE FAIR Aug 23 - Sept 2	19	20 <u>Senior Center:</u> -Basic Computers -Elvis Movie 1p -Sip & Swirl Wine Tasting 7p	21 <u>Senior Center:</u> SoGo Adventure Easy Cardio 9a	22 Dwntn Farmers Market: 2-6p Grant/Main Sts	23 <u>Senior Center:</u> -Oldie Goldie BBQ Noon -Elvis Movie 1p Lebanon Pool Parking Lot Sale 9a	24
25 B&G Club Be Great 5K Run @ Century Park 8a	26	27 <u>Senior Center:</u> Elvis Movie 1p	28	29 Dwntn Farmers Market: 2-6p Grant/Main Sts	30 Forum Lunch w/ Becky Pape SLCH 11:30 - 1 <u>Senior Center:</u> Elvis Movie 1p	31



City of Lebanon
925 S. Main Street
Lebanon, OR 97355

2013
www.ci.lebanon.or.us
P: 541-258-4900



MEMORANDUM

Finance Department

To:	Mayor, City Council & City Manager	Date: 8/14/13
From:	Dean Baugh, Finance Manager	
Subject:	Changing Utility Collection Procedures	

At the April 24, 2013 council work session on utility rates and collections the Council asked staff to bring back ideas to change the collection process to allow more time and less fees for paying the utility bills. Below is the current process followed by the proposed changes for discussion purposes. These changes take into account the results of the recent survey.

Current Procedures

TYPICAL PAYMENT DUE DATES & LATE PAYMENT PROCEDURES

(Exact Due Dates are Printed on Each Month's Bill)

- 1st day of the month** Bills due and payable for prior month's water/sewer service.
- 15th day of the month** Bills become past due.
- 18th day of the month** Late fee of \$10 assessed to any bill with an unpaid balance
(unless alternate payment arrangements have been made).
- Approximately one week later** "Door Hangers" placed on all properties with any unpaid balance. Additional fee of \$15 added to the unpaid balance.
- Approximately one week later** Water service may be terminated for any unpaid bills. **(by this time the next bill has been calculated and they would have to pay 2 months bills and the penalties)**

Proposed Procedures

TYPICAL PAYMENT DUE DATES & LATE PAYMENT PROCEDURES

(Exact Due Dates are Printed on Each Month's Bill)

1st day of the month	<u>Bills due and payable</u> for prior month's water/sewer service.
15th day of the month	Bills become past due.
Approximately 5 days	Bills not paid by the 20 th of the month will result in a late fee of \$5 plus 2% on the delinquent amount, the delinquent account fee will be placed on their next bill. (<u>unless</u> alternate payment arrangements have been made).

Door hangers are discontinued

Message on the current months billing

This replaces the door hanger—Accounts with a previous balance (past due) that has not been paid or alternate payment arrangements have been made will be disconnected on _____ without further notice. When service is disconnected for non-payment, the account plus any additional fees and penalties, must be paid in full prior to reinstating service. **(disconnect date will be between the 5th and the 10th of the month)**

Water service will be terminated for any unpaid bills. **(by this time the current months bill has been calculated and they would have to pay their bill in full including the current charges. Past due amount and all penalties.)**