

LEBANON CITY COUNCIL AGENDA

August 8, 2018 (6:00 p.m.)

Santiam Travel Station
750 3rd Street, Lebanon, Oregon

Mayor Paul Aziz

*Councilor Jason Bolen
Councilor Robert Furlow*

*Council President Bob Elliott
Councilor Rebecca Grizzle*

*Councilor Floyd Fisher
Councilor Wayne Rieskamp*

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 COUNCIL MINUTES: July 11, 2018 Regular Session Minutes

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: Lebanon City Council Agenda – August 8, 2018
BOARD MINUTES: Library Advisory Committee – May 8, 2018
EASEMENTS: West River Trail Project – Hill, Roll Tide Properties & Sipos

PROCLAMATION / PRESENTATION / RECOGNITION:

- Patriot Day (September 11) Proclamation, read by Mayor Aziz
- Preparedness Month (September) Proclamation, read by Mayor Aziz
- Senior Center Month (September) Proclamation, read by Mayor Aziz

PUBLIC COMMENTS: *The 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 to the Council. The Council may take an additional two minutes to respond. The City Clerk will accept and distribute written comments at a speaker's request.*

PUBLIC HEARING(S):

1) Development Code Amendment – Chapter 16.20 & 16.28

Presented by: Walt Wendolowski, Community Development Director

Approval/Denial by ORDINANCE BILL NO. 2018-12, ORDINANCE NO. 2919

2) Revised City Fees Schedule

Presented by: Gary Marks, City Manager

Approval/Denial by RESOLUTION NO. 2018-28

REGULAR SESSION:

3) Lebanon Downtown Association – Revitalization Agreement

Presented by: Gary Marks, City Manager

Approval/Denial by MOTION

4) Memorandum of Understanding to Collect Linn County Transient Room Tax Receipts

Presented by: Gary Marks, City Manager

Approval/Denial by MOTION

5) Contingency Transfer – Police Vehicles

Presented by: Matt Apken, Finance Director

Approval/Denial by RESOLUTION NO. 2018-29

6) City Manager's Report

Presented by: Gary Marks, City Manager

DISCUSSION

ITEMS FROM COUNCIL

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

ITEMS FROM PRESS: *An opportunity for the Press to ask questions pertaining to city business.*

NEXT SCHEDULED COUNCIL MEETING(S)

- September 12, 2018 (6 p.m.) Regular Session
- October 10, 2018 (6 p.m.) Regular Session

ADJOURNMENT

EXECUTIVE SESSION: *Executive Sessions are closed to the public due to the highly confidential nature of the subject. It is unlawful to discuss anything outside of the Executive Session. Final action/decisions are to be made in open session.*

Per ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Per ORS 192.660(2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

REGULAR SESSION: *Council may reconvene into open session should action be required.*

ADJOURNMENT



Approval of Minutes

**LEBANON CITY COUNCIL
MINUTES – DRAFT
July 11, 2018**

Council Present: Mayor Paul Aziz, Councilors Jason Bolen, Bob Elliott, Floyd Fisher, Robert Furlow, Rebecca Grizzle and Wayne Rieskamp

Staff Present: City Attorney Tré Kennedy, City Clerk Linda Kaser, Police Chief Frank Stevenson, Community Development Director Walt Wendolowski, Engineering Services Director Ron Whitlatch and Finance Director Matt Apken

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 and led in the Pledge of Allegiance.

ROLL CALL: Roll call was taken with all Councilors present.

APPROVAL OF COUNCIL MINUTES: *Councilor Bolen moved, Councilor Grizzle seconded, to approve the June 13 Regular Session & June 27, 2018 Noon Session Minutes as presented. The motion passed unanimously.*

CONSENT CALENDAR: *Councilor Grizzle moved, Councilor Bolen seconded, to approve the Consent Calendar as presented. The motion passed unanimously.*

AGENDA: Lebanon City Council Agenda – July 11, 2018

BOARD MINUTES: Arts Commission – May 21, 2018
Planning Commission – May 16, 2018

PROCLAMATION / PRESENTATION / RECOGNITION: Mayor Aziz declared July 26 as Americans with Disabilities Act Day and August 7 as National Night Out.

PUBLIC COMMENTS

Alysia Rodgers, Lebanon Downtown Association Main Street Manager, spoke about their successful July First Friday event. The carnival-themed August event will showcase Quirky Turkeys from the Arts Commission pageant.

There were about 100 attendees at last night's Concerts in the Park. Next week's event will feature Barb Cecil, lead singer of Johnny Limbo & the Lugnuts.

The downtown Trembl's building received the Diamonds in the Rough grant so the façade will be revitalized and the transom windows restored.

PUBLIC HEARING(S):

- 1) Request for Comprehensive Plan Map & Zone Map Change – Hickey (PF #18-04-11)

Mayor Aziz opened the Public Hearing at 6:08 p.m.

City Attorney Kennedy read the public hearing quasi-judicial procedures posted on the walls. There were no objections from the audience to the notice sent out in this case or to the jurisdiction of this body to hear and consider this case; and no declarations of ex parte contact or, conflicts of interest by any Council member.

Community Development Director Wendolowski presented a request to establish the Mixed Use Comprehensive Plan designation and Mixed-Use zone on eight properties on Grant Street near the bridge. Two parcels are owned by the City as part of Gill's Landing. Five parcels are zoned Industrial and two are zoned Residential Mixed Density. The request for a Plan designation change is only for the one Linin County property that is currently designated Industrial but there is no concurrent request to annex this parcel. Grant Street is fully serviced and this change complies with State Land Use Goals. The Planning Commission recommended approval of the proposed Plan amendment and Zone change.

Since there is a vast surplus of land zoned Industrial, Mixed Use and Residential Mixed Density, this change will not affect the City's ability to provide land for these uses. The Mixed Use zone will allow the continuation and expansion of commercial uses and allows opportunity for residential development.

DLCD reviewed the material and did not oppose the request. Comments were received from the Fair Housing Council. He responded by email that losing 1.5 acres of a surplus of over 1,200 acres of Residential Mixed Density property will not impact the City's ability to provide needed housing.

Councilor Grizzle asked whether this letter is in opposition to the changes. Wendolowski stated that he does not believe it is in opposition but more that they feel the City needs to comply with State Goal 10. The Fair Housing Council seemed to be satisfied with Wendolowski's correspondence about three weeks ago. Lebanon has done an amazing amount of development to meet the community's housing needs. He confirmed for Councilor Rieskamp that the Fair Housing Council letter came in too late to bring before the Planning Commission.

In response to Councilor Furlow's question, Wendolowski indicated that this is the first time the Fair Housing Council submitted a letter into the record.

Wendolowski stated that the Fair Housing Council will receive notice of the Council's decision and a copy of the adoption ordinance. Responding to Councilor Furlow's suggestion that he include information on Lebanon's successful housing enhancements, he shared that this was discussed in his prior conversation with them.

Hearing no public comments, Mayor Aziz closed the Public Hearing at 6:19 p.m.

City Attorney Kennedy read the title of ORDINANCE BILL NO. 2018-9, ORDINANCE NO. 2916. ***Councilor Rieskamp moved, Councilor Furlow seconded, to APPROVE ORDINANCE BILL NO. 2018-9, ORDINANCE 2916, A BILL AMENDING THE LEBANON COMPREHENSIVE PLAN MAP AND ZONING MAP TO ESTABLISH THE MIXED USE PLAN DESIGNATION AND MIXED USE ZONE. FILE 18-04-11; DAVE HICKEY, et al. The motion passed unanimously.***

2) Request for Comprehensive Plan Map & Zone Map Change – Gleanns at Riverplace, LLC (PF #18-05-16)

Mayor Aziz opened the Public Hearing at 6:20 p.m.

There were no questions about the previously read quasi-judicial procedures that will also apply to this hearing. Kennedy reiterated that for any opposition to the application, 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 to the issues precludes an appeal to the Land Use Board of Appeals. He asked that the Clerk copy into the record the statements provided in

the first hearing. There were no objections from the audience to the notice sent out in this case or to the jurisdiction of this body to hear and consider this case; and no declarations of ex parte contact, conflicts of interest by any Council member.

Wendolowski presented a request to establish the Residential Mixed Density Comprehensive Plan designation and Residential Mixed Density zone on a 9.51-acre parcel located on River Road north of the new water treatment plant. The property is fully serviced with public facilities and is currently zoned Residential Low Density. Staff feels that this complies with Statewide Land Use Goals. The request also included a partition to divide the property into two parcels and to create a 27-lot single-family subdivision on one of the partitioned parcels. The Commission approved the subdivision subject to Council approval of the zone change. The partition is independent of either decision. The Planning Commission recommends that Council approved the proposed Plan and Zone change.

DLCD had no issue with this request. The adoption ordinance addresses findings regarding the zone change. Both the RL and RM zones allow subdivisions; the applicant plans to construct a subdivision on one of the parcels but with smaller lots. The RM zone also allows other housing alternatives. A letter from Fair Housing requests compliance with Goal 10 findings. There are no deficiencies in housing types. This also has better potential for affordability. If approved, he requested that the ordinance be amended to include a paragraph based on this commentary to secure findings on Goal 10. The ordinance title should also be amended to say Residential Mixed Density (and not Mixed Use).

Hearing no questions of staff, Mayor Aziz asked for the applicant or their representative's testimony.

Steve Kay, Cascadia Planning and Development Services, PO Box 1920, Silverton, stated that they concur with all findings and believe this application meets the criteria for approval.

Councilor Rieskamp asked about the proposed subdivision lot sizes. Wendolowski indicated the lots will be from 5,000 to 7,500 square feet.

Hearing no public comments, Mayor Aziz closed the Public Hearing at 6:30 p.m.

Kennedy read the title of ORDINANCE BILL NO. 2018-10, ORDINANCE NO. 2917. ***Councilor Elliott moved, Councilor Bolen seconded, to APPROVE ORDINANCE BILL NO. 2018-10, ORDINANCE 2917, A BILL AMENDING THE LEBANON COMPREHENSIVE PLAN MAP AND ZONING MAP TO ESTABLISH THE RESIDENTIAL MIXED DENSITY DESIGNATION AND ZONE. FILE 18-05-16; GLEANN'S AT RIVER PLACE AS AMENDED. The motion passed unanimously.***

3) Annexation Request – Good Faith Management, LLC (PF #18-05-17)

Mayor Aziz opened the Public Hearing at 6:32 p.m.

Kennedy noted that everyone in the audience was present for the reading of quasi-judicial procedures read at the beginning of the meeting. There were no objections by Council or citizens to those statements being placed into the record. There were also no objections from the audience to the notice sent out in this case or to the jurisdiction of this body to hear and consider this case; and no declarations of ex parte contact, conflicts of interest by any Council member.

Wendolowski requested Council approval of an annexation request for 2.17 acres of a 3.42-acre parcel located at the Russell Drive/Franklin Street intersection. Upon annexation, the property will be established as Residential Mixed Density, which is consistent with the designation. The Planning Commission's approval of a separate request to partition the subject property (along the annexation boundary) is subject to Council approval of the

annexation. This property is within the urban growth boundary, is adjacent to City limits, and necessary services can be extended to serve the site. The Planning Commission recommended Council approval of the request.

DLCD had no issues with this request. The Fair Housing Council submitted a letter stating that Goal 10 Findings apply in this case. The buildable lands inventory established the need for a variety of types of lands to meet the community's commercial, residential and industrial needs; there are no deficiencies in housing types.

Hearing no questions of staff, Mayor Aziz asked for the applicant or their representative's testimony.

Ed Patton, Udell Engineering and Land Surveying LLC, 63 E. Ash Street, stated that they agree with the staff report and the Planning Commission's recommended conditions of approval.

Mayor Aziz asked about plans for this property. Mr. Patton stated that they will likely use Residential Mixed Density restrictions or opportunities afforded by the City Code.

Hearing no public comments, Mayor Aziz closed the Public Hearing at 6:38 p.m.

Kennedy read the title of ORDINANCE BILL NO. 2018-11, ORDINANCE NO. 2918. ***Councilor Elliott moved, Councilor Bolen seconded, to APPROVE ORDINANCE BILL NO. 2018-11, ORDINANCE 2918, A BILL 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 18-05-17; GOOD FAITH MANAGEMENT. The motion passed unanimously.***

REGULAR SESSION:

4) Approval to Award Bid for West River Trail Project

Engineering Services Director Whittlatch briefly spoke about the West River Trail Project (behind Mountain River Drive/Riverview School) and requested Council approve awarding the project to RJ Armstrong & Associates Construction, Inc. With BLT/Thad Nelson's contribution of about \$35,000 for the island loop trails paving, \$104,000 from Oregon Parks and Recreation, and the remainder from Parks SDCs, staff recommends going forward with this as part of the deductive alternate.

Responding to Councilor Elliott's comment, Whittlatch stated that the difference between the bid and the engineer's estimate was the price of a retaining wall that the engineer valued at \$30 per foot, while the bids had a price of \$90 per foot.

Councilor Furlow moved, Councilor Fisher seconded, to AWARD THE WEST RIVER TRAIL PROJECT TO RJ ARMSTRONG & ASSOCIATES CONSTRUCTION, INC. The motion passed unanimously.

5) Amending Resolution No. 2018-14 Levying Taxes for FY 2018/19

Finance Director Apken presented an amendment to Resolution No. 2018-14 that includes delinquent sewer and storm drain assessments. Adding the administration fee and deducting a payment made today, the new amount is \$49,594.18 for sewer and \$5,063.08 for storm drain. City Clerk Kaser noted that the Mayor has the amended resolution to be signed.

Kennedy read the title of RESOLUTION NO. 2018-27. ***Councilor Grizzle moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2018-27, A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 2018-14 TO INCLUDE DELINQUENT SEWER AND STORM DRAIN ASSESSMENTS. The motion passed unanimously.***

6) League of Oregon Cities Legislative Priority Survey

Mayor Aziz stated that City Manager Marks' memo includes his recommendation for the four LOC priorities. Councilors Grizzle and Rieskamp and Mayor Aziz agreed with Marks' recommendations. In response to Councilor Elliott's question as to whether Third-Party Building Inspection should be excluded because the issue was settled, Mayor Aziz stated that the matter is still pending.

Kaser noted that LOC is also asking for the Council's opinion on the four least important areas to pursue. The Council agreed with Mayor Aziz's comment that he does not think that this needs to be done. Kaser stated that she would let LOC know that Council elected not to participate in the least important area.

Council agreed with the four priorities recommended by City Manager Marks for LOC to focus their efforts on during the next State General Legislative Session: 1) Infrastructure Financing and Resilience; 2) PERS Reform; 3) Third Party Building Inspection; and 4) Wetland Development Permitting.

7) City Manager's Report

ITEMS FROM COUNCIL

Councilor Elliott commented that there should be some kind of memorial for Ken Toomb since he was such an important figure in the City. Mayor Aziz shared that Scott Simpson's memorial came about after a request from his family. Kaser stated that she was going to speak with Thelma Toomb after giving her some time. Elliott suggested that he and Kaser approach her together.

Referring to the lot across Ralston Park, Councilor Elliott feels that the City does not need another dog park. He suggested making it into a park for kids.

Councilor Bolen reported that the neighbors in the Ralston Park area were pleased to see the lot cleaned up but all of them questioned why it would become another dog park. They are also concerned with the lack of lighting. The resident next door to the lot (who would be most encroached upon by the lighting) is also calling for it. For liability and safety, it would also be in the City's best interest to install permanent lighting. After hearing these comments, Councilor Bolen wondered whether the City should have first done a survey of the residents and not have made a unilateral decision. He is not questioning what was done or how it was done, but maybe the City should listen to these active community members, by installing lighting, then possibly creating a smaller shared space that includes more than a dog park. Councilors Elliott and Rieskamp agreed.

Mayor Aziz stated that the lot is so small that there is not much that can be done with it. His idea behind a dog park is that there would always be constant traffic discouraging criminal activity.

Councilor Grizzle stated that she agrees with the lighting, but she does not have a problem with a dog park. Fencing with a double entry would deter people from cutting across the lot.

Councilor Rieskamp agreed that lighting is needed but he stated that he has not heard of anyone in favor of another dog park. He feels that the lot should be used to enhance Ralston Park.

Mayor Aziz stated that Marks will be presenting a plan for a Ralston Park Improvement Park Ad Hoc Committee in the fall. Councilor Bolen suggested that Marks contact Dala Johnson to connect with those residents to participate on the committee. Mayor Aziz stated that he will speak to Marks about the lighting issue.

Kennedy spoke about a fundraiser to install turf at the high school baseball and softball infields, which would benefit the high school, JBO, girls' softball, and tourism. The total project cost is approximately \$400,000 but it is now at about \$150,000 with in-kind donations.

Kaser informed Council that election filing starts tomorrow through July 30. The four open positions include the Mayor and one Councilor from each ward. Currently, three filing appointments have been scheduled this week.

PUBLIC COMMENTS –

Andra Salmon, 142 E. Elmore Street, shared her experiences and complaints about the management of Queen Anne Apartments and about the Oregon Housing and Community Services who is supposed to oversee low-income tax credit properties. Councilor Grizzle remarked that it is unfortunate that the Council does not have any authority over this. The Council suggested contacting Senator Fred Girod and Representative Sherrie Sprenger who have oversight over State agencies.

ITEMS FROM PRESS – *There were no questions or comments.*

NEXT SCHEDULED COUNCIL MEETING(S)

- August 8, 2018 (6:00 p.m.) Regular Session
- September 12, 2018 (6:00 p.m.) Regular Session

ADJOURNMENT

Mayor Aziz adjourned the Regular Session at 7:11 p.m.

[Minutes prepared by Donna Trippett and Linda Kaser]

Minutes Approved by the Lebanon City Council on this 8th day of August 2018.

Paul R. Aziz, Mayor
Bob Elliott, Council President

ATTESTED:

Linda Kaser, City Clerk

Consent Calendar

Board & Committee
Meeting Minutes



**Minutes
Lebanon Public Library
Advisory Group Meeting
May 8, 2018**

The meeting was called to order at 4:34 pm by Garry Browning, chair.

Present: Garry Browning, chair; JonLee Joseph, Delvin King, Virginia Cloyd, Kendra Antila, Library Director

Minutes of the March 13, 2018 meeting were approved as presented.

Library Director's Report:

March and April statistics reports were presented. Circulation totals for the month of March were the 2nd highest seen this year. Holds fulfilled for April were the highest for the year so far. A substantial increase in the digital access of Rocket Languages was noted. Public computer use was down and attributed the outages for the recent upgrade.

The budget committee meeting for FY 18/19 was also discussed.

Additionally, Trust Management Grant funds have been received. Staff will begin purchasing items funded by the grant funds immediately.

Friends of the Library Report:

JonLee gave the financial report. The Friends are in need of volunteers to help with the monthly book sale. The next sale will be Saturday, May 26th from 9:00 – 2:00.

Unfinished Business:

None.

New Business:

Two group members have terms that will expire this year. Virginia Cloyd has applied for reinstatement. Garry Browning, Advisory Group Chair, will not be reapplying. Garry has been a valuable contributor to the group for ten years, and his time and service are much appreciated.

An exploratory meeting with Fletcher, Farr & Ayotte, architects/designers of our current facility, will be held on May 23rd. The meeting will explore the feasibility of enclosing the children's patio for a storytime room.

Kendra shared plans to participate in the Gift of Literacy event this year by reading "Escargot" to the first-graders.

Public Comments: None

Announcements: None.

The Meeting was adjourned at 5:00 pm. The next meeting will be July 10, 2018 at 4:30 pm.

Easements &
Rights-of-Way



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4918
www.ci.lebanon.or.us

MEMORANDUM

Engineering Services

To: Ron Whitlatch, Engineering Services Director
From: Tammy Dickey, Development Services Technician
Subject: **Easements – Public Access and Drainage**

Date: July 31, 2018

The attached easements and maps are ready to be presented for approval at the next City Council meeting.

All three easements are for the new West River Trail Project on River Road near the Mountain River Drive area.

EASEMENT FOR PUBLIC ACCESS AND DRAINAGE

THIS AGREEMENT, made and entered into this _____ day of _____, 20____ by and between Willis W. and Pamela S. Hill, (Address:) 37722 River Drive, Lebanon, Oregon 97355, herein called Grantors, and the CITY OF LEBANON (Address: 925 Main Street, Lebanon, Oregon 97355), a Municipal corporation, herein called "City."

WITNESSETH:

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

This agreement is subject to the following terms and conditions:

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

IN WITNESS WHEREOF, we have set our hands hereto this 10 day of July, 2018.

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

Willis W. Hill
Pamela S. Hill
GRANTOR(S)

IN WITNESS WHEREOF, we have set our hands hereto this _____ day of _____, 20____.

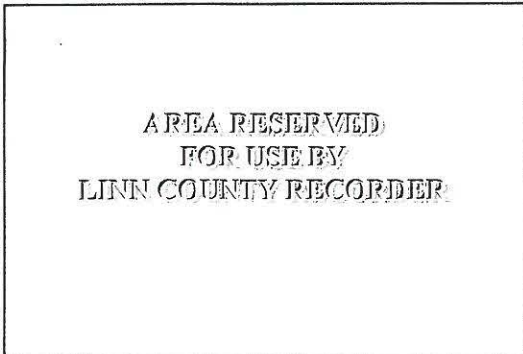
STATE OF OREGON)
County of Linn)ss.
City of Lebanon)

By: Paul Aziz, Mayor
Bob Elliott, Council President
By: Linda Kaser, City Clerk/Recorder

On the 10 day of July, 2018, personally appeared the within named Willis W. Hill and Pamela S. Hill who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: [Signature]
NOTARY PUBLIC FOR OREGON

Commission Expires: March 18, 2022



GRANTEES

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

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON

Commission expires: _____

On the _____ day of _____, 20____, personally appeared the within named _____ who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON

Commission Expires: _____

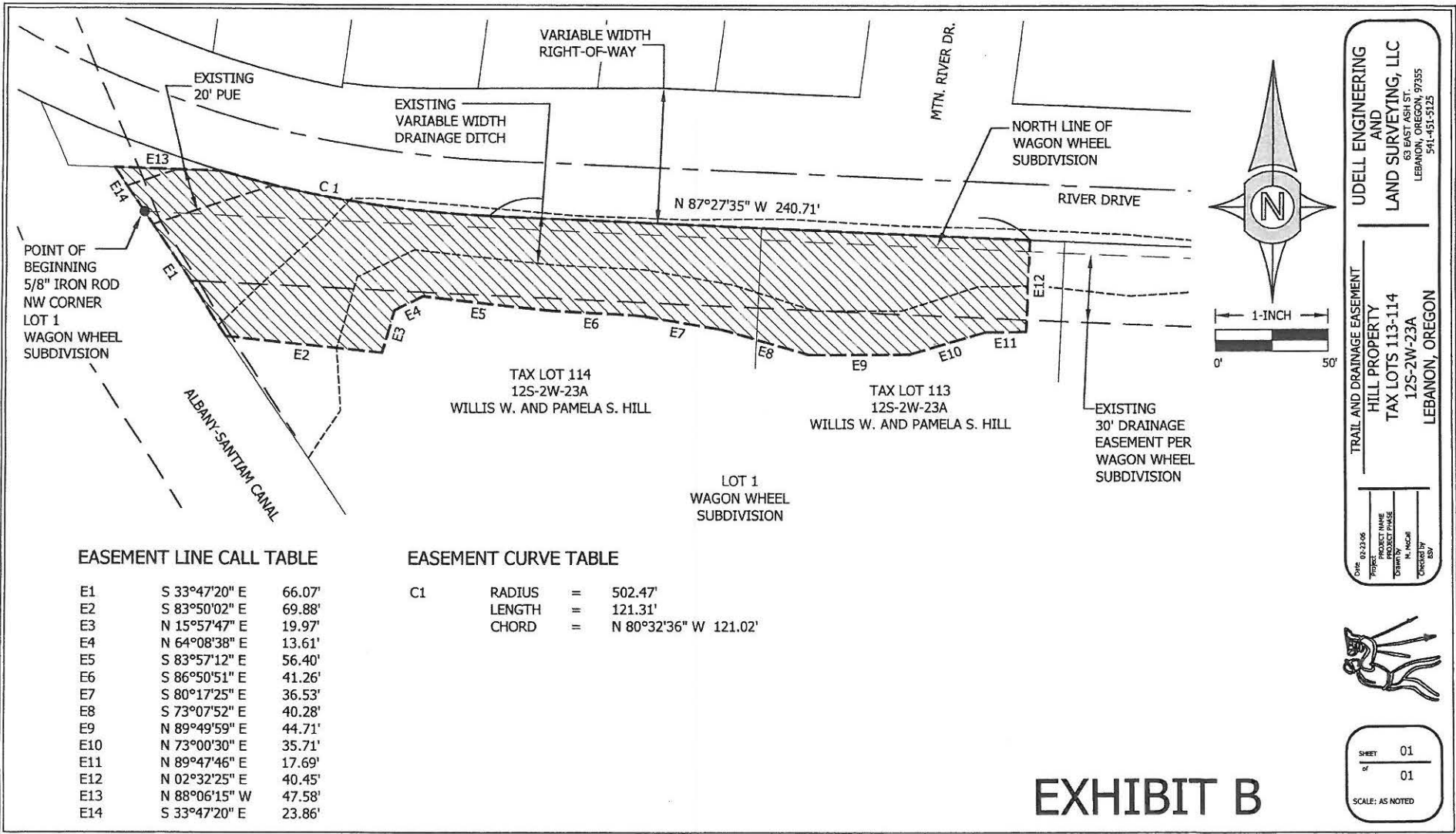
EXHIBIT A

Easement for Public Access and Drainage

An area of land in the NE 1/4 of Section 23 in Township 12 South of Range 2 West, Willamette Meridian, Linn County, State of Oregon more particularly described as follows:

Beginning at a 5/8-inch iron rod marking the Northwest corner of Lot 1 in Wagon Wheel Subdivision, Linn County, Oregon; thence South 33°47'20" East 66.07 feet to a point; thence South 83°50'02" East 69.88 feet to a point; thence North 15°57'47" East 19.97 feet to a point; thence North 64°08'38" East 13.61 feet to a point; thence South 83°57'12" East 56.40 feet to a point; thence South 86°50'51" East 41.26 feet to a point; thence South 80°17'25" East 36.53 feet to a point; thence South 73°07'52" East 40.28 feet to a point; thence North 89°49'59" East 44.71 feet to a point; thence North 73°00'30" East 35.71 feet to a point; thence North 89°47'46" East 17.69 feet to a point; thence North 02°32'25" East 40.45 feet to a point on the South right of way of River Drive; thence North 87°27'35" West, along said right of way, 240.71 feet to a point; thence continuing along said right of way following the arc of a 502.47 feet radius curve to the right for 121.31 feet (chord bears North 80°32'36" West 121.02 feet) to a point marking the eastern most corner of the land described in Linn County deed no. 2017-3917; thence North 88°06'15" West, along the south line of said land described in Linn County deed no. 2017-3917, 47.58 feet to a point; thence South 33°47'20" East 23.86 feet to the point of beginning.

The above legal description is based on the Oregon State Plane Coordinate System-Oregon North Projection.



EASEMENT LINE CALL TABLE

E1	S 33°47'20" E	66.07'
E2	S 83°50'02" E	69.88'
E3	N 15°57'47" E	19.97'
E4	N 64°08'38" E	13.61'
E5	S 83°57'12" E	56.40'
E6	S 86°50'51" E	41.26'
E7	S 80°17'25" E	36.53'
E8	S 73°07'52" E	40.28'
E9	N 89°49'59" E	44.71'
E10	N 73°00'30" E	35.71'
E11	N 89°47'46" E	17.69'
E12	N 02°32'25" E	40.45'
E13	N 88°06'15" W	47.58'
E14	S 33°47'20" E	23.86'

EASEMENT CURVE TABLE

C1	RADIUS	=	502.47'
	LENGTH	=	121.31'
	CHORD	=	N 80°32'36" W 121.02'

EXHIBIT B

EASEMENT FOR PUBLIC ACCESS AND DRAINAGE

THIS AGREEMENT, made and entered into this _____ day of _____, 20____ by and between Roll Tide Properties Co., (Address: PO Box 703 Cornelius, Oregon 97113, herein called Grantors, and the CITY OF LEBANON (Address: 925 Main Street, Lebanon, Oregon 97355), a Municipal corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the Grantor does bargain, sell, convey and transfer unto the City of Lebanon, a perpetual and permanent easement, including the right to enter upon the real property hereinafter described, construct a multi-use trail, and to maintain and repair a storm drainage ditch for the purpose of conveying storm waters over, across, through and under the lands hereinafter described, together with the right to excavate and maintain ditches and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said multi-use trail and drainage ditch.

This agreement is subject to the following terms and conditions:

1. The easement hereby granted is described as follows:

SEE "EXHIBIT A" and "EXHIBIT B" ATTACHED

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

Indemnification. The City shall indemnify and hold harmless the GRANTOR, or any assignee or successor of the GRANTOR, from and against any and all claims arising from or in connection with use of the Right of Way Easement by the City or the Public, except any claims which are the result of any negligent action or grossly negligent inaction of the GRANTOR, assignee or successor.

IN WITNESS WHEREOF, we have set our hands hereto this 17 day of July, 2018.

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

Christopher M. Tews, Vice President Roll Tide Properties Co.

GRANTOR(S)

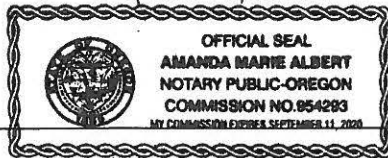
IN WITNESS WHEREOF, we have set our hands hereto this _____ day of _____, 20____.

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

By: Paul Aziz, Mayor
Bob Elliott, Council President
By: Linda Kaser, City Clerk/Recorder

On the 17th day of July, 2018, personally appeared the within named Christopher M. Tews, Vice President of Roll Tide Properties Co. who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: Amanda Albert, NOTARY PUBLIC FOR OREGON
Commission Expires: Sept. 11th, 2020



AREA RESERVED FOR USE BY LINN COUNTY RECORDER

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

BEFORE ME: _____ NOTARY PUBLIC FOR OREGON
Commission expires: _____

On the _____ day of _____, 20____, personally appeared the within named _____ who acknowledged the foregoing instrument to be a voluntary act and deed.
BEFORE ME: _____ NOTARY PUBLIC FOR OREGON
Commission Expires: _____

EXHIBIT A

EASEMENT FOR PUBLIC ACCESS AND DRAINAGE

AN AREA IN THE SE 1/4 OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, STATE OF OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH ROD MARKING THE SOUTHWEST CORNER OF LOT 52 IN SANTIAM RIVER PLACE 2 SUBDIVISION, LINN COUNTY, OREGON; THENCE NORTH 89°44'16" EAST 126.33 FEET TO A POINT; THENCE NORTH 09°11'42" EAST 30.95 FEET TO A POINT; THENCE NORTH 06°36'48" EAST 19.93 FEET TO A POINT; THENCE SOUTH 89°45'25" WEST 24.88' FEET TO A POINT; THENCE SOUTH 28°20'26" WEST 28.36 FEET TO A POINT; THENCE ALONG THE ARC OF A 20 FOOT RADIUS CURVE TO THE RIGHT 21.43 FEET TO A POINT (CHORD BEARS SOUTH 59°02'21" WEST 20.42 FEET) TO A POINT; THENCE SOUTH 89°44'16" WEST 76.29 FEET TO A POINT; THENCE SOUTH 05°24'20" WEST 15.07 FEET TO THE POINT OF BEGINNING.

THE ABOVE LEGAL DESCRIPTION IS BASED ON CS 24302, SANTIAM RIVER PLACE 2 SUBDIVISION.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Vanetta

OREGON
JULY 13, 1999
BRIAN VANETTA
#51041-LS

RENEWAL DATE: 6-30-2020

TAX LOT 5400
12S-02W-14DD
ROLL TIDE PROPERTIES CORP

RADIUS = 20.00'
LENGTH = 21.43'
CHORD = S59°02'21"W
20.42

TAX LOT 5600
12S-02W-14DD
ANDREW S. & REBECCA S. RUX

S89° 45' 25"W
24.88'

N06° 36' 48"E
19.93'

N09° 11' 42"E
30.95'

MOUNTAIN RIVER DRIVE

EXISTING
10' PUBLIC UTILITY
EASEMENT

S05° 24' 20"W
15.07'

S89° 44' 16"W 76.29'

N89° 44' 16"E 126.33'

S28° 20' 26"W
28.36'

TRACT C
SANTIAM
RIVER PLACE 2

EXISTING
15' DRAINAGE
EASEMENT

PROPOSED VARIABLE
WIDTH PUBLIC ACCESS
AND DRAINAGE EASEMENT

POINT OF BEGINNING
5/8" IRON ROD
SW CORNER LOT 52
SANTIAM RIVER PLACE 2



SCALE: 1" = 20'

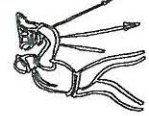
0' 20'

EXHIBIT B

UDELL ENGINEERING
AND
LAND SURVEYING, LLC
62 EAST ASH ST.
LEBANON, OREGON, 97355
941-451-5125

PUBLIC ACCESS AND DRAINAGE EASEMENT
MOUNTAIN RIVER DRIVE
TAX LOTS 5400 & 5600
LEBANON, OREGON

DATE: 06-11-18
PROJECT: MOUNTAIN RIVER
DRAINAGE EASEMENT
DRAWN BY: BVP
CHECKED BY: BVP



SHEET 01
of 01
SCALE: AS NOTED

EASEMENT FOR PUBLIC ACCESS AND DRAINAGE

THIS AGREEMENT, made and entered into this _____ day of _____, 20____ by and between Peter and Jody Sipos, (Address: 30564 Santiam River Rd., Lebanon, Oregon 97355), herein called Grantors, and the CITY OF LEBANON (Address: 925 Main Street, Lebanon, Oregon 97355), a Municipal corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the Grantor does bargain, sell, convey and transfer unto the City of Lebanon, a perpetual and permanent easement, including the right to enter upon the real property hereinafter described, construct a multi-use trail, and to maintain and repair a storm drainage ditch for the purpose of conveying storm waters over, across, through and under the lands hereinafter described, together with the right to excavate and maintain ditches and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said multi-use trail and drainage ditch.

This agreement is subject to the following terms and conditions:

1. The easement hereby granted is described as follows:

SEE "EXHIBIT A" and "EXHIBIT B" ATTACHED

- 2. The permanent easement described herein grants to the City and to its successors, assigns, authorized agents or contractors, the perpetual right to enter upon said easement at any time that it may see fit for construction, maintenance, evaluation and/or repair purposes. Entry to the easement shall occur from the public right of way and not across private property that is not included within the easement limits.
3. The easement granted is in consideration of \$ 1.00, the receipt of which is hereby acknowledged, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor may obtain therefrom.
4. The Grantor does hereby covenant with the City that Grantor is lawfully seized and possessed of the real property above described, has a good and lawful right to convey it or any part thereof, and will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City will make reasonable efforts to return the site to its original condition.
6. No permanent structures (such as buildings, cross fences, etc. that would impede the use of the easement for purposes herein described) shall be constructed on this easement.
7. The easement granted give the general public the right to traverse and use the multi-use trail.

Indemnification. The City shall indemnify and hold harmless the GRANTOR, or any assignee or successor of the GRANTOR, from and against any and all claims arising from or in connection with use of the Right of Way Easement by the City or the Public, except any claims which are the result of any negligent action or grossly negligent inaction of the GRANTOR, assignee or successor.

IN WITNESS WHEREOF, we have set our hands hereto this 10th day of July, 2018.

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

[Signatures of Peter Sipos and Jody Sipos]
Peter Sipos
Jody Sipos
GRANTOR(S)

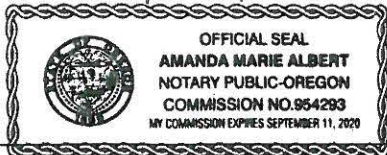
IN WITNESS WHEREOF, we have set our hands hereto this _____ day of _____, 20____.

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

By: Paul Aziz, Mayor []
Bob Elliott, Council President []
By: Linda Kaser, City Clerk/Recorder

On the 10th day of July, 2018, personally appeared the within named Peter Sipos and Jody Sipos who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: Amanda Albert
NOTARY PUBLIC FOR OREGON
Commission Expires: Sept. 11th, 2020



AREA RESERVED FOR USE BY LINN COUNTY RECORDER

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

BEFORE ME: _____
NOTARY PUBLIC FOR OREGON
Commission expires: _____
On the _____ day of _____, 20____, personally appeared the within named _____ who acknowledged the foregoing instrument to be a voluntary act and deed.
BEFORE ME: _____
NOTARY PUBLIC FOR OREGON
Commission Expires: _____

EXHIBIT A

EASEMENT FOR PUBLIC ACCESS AND DRAINAGE

AN AREA IN THE SE 1/4 OF SECTION 14 TOWNSHIP 12 SOUTH RANGE 2 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, STATE OF OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH ROD MARKING THE SOUTHWEST CORNER OF LOT 1 IN SANTIAM RIVERFRONT ESTATES SUBDIVISION, LINN COUNTY, OREGON; THENCE SOUTH 80°20'38" WEST 44.82 FEET TO A POINT; THENCE SOUTH 05°14'24" WEST 9.06 FEET TO A POINT MARKING THE TRUE POINT OF BEGINNING; THENCE SOUTH 69°49'24" WEST 49.21 FEET TO A POINT; THENCE SOUTH 56°46'25" WEST 57.68 FEET TO A POINT; THENCE SOUTH 44°58'45" WEST 51.45 FEET TO A POINT; THENCE SOUTH 40°50'22" WEST 55.32 FEET TO A POINT; THENCE SOUTH 28°38'45" WEST 59.14 FEET TO A POINT; THENCE SOUTH 28°20'26" WEST 10.45 FEET TO A POINT; THENCE NORTH 89°45'25" EAST 24.88 FEET TO A POINT; THENCE NORTH 89°50'37" EAST 15.09 FEET TO A POINT; THENCE NORTH 27°52'11" EAST 45.74 FEET TO A POINT; THENCE NORTH 38°50'55" EAST 51.13 FEET TO A POINT; THENCE NORTH 45°40'11" EAST 41.64 FEET TO A POINT; THENCE NORTH 58°32'28" EAST 58.73 FEET TO A POINT; THENCE NORTH 70°08'49" EAST 24.85 FEET TO A POINT; THENCE NORTH 05°14'24" EAST 39.50 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE LEGAL DESCRIPTION IS BASED ON CS 24302, SANTIAM RIVER PLACE 2 SUBDIVISION.



TAX LOT 1000
12S-02W-14D
PETER & JODY SIPOS

TAX LOT 1201
12S-02W-14
ROLL TIDE PROPERTIES
CORP 401 PSP TRUST

TAX LOT 5600
12S-02W-14DD
ANDREW S. & REBECCA S. RUX

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Vanetta
OREGON
JULY 13, 1999
BRIAN VANETTA
#51041-LS

RENEWAL DATE: 6-30-20

POINT OF BEGINNING
5/8" IRON ROD
SW CORNER LOT 1
SANTIAM RIVERFRONT ESTATES

TRUE POINT
OF BEGINNING

PROPOSED VARIABLE
WIDTH PUBLIC ACCESS
AND DRAINAGE EASEMENT

EASEMENT LINE CALL TABLE

LINE NO.	LENGTH	DIRECTION
L1	44.82	S80°20'38"W
L2	9.06	S5°14'24"W
L3	49.21	S69°49'24"W
L4	57.68	S56°46'25"W
L5	51.45	S44°58'45"W
L6	55.32	S40°50'22"W
L7	59.14	S28°38'45"W
L8	10.45	S28°20'26"W
L9	24.88	N89°45'25"E
L10	15.09	N89°50'37"E
L11	45.74	N27°52'11"E
L12	51.13	N38°50'55"E
L13	41.64	N45°40'11"E
L14	58.73	N58°32'28"E
L15	24.85	N70°08'49"E
L16	39.50	N5°14'24"E

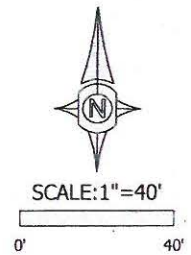
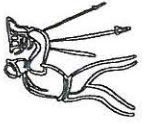


EXHIBIT B

UELLE ENGINEERING
AND
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

PUBLIC ACCESS AND DRAINAGE EASEMENT
MOUNTAIN RIVER DRIVE
TAX LOTS 1000, 1201 & 5600
LEBANON, OREGON

DATE: 06-11-18
PROJECT: MOUNTAIN RIVER
DRIVE EASEMENT SYSTEM
DRAWN BY: BVP
CHECKED BY: BVP



SHEET 01
of 01
SCALE: AS NOTED

Proclamation/Recognition/
Presentation



"Patriot Day" – September 11, 2018

National Day of
Service and Remembrance
PROCLAMATION

WHEREAS, the terrorist attacks that occurred on September 11, 2001 changed America forever. Thousands of innocent lives were lost in these terrible events, but in no way was this tragic day a defeat for our country; and

WHEREAS, instead of dividing our nation, or crushing our resolve, September 11, 2001, unified our country, strengthened our resolve and deepened our commitment to liberty, equality and justice; and

WHEREAS, out of this tragedy flowed generosity, hope and unity while citizens nationwide demonstrated extraordinary bravery and compassion. The people of America gained a new appreciation of what it means to be a hero and a patriot by witnessing the unwavering loyalty of our firefighters, police, medical emergency personnel, first-responders and individuals who put the safety of their co-workers and friends above their own; and

WHEREAS, we take time to acknowledge those who have worked diligently to honor the memories of all victims.

THEREFORE, in memory of the heroes whose lives were so tragically lost, and in special recognition of courageous men and women everywhere who selflessly risk their own lives to save others and protect our liberty, I, Mayor Paul R. Aziz, do hereby proclaim September 11, 2018 as "**PATRIOT DAY AND NATIONAL DAY OF SERVICE AND REMEMBRANCE**" and call upon all citizens to observe this day with gratitude and patriotism and to make a personal pledge to honor and cherish the freedom that defines America.

Paul R. Aziz, Mayor
City of Lebanon, Oregon

*In Witness Whereof, I Hereunto Cause the Great Seal of the
City of Lebanon to be affixed on this 8th Day of August 2018.*

Linda Kaser, City Clerk

NATIONAL PREPAREDNESS MONTH 2018



PREPARE NOW LEARN HOW



September 2018 PREPAREDNESS MONTH PROCLAMATION

WHEREAS, the U.S. Department of Homeland Security, along with other federal, state, local, private and volunteer agencies, is working to deter, prevent, and respond to all types of natural and technological emergencies; and

WHEREAS, the City of Lebanon recognizes that we are all susceptible to such emergencies and demonstrates a broad-based need for citizens of Lebanon to have a plan for response and recovery in the event of an emergency; and

WHEREAS, "Preparedness Month" creates an important opportunity for our community to learn more about preparing for all types of emergencies; and

WHEREAS, all citizens are encouraged to take preparedness measures before, during, and after a major emergency by making preparedness a priority in their schools, businesses, communities and homes by following four simple steps: *Build an Emergency Kit, Make an Emergency Plan, Be Informed, Get Involved*; and

WHEREAS, the Lebanon community is encouraged to participate in citizen preparedness activities and to review the Oregon Office of Emergency Management Web site at <http://www.ready.gov/be-informed> for preparedness information.

NOW THEREFORE, as Mayor of the City of Lebanon, and in support of National Preparedness Month, I do hereby proclaim September 2018, **PREPAREDNESS MONTH** in the City of Lebanon, Oregon.

Paul R. Aziz, Mayor
City of Lebanon, Oregon

*In witness whereof, I hereunto cause the great seal of the
City of Lebanon to be affixed on this 8th day of August, 2018.*

Linda Kaser, City Clerk

September 2018
National Senior Center Month
Building Momentum!

Proclamation

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 Lebanon, Oregon;
and

Whereas, through the wide array of services, programs, and activities, senior centers empower older citizens 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 Paul R. Aziz, Mayor of Lebanon do hereby proclaim September 2018 **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.

Paul R. Aziz, Mayor of Lebanon, Oregon

In Witness Whereof, I Hereunto Cause the Great Seal of the City of Lebanon to be affixed on this 8th Day of August 2018.

Linda Kaser, City Clerk

Agenda Item 1



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4906
cdc@ci.lebanon.or.us
www.ci.lebanon.or.us

MEMORANDUM

Community Development

To: Lebanon City Council
From: Walt Wendolowski, AICP
Community Development Director
Subject: Development Code Amendments
Planning File: 18-05-17
Applicant: City of Lebanon

Date: August 1, 2018

This request is to amend the Lebanon Development Code to: (1) establish new time limits for qualifying affordable housing; (2) revise the review process for multi-family housing in residential zones; and, (3) revise the review process for multi-family housing specifically in the Mixed Use zone. The proposal affects all property in the City where residential uses are allowed. The specific amendments are found in Exhibit "A" of the proposed adoption Ordinance.

To address the need for affordable housing, the Oregon State Legislature recently passed new regulations (SB 1051). Department staff reviewed the Legislation with the Regional DLCDC representative and found that there are only two areas that require Development Code revisions. The required revisions and proposed changes are as follows:

- A. Permitting Timelines – For certain qualified multifamily projects, the City must complete its review within 100-days instead of 120 days. A qualified project is one that contains more than 5-units, and, of which at least 50% are designated affordable housing for a period of 60-years.

Section 16.20.010.D.5 (120 Day Rule) will be amended to address this revision, specifically establishing a 100-day limit for qualified projects. This will not be an issue for the City, as we rarely exceed a 75-day review process for applications requiring both Commission and Council approval (e.g., annexation).

- B. Clear and Objective Standards – The State now requires the application of clear and objective standards to all "needed housing" projects. By definition, this applies to any housing project located on residential zoned land.

Current City regulations require an Administrative Review for multifamily projects containing no more than 19-units. The Administrative Review process effectively allows the use, provided it complies with all applicable development standards, such as parking, height limitations and density. This determination is made through a staff-level report and decision.

Multifamily projects exceeding 19-units require a Conditional Use application and a hearing before the Planning Commission. Both the staff-level decision and the Commission hearing address the same clear and objective *design* standards (parking, height limits, density, etc.). The only difference is the Conditional Use criteria considers a project's compatibility with the neighborhood. Unfortunately, compatibility is very subjective and is inconsistent with the State requirements that call for clear and objective standards.

To address this new State requirement, the proposed amendments would require an Administrative Review for all multifamily housing projects. Again, the Administrative Review process effectively allows the use provided it complies with all applicable development standards. Projects containing less than 20-units will still be reviewed by staff. However, projects with 20 or more units will be reviewed by the Commission. This recognizes that larger projects have greater impact and a public hearing provides a better opportunity to address neighborhood concerns. It must be noted the City uses a similar review process for new school buildings - an Administrative Review is required, effectively allowing the use; however, the Code mandates the Commission conduct a hearing.

This amendment does not alter the development requirements for multi-family projects. They must still meet all standards such as parking, building height and so forth. The action does not alter the Conditional Use decision criteria – they remain unaltered and applicable to other types of land use applications. The fundamental changes are:

- (1) Regardless of the number of units, the Administrative Review process will be used to determine compliance with the Development Code.
- (2) Who makes the decision regarding Code compliance depends on the number of units: 19 or less is a staff-level decision; 20 or more the matter is heard and decided upon by the Planning Commission.

C. Mixed Use Zone Changes - One additional change was discussed by the Commission. Currently, the Mixed Use zone allows an Administrative Review (i.e., staff-level decision) for all multifamily projects, regardless of the number of units. To maintain consistency with the higher density residential zones, the above noted Administrative Review provisions would also apply to the Mixed Use zone.

The Department sent out notice of the Code amendments to affected agencies and the Department of Land Conservation (DLCD). DLCD staff saw no issue with the changes.

The Planning Commission conducted a public hearing on May 16, 2018, and found the application complied with the decision criteria contained in the Lebanon Development Code, voting to recommend City Council approval of the amendments. Exhibit "B" of the attached Ordinance contains the Commission findings in support of the request.

It is the recommendation of the Planning Commission that the City Council adopt the proposed amendments to the Lebanon Development Code found in Exhibit A of the submitted Ordinance.

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

) **ORDINANCE BILL NO. 2018-12**
)
)
) **ORDINANCE NO. 2919**

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. 18-01-05 and made findings recommending certain amendments to the Development Code of the City of Lebanon on May 16, 2018; 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 the evidence concerning such proposed Development Code amendments, such hearing being conducted on August 8, 2018; 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.

After Recording Return to:
City Clerk's Office
City of Lebanon
925 S. Main Street
Lebanon, OR 97355

Reserved for
Recording

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 and executed by the Mayor on this on this 8th day of August, 2018 by a vote of ____yeas and ____nays.

CITY OF LEBANON, OREGON

Paul R. Aziz, Mayor
Bob Elliott, Council President

ATTESTED BY:

Linda Kaser, City Clerk

EXHIBIT A

AMENDMENTS TO THE LEBANON DEVELOPMENT CODE

I. The following new subsection shall be added to Lebanon Development Code Section 16.20.010.D:

6. Permit Timelines for Qualifying Affordable Housing

The City shall render a final decision, including resolution of all local appeals, within 100 days after the application is deemed complete for qualified affordable housing projects. A qualified affordable housing project contains 5 or more dwelling units of which at least 50% must be affordable to households with an income at or below 60% of the Median Family Income for a period of at least 60-years. Except for the 100-day timeline, all remaining provisions in Section 16.20.010.D apply.

II. Section 16.05.040 (relevant part) shall be amended as follows (old language ~~stricken~~; new language in *italics*):

Table 16.05-2: Residential Land Uses Allowed in Residential Zones			
<i>Land Uses</i> (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	Residential Low Density Zone (Z-RL)	Residential Mixed Density Zone (Z-RM)	Residential High Density Zone (Z-RH)
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)			
Section 16.05.110 contains Residential Infill Standards that are Applicable in all Residential Zones			
Residential Uses with <u>Class II</u> Impacts:			
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot,	N	AR up to 19 CU for 20 or more <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>	AR up to 19 CU for 20 or more <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>
Cottage Cluster (2-4 single family dwellings on one lot)	N	CU	CU
Zero Lot Line Housing (may include one common wall)	CU	AR	AR
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	N	AR up to 19 CU for 20 or more <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>	AR up to 19 CU for 20 or more <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>
Other Residential such as Nursing and Convalescent Homes, Retirement Center Apartments	MR	MR	MR

- III. Section 16.06.050 (relevant part) shall be amended as follows (new language in *italics*):

Table 16.06-2: Residential Land Uses Allowed in the Mixed Use Zone	
<i>Land Uses</i> (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	<i>Mixed Use Zone (Z-MU)</i>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
Residential Uses with <u>Class II</u> Impacts:	
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot	AR <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>
Cottage Cluster (2-4 single family dwellings on one lot)	AR
Zero Lot Line Housing (may include one common wall)	AR
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	AR <i>19 DU or less – Staff Review</i> <i>20 DU or more - Planning Commission Hearing</i>
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	AR

EXHIBIT B

LEBANON CITY COUNCIL FINDINGS Planning File No. 18-01-05

I. NATURE OF THE APPLICATION

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

II. BACKGROUND INFORMATION

The City Council wishes to amend the Lebanon Development Code to revise procedures regarding for the review of multi-family developments to comply with changes in State law. Exhibit "A." of this Ordinance contains the specific language.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was held on this application before the Lebanon Planning Commission on May 16, 2018. At that hearing, City Planning File 18-01-05 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 end 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 8, 2018. At that hearing, City Planning File 18-01-05 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 end 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 adopts the following General Findings of Fact:

- A. The applicant is the City of Lebanon.
- B. The City seeks to amend the Lebanon Development Code to: (1) establish new time limits for qualifying affordable housing; (2) revise the review process for multi-family housing in residential zones; and, (3) revise the review process for multi-family

housing in the Mixed Use zone. Specific language is contained in Exhibit “A” of this Ordinance.

- C. The proposal affects all property in the City where residential uses are allowed.
- D. The request shall be reviewed against the criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

V. APPLICATION SUMMARY

- A. To address the need for affordable housing, the Oregon State Legislature recently passed new regulations (SB 1051). Department staff reviewed the Legislation with the Regional DLCDD representative and found that there are only two areas that will require Development Code revisions. Required revisions and proposed changes are as follows:

- 1. **Permitting Timelines** – For certain qualified multifamily projects, the City must complete its review within 100-days instead of 120 days. A qualified project is one that contains more than 5-units and of which at least 50% are designated affordable housing for a period of 60-years.

Section 16.20.010.D.5 (120 Day Rule) will be amended to address this revision, specifically establishing a 100-day limit for qualified projects. This will not be an issue for the City, as we rarely exceed a 75-day review process for applications requiring both Commission and Council approval (e.g., annexation).

- 2. **Clear and Objective Standards** – The State now requires clear and objective standards be applied to all “needed housing” projects. By definition, this applies to any project located on residential zoned land.

Current regulations require an Administrative Review for multifamily projects containing no more than 19-units. However, a Conditional Use, and Commission hearing, is required for projects exceeding 19-units. Both review processes address the same clear and objective design standards (parking, setbacks, height limits, open space). The only difference is the Conditional Use criteria references a project’s potential impact or compatibility with an area. Unfortunately, this type of criteria is very subjective and is inconsistent with the State requirements that call for clear and objective standards.

To address this new State requirement, the City would require an Administrative Review for all multifamily housing projects. This effectively allows the use provided the project can comply with development standards. However, projects less than 20-units will still be reviewed by staff while projects with 20 or more units will be reviewed by the Commission. This recognizes that larger projects have impact and a public hearing provides a better opportunity to address area concerns. For the record, the City uses a similar review process for new schools - an Administrative Review is the identified process required; however, the Code mandates a hearing before the Commission.

Except for the above noted revisions, the current Development provisions either meets or exceeds the statutory changes in SB1051.

- B. One additional change is proposed. Currently, the Mixed Use zone allows a staff review (Administrative Review) for all multi-family projects, regardless of the number of units. To maintain consistency with the higher density residential zones, the above noted Administrative Review provisions would also apply to the Mixed Use zone.
- C. 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; staff initiated this action.
- C. Section 16.28.040 requires the City Recorder to maintain records of all changes to the Development Code. This is an administrative procedure for City staff.
- 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: The amendments only address planning procedures. Nothing in this action creates new activities nor changes 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.
- 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 (DLCDC) 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 farmland development, provisions for needed housing, requirements to expand a UGB, and similar issues. In this review, there are no Administrative Rules that specifically address the proposed Code amendment. Further, the DLCD did not identify specific Administrative Rules for the City to consider. However, the proposed amendments do address changes in State statute (ORS) regarding needed housing.
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 changes to the Code 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: As the proposed amendments address procedural matters, the impacts are neutral.

Goal 10, Housing: The amendments implement changes directed by SB 1051 which seek to improve the availability of needed housing.

Goal 11, Public Facilities and Services: The amendment does not affect the City's ability to provide public services or requirements for public service connections.

Goal 12, Transportation: The proposed Code revisions do not create uses or activities nor establish new residential uses 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 - The 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, and 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 and those trends affecting both.

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

FINDINGS: As noted, the amendments implement changes directed by SB1051, which seeks to improve the availability of needed, affordable housing. However, the amendments are only procedural and do not impact the City’s ability to supply the necessary land to meet local 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 development.

FINDINGS: Uses allowed by the amendments do not prohibit or restrict the 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 – In reviewing other documents, Department staff did not identify any plans or policies that apply to the proposed Code amendments.

VII. CONCLUSION

Based on the above findings, the City Council concludes the proposed amendments to the Development Code are consistent with the applicable decision criteria.



NOTICE OF PUBLIC HEARING LEBANON CITY COUNCIL

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lebanon City Council on August 8, 2018 at 6:00 p.m. in the Santiam Travel Station located at 750 S 3rd Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matter:

Planning Case No.:	18-01-05
Applicant:	City of Lebanon
Request:	Development Code Amendment
Decision Criteria:	Lebanon Development Code: Chapter 16.20 Chapter 16.28

Request: The City proposes to amend the Lebanon Development Code to address the requirements of the recently enacted SB1051 as well as one other minor change.

Planning Commission Recommendation: A public hearing was held before the Planning Commission on May 16, 2018. The Commission voted to recommend City Council approval of the Development Code changes.

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.

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 City of Lebanon Community Development Department, 925 Main Street; phone 541-258-4906; email cdc@ci.lebanon.or.us.

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, please call 541-258-4906 no less than 48 hours prior to the public hearing.

Agenda Item 2



925 S. Main Street
Lebanon, Oregon 97355

TEL: 541.258.4905
www.ci.lebanon.or.us

MEMORANDUM

City Clerk's Office

To: Mayor Aziz and City Council

Date: July 31, 2018

From: Linda Kaser, City Clerk

Subject: Proposed amendments to the City Fees Schedule

I. BACKGROUND

Any changes to the Fees Schedule should be made through the public hearing process to afford the public an opportunity to provide comments related to the proposed changes. The last time the Schedule was updated was August 2017.

II. CURRENT

At a duly noticed public hearing on August 8, Council will consider a Resolution Amending the Fees Schedule (Exhibit A). Departmental proposals are:

City Clerk: The required minimum liability insurance coverage has been increased to \$1 million for all City Parks. This may need to be raised in the future now that we have large venues being held at Cheadle Lake.

Community Development/Park Fees: The Drug Paraphernalia business license annual fee was reduced to keep it in line with the Secondhand Buyers and Sellers fee; and with requests for partial day reservations, Strawberry Plaza rentals are now broken down by timeframe.

Engineering: The Easement/ROW Dedication Process fee was increased due to Linn County's increase.

Finance: The Lien Search fee was increased as the company the City uses increased their fee; a fee for Stop Payment & Reissue Check was added; and the Municipal Court Confinement fee and Water/Wastewater Credit Check fee were removed.

Senior Services: A Building Usage fee for services offered to seniors was added.

II. RECOMMENDATION

Move to approve the amended City Fees Schedule to become effective immediately.

A RESOLUTION AMENDING FEES AND CHARGES) RESOLUTION NO. 2018-28
FOR CITY SERVICES AND REPEALING EXHIBIT A)
“FEE SCHEDULE” OF RESOLUTION NO. 2017-29)

WHEREAS, Oregon Revised Statutes (ORS) 192.440(3) authorizes the City to charge fees associated with public records requests; and

WHEREAS, it remains the policy of the City of Lebanon to require that city fees charged reimburse the City for the actual costs associated with the requested city services, products or information; and

WHEREAS, the City Manager has caused a review of city fees and charges in order to fully recover all reasonable fees calculated to reimburse the City for the actual cost of providing city services, products and public information requests and recommends such adjustments to the City Council; and

WHEREAS, said review of all city fees and charges, as well as necessary and appropriate revisions are as provided in EXHIBIT A; and

WHEREAS, the City Council has reviewed the basis for establishing such fees as described in EXHIBIT A; and

WHEREAS, it is the City’s policy to conserve city resources so that city staff time, copying expenses and other related expenses are not exhausted on unspecified or unclear public information requests or with performing information requests that are not retrieved by the requester.

THEREFORE, THE LEBANON CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The following fees amendment attached hereto as EXHIBIT A and incorporated herein by this reference are adopted by the City and shall become effective immediately.

Section 2. The City Council hereby determines that the fees, rates and charges hereby adopted are not subject to the limits of Section 11 or 11b, Article XI of the Oregon Constitution.

Section 3. The City Council hereby finds that the fees proposed in EXHIBIT A are reasonably calculated and represents the City of Lebanon’s true, reasonable and actual cost of making public records available including costs for summarizing or compiling public records in response to public information requests.

Section 4. The City Council hereby finds that to not exhaust city resources on unspecified public information requests, the City shall only receive public information requests in writing on a form approved by the City Clerk. Staff shall make a good faith estimate of the City’s required fees and notify the requester in writing if the fees estimated exceeds \$25 prior to fulfilling the request. If the fee estimate exceeds \$100, a 50% deposit may be required before staff begins the work. Payment must be received in full before the public records are inspected or released. The City shall carefully document the City’s actual expenses in obtaining the requested information and alert the City Clerk of any document

requests estimated to be over \$250.00, prior to commencing with the request. The City shall refund any funds due upon delivery of the requested information, or shall require payment for any money still owing, prior to the release of requested information.

Passed by the Lebanon City Council and executed by the Mayor on this 8th day of August, 2018 by a vote of _____ yeas and _____ nays.

CITY OF LEBANON, OREGON

Paul R. Aziz, Mayor
Bob Elliott, Council President

ATTESTED:

Linda Kaser, City Clerk

EXHIBIT "A" CITY OF LEBANON FEES AND CHARGES

Effective August 9, 2018 - Supercedes All Previous Schedules

TYPES OF FEES	CURRENT FEES
ADMINISTRATIVE FEES (CITY CLERK'S OFFICE)	
Copies:	
Audio/Video Copies	\$150 1st / \$5.00 add'l
Black/White - Letter 8-1/2" x 11", Legal 8-1/2" x 14" (per side)	\$0.25
Black/White - Executive 11" x 17" (per side)	\$0.50
Color copies (each side)	\$0.50
Non Sufficient Funds (NSF) (charge back fees for debit/credit card & returned checks)	\$30.00
Liquor License (original application)	*\$100.00
Annual Renewal of a Liquor License	*\$35.00
Change Application (in ownership, location, or privilege)	*\$75.00
City Park Liquor Permit per Event - <i>must provide proof of liability insurance (minimum \$300,000 \$1 million)</i>	\$35.00
Temporary Application (valid for one calendar year - covers multiple events up to 6 events per calendar year)	*\$35.00
	<i>*Not to exceed per ORS</i>
Notary Services (Municipal Court Personnel):	
An acknowledgement; verification upon an oath or affirmation; certifying a copy of a document; witnessing or attesting a signature; and protesting commercial paper, except a check drawn on insolvent financial institution in which case the fee is \$0.	(Not to exceed) \$5.00
Administering an oath or affirmation without a signature; taking a deposition, each page; and all other notarial acts not specified.	(Not to exceed) \$1.00
Public Records Request: (all requests must be made on a City Public Records Request Form)	
If request exceeds \$25.00, the requester's authorization is required to proceed with request. If request exceeds \$100.00, a deposit may be required before commencing work.	May require 50% deposit
Archived Electronic Information Retrieval	\$100/hr
Voters' Pamphlets:	
Candidate Filing Fee (with or without photo)	\$35.00
BUSINESS / CITIZEN SERVICES & DEVELOPMENT CENTER FEES	
Animal Keeping Permit	\$35.00
Banner Permit (\$30 permit + \$65 installation)	\$95.00
Business License Fees* (after July 1 prorated):	
Auctions	\$150/year, \$25/each
Drug Paraphernalia Sales Annual Fee	\$250.00 \$75.00
Marijuana Dispensary Licenses - Annual Operator License	\$200.00
Annual Employee License (other than Dispensary Owner) Valid for One Year	\$50.00
Secondhand Buyers and Sellers Annual Fee	\$75.00
Taxi Licenses - Annual Operator License	\$200.00
Annual Additional Vehicle	\$150.00
Annual Taxi Driver Permit Valid for One Year	\$30.00
Business Registration Fees - Initial Application	\$25.00
Annual Renewal - submitted late	\$20.00
Annual Renewal - timely submitted (no changes)	\$0.00
Annual Renewal - with changes (ownership, responsible person, location or contact information)	\$7.50
Gambling License - Annual License	\$200.00
License for One-day Special Event (City property only)	\$50.00
License for One-day Special Event / Non-profit Organization	\$20.00
Liquor License	<i>See Administration/City Clerk's Office Fees</i>
Parade Permit	\$20.00
Non-Profit Organizations	N/A

TYPES OF FEES	CURRENT FEES
BUSINESS / CITIZEN SERVICES & DEVELOPMENT CENTER FEES (continued)	
Parking Permit (per ORS 10.24.142):	
Annual Residential	\$75.00
Daily	\$15.00
Peddler and Solicitors One-Year Permit	\$50.00
Public Event Applications:	
1-Day Event	\$100.00
2-3 Day Event	\$150.00
Master Permit	\$250.00
Transfer of Ownership/Change of Location or Name	\$10.00
Non-Profit Organizations	N/A
RV Permit (1 - 15 days)	\$35.00
Renewal Periods - 15 Days (no more than two renewals)	\$25.00 each
Santiam Travel Station (North End Only):	
Passenger Lobby (North End)	\$5.00/hour
ENGINEERING FEES	
Basic Right-of-Way Encroachment Fee	\$65.00
Bid Document	\$50.00
Contractor Pre-qualification	\$50.00
Deferral of Improvements	\$200.00
Easement/ROW Dedication Process Fee	\$165.00 \$125.00 each
Engineering Fees:	
Developer Assurance Agreement	\$100.00
Engineered Site Plan Review (Engineering)	\$500 + \$350/acre
Reapplication Fee (for up to "2" resubmittals)	33% of original fee
New Residential Site Plan Review (Engineering)	\$50.00
Street/Alley Vacation (Engineering)	\$1,200.00
Easement Vacation (Engineering)	\$750.00
Public Improvement Drawing Review (for up to "2" resubmittals)	\$250 + 2% of cost up to \$1 million \$250 + 1% of cost \$1 million-\$4 million \$250 + 0.5% of cost \$4 million+
Public Improvement Permit:	
First \$50,000 of Construction Cost	\$250 + 4% of cost up to \$50,000
Amount above \$50,000	\$250 + 3% of cost above \$50,000
Right-of Way Encroachment Surcharges:	
Curb Cut	\$1.50/sf; \$20.00 min
Street Pavement Cut	\$1.00/sf; \$30.00 min
4" Sanitary Connection	\$55.00
6" Sanitary Connection	\$110.00
4" Storm Connection	\$30.00
6"-8" Storm Connection	\$90.00
Over 8" Storm Connection	\$125.00
Standard Drawings	\$20.00
FINANCE FEES	
Audit Report (available at no charge online or at the Library)	\$25.00
Budget Document (available at no charge online or at the Library)	\$50.00
Collection Fee (accounts turned over to Linn Co. or collection agency)	\$100.00
Fax Service (for public)	\$2.00 first page/.75 each add'l
Foreclosures Notice	\$100.00
Housing Rehab Payoff and Reconveyance	\$50.00
Lien Search (online)	\$30.00 \$25.00
Non Sufficient Funds (NSF) (charge back fees for debit/credit card & returned checks)	\$30.00
Payment Extension Fee	\$5.00
Stop Payment & Reissue Check Fee	\$15.00

TYPES OF FEES	CURRENT FEES
FINANCE FEES (continued)	
Tall Weeds & Grass or Nuisance Abatement	Actual cost + \$200 admin. fee
Tall Weeds & Grass or Nuisance Abatement (abatement over \$1000)	Actual cost varies + 20% admin. fee
GIS DIVISION FEES	
City Street Map with UGB	\$12.00
Zoning Map	\$25.00
Custom Data	\$75.00/hour
City-wide GIS on CD	\$75.00
LIBRARY FEES	
Collection Fee (accounts turned over to collection agency)	\$10.00
Community Meeting Room Rental Fees:	
Rental per Hour - (2-hour minimum) (depending on time and entity)	\$10.00 - \$25.00
Refundable Deposit (depending on time and entity)	\$100 or \$250
Refundable key deposit, after hours use	\$200.00
Non-refundable After Hours Use	\$35.00
Non-Refundable Weekend use	\$50.00
PA System	\$10.00
AV System	\$20.00
Copies (self-serve, per page):	
B/W Letter 8-1/2" x 11", Legal 8-1/2" x 14"	\$0.10
B/W Executive 11x17	\$0.20
Color Letter 8-1/2" x 11", Legal 8-1/2" x 14"	\$0.50
Color Executive 11x17	\$1.00
Interlibrary Loan (per item)	\$3.00
Lost Library Card Replacement Fee	\$1.00
Non-resident Cards:	
Household (12-month)	\$50.00
Household (6-month)	\$30.00
Senior Citizen (60+ years) Household (12-month)	\$40.00
Overdue Items per Day per Item (up to a maximum of \$5.00)	\$0.20
Overdue (cumulative fines up to a maximum of \$25.00)	\$25.00
Hold Reshelving Fee (per item - if not cancelled or checked out)	\$0.50
MUNICIPAL COURT FEES	
Appeal to Linn County Circuit Court	\$25.00 (plus certified copy cost)
Certified Copy (\$6.00 for certification/\$.25 per sheet)	\$6.25 minimum
Court Costs:	
Cite or Arrest Warrant	\$50.00
Notice of Court Action of Driving Privileges to DMV	\$15.00
Court Costs (per Trial):	
Confinement Fee/Day	\$20.00
Criminal (non-jury - if convicted)	\$20.00
Jury trial (if convicted)	\$50.00
Traffic (if convicted)	\$15.00
DUII Diversion Extension Fee	\$25.00
Expungement Filing Fee (State mandated)(waived for charges not filed or dismissed)	\$252.00
Expungement Packet Fee	\$5.00
Fee for Turning to Collection (customer pays directly to collection agency)	40% of the principal balance
Jury Fee (if canceled after arrival of jurors)	\$10.00/juror
Late Payments	\$20.00
Non Sufficient Funds (NSF) (charge back fees for debit/credit card & returned checks)	\$30.00
Payment Extension Fee	\$30.00
Payment Extension Interest	(9% per annum)
Suspension Packet Administration Fee (if convicted)	\$12.00

TYPES OF FEES	CURRENT FEES
PARK FEES - SHELTER & CAMPING FEES	
Academy Square Gazebo	\$75.00
Booth Park Shelter	\$15.00
Century Park Shelter	\$30.00
Christopher Columbus Park Shelter	\$30.00
Ralston Park Gazebo	\$55.00
River Park Main Shelter	\$50.00
River Park Horseshoe Area Picnic Table Shelter	\$20.00
Alcoholic Beverage Permit	<i>See Administration/City Clerk's Office Fees</i>
Strawberry Plaza	\$75.00
Dawn to 3:00 p.m.	\$30.00
3:00 p.m. to Dusk	\$30.00
All Day	\$60.00
Wynn Mill	\$25.00
Camping:	
Daily Rate:	\$35.00
Senior/Military Discount	\$30.00
Group Discount (3 or more sites)	\$30.00
Weekly Rate:	\$210.00
Senior/Military Discount	\$180.00
Monthly Rate:	\$600.00
Construction Workers in the City of Lebanon	\$500.00
Extra Vehicle (per night)	\$5.00
Sewage Dump Station Fee	\$5.00
Cancellation Fee	\$15.00
PLANNING / LAND USE FEES	
Note: For land use applications that require more than one approval, the applicant shall be charged the highest individual application fee with all subsequent applications charged at half-price.	
Administrative Review	\$450.00
Annexation	\$1,500.00
Appeal of Planning Commission Decision	\$500.00
Appeal of Staff Decision	\$250.00
Code Interpretation	\$100.00
Comprehensive Plan Map Amendment	\$2,000.00
Comprehensive Plan Documents	\$25.00
Conditional Use Permit: Residential / Commercial / Industrial	\$1,500.00
Development Code	\$40.00
Extension of Time Request	25% of original fee
Historic Reviews and Register Updates:	
Administrative	\$300.00
Quasi-Judicial	\$600.00
Legislative	\$1,000.00
Home Occupation	\$50.00
Lot Line Adjustment	\$250.00
Measure 56 Mailing	Actual Cost
Ministerial Review	\$150.00
Modification to Approved Application	25% of application
Non-Conforming Uses and Developments	\$450.00
Partition	\$450.00
Planned Development - Preliminary	\$2,500.00
Final Plan - Ministerial	\$200.00
Final Plan - Administrative	\$450.00
Final Plan - Qausi-Judicial	\$750.00
Residential Plot Plan Review	\$25.00

TYPES OF FEES	CURRENT FEES
PLANNING / LAND USE FEES (continued)	
Residential Remodels (fee incurred if outside of original footprint)	\$25.00
Sidewalk Café Permit	\$65.00/annually
Sign Review	\$75.00
Subdivision:	
Tentative Plat	\$2,000 + \$15/lot
Final Plat	\$800 + \$15/lot
Tree Felling (steep slopes)	**\$150 + \$5.00/tree
Temporary Use	\$35.00
UGB Amendment	Actual Costs
Variance:	
Class 1 - Minor Adjustment	\$150.00
Class 2 - Adjustment	\$450.00
Class 3 - Variance	\$1,000.00
Zone Change	\$1,000.00
POLICE DEPARTMENT FEES	
Abandoned Vehicle Abatement (if not abated within 10 days)	\$50.00
Alarm Permits	\$10.00
Archived Reports (up to 10 pages)	\$10.00
Additional Pages	\$1.00/page
Crash Report	\$5.00
Information Exchange Only	No Charge
Dog Permit (for potentially dangerous dogs per ORS)	\$50.00
Deferral Classes, Other (\$35 to \$50 maximum) (seatbelt/cell phone)	\$50.00
False Alarm Billing - 1st Alarm	\$0.00
2nd Alarm and Each Subsequent Alarm	\$25.00
Incident	\$1.00 each
Letter of Clearance (includes the required local records check)	\$15.00
Local Records Check (waive fee for Armed Forces)	\$10.00
Ordinance Research/Copy (up to 5 pages)	\$5.00
Additional Pages	\$1.00 page
Police Case Reports - Current Report	\$10.00
Photographs (copied on paper or disc)	\$5.00/sheet or \$10.00/disc
Public Fingerprinting	\$20.00
Additional Cards	\$5.00
Vehicles:	
Boot Removal Fee	\$50.00
Impounded Vehicle Release (Admin. Fee)	\$100.00
SENIOR CENTER FEES	
Bus Transportation:	
Seniors and Disabled Persons (one-way)	\$1.00
Public (one-way)	\$2.00
5 years of Age and Under	No Charge
Copies:	
Letter 8-1/2" x 11" or Legal 8-1/2" x 14"	\$0.25
Color Copies (Letter or Legal)	\$0.50
Facility Rental (dependent on space, time and entity renting)	\$10.00-\$35.00/hr/room
Refundable Deposit - Non-Profit, Government or Public Group	\$100.00
Refundable Deposit - Private Groups	\$250.00
Building Usage for Senior Services	20% of fees charged
Non-refundable After Hours Use for Kitchen or Auditorium Rental	\$35.00
Non-refundable Fee for Weekend Cleanup (Functions over 100 People)	\$50.00
Open/Close Partitions in Auditorium or Between Classrooms 1 & 2	\$35.00
PA System, Slide Projector or TV/VCR	\$10.00
Audio/Visual System (including Projector)	\$20.00

TYPES OF FEES	CURRENT FEES
WATER / WASTEWATER SPECIAL SERVICE FEES	
Community Development Department Functions	
Backflow Prevention Devices Re-Inspection Fee	\$50.00
Contaminated Waste Dump Permit	\$250.00
Fire Hydrant Charges:	
Deposit	\$500.00
Deposit - Santiam Canal Industrial Park	\$50.00
Meter Installation	\$25.00
Industrial Pretreatment Program Fees	\$500.00
Initial Issue for 1 to 5 Years	\$250.00
Annual Monitoring & Compliance Review	.085/per gallon
IPP Hauled Waste Dump Fee - per gallon	\$250.00
IPP Wastewater Discharge Permit Application	\$250.00
IPP Contaminated Waste Discharge Permit: Issued for < or less	\$25.00
Meter Charges:	
3/4" Water Meter Service Connection Fee	\$850.00
1", 1/2", 2" Water Meters (cost of materials & labor - deposit required)	Actual Cost
Installing a 3/4" Meter to an Existing Service	\$165.00
Installing a 1" Meter to an Existing Service	\$200.00
Installing a 1 1/2" Meter to an Existing Service	\$1,215.00
Installing a 2" Meter to an Existing Service	\$1,400.00
Water Retest Fee	\$200/300-linear foot
WATER / WASTEWATER SPECIAL SERVICE FEES	
Finance/Utility Billing Department Functions	
Customer Service Charges:	
After Hours Meter Turn On	\$100.00
Credit Check	\$20.00
Deposit (Renter/Non-owner) (non-refundable until account reconciled/closed)	\$200.00
Deposit (Renter/Non-owner with bad payment history) (non-refundable until account reconciled and closed)	\$300.00
Door Hanger	\$15.00
Late Payment Fee/Utility Bill (added to late payment notice)	\$5.00 + 2% delinquent amount
Non Sufficient Funds (Charge Back Fees for debit/credit card & returned checks)	\$30.00
Meter Equipment/Service Charges:	
Hand Valve - 3/4"	\$35.00
Lock-Off (Meter)	\$50.00
Lower or Raise Water Meter	Actual Cost Varies (\$50 Minimum)
Move Water Meter Location	Actual Cost Varies (\$50 Minimum)
Remove an Existing and Replace a Water Meter Box	Actual Cost Varies
Remove Meter due to Tampering	\$100.00
Replace a Damaged Meter Box Lid	\$45.00
Replace a Damaged Meter Lock	\$50.00
Replace a Damaged Meter Locking Cap	\$50.00
Replace a Damaged Meter (by customer tampering)	\$500.00
Replace a Damaged Meter Resetter	\$60.00
Repair a Broken Angle Stop	\$200.00
Test Water Meter (refund when test indicates meter runs fast)	\$25.00
Test Water Meter - if an independent agency is requested	\$100.00
Water Meter Box	\$70.00
Tampering with City Property:	
First Violation within a 24-month Period	\$25.00
2nd Violation	\$50.00
3rd Violation and each Subsequent Violation	\$250.00

Agenda Item 3



925 S. Main Street
Lebanon, Oregon 97355

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MEMORANDUM

Administration

July 31, 2018

TO: Mayor Aziz and City Councilors

FROM: Gary Marks, City Manager

RE: Request Approve the FY2018-19 Lebanon Downtown Association Agreement.

INTRODUCTION

The FY2018-19 City Budget provides an appropriation of \$10,000 to Partners for Progress, DBA Lebanon Downtown Association (LDA) to support a part-time Downtown Manager position.

CURRENT REPORT

The agreement is identical to agreements executed by the City with LDA in the two previous fiscal years, except for variances in the amount of each appropriation.

RECOMMENDATION

I respectfully recommend the City Council approve the FY2018-19 Lebanon Downtown Association Agreement.

AGREEMENT

This Agreement is entered into this 8th day of August 2018, by and between the City of Lebanon, a municipal corporation and political subdivision of the State of Oregon, with its principle office at 925 Main Street, Lebanon, Linn County, Oregon, and hereinafter referred to as "City" and Partners for Progress, Inc., d/b/a Lebanon Downtown Association, a domestic non-profit corporation organized under the laws of the State of Oregon, with its mailing address at PO Box 2612, Lebanon, 97355, Linn County, Oregon, hereinafter referred to as "LDA".

WITNESSETH

WHEREAS, the Lebanon Municipal Code, Chapter 3.12, provides for the imposition of a transit room tax on hotel, motel, recreation parks and other persons who do business within the City of Lebanon; and

WHEREAS, Section 3.12.220 of the Lebanon Municipal Code provides that all revenues derived from the transient room tax shall be spent for the promotion, acquisition, construction, operation and maintenance of recreational, cultural and tourist-related services, and that it is the intent that revenue from the transient room tax shall be used to promote Lebanon, Oregon; and

WHEREAS, the LDA desires to undertake and has the ability to support and promote tourism for the City of Lebanon through involvement with the Oregon Main Street Program by revitalizing and expanding Lebanon's Downtown; and

WHEREAS, the City desires to use the services of LDA pursuant to the requirements, limitations and direction of LMC Chapter 3.12;

WHEREAS, Lebanon Strategic Action Plan 5.1 calls for the strengthening of the Lebanon Downtown Association through the Oregon Main Street Program Model and is a current priority.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises and covenants contained herein, the parties agree as follows:

1. The City will provide LDA funding in the amount of \$10,000 out of the Transient Room Taxes for fiscal year 2018/2019, with the form, method and timing of funding to be determined by the City.
2. The LDA agrees to use the funding to promote and comply with the Oregon Main Street Program, promote and revitalize Lebanon's Downtown and promote tourism in the City.
4. The LDA agrees to maintain books, records, documents and other evidence of accounting procedures, and to provide an annual report to the City Manager or his delegated staff, that documents evidence of tourism support functions of the LDA. The above described records shall be subject to the inspection, review or audit by the City Manager, or his delegated staff, quarterly, by appointment.
5. LDA agrees to indemnify, defend and hold harmless the City, its agents, officers and employees, from and against any and all liability, claims, suits, loss, damages, costs and expenses arising out of or resulting from the negligent or intentional acts, errors or omissions of LOA, its officers, employees or agents.

6. LDA agrees to comply with the provisions of all Federal, State and local laws and ordinances that are applicable to the performance under this contract. LDA shall comply with ORS 656.017 and provide Worker's Compensation coverage for all of its subject workers.
7. It is mutually agreed by the parties:
 - a. All funds paid to LDA pursuant to this agreement shall be used only as may be provided in this agreement, or according to law.
 - b. The parties agree that at all times herein, LDA is not an agent of the City. Accordingly, LDA, while providing labor or services, is free from the direction and control over the means and manner of providing the labor or services, subject only to the right of the City to specify the desired results. LDA assumes and continues to have any and all responsibility for paying its employees, withholding federal and state mandated income taxes, and making all necessary reports of the same to the government entities as required by law.
 - c. LDA agrees not to discriminate on the basis of race, religion, sex, color, mental or physical handicap or national origin in the enforcement and execution of this agreement.
 - d. A waiver of any breach of any provision of this agreement by either party shall not operate as a waiver of any subsequent breach of the same or any other provision of this agreement.
 - e. The term of this agreement shall be one (1) fiscal year and shall automatically terminate on June 30, 2019. However, either party, upon written notice to the other party of no less than 30 days may terminate the agreement if either the Board of Directors of the LDA or the Lebanon City Council determines that there has not been faithful performance as required under the terms of this agreement. Upon termination of this agreement, any Transient Room Tax funds shall be immediately paid over to the City. Upon termination, the LDA shall also provide to the City, within thirty days, a current accounting of any and all funds expended pursuant to the Agreement up until the time of termination.

IN WITNESS, WHEREOF, the parties have executed this Agreement on this 8th day of August 2018.

City of Lebanon:

Gary B. Marks, City Manager

Approved as to Form:

Tré Kennedy, City Attorney

*Partners for Progress, Inc., d/b/a
Lebanon Downtown Association:*

Dala Johnson, President

Agenda Item 4



925 S. Main Street
Lebanon, Oregon 97355

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MEMORANDUM

Administration

July 31, 2018

TO: Mayor Aziz and City Councilors

FROM: Gary Marks, City Manager

RE: Request to approve an MOU with Linn County to collect County Transient Room Tax revenues.

INTRODUCTION

The Linn County Commission has approved a 3 percent Transient Lodging Tax (TRT) applicable to hotels, motels and other transient lodging facilities located in Linn County. Commissioner Will Tucker addressed the City Council at the June 13th City Council meeting with a request for the City to collect the new tax in tandem with City TRT collections. A consensus of the Council was to consider an Memorandum of Understanding (MOU) with Linn County to facilitate Commissioner Tucker's request.

CURRENT REPORT

The MOU provides for the City to collect the County's TRT revenues which originate within the City of Lebanon. The City will be entitled to retain 5 percent of the County collections as compensation for the collection service. The City will not be responsible for enforcement of the County tax.

RECOMMENDATION

I respectfully recommend the City Council approve the MOU for the City to collect Linn County TRT revenues which originate within the City of Lebanon.

Agenda packets will be updated once staff receives the MOU from Linn County.

Agenda Item 5



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MEMORANDUM

Finance Department

To: Mayor, Council & Gary Marks, City Manager
From: Matt Apken, Finance Director
Subject: Police Vehicle Purchase

July 31, 2018

I. INTRODUCTION

The City of Lebanon has been in the practice of leasing its police fleet. It was leasing vehicles for 3 or 4 years and then returning them. More recently, the City has leased to own the vehicles for 4 or 5 years.

II. CURRENT REPORT

The City needs to replace two detective vehicles. In the past, these would be leased and would cost the City \$72,016 in lease payments over 4 years. This includes \$7,207.78 in interest. If we purchase the vehicles we save the interest and pay only \$64,808.22.

The police department does not have enough in the current year budget to purchase the vehicles outright. The City has \$21,675 in the current budget to use towards this purchase and without leasing these vehicles would be able to reduce this line item next year by the remaining \$43,134.

With a City Councils Resolution, we could transfer the needed \$43,134 from working contingency to make the purchase and have a note for next year to reduce this budget line item.

III. RECOMMENDATION

Staff recommends City Council approve the attached resolutions to transfer appropriations from contingencies to police materials and services.

A RESOLUTION AUTHORIZING A TRANSFER OF) RESOLUTION NO. 2018-29
BUDGETED APPROPRIATIONS IN THE CITY OF)
LEBANON 2018-19 BUDGET)

WHEREAS, ORS 294.463 authorizes a transfer of budget appropriations by resolution, and

WHEREAS, the City has been in the process of moving from leasing vehicles to purchasing vehicles to reduce interest expenditures,

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

Section 1. That the Council of the City of Lebanon herein authorizes the budget transfer amendment as follows:

<u>GENERAL FUND</u>	<u>Adjustment</u>	<u>Balance</u>
Police Department	\$43,134	\$5,676,244
Contingency	(\$43,134)	\$143,056

Section 2. This resolution is effective immediately upon passage.

Passed by the Lebanon City Council and executed by the Mayor on this 8th day of August 2018 by a vote of _____ yeas and _____ nays.

 Paul R. Aziz, Mayor
 Bob Elliott, Council President

ATTEST:

 Linda Kaser, City Clerk/Recorder

Agenda Item 6



CITY MANAGER REPORT

Reporting period: July 2018

I. ADMINISTRATION – Gary Marks, City Manager

Month in Review: The following provides the highlights of my work during the month of July.

- The Museum Committee held its first meeting on July 1st. I am not a member but will be participating in the committee process as staff. I was impressed with the depth of knowledge and experience demonstrated by committee members during our first discussion. The Committee toured the Linn County Museum in Brownsville on July 31st and I participated as well. Museum staff shared the story of how the museum was created and the steps taken along the way to develop it. I felt the tour was very helpful with the sharing of valuable insights that will likely help the Lebanon effort.
- Construction plans for the Northside Welcome Monument Sign Project are well underway. I have been working with the landscape architects at Stangeland Architects to be sure the project progresses as desired. I am also working with the architect team to develop a landscape plan for the eastern edge of Academy Square where it interfaces with the sidewalk and Main Street. The new landscaping will be an additional enhancement for the new Northside Monument Sign Project. The landscaping plan will include the area beginning at Tangent Street and ending at Academy Street across from the Catholic Church. Once a draft of the plan is completed we will seek a review by the Northside Monument Sign Committee. Subsequently, I will present the plan to the City Council for review and approval.
- The work of the eight-city entrepreneurial collaborative project was officially launched on July 24th at a meeting in Halsey that I attended to represent Lebanon. A local meeting of the project occurred the evening of July 31st at Conversion Brewery. I attended the event and opened the meeting by introducing our regional Venture Catalyst Corey Wright to the meeting participants. The evening was dedicated to discussing effective marketing strategies for business startups. Going forward, Corey will be available in Lebanon every third Thursday evening of the month (for the next year) to provide individualized advice and support to entrepreneurs and business startups. Other Lebanon events will also be held.
- The Art Commission's "Noon at the Plaza" event got off to a great start in July. Performers ranging from musicians, a magician, a JFK impersonator and a reader's theatre event have occupied the Strawberry Plaza Stage each Friday at noon. Audiences have varied from 35 and 75 people. More Friday noon events are planned through the month of August.
- Walt Wendolowski and I have begun work on the creation of urban renewal districts for downtown and the South Santiam (Hwy. 20) Commercial Strip. We are working with Oregon urban renewal consultant Elaine Howard to organize the process and to develop public forums to invite ideas and comments from the public on the new districts. Creation of these districts is listed as action item 4.4 in the Lebanon 2040 Strategic Action Plan. Funds for the creation of the districts was also included in the FY2018-19 City Budget. We anticipate meetings with the City Council/Urban Renewal Board in the Fall months concerning these districts.
- Walt Wendolowski, Debi Shimmin and I are also finishing work on the new job description for the Economic Development Catalyst position approved in the FY2018-19 City Budget. I anticipate advertising for the position in August with interviews occurring in September.
- The month of July also included my attendance and participation in a number of meetings. These included the monthly meeting of a lunch with Larry Mullins of Samaritan Solutions, Chamber of Commerce Forum Lunch, Chairing the month Arts Commission meeting, a discussion with LBCC officials concerning the ongoing proposal for a business accelerator/incubator at the old JC Penney Building on Main Street, and attendance at the grand opening of the new Gillott Dog Park. I also attended weekly meetings of the Lebanon Rotary and Optimist Clubs.

THE CITY THAT FRIENDLINESS BUILT

B. HUMAN RESOURCES – Debi Shimmin, HR Director

- **Employee Benefits:** The utilization for the employee's EAP (*Employee Assistance Program*) plan was 25.3% for the 2017/18 year, which is well above the EAP Industry average of 4.5% Based on the utilization percentages, EAP is proving to be a useful resource for our employees. The City's EAP provider is Reliant Behavioral Health.
 - VALIC is scheduled to be at City Hall to meet with employees on August 2.
- **Employee Safety/Wellness Committee:** Scheduled a lockdown procedure inspection at City Hall for July 25.
 - Invitations went out for the Safety BBQ to be held on August 21.
 - Flu shots will be available to staff in September.
 - The 2017/18 year concluded with **zero loss time injuries**, and only 3 claims filed for the entire year. Below is the

City's 5-year employee-injury history:

Year	Claims	Loss Time	Incurred Loss
2017/18	3	0	\$1,094
2016/17	5	0	\$18,250
2015/16	11	0	\$12,040
2014/15	9	1	\$76,784
2013/14	5	0	\$8,909

- **Employee Recruitment:** Interviews for the Water Treatment Supervisor will be held the first week of August, with a projected hire date of September 1.
 - The recruitment for the Crew Chief Collections position closes on August 3.
 - A new recruitment for a part-time clerk for the Senior Center will begin in August, with a projected start date sometime in September.
 - A new employee benefits orientation is scheduled for the new Police Officer position on August 1.
 - A new employee orientation for the new Maintenance Worker Parks position will be on August 8.
 - Upcoming recruitments include an Economic Development Catalyst for the Community Development Department, two (2) Water Treatment Plant Operator positions, and a Maintenance Worker-Water or Crew Chief position, depending on who is selected for the open Crew Chief position.
- **Employee Training:** The City will be planning a series of trainings for staff in October including Government Ethics and Ergonomics.
- **HR News & Notes:** Currently working on a job description for the Economic Development Catalyst.
 - Updating and cleaning out the HR Files; Training, Voluntary Benefits, and Employer Paid Benefits. Employee Personnel and Medical files have been updated.
 - On June 27, 2018, The Supreme court ruled 5-4 that such payments, often called "fair-share fees," clash with individual rights. The fees violate "the free speech rights of nonmembers by compelling them to subsidize private speech on matters of substantial public concern," the majority wrote in its decision in the case, **Janus v. AFSCME**. The Supreme Court ruled that workers did not have to pay for union representation—but it did not remove unions' obligation to represent those workers. For the worker, this means they can leave the union and save on fees yet still get the pay and benefits the union negotiates with the employer.

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

- **Advisory Boards:** "Trees and Trails" Advisory Board. The deadline has passed for submitting applications to serve on the newly established Board. Mayor Aziz and Gary Marks will review the applications with appointments expected to be made at the August 8 City Council Meeting.
 - *Historic Museum Ad Hoc Committee* had their first meeting on June 28, 2018 and will visit the Brownsville Museum on July 31, with a tour of the East Linn Museum (Sweet Home) scheduled for August 17.

THE CITY THAT FRIENDLINESS BUILT

- **City Council Meetings:** The next Regular Council Meeting will be held on August 8 at 6:00 p.m. with an Executive Session to follow to discuss the next City Manager evaluation process.
- **City Elections:** The City's *filling period ended July 30* for those interested in running for City Council. I met individually with the following candidates who are now certified to run for those positions in the General Election
 - Mayor: Incumbent Paul Aziz, Bob Elliott, and Tom Gregory
 - Councilor, Ward 1: Incumbent Wayne Rieskamp
 - Councilor, Ward 2: Karin Stauder
 - Councilor, Ward 3: Duston Denver, Greg Nervino, and Michelle Steinhebel
- **Liquor Licenses:** *As of July 30, we still have three outstanding Annual Liquor License Renewal Applications.* OLCC will be contacting those businesses who have yet to pay their city fee. The following Special Event and/or City Park Alcohol Licenses were issued:
 - The Guitars Under the Stars event was held from July 26 – 29 at Cheadle Lake.
 - On September 29, the 4th Annual Lebanon Brewfest will be held at Grant & Main Streets to raise money to support the Boys & Girls Clubs of the Greater Santiam.

III. COMMUNITY DEVELOPMENT – Walt Wendolowski, Director

A. Planning:

- The Planning Commission did not meet in July, and currently, there are no scheduled hearings for August.
- Staff approved two Administrative Reviews: one for a large accessory building and a second to construct two duplexes, and, approved two Property Line Adjustments.
- Staff is currently reviewing a Partition application and an Administrative Review to construct a tri-plex. The Department also received Administrative Review applications to construct two duplexes on a single lot, and, a large accessory building.
- Work continues with scanning all prior land use and building permits to assist in future development of our existing Geographic Information System.
- The Department of State Lands (DSL) reviewed and accepted the wetlands delineation for certain industrial sites. The material will now be forwarded to ECO Northwest to consider wetland mitigation options to allow development of the site.
- The first draft of the Transportation System Plan's is now available. There remains one committee meeting before the material is sent to the Planning Commission. Periodic updates and a comments map may be found at www.lebanontsp.org.

B. Building:

- The month of June closes our fiscal year. The City processed 72 permits in June, down slightly from 81 permits in May. For FY 2017/18 total fees were \$410,421 on \$30,582,692 in valuation. By comparison, for FY 2016/17, the fees were \$393,624 on \$27,604,475.

IV. ENGINEERING SERVICES – Ron Whitlatch, Director

- As of Mid-July, the Oregon Health Authority is requiring all Water Providers who treat surface water for distribution to test for Cyanotoxins and Micro-Toxins every two weeks. This new rule was implemented due to the water issues that the City of Salem was experiencing. Our first two rounds of testing revealed that we are well below the reporting/action limits. We will be required to test throughout the summer and into the fall.
- Construction of the New Water Treatment Plant (WTP) is continuing. Slayden Constructors (SCI) is continuing to install mechanical elements inside the New River Intake and a large amount of the electrical system associated with the pumps for the intake. At the Water Treatment Plant Site, SCI is continuing to install the racks for the filter membranes, as well as mechanical and electrical work. Currently there are two City Staff assigned to the construction oversight along with intermittent help from Carollo Engineers. The change order for the Canal Under-Drain to Cheadle Lake is currently awaiting permit approval for the Army Corp of Engineers. This work is likely to start in late summer due to the delay in the permit being issued. The project is still on schedule for a December start up.
- Udell Engineering is currently performing a topographic survey in the area between Oak and 'A' Street (4th to 7th) for an upcoming sanitary sewer replacement project. We anticipate the project going out for bids later this summer or early fall.

- Staff is continuing to work with Build Lebanon Trails on multiple projects. The West River Trail was awarded to Armstrong and associates Construction. Construction will begin during the first part of August. Other trail segments include the Island Loop Trails at Cheadle Lake, 2018 Recreation Trails Grant Application, a proposed bridge over the Santiam Albany Canal (vicinity of Cheadle Lake Boat Ramp – this project is proposed to be funded privately by Thad Nelson and Rick Franklin Corp.), improvements to the trails off of Tennessee Road, and several other minor trail sections.
- Work on the Russell Drive/River Road Project is continuing. A majority of the utility extension have been done and the Contractor is installing curb & Gutter, driveways, and sidewalks. Russell Drive is currently closed to through traffic at Franklin Street to Mountain River Drive. The project is scheduled to be complete by August 24th. There have been several items eliminated from the contract due to conflict with the Water Treatment Plant Project. They include path construction across the frontage of the WTP site, and paving of River Road in the area of the new intake. This work will likely be added to the WTP contract and completed by SCI so as not to interfere with the construction progress of the Water Treatment Plant.
- Staff is working with Linn County and ODOT to realign the intersection of Dewey and Walker Road at Highway 20. Linn County is in possession of the property where the old Hoskins Supply was located. Staff is currently working on funding the project.
- RJ Armstrong submitted the lowest responsible quote to install the Pedestrian Activated Crosswalk light at the intersection of Fifth Street and Tangent Street. The project will begin in early August. Traffic control in the area will be provided by flaggers, as the roadway will remain open. This project is being funded 100% by ODOT.
- There are currently five contracts out for work on Porter Park. We have contractors installing irrigation, electrical/lighting, and grading for concrete sidewalks. Staff will be requesting additional quotes for a parking lot, fencing and planter bed construction in early August. We are anticipating a fall construction completion.
- Wildish Construction submitted the lowest responsible bid for the 2018 Street Preservation Project. City Crews have begun excavating and base rocking of both streets. Wildish has begun final grading for base rock and anticipates paving starting the week of July 30th. Staff will be sending out a press release for the paving of Airport Road several days in advance of construction. As this is an extremely busy roadway, we will be asking motorists to avoid the area for several days while construction takes place. The roadway will remain open to through traffic and we will likely close Fifth Street and Seventh Street to eliminate cross traffic. During this portion of construction, traffic delays and congestion are likely to be fairly significant.
- David Evans and Associates is under contract with the City to update the existing Westside Interceptor (sanitary sewer) model. The last model update was done 10 years ago and showed that the existing pipe was at capacity. Due to all of the potential for development along the west and south portion of the City, we are updating the model to determine if there are any short-term solutions to allow large developments prior to the new Westside Interceptor being completed.
- Staff is currently working on the next five-year CIP Plan. It is anticipated that this will be brought to City Council in the fall of 2018 for review and approval.
- Several parking lots and the alley at City Hall have been excavated and base rocked in anticipation of paving. Due to contractors being extremely busy, paving will likely not be done until September.
- Duplexes are nearing completion at the northwest corner of 7th Street and Airport Road.
- Home construction continues in the Eagle View Subdivision (east of South Main south of Joy), Heather Estates Subdivision (west of South Main Road south of Joy), and Santiam Riverfront Estates (east of Mountain River Drive by the Santiam River). The Gleann Subdivision (formerly known as Santiam River Place 3 along Kokanee Way) is full. Staff continues to review site plans for additional homes for these subdivisions and other home sites throughout the City.
- Plans have been approved for the new Samaritan Treatment and Recovery center located on the Corner of Hwy 20 & Tangent St. (former Teen Challenge building demo) Site work is expected to start soon.
- Stutzman Residential Project plans have been approved for a 5-plex off Second Street. Site work is expected to start soon.
- Plans have been approved for Snook investments for an Industrial Flex Space for 2 tenants. Site work is expected to start soon.
- Extension of public improvements along 9th street have been accepted. Building permits issued.
- Mill Race Station public improvement permits issued and contractor currently installing new sewer, and storm lines. All outside agencies permit received.

- Plans have been stamped approved for Kate's addition 4 duplexes with a half street improvement along Wasson Street.
- Site plan for Miller's Auto Repair have been approved site work to begin soon.
- Site plan for Veteran's home Parking lot expansion have been approved. All outside agencies permit received and public right a way permit issued.
- Site plan for Cascade Ridge 2 Apartment complex have been stamped approved, site work and building construction underway.
- Entek building expansion site plans have been stamped approved, site work construction underway.
- Site plan review complete and approved of new Maple/Oak Townhouse. Site work in process.
- Site plan for J Street Duplexes approved and building permits issued site work in progress.
- Economy Building Supply Garden Center plans have been approved new garden center building construction to begin soon.

V. FINANCE SERVICES – Matt Apken, Finance Director

Accounts Payable:

- FY17/18 payments made in July 2018, 233 invoices were processed for payments of \$4,034,587.
- FY18/19 payments made in July 2018, 112 invoices were processed for payments of \$696,327.

Utility Billing for June 2018:

- 5,793 Billing statements mailed by the end of July = \$1,145,320
- 1,169 Accounts received a penalty (past due 7/19/18).
- 269 lien letters mailed to property owners.
- 85 accounts were locked off for non-payment on 7/11/18 for bills due 6/15/18.
- 62 accounts were reconnected the same week. 1 Pre-lock off door hanger for multi-family accounts.
- 9 accounts called for after-hours reconnect, 1 re-locked off for non-payment and all others paid as promised.
- Total of 464 Service orders: 47 Turn on, 5 Turn offs, 87 reconnects, 88 Lock offs, 72 Move Outs, 76 Move ins, 19 Leak Checks, 27 read request, 2 Dead meters, 11 Doorhangers, 11 Meter Change out, 4 Quality Checks, 7 Returned Mail, 2 Pressure Test, 1 New Meter Installations, 5 misc. other.

	July 17	Aug 17	Sept 17	Oct 17	Nov 17	Dec 17	Jan 18	Feb 18	Mar 18	Apr 18	May 18	June 18	July 18
Billing Statement	5,767	5,783	6,071	5,799	5,761	6,021	5,739	5,761	6,001	5,760	5,780	6,031	5,793
Penalty applied	1,257	935	1,247	1,277	990	1,318	956	1,118	1,061	1,180	926	1,213	1,169
Lock Offs	95	112	87	109	126	87	138	46	50	84	90	62	85

VI. INFORMATION TECHNOLOGY SERVICES – Brent Hurst, Director

- Camera work was a major focus in July for systems and requests from around the City.
- Work on Senior Center Dial-A-Bus camera connectivity and heat related issues.
- Complete WiFi availability in Strawberry Plaza for public.
- Work continues with fiber installation to the Water Treatment Plant.
- Coordination of SCADA, IT, and security systems at Water Treatment Plant continues.
- Replaced workstations for City Clerk offices to faster units.
- Recorded video of waste management event at Library and "Noon At the Plaza" event and posted to YouTube.
- Replaced failed SCADA data modems for Lift Stations.
- Repair Library self-check system.
- Participated in the Police Department Torch Run event.
- Assisted with multiple issues in the Police Department.

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- Assisted with multiple staff set up and small break-fix issues with Lebanon Fire staff and networks.
- Set up new workstation for new admin staff at Lebanon Fire.
- Downloaded, reviewed, processed, and coordinated tax lot updates with Community Development staff.
- Produced National Night Out maps for Community Services staff.
- Trained GIS temp staff to perform Planimetric Data updates.
- GIS temp staff worked to update 2017 fly-over data.
- We have addressed multiple other normal break-fix issues, equipment replacements, and maintenance renewals for IT. During the past month, the IT Department closed 332 tickets or work orders. This includes system generated tickets that needed analysis and resolution in addition to end user requests for help.

VII. LIBRARY – Kendra Antila, Director

- The Summer Reading Program, our most successful ever, is winding to a close. The program will culminate with an all-ages after hours grand finale party on August 16th. This event is by invitation only, to all who have completed their reading journals. The grand finale will feature henna artists, games, snacks, crafts, a scavenger hunt and more.
- SuGO (Show up Geek Out) STEM programs will begin in September, every 2nd and 4th Wednesday, for ages 6-11 and 12-18 respectively. LEGO club will continue to meet on every third Wednesday.
- In addition to planned adult/family programs including yoga, flamenco dancers and scary stories by the fireside, we've schedule Kate Power & Steve Einhorn of Ukalaliens for a Ukulele workshop in February. Attendees at the workshop will learn to tune, play chords, strum and pick. The Ukalaliens provide ukuleles for up to 30 people and will also offer a chance to win a free ukulele!

VIII. MAINTENANCE – Jason Williams, Director

A. Streets:

- The entire Streets crew is working on the construction of both J and E Streets as well as the city hall alley and new parking lot at 966 Park St.
- Street sweeping continues including sweeping for the City of Halsey and Brownsville.
- Completed sign maintenance as needed.
- Lowered flags per governor's order.
- Placed banners at two locations for special events.
- Worked on weed/trash removal in the entire downtown core area.

B. Collections (Sanitary-Storm):

- Assisted the Water crew with many service line repairs.
- Vehicle maintenance on
- Cleaning and televising sanitary and storm sewer continues.
- Completed a sewer repair on 2nd street.
- Assisted the water crew with water service repairs.
- Repaired failing sewer services.
- Raised flags per governor's order.
- Cleaned ODOT's catch basins.
- Continuing with ditch mowing and cleaning.
- Located sewer lateral connections for contractors.
- Mowed out at the entrances on each end of the City.

C. Water:

- Meter reading has been completed.
- The crew completed water lock offs and reconnects.
- Daily water service orders including, leak checks, locates, taste and quality issues, water samples and other customer concerns continues.
- The crew paved and replaced concrete after new or leaking water services were placed.

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- Replaced water meters to touch/radio read as time permitted.
- Changed out failing meter boxes and dead meters.
- Worked on the water maintenance list.
- Vehicle Maintenance.
- Worked daily on service line leaks. Leaks are showing up as ground water levels recede.

D. Parks:

- Placed a light pole and LED lights at the RV dump at River Park to eliminate theft.
- Rodded and replumbed the toilet in the men's room at Ralston Park after vandalism.
- Opened, closed and cleaned parks restroom buildings daily.
- Set up for special events.
- Completed landscaping rounds in all parks and school district properties including a complete round of mowing.
- Chemical applications have been made in parks and school district property for weed control.
- Applied chips in landscape areas as needed to eliminate hand work.
- All Trail mowing and land clearing has been done.
- Trails have all been swept.
- Started repairing and replacing picnic tables as needed.
- Daily vandalism control/repair.
- Completed playground safety inspections.
- Worked on both paving projects with the streets crew.

IX. POLICE – Frank Stevenson, Chief of Police

- The Patrol Division had approximately 1,713 calls for service this month, made 113 arrests, issued 157 traffic citations and wrote 207 case reports.
- As of July 23rd, 2018, 120 individuals were booked and released, brought to Lebanon Municipal Court or Linn County Court, transported to/from Linn County Jail or sentenced to Lebanon Municipal Jail. A combined 160 days were served by inmates in the Lebanon Jail.
- The Community Services Division remains busy with various activities. This month, in addition to assisting with the Cadet Academy and Peer Court program, the division conducted a meeting with a Neighborhood Watch group on Maple Street; Chief Stevenson and Councilor Bolen attended. Another Neighborhood Watch group was held on Weldwood Drive. The division facilitated a Traffic Safety class, conducted training for 8 participants surrounding teen marijuana education, put together a Junior Police Academy for kindergarten to 1st graders, participated in the Torch Run for Oregon Special Olympics, and utilized Lebanon Cadets to provide security for the Concerts In The Park events held at Ralston Park.
- Peer Court, which is coordinated by Community Policing Officer Dala Johnson and Lieutenant Scott Bressler, heard 2 total cases this month – 1 involving a juvenile referred for marijuana use and one for reckless burn/criminal mischief. The Peer Court program remains dedicated to this diversion program in which youth are sentenced by their peers for minor crimes, offenses, and/or violations. Youth Court diversion programs are intended to offer an alternative to the traditional juvenile justice system and school disciplinary proceedings, and work to teach youths accountability and responsibility. We continue to have a partnership with Lebanon School District and the Linn County Juvenile Department.
- The Detectives Division remains active with several very involved cases including narcotics investigations and child abuse investigations.
- One of our Police Officer candidates is scheduled to meet with City Manager Marks after passing extensive background, medical, and psychological exams. Another candidate is currently in the background phase and has been scheduled for medical/psychological test portions of the process.
- We will be reopening the Communications Specialist recruitment in the very near future to fill a current vacancy we have.

X. SENIOR SERVICES – Kindra Oliver, Director

- A complete list of Senior Center events, classes, workshops and activities for August are posted on the city's website and on the City's Facebook page.

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*Executive Session

Per ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

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

*Executive Session

Per ORS 192.660(2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

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